PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 4, 2004

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

Council questions/comments.
Kay Calvert reported that she and Colin Hilton had attended a Cultural Heritage presentation and stated the group is gathering information to see how Park City could pursue it. The fund raising efforts of the museum steering committee are on track. She asked Chief Evans if he had reviewed the results of the traffic monitoring efforts on Monitor and Lucky John Drives. Chief Evans responded he would forward the report when he receives it.

Joe Kernan attended a Mountainlands Community Housing Trust meeting where they reported frustration with the time it was taking to work through mold issues with the City at the Deer Valley Drive project.

Zoning Administrator Patrick Putt explained there are no federal standards that address mold issues, but the preliminary conclusion of Planning and Building is that restoration of those buildings would resolve a majority of the issues. Staff has outlined the options to Mountainlands on several occasions, but to date they have not presented acceptable abatement solutions. If they decide to seek approval for demolition of the buildings, they would be required to pursue an MPD amendment with the Planning Commission. They would also have to pursue a determination of historical significance as well as a Certificate of Appropriateness for Demolition. He emphasized they had been aware of this for some time.

Candace Erickson reported the Board of Realtors was continuing water conservation efforts with a springtime focus on condominium project landscaping. Recycle Utah will be looking at landscaping guidelines and planting recommendations, and will focus on planting at one of the school grounds. She requested information from the City's past xeriscape program.

Marianne Cone reported that the Historic Preservation Board was changing the grants program into a year around program with a focus on projects that provide a community benefit of preserving and enhancing historic Park City. She reported that the Public Art Advisory Board had not received many responses and they needed to publicize it more. She also reported on plowing problems and construction impacts on streets near the Lodges project in lower Deer Valley.

Dana Williams reported that he became "public art" at the successful Arts Kids benefit. He attended a meeting sponsored by the Nature Conservancy, who is sponsoring a statewide open space bill that would create a statewide fund for open space preservation, environmental cleanup, and water quality projects.

Legislative update
Gary Hill briefly reviewed the miscellaneous bills that Park City had been following:

HB 36 Substitute 911 Funding was amended so that state fee is \$.13 a month and local governments can levy \$.65 on telephone services – passed

HB 109 Legal Presence Provisions which would prohibit individuals from using Mexican ID card to get drivers license – defeated

HB 145 Approval Required for Disposal of Radioactive Waste – requires Governor and Legislature sign off – passed.

HB 243 – Water Rights Task Force – failed. There will be no interim study on water task force items.

HB 341 Children's Internet Protection Act - passed. Internet filters must be installed on all public computers before we can apply for any more state funding. Federal legislation requires filtering of all computers, and the state legislation requires filtering of only public accessible, but financial impacts of not complying may make it practical to come into compliance with both.

SB 13 Resort Communities Tax Amendments – passed

SB 19 Sales Tax Break for Clean Power – passed

SB 26 Cost of Living Increase – passed

SB 58 Alcoholic Beverage Control Amendments – passed. This states that blood alcohol limits cannot exceed .05, if you have prior convictions, and children in the car.

SB 78 Exemptions to Residential Property Tax – failed

SB 208 Funding for Tourism - failed

SB222 – Local Government Feasibility and Economic Impact Studies – defeated

Mr., Hill expressed thanks to Bev Evans and Dave Ure for their assistance throughout this session. He also thanked City Attorney Mark Harrington and Council Member Candace Erickson for their hard work.

<u>Review of regular meeting</u>

<u>Land Management Code revisions</u>.
Patrick Putt explained the amendments affect portions of the LMC that address Master Planned Developments; limited expansions into HR-2 Zone (east side of Park Avenue between HCB Main Street and HR-1 Park Ave residential) and the nature of expansions that could occur to address fire and egress needs; and creating specific criteria for evaluating conditional use permits for vehicular gates.

He explained that MPDs were removed from historic zones when the Land Management Code was revised in 2000 because the Planning Commission felt they were growth inducing and had the potential to yield incompatible structures, primarily in the HR-1 Zone. Since that time, effective tools have been incorporated into the LMC, which have allowed projects that fit well within neighborhoods.

Staff has encountered several properties in Old Town, with historic structures, that have characteristics of two different zones. These properties contemplate mixed-use development with common underground parking structures, and are in or adjacent to commercial zones, and an MPD process would enhance flexibility to successfully create a single project design. The Master Planned Development process will be allowed in historic zones if: property is bisected by two or more zone designations; property includes significant historic structures that have been or are proposed to be rehabilitated; and, parking impacts are mitigated via common underground parking structures.

In addition, the Planning Commission may reduce setbacks within the project on a site-specific basis and open space requirements may be reduced to 30%. Staff also requests that Council allow an opportunity to pay in-lieu parking fees, similar to the Main Street parking district, if specific criteria are met. Said criteria includes a determination that the in-lieu payment will prevent the loss of open space, result in preservation of significant historic structures, will not increase project density or intensity of use, and the project is located along a public transit route, within three blocks of a municipal bus stop.

Jim Hier and Joe Kernan pointed out grammatical corrections. Marianne Cone suggested using feet, rather than blocks, in the consideration of in-lieu parking. Mr. Hier suggested that Council revisit the in-lieu fee structure at a subsequent meeting. Ms. Calvert stressed the importance of keeping the affected property owners informed.

Administrator Putt addressed specific Conditional Use Permit criteria for vehicular gates. He explained there were situations where controlling vehicular access was appropriate and language was drafted to provide findings and review standards to aid the Staff and Planning Commission in their review of such requests. Vehicular gates are limited to the ROS, E-40, E and RD zones; must not impact utility easements nor impede pedestrian access through neighborhoods, and must be a minimal height, scale and mass; and must maintain zone setbacks.

Mr. Putt explained the third Code revision affects lots in the HR-2 Zone, Subzone A. Language in Section 15-2.308 restricts expansion of a Main Street business toward Park Avenue. As background, during a past LMC re-write Upper Park Avenue residents expressed concern about commercial expansion into their neighborhood. At that time, businesses could be expanded towards Park Avenue if the construction was below the Park Avenue street grade and there were no deliveries, etc., on Park Avenue. Based on input and discussion, Council decided that if a property owner had gone through a platting process prior to January 1, 2000, they could proceed through a Conditional Use Permit and have the project reviewed under those criteria; otherwise, the business could not be expanded. However, an unintended consequence affected the ability to provide egress for fire code compliance and the ability to provide ADA accessible restrooms.

To address this, a two-step process has been developed: the code will be amended now to allow limited expansion in order to comply with building and fire code, and accessibility requirements; broader policy discussions regarding expansion toward Park Avenue will be conducted with Upper Park Avenue residents in the future. Mr. Putt stressed that expansion is limited to the minimum footprint necessary to achieve code compliance, and business owners will have until January 1, 2006, to obtain necessary plat amendments, after which time new expansion would not be permitted.

Candace Erickson expressed concern about imposing another sunset clause. Mr. Putt stated the idea was suggested by Upper Park Avenue residents and Planning Commission forwarded it to Council in the hope people would take the opportunity to move through the process and resolve this problem in a relatively short time period.

Marianne Cone expressed concern about enforcement issues. Mr. Putt stated the neighborhood had expressed that concern and suggested door alarms. He stated the Staff was considering amendments to the enabling legislation to provide a mechanism for calling up permits that violate conditions of approval. They are also considering revising business license language to provide the leverage to review and possible revoke licenses in extreme cases of non-compliance.

Prior to reviewing the record of survey plats on the regular agenda, Mr. Putt addressed correspondence from Arie Bogerd, principal of Stichting Beheer Mayflower Project, wherein he requests that Council withhold any action on Flagstaff projects, and hold further applications until litigation has been settled. Mr. Bogerd owns mining claims in and around the Flagstaff area. However, Attorney Mark Harrington was comfortable moving forward because the Marsac Mining Claim is located on property that does not affect properties being considered tonight.

Mr. Putt briefly reviewed the record of survey plats that were scheduled for review: Larkspur Town homes, Units 1-5, Paintbrush PUD-style homes, and Empire Club Drive, a private road dedicated to the Flagstaff Master Homeowners Association. In addition, they will be reviewing Ironwood at Deer Valley, Phase II.

Council conducted interviews with applicants for the Police Complaint Review Committee.

Prior to the commencement of the regular meeting, Council members donned vests and hats that were received from the City of Moab as a result of the wager over voter turnout. They posed for photos that would be presented to the Moab Council.

Prepared by Sharon Bauman

PARK CITY COUNCIL MEETING
March 4, 2004
Regular Meeting – City Council Chambers

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:10 p.m. at the Marsac Municipal Building on Thursday, March 4, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; Mark Christensen, Budget and Debts Manager; Police Chief Lloyd Evans; Patrick Putt, Planning and Zoning Administrator; Alison Butz, Special Events Manager; Matt Twombly, Projects Manager; Kevin LoPiccolo, Planner; and Colin Hilton, Economic Development Director.

II COMMUNICATIONS FROM COUNCIL AND STAFF

Manager Bakaly stated that the Upper Park Construction Contract under New Business would be moved to March 11, 2004.

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

Dana Rhodes, resident on Daly Avenue, spoke regarding the avalanche that occurred one week ago. She stated the search and rescue efforts were insufficient and Park City deserved world-class emergency response policies. She reported that Matthew Webb, friend of the avalanche victim, and his friends, have offered to help raise funds for a Park City Search and Rescue Team.

Dana Williams commented this issue was being discussed on a daily basis to learn what is being done in other areas.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 19, 2004

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a record of survey condominium plat for Ironwood at Deer Valley Phase II, located at 8789 Marsac Avenue – see staff report.
2. Ordinance approving a record of survey condominium plat for Empire Club Drive, a private road, at the Village at Empire Pass, Park City, Utah – see staff report
3. Ordinance approving a record of survey condominium plat for Larkspur Townhomes at the Village at Empire Pass, Park City, Utah – see staff report
4. Ordinance approving a record of survey condominium plat for Paintbrush Homes at the Village at Empire Pass, Park City, Utah – see staff report

Patrick Putt explained Council was asked to take action in three separate areas of Pod A of Flagstaff development, as well as the condominium plat for Ironwood at Deer

Valley Phase II project. The hearing was opened. There was no public input. The hearing was closed.

5. Ordinance approving a plat amendment for 224 Woodside Avenue, Park City, Utah – see staff report.

The hearing was opened, and hearing no public input, the hearing was closed.

6. Ordinance approving a plat amendment at 1063 Empire Avenue, Park City, Utah – see staff report.

The hearing was opened. Peter Barnes confirmed there were no changes at Planning Commission. The hearing was closed.

VI CONSENT AGENDA

Motion: Kay Calvert, "I move to approve Consent Agenda Items 1 through 9." Jim Hier seconded. Motion unanimously carried.

1. Reconveyance of quit-claim deed at 1104 Lowell Avenue, Park City, Utah
2. Approval of Film Series Lease, for space located at the Library and Education Center, 1255 Park Avenue
3. Amended lease with the University of Utah for space located at the Library and education center, 1255 Park Avenue.
4. Ordinance approving a record of survey condominium plat for Ironwood at Deer Valley Phase II, located at 8789 Marsac Avenue
5. Ordinance approving a record of survey condominium plat for Empire Club Drive, a private road, at the Village at Empire Pass, Park City, Utah
6. Ordinance approving a record of survey condominium plat for Larkspur Townhomes at the Village at Empire Pass, Park City, Utah
7. Ordinance approving a record of survey condominium plat for Paintbrush Homes at the Village at Empire Pass, Park City, Utah
8. Ordinance approving a plat amendment for 224 Woodside Avenue, Park City, Utah
9. Ordinance approving a plat amendment at 1063 Empire Avenue, Park City, Utah

VII PUBLIC HEARINGS

1. Community Development Block Grant application – affordable housing

Mark Christensen reported that 85% of our application was awarded by the Mountainlands Association of Government. The next steps are to hold this public hearing, attend a grant workshop, and finalize the application. Funding should be available in June or July this year. The Mayor opened the public hearing. Hearing no public input, the hearing was closed. Staff will proceed with the final application for affordable housing.

2. Revisions to Section 15-2.5-2 (Uses within the Historic Recreation Commercial (HRC) and Section 15-2.6-2 (Uses within the Historic Commercial Business (HCB)) to allow Master Planned Developments (MPDs). Revisions to Title 15, Chapter 6 (Master Planned Developments) to include specific review criteria, findings, and applicability related to MPDs in the Historic zoning districts. Revisions to Title 15, Chapter 4 (Supplemental Regulations) to include specific conditional use permit criteria for vehicular control gates on private streets. Revisions to Section 15-2.3-2 (HR-2 zoning district) to allow limited commercial expansion of Main Street businesses, below the grade of Park Avenue, as necessary for compliance with building and fire code egress, and accessibility requirements

Planning & Zoning Administrator reviewed the proposed LMC changes and highlighted substantive components of each of the proposed changes. Amendments occur in Chapter 6, Master Planned Developments; Chapter 15-2 HR-2 Zone; Chapter 15-4 adding CUP criteria dealing with vehicular control gates.

He explained the proposal to allow Master Planned Developments for properties that have unique characteristics: 1) they are bisected by two zoning designations; 2) they include significant historic structures that have been restored or will be rehabilitated as part of the MPD; 3) they include a proposal for underground parking structures to reduce surface parking lots and multiple garage and access points; 4) they provide common parking structure to accommodate developments that require a lot combination to resolve property line issues; and 5) they propose lot combinations of large parcels that will result in significant reductions in floor area due to building footprint formula devised for residential structures. They also request consideration of: allowing in-lieu payment for parking in the HRC zone; allowing adjustment of perimeter area setbacks to match adjacent zone provided that building and fire codes are met; reduction of open space requirement to 30% rather than 60% which is typically required; and allowing an alternative method of calculating building footprint and/or floor area for MPDs that include HR-1 zoned property.

Mr. Putt explained the language proposed for vehicular control gates adds clear criteria for whether of not they can be approved as part of a CUP.

Mr. Putt reviewed revisions to HR-2 Zoning District regarding Sub-Zone A. In the past there had been an opportunity for Main Street property owners to expand their businesses toward Park Avenue provided they received Conditional Use Approval. This provision was amended to restrict those who had not received plat amendment approval by January 1, 2000 from expanding their businesses. However, this has had consequences that affect fire and building code requirements as well as ADA accessibility requirements. The proposed amendments identify limited commercial expansion necessary for compliance with egress and accessibility issues that will be allowed. This will also provide an opportunity through January 1, 2006 for the remaining affected property owners to apply for plat amendments that will resolve this issue.

He reported Upper Park Avenue residents and Main Street business owners would meet to identify circumstances, and criteria, that would allow expansion beyond what is being approved at this time.

Mayor Williams opened the public hearing.

Mike Sweeney presented a letter from the Main Street Business Alliance who supported the efforts to allow secondary emergency exist and to provide ADA compliance into the overlay areas. They supported enforcement to ensure the expansions will not create negative impacts on their residential neighborhood.

Mr. Sweeney commented about proposed language in several sections of the amendments. He stated the purpose of Chapter 6, Master Planned Developments was very succinct and was clear. He suggested that there may be occasions where a property that doesn't bisect zones might be appropriate for review as an MPD, and they may want to consider removing that requirement from the criteria. He also suggested allowing flexibility in the allowing of setbacks and open space. He questioned whether the distance from a municipal bus stop should be referred to as blocks, or radius.

Eric DeHaan, City Engineer, stated that east/west blocks are typically 180 feet and north south blocks are typically 680 feet. Mr. Putt emphasized staff was open to a reasonable way of describing the distance, whether in blocks or in feet, but in terms of justifying an in-lieu fee, a distance must be specified.

Candace Erickson, stating it shouldn't be easier to pay the in-lieu fee than to provide parking, requested a review of the resolution that set the fee at $14,000. Jim Hier concurred and requested an in-depth review of the fee resolution. Manager Bakaly noted the fee resolution would be reviewed as part of the budget review.

Jesse Shetler, No Name Grill and Saloon, stated he had been working with the Planning Staff on this amendment. He added that the UPAPA group seemed to be driven by two or three representatives and he wished to be included in future conversations because he is a Park Avenue resident. He supports the Planning Staff and Planning Commission actions.

The hearing was closed.

VIII NEW BUSINESS

1. Award of construction contract for Room 209, Library

Jim Hier, "I move approval of the construction contract." Kay Calvert seconded. Motion unanimously carried.

2. Award of contract for upper Park Avenue reconstruction project

Jim Hier, "I move to continue the award of contract for upper Park Avenue reconstruction project to the March 11 meeting." Marianne Cone seconded. Motion unanimously carried.

3. Revisions to Section 15-2.5-2 (Uses within the Historic Recreation Commercial (HRC) and Section 15-2.6-2 (Uses within the Historic Commercial Business (HCB)) to allow Master Planned Developments (MPDs). Revisions to Title 15, Chapter 6 (Master Planned Developments) to include specific review criteria, findings, and applicability related to MPDs in the Historic zoning districts. Revisions to Title 15, Chapter 4 (Supplemental Regulations) to include specific conditional use permit criteria for vehicular control gates on private streets. Revisions to Section 15-2.3-2 (HR-2 zoning district) to allow limited commercial expansion of Main Street businesses, below the grade of Park Avenue, as necessary for compliance with building and fire code egress, and accessibility requirements.

Kay Calvert, "I move approval of the ordinance approving revisions to Revisions to Section 15-2.5-2 (Uses within the Historic Recreation Commercial (HRC) and Section 15-2.6-2 (Uses within the Historic Commercial Business (HCB)) to allow Master Planned Developments (MPDs). Revisions to Title 15, Chapter 6 (Master Planned Developments) to include specific review criteria, findings, and applicability related to MPDs in the Historic zoning districts. Revisions to Title 15, Chapter 4 (Supplemental Regulations) to include specific conditional use permit criteria for vehicular control gates on private streets. Revisions to Section 15-2.3-2 (HR-2 zoning district) to allow limited commercial expansion of Main Street businesses, below the grade of Park Avenue, as necessary for compliance with building and fire code egress, and accessibility requirements." Candace Erickson seconded. Motion carried unanimously.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:00 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss ". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 2:30 p.m.

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

Prepared by Sharon Bauman

Sharon Bauman

Sharon Bauman, Secretary

PARK CITY SUMMIT COUNTY UTAH CORPORATE MARCH 1, 1884 Seal

City Council
Staff Report

PARK CITY 1884

Public Works

Author: Jerry Gibbs, Director of Public Worl
Tom Daley, Deputy City Attorney
Subject: Summit County Water Project
Date: March 4, 2004
Type of Item: Agreement

Summary Recommendations:
Authorize the Chairman of the Park City Water Service District to sign an agreement with Summit County and Mountain Regional Water Special Service District to agree to cooperate on a Summit County Water Project.

Description:

A. Topic:
Water Agreement

B. Background:
Weber Basin, Park City and the County have been discussing a water project since an MOU was signed November 27, 1996. The MOU reserved water until November 27, 2003. Weber Basin identified 5000 acre feet of water from Smith - Morehouse and other Weber Basin surface sources in addition to 1600 acre feet of underground water to be used under exchange contracts.

Reservation fees have been charged by Weber Basin for each acre-foot of reserved water. If Weber Basin ultimately constructs the water importation project, reservation fees will be used by Weber Basin for design, engineering, construction and other uses related to the development of underground and surface sources.

A committee of staff members from Park City and Summit County formed in 1999 to finalize the details of an inter-local agreement. Numerous meetings were held with the county and Weber Basin. By the end of 1999 the county and the City had decided to move forward with Weber Basin in a 5000 ac-ft designed to import water from Weber Basin sources.

In 2000, the committee was increased to include two representatives from the City Council (Council members Erickson and former council member Jones) and one representative from the county commission (Commissioner Schifferli). The county hired a water manager to help identify their needs and changed Atkinson name to Basin Regional Water Service District and later to Mountain Regional Water Special Service District. A long-term look at Basin demand showed a need of 10,000 ac-ft. In February 2000 the county's water utility developed a Long Range Strategic Water Plan calling for the development of the Upper Weber River Project.

The Upper Weber River Project used a groundwater approach to meet the initial demands for the county. The surface diversion was planned in Phase IV of the Upper Weber River Project; it would be constructed only if the wells did not produce a sufficient amount of water. It became apparent in early 2002 a groundwater approach would not be viable.

During the spring of 2002 Mountain Regional decided to pursue the Lost Creek Canyon Pipeline to convey surface water and culinary water to the Promontory area. The Project has been funded and is underway. In late 2002 the Mt Regional agreed to let the City move forward with Weber Basin on its own. The county wanted only the opportunity to rejoin the project prior to construction if Weber Basin had water available. An agreement was drafted and the county signed the agreement, however, the City chose not to execute the agreement.

On November 20, 2003 the City Council authorized the Mayor to sign an agreement with Weber Basin Water Conservancy District, Park City Water Service District, Summit County and Mt Regional to terminate the 1996 MOU and reserve 5000 ac-ft of water until April 30, 2004. Weber Basin approved the agreement on November 21 and the County adopted the agreement on November 26. A final agreement between Park City Water, Summit County, Mountain Regional, Weber Basin and possibly BOR must be adopted before the reservation of Weber Basin water expires on April 30 2004.

A. Analysis:

The proposed agreement provides that, Park City Water Service District, Mt. Regional Water Service District and Summit County will work cooperatively on a water importation project called the " Summit County Project" with Weber Basin, and possibly the Bureau of Reclamation (BOR). The agreement, contingent on the BOR feasibility study, requires the parties to:

1. Work jointly on federal funding opportunities and not pursue funding that would detrimentally affect funding for the Summit Count Project.
2. Share water generated by the Lost Creek Project surplus to Promontory's needs.
3. Promontory receives the first 2800 ac-ft through the Lost Creek Canyon Project.
4. Park City would be granted a license to utilize the Lost Creek facilities.
5. Expand existing facilities as necessary to deliver water from the Summit County Project.
6. Enter into reciprocal wheeling agreements.
7. Pursue a BOR/Weber Basin Project if the BOR's feasibility study identifies a recommended project.
8. Make available surplus water rights.

B. Department Review:

The City Manager, Deputy City Attorney, Public Works Director and Council Member Erickson have been involved in discussion with the County over the last four years.

Alternatives:

A. Approve the Request:
Authorize the Chairman of the Park City Water Service District to sign an agreement with Summit County and Mountain Regional Water Special Service District to agree to cooperate on a Summit County Water Project. (Staff recommended)

B. Deny the Request:
This alternative would require us to work independently of the County and Mt. Regional to pursue with Weber Basin or other entities the importation of water to Park City.

C. Continue the Item:
The agreement could be continued for a short period of time. The value in the agreement is to formalize each agency's effort and to cooperatively pursue funding and a project.

D. Do Nothing:
This alternative would limit Park City's option to solve its long-term water needs.

Significant Impacts:
The agreement requires Park City Municipal/Park City Water and Mt. Regional/Summit County to pursue a solution(s) to each of our long-term water needs jointly.
The ability to wheel water allows each agency to move water without duplicating resources.

Consequences of not taking the recommended action:
An independent approach to federal funding could limit the amount each party is able to secure through our respective Congressional representatives. Each agency may be required to duplicate water infrastructure at a higher unit cost and pay a higher cost per ac-ft to develop two smaller projects.

Recommendation:
Authorize the Chairman to sign a cooperative agreement with Summit County and Mt Regional.

MODIFED 03-1-04

Agreement Between

Park City Water Service District, Summit County, Mountain Regional Water Special Service District, and Implementing the Summit County Project

This Agreement is entered into this 11th day ofDecember, 2003, by and between Park City Water Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated '17A-2-1301 *et seq*., 1953, as amended **(Park City Water)**, Summit County, a county and political subdivision of the State of Utah pursuant to Utah Code Annotated '17-50-1 *et seq*., 1953, as amended (**Summit County**), and Mountain Regional Water Special Service District, a special service district organized and existing pursuant to the provisions of Utah Code Annotated '17A-2-1301 *et seq*., 1953, as amended (**Mountain Regional**), Park City Water, Summit County, Mountain Regional and Weber Basin are hereinafter sometimes referred to as a **Party** and collectively as the **Parties**.

WHEREAS, Summit County, Mountain Regional (as successor in interest to the Atkinson Special Service District and Basin Regional Water Special Service District) and Weber Basin Water Conservancy District (**Weber** Basin) entered into a certain Memorandum of Understanding and Agreement, dated November 27, 1996 (the **MOU**), which sets forth a framework for the development of a water project to deliver water, made available from Bureau of Reclamation (**BOR**) and Weber Basin sources, for distribution within the service areas of Mountain Regional and Park City Water; and

WHEREAS, the Parties desire to move forward with the development of the **Summit County Project** and have entered into an agreement extending the 1996 MOU through April 30, 2004; and

WHEREAS, the Summit County Project will be either a project constructed by the BOR following a study to evaluate the feasibility of importing water into the Snyderville Basin (**Feasibility Study**) or one or more other projects constructed by Weber Basin with Park City Water and/or Mountain Regional; and

WHEREAS, since entering into the MOU, Summit County and Mountain Regional have developed the Lost Creek Canyon shallow wells and pipeline which comprise Phase I of the project described in the MOU; and

WHEREAS, the State Engineer has approved the diversion of 1,600 acre feet of water from the Lost Creek Canyon Project under Weber Basin exchange contracts; and

WHEREAS, the Parties agree that the intent and purpose of the MOU will be fulfilled by Park City Water and Mountain Regional constructing the Summit County Project to deliver water to Mountain Regional and Park City Water as provided below.

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION I. LOST CREEK CANYON PROJECT

A. Design, Construction, Ownership and Operation of the Lost Creek Canyon Project. The Lost Creek Canyon Project, which consists generally of a shallow well collection system above the Rockport Reservoir, a pump station, a twenty-four inch pipeline, a treatment plant with a capacity of three million gallons per day, and all facilities necessary to transport and deliver water from the shallow wells into the raw water reservoir and treatment plant located in the Promontory Development, shall be acquired, designed, constructed, owned, operated, maintained, repaired and replaced by Mountain Regional at its sole cost and expense.

B. Lost Creek Canyon Project Costs and Financing. All costs and expenses incurred by Mountain Regional in the development and construction of the Lost Creek Canyon Project, including, but not limited to, legal costs, easement acquisition costs, environmental costs, engineering and design costs, construction costs, including labor and materials, and debt service costs (including interest), and costs of issuance shall become a part of the Lost Canyon Creek Project and shall be financed by Mountain Regional.

C. License for Park City Water's Use of the Lost Creek Canyon Project. Mountain Regional hereby licenses to Park City Water the right to receive water developed by the Lost Creek Canyon Project as follows:

1. Park City Water shall have the right to receive up to 38% of the first 2,800 acre feet of water developed by the Lost Creek Canyon Project that is surplus to Promontory's demand.

2. The license shall be effective on the date of execution of this Agreement and shall expire at such time as the Parties complete the Summit County Project. In the event Park City Water and Mountain Regional do not complete the Summit County Project, Park City shall retain its right to water as set forth in Paragraph C.1. of this Agreement.

3. Park City Water's cost for water developed by the Lost Creek Canyon Project shall be based on Mountain Regional's direct costs incurred in delivering water through the Lost Creek Canyon Project. Direct costs shall include water lease fees and costs for treatment, testing, concurrency, pumping, utilities, operations and maintenance and any other incremental costs incurred by Mountain Regional to provide water to Park City Water. Park City Water shall pay its proportionate share of Mountain Regional's direct costs for delivering water through the Lost Creek Canyon Project. Park City's proportionate share of direct costs shall be determined by multiplying Mountain Regional's total direct costs for the calendar year times a ratio, the numerator of which is the amount of water delivered to

Park City Water through the Lost Creek Canyon Project and the denominator of which is the total amount of water Mountain Regional delivers through the Lost Creek Canyon Project in a given calendar year.

The cost to Park City Water shall also include its proportionate share of depreciation expense for the Lost Creek Canyon Project each calendar year, as well as a capital component equal to Mountain Regional's capital contribution to the Lost Creek Canyon Project, less the amount funded from Promontory Special Improvement District assessments. The initial proportional share will be based on a project size of 1600 ac-ft. The capacity of the project may not be increased without approval of the Parties. Such approvals will not be unreasonably withheld. Proportional adjustments will be made from the date of approval forward.

D. Expansion of Capacity in the Lost Creek Canyon Project. The Parties agree that any necessary expansion of the Lost Creek Canyon Project will be financed by the respective Parties in proportion to the additional amount of water being delivered to each Party through the Lost Creek Canyon Project. as a result of the expansion.

SECTION II. SUMMIT COUNTY PROJECT

A. Project Description. The Parties anticipate that the Summit County Project will consist generally of a pipeline and pump designed to deliver water from a source outside of the Snyderville Basin to the service areas of Mountain Regional and Park City Water.

1. BOR Project. In the event the BOR concludes its Feasibility Study and is willing to construct the Summit County Project, the Parties anticipate that the BOR will design and construct the project after which it will be owned and operated by Weber Basin, Park City Water, and/or Mountain Regional. Park City Water and Mountain Regional will pay the cost of the Summit County Project, including all matching fund obligations, through water sales agreements and petitions with Weber Basin.

2. Independent Project. In the event the Summit County Project is not designed and constructed by the BOR, the Parties anticipate that the Summit County Project may be owned and operated by Weber Basin, Park City Water, and/or Mountain Regional. Park City Water and Mountain Regional will cooperate with Weber Basin in the construction of the Summit County Project. All costs and expenses incurred by Park City Water and Mountain Regional in the development and construction of the Summit County Project, including, but not limited to, legal costs, easement acquisition costs, environmental costs, engineering and design costs, construction costs, including labor and materials, reimbursement of Weber Basin's costs, and debt service costs (including interest) shall become a part of the Summit County Project.

B. Allocation of Summit County Project Water. Subject to the terms, conditions and limitations of the water sale contracts and petitions entered into with Weber Basin, the Parties agree that Park City and Mountain Regional will enter into contracts with Weber Basin to purchase on a take-or-pay basis 2,500 acre feet each of water developed by the Summit County Project.

SECTION III. PARK CITY WATER AND MOUNTAIN REGIONAL

A. Park City Water. All facilities other than the Lost Creek Canyon Project necessary to be constructed or otherwise provided by Park City Water to receive, transport and deliver water from the Summit County Project into Park City Water's culinary and irrigation water system, shall be acquired, designed, constructed, owned, operated, maintained, repaired and replaced by Park City Water at its sole cost and expense.

B. Mountain Regional. All facilities necessary to be constructed or otherwise provided by Mountain Regional to receive, transport and deliver water from the Summit County Project into Mountain Regional's culinary and irrigation water system, shall be acquired, designed, constructed, owned, operated, maintained, repaired and replaced by Mountain Regional at its sole cost and expense. Mountain Regional agrees to assist Park City Water in obtaining easements through Promontory required for the transportation of water from the Summit County Project to the service area of Park City Water.

C. Reciprocal Wheeling Agreement. Each Party agrees to allow the wheeling of water through their respective water distribution systems to the extent there is available capacity. The Parties agree to charge a wheeling fee which represents the actual cost of providing such capacity and transporting such water.

D. Areas of Cooperation. Park City Water and Mountain Regional agree to work together to maximize their effectiveness in approaching Congress and federal agencies. The Parties further agree that neither Park City Water nor Mountain Regional shall pursue alternative importation projects or funding that could jeopardize the construction or funding of the Summit County Project. The Parties further agree to coordinate their efforts with Weber Basin and to work with Weber Basin and the BOR to amend the federal enabling legislation as required for the Summit County Project.

E. Additional Water Rights. Park City Water will make available to Mountain Regional those Park City water rights that may assist Mountain Regional in expanding the use of the Lost Creek Canyon Project and/or other Mountain Regional sources.

SECTION IV. DEVELOPMENT OF OTHER SOURCE CAPACITY

The Parties acknowledge and agree that the Summit County Project will be constructed to fulfill the intent of the 1996 MOU. Accordingly, the Parties agree that the Summit County Project shall comprise Phase II of the project contemplated in the 1996 MOU.

SECTION V. INTEGRATION, TERMINATION OF MOU

This Agreement constitutes the entire understanding and agreement by and among the Parties hereto, and specifically supersedes the MOU and any and all other prior agreements, representations or understandings by and among them, whether written or oral, pertaining to the subject matter hereof. By this Agreement, the MOU is terminated and of no further force or effect.

SECTION VI. MISCELLANEOUS PROVISIONS

A. Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

B. Assignment Limited. No assignment or other transfer of this Agreement or any part thereof or interest therein shall be valid unless and until approved by Weber Basin's Board of Trustees.

C. Attorney's Fees. In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a Party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the Party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

D. Severability. If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

E. Captions. The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

F. Construction. As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

G. Further Action. The Parties hereby agree to execute and deliver such additional documents and to take further action as may become necessary or desirable to fully carry out the provisions and intent of this Agreement.

H. Inducement. The making and execution of this Agreement has not been induced by any representation, statement, warranty or agreement other than those herein expressed.

I. Force Majeure. Performance by any Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrections, strikes, lock-outs, floods, earthquakes, fires, casualties, acts of God, epidemics, quarantine, restrictions, inability (when the responsible Party is faultless) to secure necessary labor, materials, tools, acts or failure to act of any public or governmental agency or entity, or by any other reason not the fault of the Party delayed in performing work or doing acts required under the terms of this Agreement, and in such event, the performance of such work or the doing of such act shall be excused for the period of the delay and the period of performance for any such work or the doing of any such act shall be extended for a period equivalent to the period of such delay.

J. No Third Party Beneficiaries. This Agreement shall not be deemed to create any right in any person who is not a Party (other than the permitted successors and assigns of a Party) and shall not be construed in any respect to be a contract, in whole or in part, for the benefit of any third party (other than permitted successors and assigns of a Party hereto).

K. Warranty of Authority. The individuals executing this Agreement on behalf of the Parties hereby warrant that they have the requisite authority to execute this Agreement on behalf of the respective Parties and that the respective Parties have agreed to be and are bound hereby.

L. Termination of Agreement. This Agreement may not be terminated without the written consent of all Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

PARK CITY WATER SERVICE DISTRICT

By: ______________________________
Dana Williams, Chairman

ATTEST:

____
City Recorder/Secretary

APPROVED:

____
Park City Water Attorney

MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

By: ______________________________

Chairman, Board of County Commissioners,
Acting as the Governing Authority of the District

ATTEST:

____
Clerk

APPROVED:

____
Mountain Regional Water Special
Service District Attorney

SUMMIT COUNTY

By: ______________________________
Chair, Board of County Commissioners ATTEST:

____
Sue Follett, County Clerk

APPROVED:

____
County Attorney

City Council Staff Report

Author:	**Brooks T. Robinson**
Subject:	**Ironwood at Deer Valley Condominium Record of Survey Phase II**
Date:	**March 4, 2004**
Type of Item:	**Legislative**

PARK CITY 1884

Summary Recommendations:
The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the Ironwood Record of Survey Phase II as conditioned or amended.

A. Topic

Applicant	Ironwood Partners, LLC. Jacek Kosen
Location	8789 Marsac Avenue, Lot C of Northside Village Subdivision II, Flagstaff Mountain Resort
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort - Northside lift, other development parcels of Flagstaff Mountain Resort Northside Village Subdivision II.
Reason for Review	Condominium Record of Surveys require Planning Commission review and City Council approval.

B. Background
On January 22, 2003, the Planning Commission approved a Conditional Use Permit for the Ironwood at Northside Village project. This project is approved for twenty-four (24) townhouse units utilizing not more than 37.5 Unit Equivalents on Northside Village Subdivision II, Lot C.

On May 22, 2003, the City Council approved the Phase I Record of Survey for Ironwood encompassing the first 10 units. The current application is for the remaining 14 units, the ADA unit (platted as common area) and the employee-housing unit.

On February 25, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council.

C. Analysis

The layout of this proposal is in conformance with the Conditional Use Permit approval.

These fourteen units comprise 21 Unit Equivalents, consistent with the Unit Equivalent definition set forth in the Flagstaff Mountain Resort Development Agreement. The previous phase consumed 16.5 UEs in ten units. No construction has taken place on these units. The proposed plat is consistent with the previous Master Planned Development and Conditional Use approvals.

All units are at least 200 feet from the identified mine shaft on the site.

D. Department Review
This project has gone through an interdepartmental review. No issues were brought up at that time.

E. Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

A. The City Council may approve the record of survey with the conditions stated, or modify the conditions, or

B. The City Council may deny the record of survey and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this Record of Survey.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION
Individual units could not be separately sold.

RECOMMENDATION
The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the Ironwood Record of Survey Phase II as conditioned or amended.

Findings of Fact:

1. The project is located at 8789 Marsac Avenue, Lot C of Northside Village Subdivision II, Phase II.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed

residential. There is a reclaimed mine shaft on the site.

4. On January 22, 2003 the Planning Commission approved a Conditional Use permit for a multi-unit townhouse project consisting of twenty-four (24) units.
5. The Record of Survey is consistent with the Flagstaff Annexation, Northside Village subdivision, and the Ironwood Conditional Use Permit Conditions of Approval.
6. The proposed Record of Survey creates fourteen (14) private residential units, an ADA unit platted as common area, and a restricted Employee Housing Unit in Phase II, utilizing 21 Unit Equivalents as defined in the Flagstaff Development Agreement.
7. The residential units range in size from 2495 square feet to 3479 square feet.
8. The proposed ownership for the single family units will be condominium through a record of survey plat.
9. Maximum height of the buildings will be 28 feet, plus 5 feet for a pitched roof. Setbacks are 20 feet in the front yards, 25 feet in the rear yards and 12 feet in the side yards.
10. Emergency secondary access is provided through Empire Canyon and as otherwise specified in the Emergency Response Plan Technical Report approved 12-12-01.
11. The Planning Commission adopted a revised and updated Construction Mitigation Plan Technical Report on February 25, 2004.
12. On February 25, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Ironwood at Northside Village January 22, 2003 Conditional Use Permit shall continue to apply.
4. The final plat shall indicate the building area relative to the reclaimed mine shaft consistent with previous plats.
5. A Construction Mitigation Plan in conformance with the Flagstaff CMP Technical Report is required prior to issuance of any Building Permits.

EXHIBITS
Exhibit A - Record of Survey (9 pages)

M:\Brooks\COUNCIL\Council 04\Ironwood ROS Phase II.doc

Ordinance No.

AN ORDINANCE APPROVING A RECORD OF SURVEY CONDOMINIUM PLAT FOR 8789 MARSAC AVE, IRONWOOD AT DEER VALLEY, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 8789 Marsac Avenue, Ironwood at Deer Valley, have petitioned the City Council for approval of the record of survey; 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 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located at 8789 Marsac Avenue, Lot C of Northside Village Subdivision II, Phase II.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential. There is a reclaimed mine shaft on the site.
4. On January 22, 2003 the Planning Commission approved a Conditional Use permit for a multi-unit townhouse project consisting of twenty-four (24) units.
5. The Record of Survey is consistent with the Flagstaff Annexation, Northside Village subdivision, and the Ironwood Conditional Use Permit Conditions of Approval.
6. The proposed Record of Survey creates fourteen (14) private residential units, an ADA unit platted as common area, and a restricted Employee Housing Unit in Phase

II, utilizing 21 Unit Equivalents as defined in the Flagstaff Development Agreement.

7. The residential units range in size from 2495 square feet to 3479 square feet.
8. The proposed ownership for the single family units will be condominium through a record of survey plat.
9. Maximum height of the buildings will be 28 feet, plus 5 feet for a pitched roof. Setbacks are 20 feet in the front yards, 25 feet in the rear yards and 12 feet in the side yards.
10. Emergency secondary access is provided through Empire Canyon and as otherwise specified in the Emergency Response Plan Technical Report approved 12-12-01.
11. The Planning Commission adopted a revised and updated Construction Mitigation Plan Technical Report on February 25, 2004.
12. On February 25, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Ironwood at Northside Village January 22, 2003 Conditional Use Permit shall continue to apply.
4. The final plat shall indicate the building area relative to the reclaimed mine shaft consistent with previous plats.
5. A Construction Mitigation Plan in conformance with the Flagstaff CMP Technical Report is required prior to issuance of any Building Permits.

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

City Council Staff Report

Author:	**Brooks T. Robinson**
Subject:	**Village at Empire Pass Phase 1A Record of Survey**
Date:	**March 4, 2004**
Type of Item:	**Legislative**

PARK CITY 1884

PLANNING DEPARTMENT

Summary Recommendations:
The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approving three (3) Record of Survey plats within the Village at Empire Pass Phase 1A.

A. Topic:

Applicant	**Empire Mountain Village, LLC**
Location	**Pod A, Flagstaff Mountain Resort**
Zoning	**Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)**
Adjacent Land Uses	**Deer Valley Resort, other potential development parcels of the Village at Empire Pass (Pod A).**

B. Background:
On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

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

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

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

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

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

Proposal:
On September 29, 2003 the applicant requested that a "sub-phase" of the Pod A, phase I Master Planned Development (MPD) be considered in order to begin construction of twelve units. This sub-phase is considered phase IA and consists of:

1. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
2. A tri-plex of townhomes; 3 units, 4.5 UE's
3. Three stand-alone PUD units; 3 units, 4.5 UE's
4. Four stand-alone PUD units; 4 units, 6 UE's

Total: 12 units utilizing 18 unit equivalents.

The Master Planned Development (MPD) for Phase IA was approved on October 22, 2003. The subsequent Conditional Use Permit (CUP) for Phase IA was approved November 12, 2003. A Condition of Approval for both the MPD and CUP reads, "There shall be only one (1) condominium plat encompassing all of Pod A. Future development within Pod A will be platted as expansions of said condominium plat."

On February 11, 2004, the Planning Commission approved an amendment to both the MPD and CUP to eliminate the requirement for one condominium plat. In addition, the Commission clarified how Unit Equivalents would be applied consistent with the Development Agreement. The plat approval reflects the actual UEs for these 12 units.

There are three (3) individual Record of Survey plats for consideration. The first is for Empire Club Drive, a 25-foot wide private road right-of-way, dedicated to the Flagstaff Master Homeowners Association. The second plat is for the Larkspur Townhomes, Units 1-5. The third plat is for seven (7) Paintbrush PUD-style single-family homes.

On February 25, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council on all three plats.

C. Analysis:

The Phasing Plan for the Large Scale MPD (LSMPD) was approved in December of 2001. According to the Phasing Plan (Exhibit 10, page 6), a Village Master Plan Development (VMPD) was to be the first step in the process.

> "The purpose of the Village MPD is to establish unit mix and density for the Mountain Village. The application will also address overall project infrastructure throughout the Annexation Area, along with general building location, architectural themes and elements, grading, building heights, volumetrics, and building massing.
>
> This Village MPD will establish the building volumes, location, and density within

each parcel. The subsequent CUPs for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Staff and Planning Commission and to demonstrate compliance with the Village MPD and LSMPD. Single family, Town House and Planned Unit Developments (PUDs) will be subject only to Staff review for compliance with the LSMPD, VMPD, and related studies."

Although Flagstaff Mountain Partners submitted a Village MPD, this application was held in abeyance while the merger with United Park and Capital Growth took place. Once the merger was completed, the submitted VMPD was no longer the vision of the property owner. In an effort to move forward, the City has been processing a first phase of the Village without an overall Village MPD. The Planning Commission has seen some concepts for the Village but has not approved a detailed MPD. The application under review with this report is a further "sub-phase" that would be reviewed by staff, according to the approved Phasing Plan, for compliance with the overall Village MPD. Staff has agreed, with consensus of the Planning Commission, to process these twelve units only through the Planning Commission. The next step is to either revise the Phasing Plan or process a Village MPD. No further piecemeal approvals will occur until a Village MPD is approved.

The MPD and CUP for Phase IA had a Condition of Approval for Pod A to be one expandable condominium plat. Staff had concerns about the organization of the Master Homeowners Association and maintenance of water lines and private roads that cross between different condominium associations. The City Attorney, City Engineer, and Public Works Director have worked with the applicant to create Master HOA documents and a Maintenance Agreement that is acceptable to the City. This was the basis for the February 11 amendment to the MPD and CUP to remove the "one condominium" Condition of Approval.

The Unit Equivalents for these twelve units is calculated based on the February 11, 2004, Planning Commission discussion and formal adoption of Findings on February 25, 2004.

Larkspur Townhomes

Note: each garage is 533 square feet, under the 600 square feet exception and does not count towards floor area.

Unit 1: 2776sf
Unit 2: 2917sf
Unit 3: 2788sf
Unit 4: 2783sf
Unit 5: 2788sf

Total sf 14,052 or 7.1 UEs

Paintbrush PUD-style Single Family Homes
Note: Each garage is over 600sf and the additional square footage is shown.

Unit 1:	5372 + 150
Unit 2:	5207 + 152
Unit 3:	5372 + 150
Units 4-7:	4777 + 157
Total sf	36,139sf or 18.1 UEs

D. Department Review
This project has gone through an interdepartmental review.

E. Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

A. The City Council may approve the record of surveys based on the Findings of Fact and Conclusions of Law below, or

B. The City Council may deny the record of surveys and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

RECOMMENDATION

Larkspur Townhomes
The staff recommends that the City Council conduct a public hearing, consider any input, and approve the Record of Survey based on the following findings of fact and conclusions of law:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).

3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.
7. The Development Agreement stipulates that each PUD structure shall consume one (1) Unit Equivalent for each 2000 square feet.
8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.
10. The following unit count and Unit Equivalents were assigned at the MPD phase:
    a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
    b. A tri-plex of townhomes; 3 units, 4.5 UE's
    c. Three stand-alone PUD units; 3 units, 4.5 UE's
    d. Four stand-alone PUD units; 4 units, 6 UE's

    Total: 12 units utilizing 18 unit equivalents.
11. The total number of Unit Equivalents of the project was modified by the action of the Planning Commission on February 11, 2004.
12. The proposed Record of Survey creates five (5) townhouse condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
13. The five units are in two buildings, a triplex and a duplex, and are called Larkspur Townhomes. These residential units range in size from 2776 to 2917 square feet in size with each garage under the 600 square foot exception. These units consume 14, 052 square feet with a **total of these units of 7.1 UEs.**
14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

<u>Conclusions of Law:</u>

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.

4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. No further piecemeal approvals will occur until a Village MPD is approved.
5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

Paintbrush PUD-style Single Family Homes
The staff recommends that the City Council conduct a public hearing, consider any input, and approve the Record of Survey based on the following findings of fact and conclusions of law:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.
7. The Development Agreement stipulates that each PUD structure shall consume one (1) Unit Equivalent for each 2000 square feet.
8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.

10. The following unit count and Unit Equivalents were assigned at the MPD phase:
    a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
    b. A tri-plex of townhomes; 3 units, 4.5 UE's
    c. Three stand-alone PUD units; 3 units, 4.5 UE's
    d. Four stand-alone PUD units; 4 units, 6 UE's

    Total: 12 units utilizing 18 unit equivalents.
11. The total number of Unit Equivalents for this project was modified by the action of the Planning Commission on February 11, 2004.
12. The proposed Record of Survey creates seven (7) PUD-style condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
13. The seven units are called Paintbrush Homes. These residential units range in size from 4777 to 5372 square feet in size with each garage over the 600 square foot exception. The square footage in the garage over the 600sf exception is included as floor area for UE calculations. These units consume 36,139 square feet with a **total of these units of 18.1 UEs**.
14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.

4. No further piecemeal approvals will occur until a Village MPD is approved.
5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

Empire Pass Drive
The staff recommends that the City Council conduct a public hearing, consider any input, and approve the Record of Survey based on the following findings of fact and conclusions of law:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The proposed Record of Survey creates a private, 25-foot wide road and utility easement in Phase IA dedicated to the Master Homeowners Association.
7. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one

year's time, this approval for the plat will be void.

3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. Prior to plat recordation and approved Maintenance Agreement shall be recorded.

EXHIBITS

Exhibit A – Larkspur Record of Survey (3 pages)
Exhibit B – Paintbrush Record of Survey (4 pages)
Exhibit C – Empire Club Drive Record of Survey (1 page)

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Ordinance No.

AN ORDINANCE APPROVING A RECORD OF SURVEY CONDOMINIUM PLAT FOR EMPIRE CLUB DRIVE, A PRIVATE ROAD, AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the record of survey; 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 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The proposed Record of Survey creates a private, 25-foot wide road and utility easement in Phase IA dedicated to the Master Homeowners Association.

7. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. Prior to plat recordation and approved Maintenance Agreement shall be recorded.

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR

ATTEST:

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Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

Ordinance No.

AN ORDINANCE APPROVING A RECORD OF SURVEY CONDOMINIUM PLAT FOR LARKSPUR TOWNHOMES AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the record of survey; 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 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.

7. The Development Agreement stipulates that each PUD structure shall consume one (1) Unit Equivalent for each 2000 square feet.
8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.
10. The following unit count and Unit Equivalents were assigned at the MPD phase:
    a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
    b. A tri-plex of townhomes; 3 units, 4.5 UE's
    c. Three stand-alone PUD units; 3 units, 4.5 UE's
    d. Four stand-alone PUD units; 4 units, 6 UE's
    Total: 12 units utilizing 18 unit equivalents.
11. The total number of Unit Equivalents of the project was modified by the action of the Planning Commission on February 11, 2004.
12. The proposed Record of Survey creates five (5) townhouse condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
13. The five units are in two buildings, a triplex and a duplex, and are called Larkspur Townhomes. These residential units range in size from 2776 to 2917 square feet in size with each garage under the 600 square foot exception. These units consume 14, 052 square feet with a **total of these units of 7.1 UEs.**
14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

<u>Conclusions of Law:</u>

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one

year's time, this approval for the plat will be void.

3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. No further piecemeal approvals will occur until a Village MPD is approved.
5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR

ATTEST:

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Jan Scott, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

Ordinance No.

AN ORDINANCE APPROVING A RECORD OF SURVEY CONDOMINIUM PLAT FOR PAINTBRUSH HOMES AT THE VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass have petitioned the City Council for approval of the record of survey; 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 25, 2004, to receive input on the record of survey;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 4, 2004 the City Council approved the record of survey; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for Phase IA October 22, 2003.
5. The Planning Commission approved a Conditional Use Permit (CUP) for Phase IA on November 12, 2003.
6. The Development Agreement is the controlling document for Unit Equivalents within the Flagstaff Annexation Area.
7. The Development Agreement stipulates that each PUD structure shall consume

one (1) Unit Equivalent for each 2000 square feet.

8. The Planning Commission determined on February 11, 2004, that the best application of the definition is by gross square footage for each product type rather than quarterly incremental steps for each unit.
9. Gross square footage will be aggregated then divided by 2000 and rounded up to the nearest tenth to reflect the Unit Equivalent count.
10. The following unit count and Unit Equivalents were assigned at the MPD phase:
    a. A duplex townhouse (counts towards the 60 PUD maximum); 2 units, 3 UE's
    b. A tri-plex of townhomes; 3 units, 4.5 UE's
    c. Three stand-alone PUD units; 3 units, 4.5 UE's
    d. Four stand-alone PUD units; 4 units, 6 UE's

    Total: 12 units utilizing 18 unit equivalents.
11. The total number of Unit Equivalents for this project was modified by the action of the Planning Commission on February 11, 2004.
12. The proposed Record of Survey creates seven (7) PUD-style condominium residential units in Phase IA and additional Expandable Area for the rest of the project.
13. The seven units are called Paintbrush Homes. These residential units range in size from 4777 to 5372 square feet in size with each garage over the 600 square foot exception. The square footage in the garage over the 600sf exception is included as floor area for UE calculations. These units consume 36,139 square feet with a **total of these units of 18.1 UEs**.
14. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
15. The Planning Commission held a public hearing on February 25, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one

year's time, this approval for the plat will be void.

3. All conditions of approval of the Phase IA Master Planned Development and Conditional Use Permit shall continue to apply.
4. No further piecemeal approvals will occur until a Village MPD is approved.
5. A note shall be added to the plat stating, "Access to the units is by private roads and is not warranted by Park City."

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

PASSED AND ADOPTED this 4th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

Planning Commission
Staff Report

PLANNING DEPARTMENT

Planner: Ray Milliner
Subject: 224 WOODSIDE AVENUE PLAT AMENDMENT
Date: February 25, 2004
Type of Item: Legislative; Plat Amendment

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Project Name:	224 Woodside Avenue
Project Planner:	Ray Milliner
Applicant:	David Gill (Jonathan DeGray, Representative)
Location:	224 Woodside Avenue
Zone:	Historic Residential (HR-1)

BACKGROUND

The applicant is requesting a plat amendment to combine all of Lot 27 and a portion of lot 26 of Block 2 of the Park City Survey into one lot of record, for the purpose of building a new single family home on the site. If approved, the plat amendment will create a lot of approximately 2,812 square feet. This plat amendment was reviewed by the Planning Commission at its February 25, 2004 meeting wherein a positive recommendation was forwarded to the City Council.

ANALYSIS

The property is located in the HR-1 zone. The proposed use is allowed in the zone, however it is proposed on a lot that exceeds 30% in slope. Therefore, in addition to meeting the required minimum lot and site requirements of the LMC any construction on the site must receive a CUP for construction on a steep slope from the Planning Commission. The applicant has submitted said application, which was approved by the Planning Commission on February 25, 2004.

Unique to the proposed plat amendment application is the need of the Snyderville Water Reclamation District to gain a sewer easement along the rear lot line of the property. This easement is central to a proposed sewer line that will service the neighborhood. The applicant has agreed to this request, and staff has conditioned the recommended City Council ordinance to require that the easement be placed on the plat prior to recordation with Summit County.

NOTICE

Notice of this hearing was sent to property owners within 300' on February 11, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording.

The request was discussed at a Staff Review Meeting on February 17, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine a portion of lot 26 and all of lot 27 of Block 2 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 2,812 square feet.
5. The Snyderville Basin Water Reclamation District requires a sewer line through the rear section of the property.
6. The Planning Commission reviewed this application on February 25, 2004. The Commission forwarded a positive recommendation to the City Council.
7. The lot has 37 feet of frontage on Woodside Avenue.
8. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
9. The applicant has submitted a Steep Slope CUP application for review by the Planning Commission.
10. No remnant lots will be created as a result of this application.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A sewer easement consistent with the requirements established by the Snyderville Basin Water Reclamation District will be dedicated on the plat.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS

Exhibit A – Proposed Ordinance
Exhibit B - Plat Amendment
Exhibit C – Site Survey

Ordinance No. 04-

AN ORDINANCE APPROVING AN AMENDMENT TO ALL OF LOT 27 AND A PORTION OF LOT 26 IN BLOCK 2 OF THE PARK CITY SURVEY, LOCATED AT 224 WOODSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 224 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on February 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine a portion of lot 26 and all of lot 27 of Block 2 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 2,812 square feet.
5. The Snyderville Basin Water Reclamation District requires a sewer line through the rear section of the property.
6. The Planning Commission reviewed this application on February 25, 2004. The Commission forwarded a positive recommendation to the City Council.
7. The lot has 37 feet of frontage on Woodside Avenue.
8. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
9. The applicant has submitted a Steep Slope CUP application for review by the Planning Commission.
10. No remnant lots will be created as a result of this application.

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

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

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A sewer easement consistent with the requirements established by the Snyderville Basin Water Reclamation District will be dedicated on the plat.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 4th day of March 2004.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, Mayor

Attest:

____

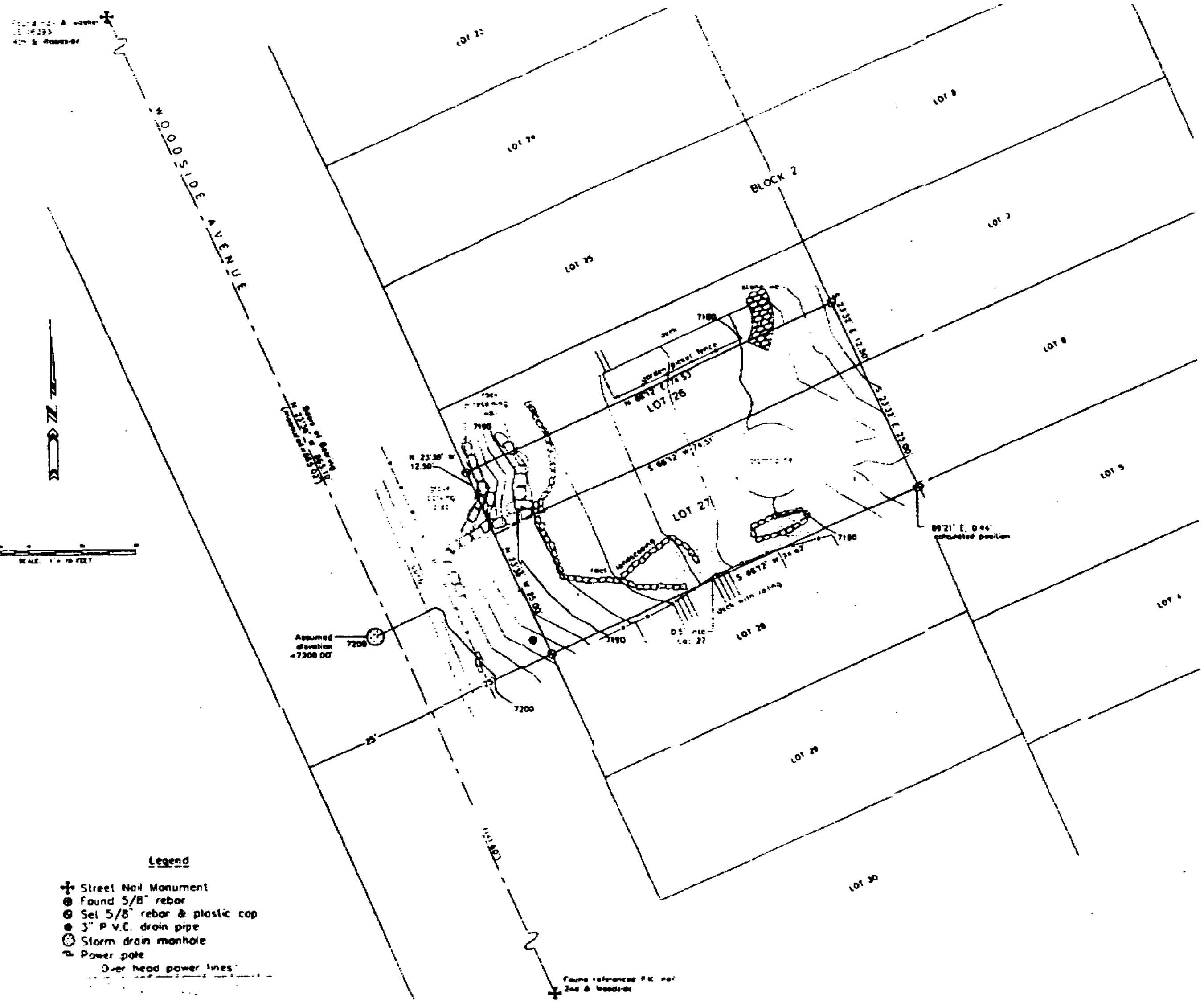
Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

Park City Survey, Block 2, Lot 27 & Part of Lot 26



Legend

- ✚ Street Nail Monument
- Found 5/8" rebar
- Set 5/8" rebar & plastic cap
- 3" P.V.C. drain pipe
- Storm drain manhole
- Power pole
- Over head power lines

NARRATIVE

1. Survey requested by: David Gill.
2. Purpose of survey: locate the deed description and the topographic relief.
3. Basis of survey: found street monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgell, Inc., recorded as Entry No. 199887 in the office of the Summit County Recorder. Subdivision of Block 2 from the map of Park City by Caldwell & Richards, Engineers, traced from the original map July, 1927
4. Date of survey: September 25, 2003
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian
7. See the official plats of The Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An assumed elevation of 7200.00 feet was assigned to the center of the storm drain manhole lid, as shown.

DEED DESCRIPTION

All of Lot 27, and beginning at the southerly most corner of Lot 26, Block 2, Park City Survey of Building Lots and running thence North 23°38' West 12.5 feet; thence North 66°12' East 74 feet more or less; thence South 23°26' East 12.5 feet; thence South 66°12' West 75 feet more or less to the place of beginning

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey

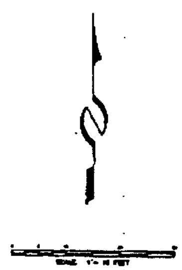
Sept 30 03
Date

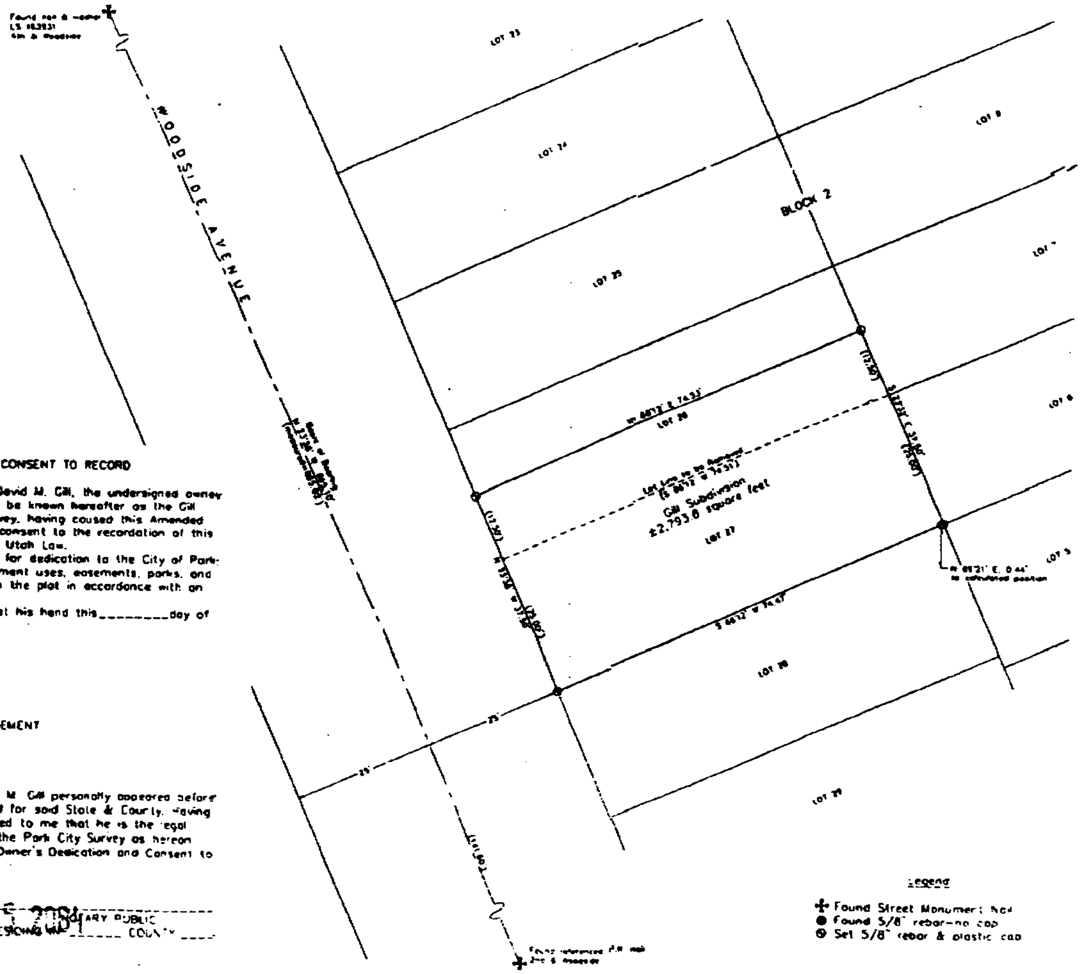
J.D. Gailey LS #359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

JAN - 5 2004

Gill Subdivision, Block 2, Park City Survey Lot Line Adjustment





NARRATIVE

1. Survey requested by: David Gill.
2. Purpose of survey: Lot Line Adjustment: Lot 27 and a portion of Lot 26 Block 2, Park City Survey
3. Basis of survey: found Street Monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgell Inc. Recorded as Entry No. 199887 in the office of the Summit County Recorder. Subdivision of Block 1 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: September 25, 2003.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, T2S, R4E, SLB&M.
7. See the official plats of The Park City Survey for other possible easements and restrictions.
8. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTION

Gill Subdivision

All of Lot 27, and beginning at the southerly most corner of Lot 26, Block 2, Park City Survey of Building Lots and running thence North 23°38' West, 12.5 feet; thence North 66°12' East, 74 feet more or less; thence South 23°26' East 12.5 feet; thence South 66°12' West, 75 feet, more or less, to the place of beginning (Deed Description).
More particularly described as follows:
Beginning at the southwesterly corner of Lot 27, Block 2, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, said point also being on the easterly right of way line of Woodside Avenue, and running thence North 23°38' West, along said right of way line of Woodside Avenue, 37.50 feet; thence North 66°12' East, 74.53 feet to the easterly property line of Lot 26 of said Block 2, Park City Survey, thence South 23°32' East, along said easterly property line of Lot 26, and the easterly property line of Lot 27, Block 2, Park City Survey, 37.50 feet to the southeasterly corner of said Lot 27, Block 2, Park City Survey; thence South 66°12" West, along the southerly property line of said Lot 27, Block 2, Park City Survey, 74.47 feet to the point of beginning; containing 2793.8 square feet, more or less (Survey Description)

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, David M. Gill, the undersigned owner of the hereon described tract of land, to be known hereafter as the Gill Subdivision, Block 2 of the Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby consent to the recordation of this Record of Survey Map in accordance with Utah Law.
Also, the owner, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this________day of __________ 2004.

By: ______________________
David M. Gill

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit

On this ___ day of ______ 2004, David M. Gill personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, David M. Gill acknowledged to me that he is the legal owner of the Gill Subdivision, Block 2 of the Park City Survey as hereon described and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires ________________ NOTARY PUBLIC
RESIDING IN ______ COUNTY ____

SURVEYOR'S CERTIFICATE

I, J.D. Garey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

______________ Date

______________ J.D. Garey RLS#359005

Alpine Survey, Inc	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
19 Prospector ... Park City, Utah 84060 (435) 655-3015	BY ______ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF ________ 2004 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF ________ 2004 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________ 2004 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ________ 2004 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ________ 2004 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ____ TIME ____ BOOK ____ FEE ____ RECORDER

City Council
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Planner: Jonathan Weidenhamer
Subject: 1063 EMPIRE AVENUE - PLAT AMENDMENT
Date: March 4, 2004
Type of Item: Administrative

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Project Name:	Floden Subdivision Plat
Project Planner:	Jonathan Weidenhamer
Applicant:	Magnus Floden (Peter Barnes, Representative)
Location:	1063 Empire Avenue
Zone:	Historic Residential (HR-1)

BACKGROUND

The applicant is requesting a plat amendment to combine lots 14, 15, and 16, block 28 of the Snyder's addition to the Park City Survey into two lots of record. One lot will accommodate the existing single-family home located at 1063 Empire Avenue. The other will be a vacant lot, allowing for a new single-family home to be built. If approved, the plat amendment will create two lots of approximately 2,812.5 square feet. The Planning Commission reviewed this at their February 25, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

ANALYSIS

The property is located in the HR-1 zone. The anticipated construction on the vacant lot is allowed in the zone, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements. Because the existing home at 1063 Empire Avenue is historic, the LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments).

After the proposed plat was submitted (Exhibit A), a certified survey was presented showing an at-grade deck and staircase associated with the existing home at 1063 Empire. This structure encroached 4" over the originally proposed lot line and created the need for the applicant to have a small 'jog' in their proposed lot line. This modification to the original plat is submitted as Exhibit B. The applicant shall submit a new draft plat referencing this modification prior to review by the City Engineer and Legal Department. Lot 2 will be 36'-2" at the front and 38'-10" at the rear, while Lot 1 will be 38'-10" at the front and 36'-2" at the rear. The lot line will have a 2'-8" horizontal jog at the midpoint of the lot. Additionally, a small shed found at the rear of the house at 1063 Empire encroaches into the required side yard from the 11th Street right-of-way (north). This is a legal, non-conforming structure.

Five large pine trees are located on the subject property, near the south lot line of lot 14 (lot 2 of the proposed subdivision). These trees meet the LMC definition of "Significant Vegetation". Any excavation on the lot will likely require the removal of these trees. The applicant has stipulated that they will mitigate for the loss of this vegetation during the design review process, to the satisfaction of staff's Landscape Arborist.

NOTICE

Notice of this hearing was sent to property owners within 300' on February 17, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on January 28, 2004, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. This plat amendment will combine lots 14, 15, and 16, block 28 of the Snyder's addition to the Park City Survey into two lots of record.
4. One lot will accommodate the existing single-family home located at 1063 Empire Avenue. The other will be a vacant lot, allowing for a new single-family home to be built.
5. The plat amendment will create two lots of approximately 2,812.5 square feet.
6. The anticipated construction on the vacant lot is allowed in the zone, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines.
7. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements.
8. The existing home at 1063 Empire Avenue is historic. LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments).
9. A certified survey reflects an at-grade deck and staircase associated with the existing home at 1063 Empire. This structure encroaches 4" over the originally proposed lot line. A new plat will be created to meet the stipulations of the Land Management Code. This modification to the original plat is submitted as Exhibit B.
10. The applicant shall submit a new draft plat referencing this modification prior to review by the City Engineer and Legal Department.
11. Lot 2 will be 36'-2" at the front and 38'-10" at the rear, while Lot 1 will be 38'-10" at the front and 36'-2" at the rear. The lot line will have a 2'-8" horizontal jog at the midpoint of the lot.
12. Additionally, a small shed found at the rear of the house at 1063 Empire encroaches into the required side yard from the 11th Street right-of-way (north). This is a legal, non-conforming structure.
13. No remnant lots will be created as a result of this application.
14. Five large pine trees are located on the subject property, near the south lot line of lot 14 (lot 2 of the proposed subdivision). These trees meet the LMC definition of Significant Vegetation". Any excavation on the lot will likely require the removal of these trees. The applicant has stipulated that they will mitigate for the loss of this vegetation during the design review process, to the satisfaction of staff's Landscape Arborist.

15. The maximum footprint for a 2813 square foot lot is 1201 square feet.
16. The Planning Commission reviewed this at their February 25, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

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

Conditions of Approval:
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for any new construction on the vacant lot, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. The Floden subdivision plat will not be reviewed for recordation without submission of a new draft referencing the modifications as referenced in Exhibit B.

EXHIBITS

Ordinance
Exhibit A – Originally Proposed Subdivision Plat
Exhibit B - Modified Subdivision Plat
Exhibit C – Site Survey

Ordinance No. 04-

AN ORDINANCE APPROVING THE FLODEN SUBDIVISION WHICH WILL COMBINE LOTS 14, 15, AND 16, BLOCK 28 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO TWO LOTS OF RECORD.

WHEREAS, the owner of the property known as 1063 Empire Avenue, and the vacant lot adjacent to the south has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on February 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove two lot lines and create one lot line, thereby reducing three legal lots into two legal lots of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. This plat amendment will combine lots 14, 15, and 16, block 28 of the Snyder's addition to the Park City Survey into two lots of record.
4. One lot will accommodate the existing single-family home located at 1063 Empire Avenue. The other will be a vacant lot, allowing for a new single-family home to be built.
5. The plat amendment will create two lots of approximately 2,812.5 square feet.
6. The anticipated construction on the vacant lot is allowed in the zone, provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines.
7. The proposed lots comply with all required LMC lot size, lot arrangement, lot dimension and access requirements.
8. The existing home at 1063 Empire Avenue is historic. LMC Section 15-2.2-4 exempts it from off-street parking requirements (not including lockouts and accessory apartments).
9. A certified survey reflects an at-grade deck and staircase associated with the existing home at 1063 Empire. This structure encroaches 4" over the originally proposed lot line. A new plat will be created to meet the stipulations of the Land Management Code. This modification to the original plat is submitted as Exhibit B.
10. The applicant shall submit a new draft plat referencing this modification prior to review by the City Engineer and Legal Department.
11. Lot 2 will be 36'-2" at the front and 38'-10" at the rear, while Lot 1 will be 38'-10" at the front and 36'-2" at the rear. The lot line will have a 2'-8" horizontal jog at the midpoint of the lot.
12. Additionally, a small shed found at the rear of the house at 1063 Empire encroaches into the required side yard from the 11th Street right-of-way (north). This is a legal, non-conforming structure.
13. No remnant lots will be created as a result of this application.
14. Five large pine trees are located on the subject property, near the south lot line of lot 14 (lot 2 of the proposed subdivision). These trees meet the LMC definition of Significant Vegetation". Any excavation on the lot will likely require the removal of these trees. The applicant has stipulated that they will mitigate for the loss of this vegetation during the design review process, to the satisfaction of staff's Landscape Arborist.
15. The maximum footprint for a 2813 square foot lot is 1201 square feet.
16. The Planning Commission reviewed this at their February 25, 2004 meeting. A public hearing was held, and a unanimous vote was forwarded to the Council to approve the application.

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

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

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

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for any new construction on the vacant lot, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. The Floden subdivision plat will not be reviewed for recordation without submission of a new draft referencing the modifications as referenced in Exhibit B.

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

PASSED AND ADOPTED this 5th day of March, 2004.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, Mayor

Attest:

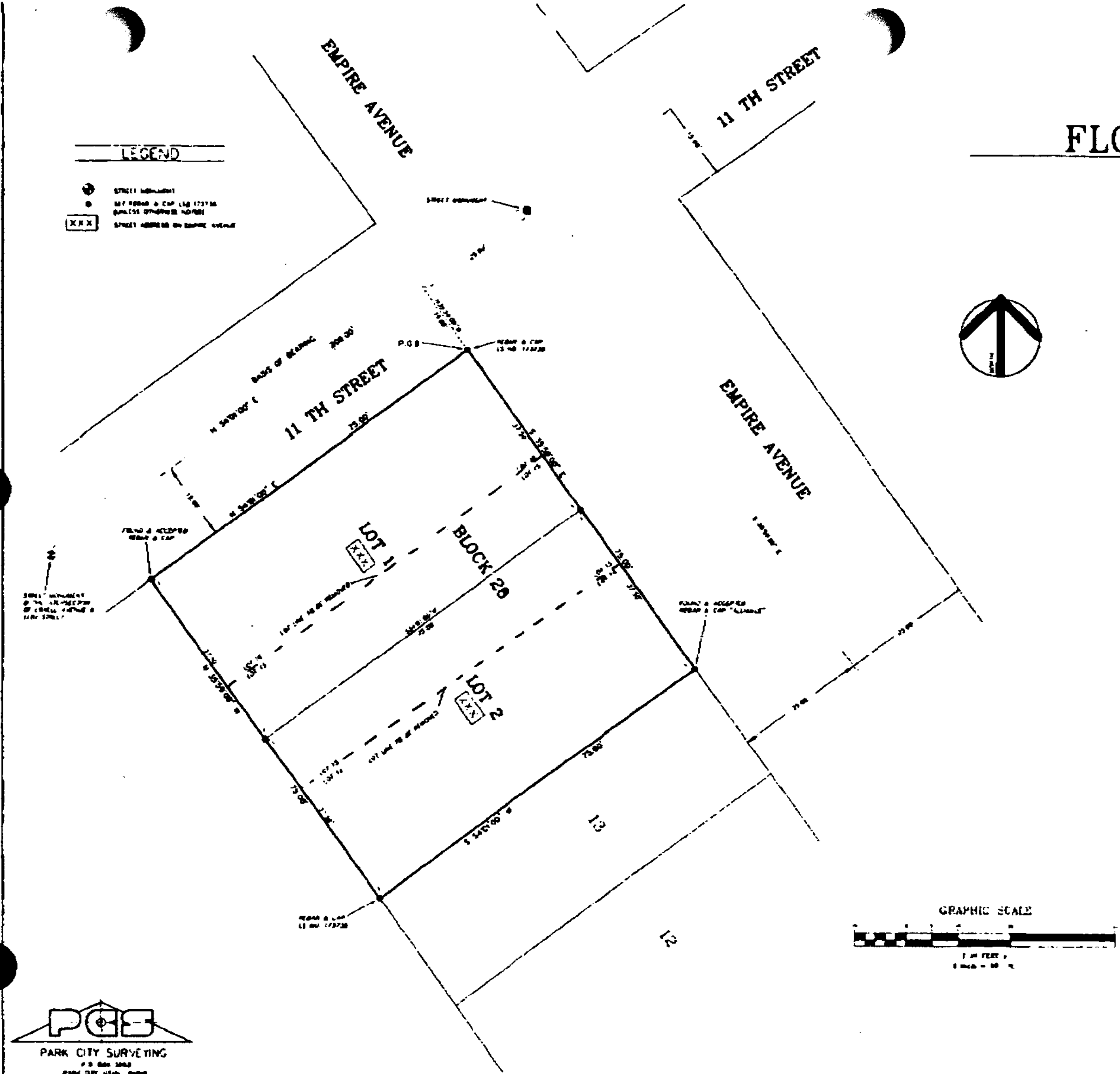
____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney



FLODEN SUBDIVISION PLAT

LYING WITHIN BLOCK 28 OF THE
SNYDERS ADDITION TO
PARK CITY PLAT
SUMMIT COUNTY, UTAH

GRAPHIC SCALE

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGMENT

SURVEYOR'S CERTIFICATE

LEGAL DESCRIPTION

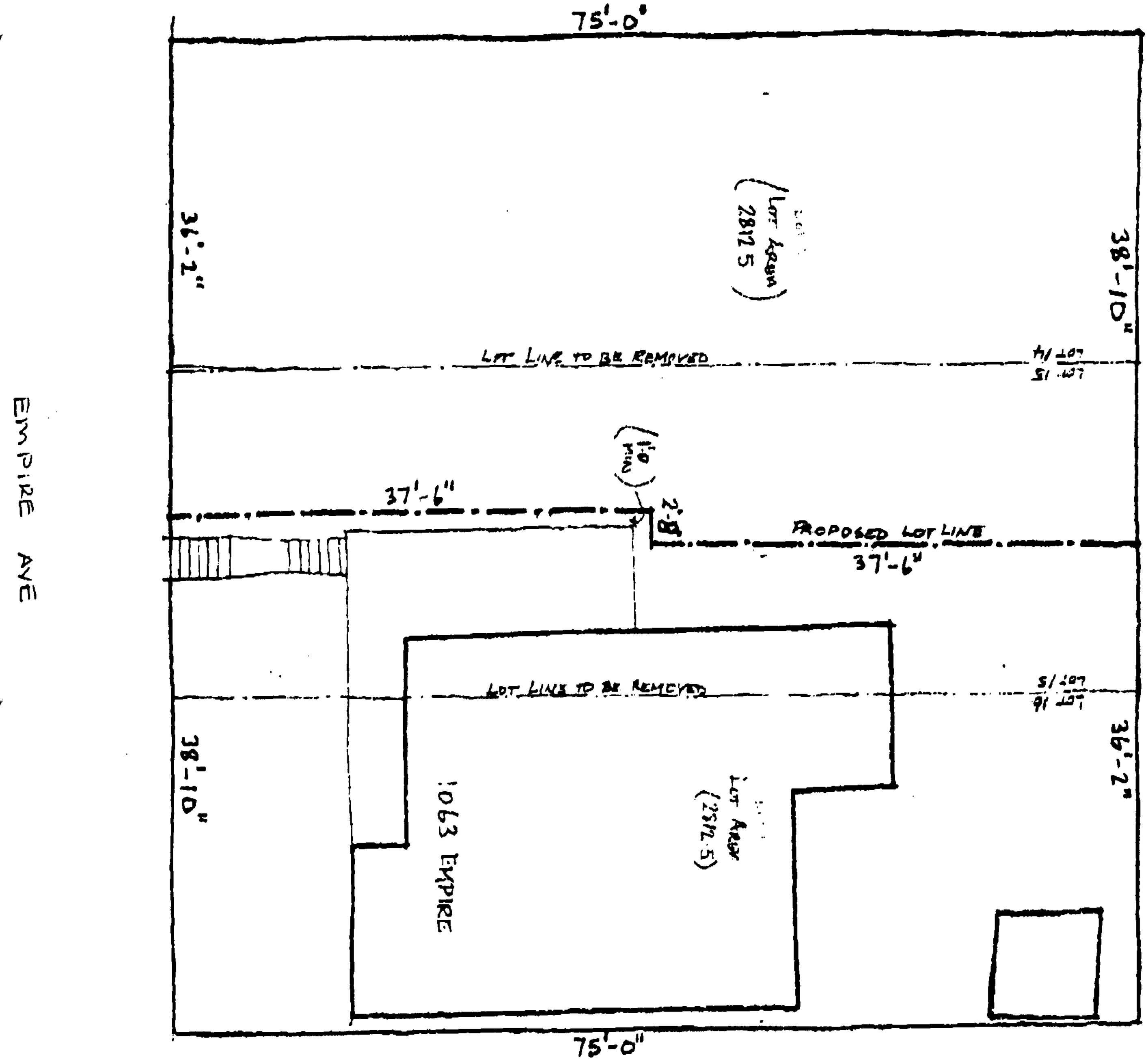
AS SURVEYED DESCRIPTION

RECEIVED
JAN 26 2004
PARK CITY
PLANNING DEPT.

EXHIBIT A

PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ A.D. 20__ ____ CHAIRMAN	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____ 2004 A.D. BY ____ PARK CITY RECORDER	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____ 2004 A.D. BY ____ S.B.W.R.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____ 2004 A.D. BY ____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ____ 2004 A.D. BY ____ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____ 2004 A.D. BY ____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ____ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER



75'-0"
36'-2"
38'-10"
LOT AREA 2812.5
LOT LINE TO BE REMOVED
LOT 14
LOT 15
EMPIRE AVE
1'-0 MIN
37'-6"
2'-8"
PROPOSED LOT LINE
37'-6"
LOT LINE TO BE REMOVED
LOT 15
LOT 16
38'-10"
36'-2"
1063 EMPIRE
LOT AREA 2812.5
75'-0"

EXHIBIT B

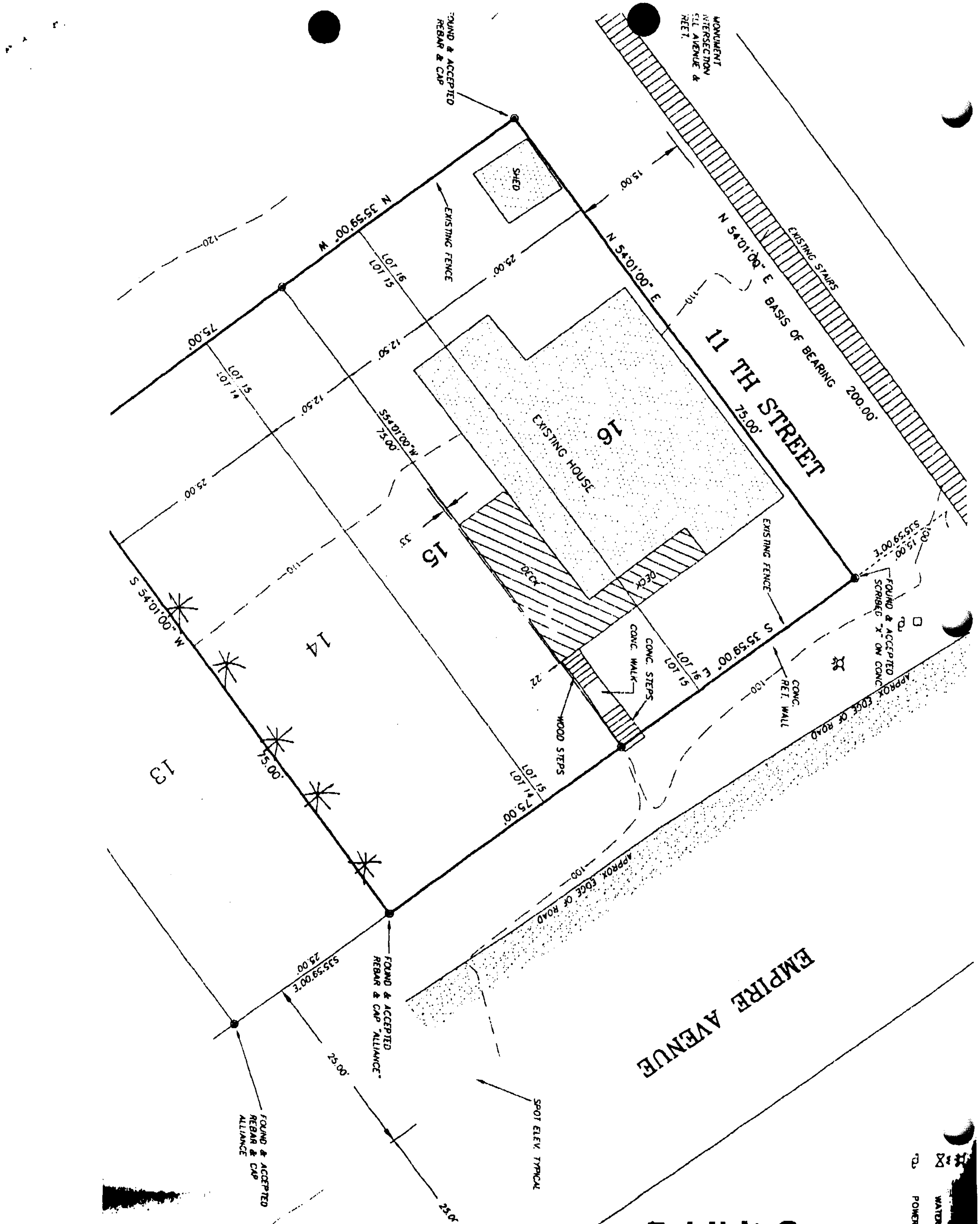

11 TH STREET
EMPIRE AVENUE
EXISTING HOUSE
SHED
DECK
EXISTING FENCE
EXISTING STAIRS
N 54°01'00" E BASIS OF BEARING 200.00'
N 54°01'00" E
75.00'
N 35°59'00" W
S 35°59'00" E
S 54°01'00" W
S54°01'00"W
LOT 16
LOT 15
LOT 14
16
15
14
13
FOUND & ACCEPTED REBAR & CAP
FOUND & ACCEPTED SCRIBED "X" ON CONC
FOUND & ACCEPTED REBAR & CAP "ALLIANCE"
FOUND & ACCEPTED REBAR & CAP ALLIANCE
CONC. STEPS
CONC. WALK
WOOD STEPS
CONC. RET. WALL
APPROX. EDGE OF ROAD
SPOT ELEV. TYPICAL
WATER
POWER

Exhibit C

City Council
Staff Report

PARK CITY 1884

CITY ENGINEER

Author: Eric DeHaan, P.E.
Date: March 4, 2004
Subject: Reconveyance of Quit-Claim Deed At 1104 Lowell Avenue
Type of Item: Administrative

Summary Recommendations: Approve the Quit-Claim Deed reconveying Park City's interest in an easement at 1104 Lowell to the lot owners. The easement affects Lots 29 through 32, Block 27, Snyder's Addition to Park City.

Description:

Topic: In 1969 a document was mistakenly recorded by the owner of four Old Town lots on Lowell Avenue giving Park City an easement for a sewer line that was never built and which is not needed or planned. This action will reconvey Park City's interest in the easement via a quit-claim deed. Relevant correspondence from the owners is attached.

Background: Philip E. Pittz and Lois M. Pittz planned to build a housing project in 1968 and 1969. At the time, and continuing to the present, they owned four lots on the east side of Lowell Avenue north of the 11th Street right-of-way. At the time the sewer connection for the contemplated housing project was on Empire Avenue, and the sewer system in Park City was still operated by Park City. Mr. and Mrs. Pittz therefore granted the City an easement over the contemplated sewer alignment but the project was never built, and the easement is now unnecessary. The owners wish to sell the four lots without the easement encumbering their title.

Analysis: Park City was contacted by an agent for the lot owners on January 28 requesting reconveyance of the easement. Please refer to the attached letter from Gene Atkinson of Jess Reid Real Estate. The Snyderville Basin Water Reclamation District has indicated in a letter that it has no objection to the abandonment of the easement. No other utility service provider has an interest in the easement. All required utility service for future development on the lots is available in Lowell Avenue. The original easement was futile because it never connected to Empire Avenue below the lots in question. There is no evidence that Park City ever paid money or other consideration for the original 1969 easement.

Department Review: Reconveyance of the Pittz easement has been reviewed by the Planning Department and the City Engineer. Public Works reviewed their records regarding utilities and has no objection to this action. The City Attorney's office reviewed the proposed Quit-Claim Deed and has no concerns.

Alternatives:

Approve the Request: Approving the Quit-Claim deed reconveying the easement to the Pittz will clear the title to the property. This is the Staff's recommendation.

Deny the Request: Not approving the action will leave the easement in place, which may make the sale of the four lots in question difficult and could alter the pattern of development of the property.

Continue the Item: If the Council needs more information on the proposed reconveyance of the easement, the item can be continued.

Significant Impacts: There are no fiscal impacts to the City resulting from this action. Reconveying the easement could act to speed up the development of houses on the four lots on Lowell Avenue.

Consequences of not taking recommended action: Not reconveying the easement will leave an exception to the clear title in place on the four lots.

Recommendation: The Council should approve the Quit-Claim Deed reconveying the City's interest in the right-of-way easement on Lots 29 through 32, Block 27 Snyder's Addition to the Park City Survey, located on Lowell Avenue.

WHEN RECORDED MAIL TO:
PHILLIP PITTZ
2020 UNION DRIVE
LAKEWOOD CO 80215

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY____________________
RECORDED AT THE REQUEST OF INWEST TITLE SERVICES, INC. ORDER # 70226
MAIL TAX NOTICE TO: SEAN HILTON

QUIT CLAIM DEED

(CORPORATE FORM)

PARK CITY MUNICIPAL CORPORATION

GRANTOR(S)

OF PARK CITY, COUNTY OF SUMMIT, STATE OF UTAH, HEREBY GRANT, CONVEY AND FOREVER QUIT CLAIM TO

PHILLIP E. PITTZ AND LOIS M. PITTZ

GRANTEE(S)

OF PARK CITY, COUNTY SUMMIT, STATE OF UTAH FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,

THE FOLLOWING DESCRIBED TRACT OF LAND IN SUMMIT COUNTY, STATE OF UTAH:

GRANTOR(S) HEREBY TERMINATE, VACATE AND WAIVE ANY RIGHTS THEREUNDER WHICH THEY HAVE IN AND TO THAT CERTAIN RIGHT OF WAY EASEMENT SET OUT IN THAT CERTAIN QUIT CLAIM DEED RECORDED MARCH 7, 1969, AS ENTRY NO. 108695, IN BOOK M20 AT PAGE 203 DESCRIBED AS :

A RIGHT OF WAY EASEMENT 30 FEET WIDE FOR THE CONSTRUCTION AND THEREAFTER 10 FEET WIDE FOR THE MAINTENANCE OF AN UNDERGROUND PIPELINE, INCLUDING, BUT NOT LIMITED TO, MAINS, MANHOLES, AND CONNECTIONS THERETO, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 54°01' WEST 10.16 FEET FROM THE NORTHEAST CORNER, LOT 29, BLOCK 27, SNYDER'S ADDITION TO PARK CITY, UTAH, RUNNING THENCE SOUTH 31°40' EAST 90.0 FEET; THENCE SOUTH 38°04'30" EAST 10.0 FEET, MORE OR LESS, TO THE NORTH SIDE OF A CITY STREET.

THE OFFICERS WHO SIGN THIS DEED HEREBY CERTIFY THAT THIS DEED AND THE TRANSFER REPRESENTED THEREBY WAS DULY AUTHORIZED UNDER A RESOLUTION DULY ADOPTED BY PARK CITY MUNICIPAL CORPORATION AT A LAWFUL MEETING DULY HELD AND ATTENDED BY A QUORUM.

IN WITNESS WHEREOF, THE GRANTOR HAS CAUSED ITS CORPORATE NAME AND SEAL TO BE HEREUNTO, AFFIXED BY ITS DULY AUTHORIZED OFFICERS THIS ______ DAY OF ______________, 2004

PARK CITY MUNICIPAL CORPORATION

ATTEST

____
BY: DANA WILLIAMS
ITS: MAYOR

STATE OF UT)
:SS
COUNTY OF SUMMIT)

ON THE ______ DAY OF ____________, 2004 PERSONALLY APPEARED BEFORE ME DANA WILLIAMS, WHO BEING BY ME DULY SWORN DID SAY THAT HE IS THE MAYOR OF **PARK CITY MUNICIPAL CORPORATION** AND THAT THE WITHIN FOREGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF ITS CITY COUNCIL AND SAID ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

____
NOTARY PUBLIC

INWEST TITLE SERVICES, INC.
1811 SIDEWINDER, SUITE 101

Designated Agent Notice

To Whom It May Concern:

Please be advised that I, Phil Pittz, hereby authorize my Real Estate Broker, Gene Atkinson, to act as my designated agent to initiate and complete any necessary requests and forms needed to request Park City Municipal Corp. to vacate and/or abandon the easement currently recorded again the 4 parcels of land I own on Lowell Avenue.

The four parcels are :

PARCEL SA-289-A (Lots 29, 30 and 31) Block 27 Snyder's Addition

PARCEL SA-291 (Lot 32) Block 27, Snyders Addition

This easement was granted to Park City Municipal Corp. in 1968 when I was planning the construction of a home on Lot 32. Our plans never came to fruition. We abandoned our plans to construct a building on the lot. To our knowledge no pipes, drains etc., were ever placed on the lots.

Respectfully Yours,

Phil Pittz & Lois Pittz

Phil Pittz

RECEIVED
JAN 28 2004
PARK CITY
PLANNING DEPT.

January 21, 2004

JESS REID
REAL ESTATE

The Reid Building
750 Kearns Boulevard
P.O. Box 682080
Park City, Utah 84068
(435) 649-3000
Fax (435) 649-9490
www.jessreidrealestate.com

Mr. Pat Putt
Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060-1480

RE: Request for vacation/abandonment of Easement

Dear Mr. Putt,

I have been given written authorization by Mr. & Mrs. Phil Pittz to initiate action on their behalf to respectfully request the vacation/abandonment of an Easement on their property on Lowell Avenue. The property in question are Lots 32, 31, 30 & 29 of Snyder's Addition, Block 27 (11th Street). A full and complete Title Report is hereby attached to this request. A copy of the Quit-Claim Deed and a copy of the plat maps for the lots in question is also attached.

Also, please find attached the written Authorization letter signed by Mr. and Mrs. Pittz.

The Easement in question was created on December 2nd, 1968 by a Quit-Claim Deed to Park City Municipal Corporation and recorded on March 7, 1969. Mr. and Mrs. Pittz have had difficulty remembering why they the granted this easement, but they assume it was in connection with their plans in 1968 to construct a home on lot 32. Phil & Lois abandoned their plans to build a home in 1969.

The easement begins on lot 29 and stretches on a South-South-Westerly upward slope across lots 30, 31 and ends on the southerly boundary line of lot 32. Mr. and Mrs. Pittz abandoned their plans to build on the lot later in 1969. At the present time there have been no building constructed on any of the lots and Mr. and Mrs. Pittz do not believe any infrastructure was ever installed on the properties and cannot remember if a permit was ever granted.

On Tuesday, January 20, 2004, Kathleen Gammell, Water Manager at Public Works called and informed me that Mr. Gibbs had contacted Mr. DeHann and informed him that Public Works had no interest in, nor plans for, this easement.

RECEIVED
JAN 28 2004
PARK CITY
PLANNING DEPT.

Also, please find attached a letter from Mr. Atwood at Synderville Basin Water Reclamation. He has indicated that the District does not have any interest or plans for the easement in question.

Title Officers at Inwest Title have further researched the easement in question. The easement begins 10' West of the Northeast corner of lot 29. Ms. Kim Parr at Inwest has had title on adjoining properties researched. There is no easement on adjacent lot 28 to continue this right of way. On the Southerly lot (#32) the description indicates the easement stops at the northern line of a street (we assume the street was Crescent, a street that has been vacated and is now a stairway going down to main.) There also appears to be improvement built and extending into the vacated road easement directly south of lot #32.

The subject easement seems to be the preverbal "stairs that lead nowhere". In as much as it appears that this easement cannot be extended and/or connected to any easements on either end it seems that the easement is completely unusable and the easement is completely within the boundary lines of the 4 lots owned by Mr. and Mrs. Pittz.

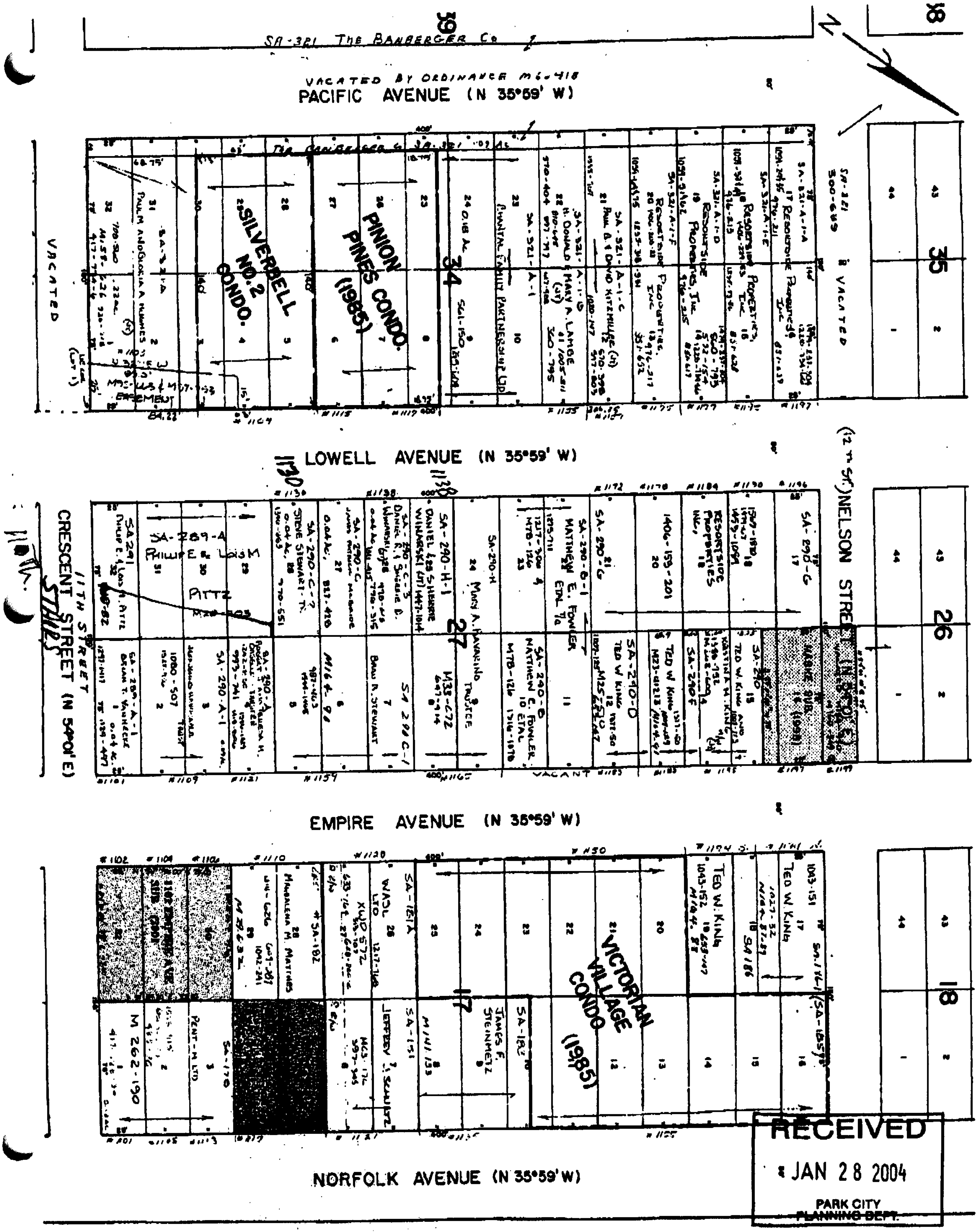
In view of the foregoing facts, Mr. and Mrs. Pittz respectfully request that the Park City Municipal Corp. expedite the vacation/abandonment of this easement. Property is currently under contract to a buyer. Both parties are desirous of closing this transaction as quickly as possible. Contract was originally scheduled for closing date on January 21, 2004.

Thank you in advance for any assistance you can render to expedite this request.

Gene Atkinson

Gene Atkinson
Associate Broker
435.647.3295

RECEIVED
JAN 28 2004
PARK CITY
PLANNING DEPT.


SA-321 The Bamberger Co.
VACATED BY ORDINANCE M6-418
PACIFIC AVENUE (N 35°59' W)
SILVERBELL NO. 2 CONDO.
PINION PINES CONDO. (1985)
LOWELL AVENUE (N 35°59' W)
(12th ST.) NELSON STREET (N 54°01' E)
11TH STREET
CRESCENT STREET (N 54°01' E)
EMPIRE AVENUE (N 35°59' W)
VICTORIAN VILLAGE CONDO (1985)
NORFOLK AVENUE (N 35°59' W)
VACATED
RECEIVED
JAN 28 2004
PARK CITY PLANNING DEPT.

149-7171

Recorded at Request of
at M. Fee Paid $
by Dep. Book
Mail tax notice to Address

Entry No. 108695 Book M 20
RECORDED 1-7-69 at 2:15 M Page 203
REQUEST of Park City Municipal Corp
FEE 1.00 WANDA Y. SPRIGGS, Summit County Recorder

QUIT-CLAIM DEED

PHILLIP E. PITTS and LOIS M. PITTS, his wife, grantor
of Phoenix , County of , State of , hereby
QUIT-CLAIM to

PARK CITY MUNICIPAL CORPORATION grantee
of Park City, Utah, for the sum of
ONE DOLLARS
the following described tract of land in SUMMIT County,
State of Utah:

A right-of-way easement 30 feet wide for the construction and thereafter 10 feet wide for the maintenance of an underground pipeline, including but not limited to, mains, manholes and connections thereto, the center line of which is described as follows:

Beginning at a point South 58°01' West 10.16 feet from the Northeast Corner, Lot 29, Block 27, Snyder's Addition to Park City, Utah, running thence South 31°30' East 90.0 feet; thence South 38°04' 30" East 10.0 feet, more or less, to the North Side of a city street.

WITNESS the hand of said grantor , this 24 day of Dec. , A. D. one thousand nine hundred and 68.

Signed in the presence of

Phillip E. Pitts
Lois M. Pitts

BOOK M20 PAGE 203

STATE OF UTAH,
County of } ss.

On the 24 day of December A. D. one thousand nine hundred and 68 personally appeared before me

PHILLIP E. PITTS and LOIS M. PITTS, his wife,

the signer of the foregoing instrument, who duly acknowledge to me that they executed the same.

Notary Public

My commission expires May 21, 1970 Address:

RECEIVED
JAN 28 2004
PARK CITY PLANNING DEPT.

City Council Staff Report

Author:	**Alison Butz**
Subject:	**Lease Authorizations for Film Series & U 0f U**
Date:	**March 1, 2004**
Type of Item:	**Administrative – Lease Authorizations**

PARK CITY 1884

Special Events and Facilities Department

Summary Recommendations:

Staff recommends that:

(1) Council approve the lease for the Park City Film Series; and

(2) Council approve the Sixth Addendum to the U of U Lease, thereby allowing for the Library expansion.

Description:

Topic:

Review the draft lease for the rental of office space in the CW Building, and the Sixth Addendum to the lease agreement between the City and the U of U.

Background:

On April 24, 2003, Council received a presentation in public session from the Library regarding an expansion, and at that time seemed positive regarding the proposed budget option. Staff moved forward with the negotiations to take effect as of July 1, 2003. The FY 2004 budget, approved by Council, allocated money for the Library expansion. Plans for the expansion focused on extending the Library across the first floor hallway into Room 105 and 106.

After an extensive series of design workshops, held in December 2003, a preferred Library expansion option was settled on. Various stakeholders representing the Library Board, Friends of the Library, Library Staff, and the public at large all preferred and lobbied for a design option that will require the relocation of several tenants. This relocation will allow for an expansion that does not isolate any particular area.

Analysis:

The City will need to relocate several tenants in order to proceed with the Library expansion per the preferred design. Council approved the relocation of the Arts Council and Mountain Trails Foundation in the last Council meeting. To complete the relocation process, the U of U will release Rooms 208 and 301 in order to accommodate the relocation of other existing Tenants within the Library. The U of U will also forgo future restricted use of Room 209 in exchange for conditional use of Room 109 once the Library expansion is completed. The Sixth Lease Addendum also addresses the possible overpayment by the U of U for previous rent, based on a square footage assessment. Additionally, Staff proposes entering into a new lease agreement with the current tenant (Park City Film Series) in Room 301. The Film

Series currently sublets Room 301 from the U of U. Approval of the attached lease and the lease addendum will allow the Library to expand and to increase its services and offerings to accommodate the growing needs of the community.
The attached lease and the addendum will be in effect upon execution.

Duration of the Leases
The Film Series lease will have an expiration date of June 30, 2005, which coincides with the City's fiscal year. The lease addendum will not alter the current lease term.

Copies of the draft lease and the Sixth Addendum are attached.

ALTERNATIVES

A. Recommend the draft lease and the lease addendum, thereby allowing for tenant relocation, which will in turn allow for the Library expansion, be approved.
B. Modify terms of the draft lease and the addendum and approve in order to allow for the Library expansion.
C. Recommend denial of the draft lease and the addendum thereby preventing the expansion of the Library.
D. The City Council may continue the action for more information and discussion.

RECOMMENDATION:
Staff recommends that Council approve the lease for Room 301 and the addendum thereby allowing for the Library expansion.

Exhibits
Exhibit A - Park City Film Series 2004 Property Lease
Exhibit B - Sixth Addendum to the Lease Agreement Between the University of Utah and Park City Municipal Corporation

Park City Film Series
Park City Municipal Corporation
2004 Property Lease

THIS AGREEMENT is made by and between Park City Municipal Corporation (hereinafter referred to as "Landlord") and the Park City Film Series (hereinafter referred to as "Tenant") to set forth the terms and conditions under which Landlord will lease space in the Carl Winters Building at 1255 Park Avenue, Park City Utah (hereinafter referred to as the "CW Building") to Tenant. The parties agree as follows:

(1) Property. The property leased is in several areas within the CW Building as described in Exhibit A (attached and hereafter referred to as Premises). The leased space includes the following property on the third floor of the CW Building: Room 301. The leased space contains approximately one hundred forty-five (145) square feet. Tenant shall also have access to the public bathrooms in what is currently or soon will become the library portion of the CW Building, and any renovation of the CW Building shall include an entrance on the South side through which Tenant shall have access to the public bathrooms in what is currently or soon will become the library space.

2. Term. The Lease term shall commence upon execution, and shall expire on June 30, 2005. The leased property is currently surplus municipal space, but may be required for municipal purposes by Landlord at the conclusion of the lease term. Landlord may terminate this lease upon three (3) months prior written notice if the leased space is required for municipal purposes. No option of first refusal is granted to Tenant.

3. Rent. The rent for the leased space shall be as follows:
   (1) Rate: Two Thousand Two Hundred Eighty-Three Dollars and Seventy-Five Cents ($2,283.72) annually.
   (2) Payments: Rent shall be paid in equal monthly installments of One Hundred Ninety Dollars and Thirty-One Cents ($190.31). Rent shall be due on the first of each month, and past due if not paid by the tenth (10^{th}) of the month.
   (3) Deposit: No Deposit is required.
   (4) Credit for Early Payment. Beginning in Calendar Year 2004, if Tenant pays Landlord the annual rent in full by July 15 of each year, then rent will be reduced by four percent (4%).

4. Utility Service. Landlord shall be responsible for natural gas, electricity, sewer, refuse collection and water for the leased space. Tenant will be responsible for any other utilities such as telephone and cable television and shall establish an account with each of these utilities in its own name.

5. Use of the Premises. The premises shall be used only for quasi-public administration use.

6. Telephone, Cable and Microwave. The Tenant will install its own telephone, television, computer and other communication equipment in the leased space. The remodeled space

will include wiring, cables or chases for a wide variety for communications between spaces within the building and externally. Any specialized communication facilities, equipment, wiring, cables or installations will be the Tenant's responsibility.

7. Insurance. The Tenant will provide insurance at its expense covering its contents against loss through theft, fire, vandalism or similar casualties. The Landlord will maintain insurance on the structure for the replacement of the building itself, and the contents of the building owned by Landlord. The Landlord also carries a public liability policy insuring it against claims of personal injury on Landlord's property. The Landlord's policy does not cover the Tenant's employees or patrons who are on Landlord's property exclusively for the purpose of doing business with the Tenant. The Tenant agrees to maintain a comprehensive property liability policy in the amount of Five Hundred Thousand Dollars ($500,000) (each person and each occurrence) and to obtain a certificate of insurance naming Park City Municipal Corporation and the Municipal Building Authority of Park City as additional insured and evidencing coverage as to any person on the Premises as a result of Tenant's programs or activities. The Landlord is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect the Landlord for liability or allegations arising out of the Tenant's use of Landlord's property.

8. Payment of Taxes and Other Assessments. As a tax exempt entity, the Landlord does not expect to be assessed real estate and personal property taxes and other related assessments or taxes on the Premises. However should the Tenant change the tax status or should other circumstances cause taxes or assessments to be imposed on the Premises, then Tenant shall pay real estate and personal property taxes and other related assessments or taxes on the Tenant's Premises during the term of this lease.

9. Liens. Tenant shall not permit any liens to attach to the property for work done at Tenant's request or for Tenant's benefit. If Landlord received notice of any such against the property, Tenant shall promptly discharge the lien at Landlord's request, or post fund sufficient to satisfy the lien during any period of good faith contest of the lien by Tenant. In the event Landlord reasonably feels its title to the property is in jeopardy because of any lien Tenant has elected to attach to the property, Landlord may discharge the lien and collect the amount paid from the Tenant. The Tenant agrees to pay all reasonable costs incurred by the Landlord in the defense or discharge of any liens on the property.

10. Tenant Improvements. The Premises are being leased to Tenant in as-is-condition. Any additional interior finish or furnishings desired by the Tenant must be approved in advance by the Landlord and Owner in writing and are the responsibility of the Tenant, with no allowance made for the costs of Tenant improvements unless agreed to by Landlord in writing. At the expiration or termination of the Lease, all Tenant improvements become the property of the Landlord unless specifically exempted in writing prior to installation.

11. Signs. Landlord reserves the right to specifically review and approve or reject proposed signs on or in the building. Landlord's approval for signs will not be unreasonably withheld, so long as the sign is directional rather than promotional, meets the requirements of the Park City Sign Code, and conforms with the historic nature and architectural detailing of the building. Signs shall be removed and any damage resulting from removal shall be repaired at the termination of the Lease.

12. Assignment/Sublease. The Lease may not be assigned or the Premises sublet without the advance written consent of Landlord except that any space within the building may be sublet to any other tenant within the building. Landlord's consent to assignment or sublease will not be unreasonably withheld.

13. Remedies. In the event the Tenant fails to pay monthly installment payments when due, or violates or reaches any other term or condition of the Lease, Landlord shall have the right to exercise the following remedies, and any other remedies available at law or equity:

(1) Landlord may, by written notice to Tenant, demand that Tenant either pay rental installments due within ten (10) days, or quit the premises within fifteen (15) days;

(2) Landlord may permit the Tenant to remain in possession and sue for the installments that are past due;

(3) Landlord may re-let the premises for Tenant's account at the rate and on such terms as are commercially reasonable at the time and under the circumstances, and charge Tenant for any difference in the rental received and the rental agreed to herein, provided that any re-letting shall be done in good faith under the circumstances;

(4) Landlord may agree to a payment of damages in such amount as the parties then agree, and release the Tenant from obligations under this Lease entirely. Unless Landlord has released Tenant's continued performance under this Lease, Tenant is deemed to be in possession of the Premises, and any re-letting by Landlord in on Tenant's account. Tenant is responsible for all payments and obligations under the Lease until Landlord releases Tenant.

14. Covenant of Quiet Possession. Landlord covenants with Tenant that Landlord owns or controls the Premises and that Tenant's possession will not be disturbed by acts or omissions of the Landlord so long as Tenant faithfully performs the obligations of this Lease.

15. Maintenance. The Landlord shall be responsible for all structural maintenance of the Premises, including the roof, foundation, structural members, and exterior wall surfaces. The Landlord will be responsible for janitorial service in areas used in common with the library and other tenants and cleaning the outside of the glass and replacement in the event of damage from an outside source. Tenant shall be responsible for all interior maintenance, including mechanical and electrical fixtures to the extent that they are located within and exclusively benefit the Premises, janitorial service, and glass

maintenance (both cleaning the inside and replacement in the event of damage from an inside source) which is within the leased premises or solely serves the Premises. Landlord shall be responsible for mechanical systems, which serve space as reasonably necessary to maintain the structure and to service common utility facilities. Exterior maintenance of the site and snow removal shall be Landlord's responsibility.

16. Access to Other Spaces. Tenant shall not interfere with the access to other spaces within the building or obstruct the entrances to those other spaces in any way. Landlord shall have such access through Tenant's space as reasonably necessary to maintain the structure and to service common utility facilities. Landlord shall have the right to inspect the leased space during the Tenant's normal business hours.

17. Force Majeure. This Lease Agreement shall automatically terminate upon any holding, interpretation, or determination by a court, legislative, or administrative body that Landlord may not lease to a private entity which administers a film series or similar establishment or that the Landlord may not lease to a private entity either under existing state and federal law regulation or future state and federal law regulation.

18. Increased Insurance Risk. Tenant will not permit said premises to be used for any purpose which would render the fire insurance on the building or the premises void or cause cancellation thereof or increase the insurance risk or increase the insurance premium in effect at the time of the terms of this Lease. Tenant will not keep, use or sell, or allow to be kept, used or sold in or about the Premises any article or materials which are prohibited by law or by standard fire insurance policies of the kind customarily in force with respect to the Premises of the same general type as those covered by this Agreement.

19. Care and Repair of Premises by Tenant. Tenant will inspect and accept the Premises for the purposes of this agreement prior to taking occupancy. Tenant will not commit any waste on Premises nor shall it use or permit the use of the Premises in violation of any state law or county or municipal ordinance or regulation applicable thereto. Tenant may, with the prior written consent of the Landlord, but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the leased space as Tenant may require for the conduct of its business without, however, materially altering the basic character for the building or improvements or weakening the structure on the leased premises. Any permanent alterations or improvements to the Premises shall become the property of the Landlord upon expiration or termination of this Lease unless specifically exempted in writing prior to commencing work.

20. Damage or Destruction. If the Premises or any part thereof shall be damaged or destroyed by fire or other casualty, Landlord shall promptly repair all such damage and restore the premises without expense to the Tenant subject to delays due to adjustment in insurance claims, strikes and other causes beyond the Landlord's control. If such damage or destruction shall render the Premises uninhabitable in whole or in part, the rent shall be abated wholly or proportionately until the damage shall be repaired and the premises restored. If the damage or destruction shall be of which may require removal of Tenant's

operations from the Premises, either Landlord or Tenant may elect to terminate this lease by written notice to the other within thirty (30) days after the occurrence of such damage or destruction.

21. Surrender of Premise. Tenant agrees to surrender the Premises at the expiration or sooner termination of this Agreement or any extension thereof in the same condition or as altered pursuant to the provisions of this Agreement. Ordinary war, tear and damage by the elements or other acts of God excepted.

22. Hold Over. Should Tenant hold over the Premises or any part thereof after the expiration of the term of this Lease unless otherwise agreed in writing, such holding over shall constitute a tenancy from month to month only, and Tenant shall pay as monthly rental the same monthly rental provided for herein.

23. Available Space. If additional space becomes available in the CW Building, Landlord agrees to offer such space to tenants in the CW Building before making it available to non-tenants. Landlord reserves the right to use space that becomes available and to assign the space through a competitive bid process with tenants of the CW Building who have been in the building for one (1) year or more, at the time the space becomes available.

24. Auditorium. Tenant shall have access to the auditorium in the CW Building on the same basis as the general public.

25. Indemnity. The Tenant covenants and agrees to indemnify, hold Landlord harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant's use and occupancy of the Premises to the full extent provided in the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Landlord, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

Landlord will indemnify and hold tenant and its employees harmless to the full extent provided in the Utah Governmental Immunity Act, and limited by Paragraph 26 of this lease, from claims, loss, damage, injury, or liability resulting from Landlord's use and occupancy of the Premises or from the conduct of Landlord's operations; including, but not limited to, Landlord's negligence or intentional acts. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended.

26. Landlord Liable only for Negligence. Except where caused by Landlord's negligence, Landlord shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or

disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

27. Nondiscrimination. Tenant agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.

28. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein.

29. Rights of Successors and Assigns. The covenants and agreements contained within the Lease shall apply to the benefit of successors in interest and legal representatives, except as expressly otherwise hereinbefore provided.

30. Security. The Landlord will install doors with locking hardware. The Tenant is entitled to put locks on the doors to its space, provided the Landlord is given keys for reasonable access and building maintenance. Both parties will attempt to keep the exterior doors locked after their use of the building is completed for the day, and the Tenant shall have the obligation of checking all exterior doors at the conclusion of each day to make sure that they are locked, and that windows in the rooms used by the Tenant are secured. Lights and radiators should be turned off at the conclusion of the Tenant's use each day.

31. Notice Provision. Any and all notices required by this Lease Agreement shall be in writing and delivered personally to the party to whom the notice is to be given, or mailed by certified mail, postage prepaid, and addressed as follows:

    If to Landlord:
    Alison Butz
    Facilities Manager
    Park City Municipal Corporation
    P.O. Box 1480
    Park City, Utah 84060

    If to Tenant:
    Park City Film Series
    1255 Park Ave.
    P.O. Box 2092
    Park City, Utah 84060

32. Entire Agreement. This agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

DATED this ______ day of March 2004.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

PARK CITY FILM SERIES

____
Frank J. Normile, Executive Director

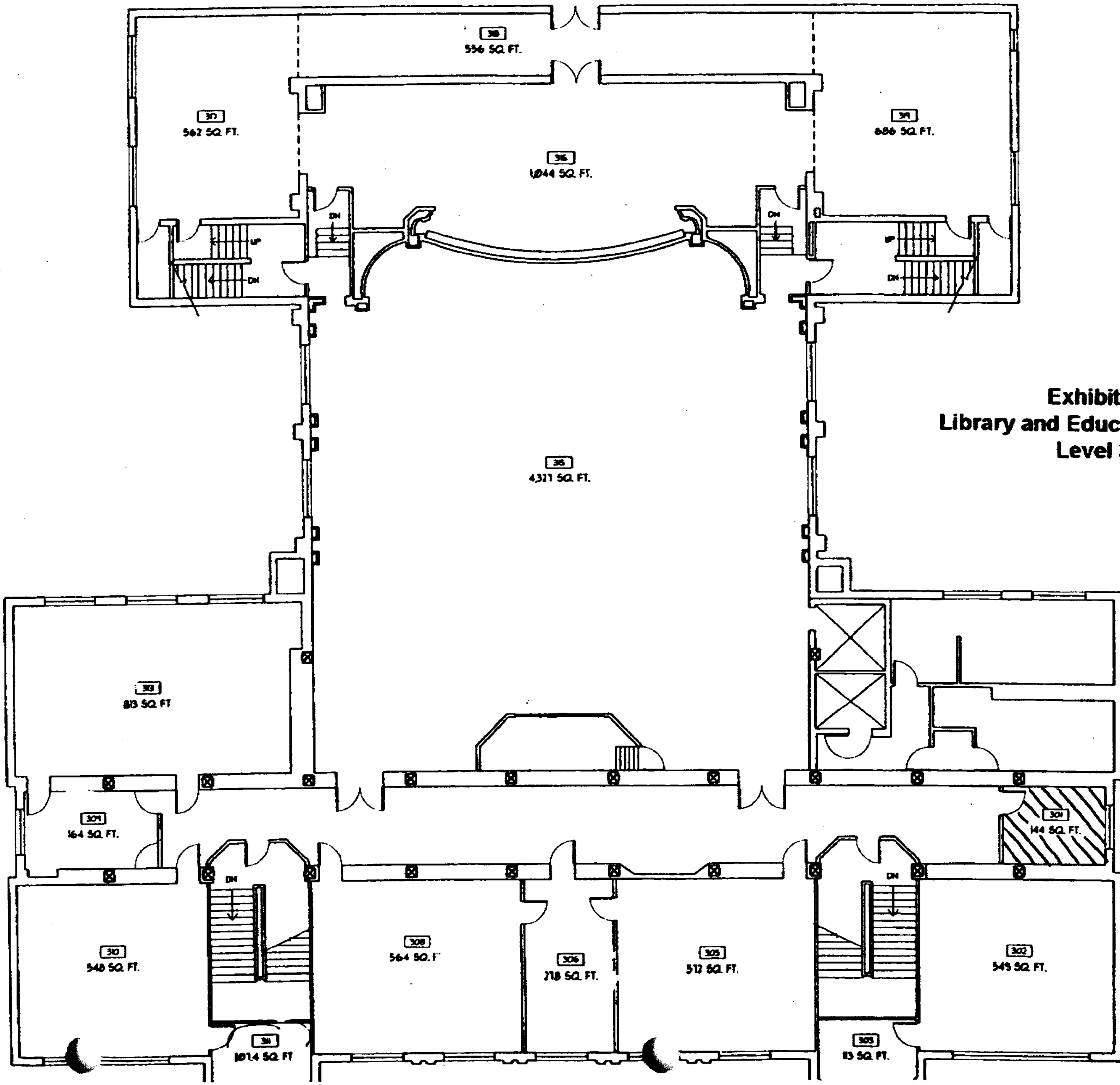
ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ______ day of March, 2004, personally appeared before me Frank J. Normile, who being duly sworn, did say that he/she is the Executive Director for the Park City Film Series, and acknowledged to me that the preceding Agreement was signed on behalf of said entity, and he acknowledged that the entity did execute the same for its stated purpose.

____
Notary Public

Exhibit A
Library and Education Center
Level 3



leased space

SIXTH ADDENDUM TO THE LEASE AGREEMENT BETWEEN THE UNIVERSITY OF UTAH AND PARK CITY MUNICIPAL CORPORATION

THIS SIXTH ADDENDUM is made by and between Park City Municipal Corporation ("Landlord") and the University of Utah ("Tenant") to amend the Lease Agreement signed and executed by the parties on May 7, 1992 ("Lease") as amended and to set forth the terms and conditions under which Tenant will release to Landlord certain areas of the property in the Carl Winters Building (hereinafter referred to as the "CW Building") subject to the Lease, as amended. The parties agree as follows:

1. Released Space. Tenant, pursuant to the schedule provided below, hereby releases to Landlord the following property on the second and third floor of the CW Building: Room 208, and Room 301 as described in Exhibits A and B (attached and hereinafter referred to as "Released Space"). The Released Space contains a total of approximately five hundred forty-six (546) square feet. The release of Room 208 and Room 301 shall occur upon execution.

2. Rent. The rent for the remaining leased space shall be as follows:

(A) Rate: Tenant has pre-paid the rent for Calendar Year 2003 (July 1, 2003 – June 30, 2004). Beginning July 1, 2004, Tenant's annual rental obligation shall be Fifty Thousand Seven Hundred Forty-Six Dollars and Fifty-Six Cents annually ($50,746.56) for the remaining leased space.

(B) Discounts:

a) Tenant is due Two Thousand, Five Hundred Seventy-Seven Dollars and Fourteen Cents ($2,577.14) as a refund for the released space. Landlord will apply this refund to Tenant's July 1, 2004 rental obligation.

b) Landlord and Tenant agree that a dispute exists regarding a possible overpayment by Tenant based on a disputed square footage assessment. Landlord has agreed to pay and Tenant has agreed to accept Twenty Seven Thousand Eight Hundred Seventy-Four Dollars and Fifty Cents ($27,874.50) "Settlement Amount" as settlement of this dispute. Landlord will apply the Settlement Amount to Tenant's annual rental obligation over the next four years. If Tenant pays their annual rental obligation before July 15 of Calendar Year 2004, 2005, 2006, or 2007, Landlord will apply Six Thousand Nine Hundred Sixty-Eight Dollars and Sixty-Three Cents ($6,968.63) to Tenant's annual rental obligation. If Tenant does not pay the annual rental obligation before July 15, and elects to pay the rental obligation in monthly installments, Landlord will apply Five Hundred Eighty Dollars and Seventy-Two Cents ($580.72) to Tenant's monthly rental obligation. Tenant agrees to waive any amounts due pursuant to this settlement provided they do not renew their lease agreement through Calendar Year 2007 (ending June 30, 2008).

(C) Payments: Beginning July1, 2004, rent shall be paid in equal monthly installments of Four Thousand Two Hundred Twenty-Eight Dollars and Eighty-Eight Cents

($4,228.88). Rent shall be due on the first of each month, and past due if not paid by the tenth of the month.

(D) Deposit: No additional deposit shall be required.

(E) Rent Adjustment: The annual rent for the remaining leased Rooms shall increase Three Thousand Two Hundred Twenty-Two Dollars ($3222.00) per year at the beginning of each two-year term with the next term beginning on July 1, 2006. For example, monthly rent payments shall increase to Four Thousand Four Hundred Ninety-Seven Dollars and Thirty-Eight Cents ($4,497.38) on July 1, 2006.

(E) Credit for Early Payment: For Calendar Year 2004, if Tenant pays Landlord the annual rent in full by July 15, then rent will be reduced by four percent (4%). Beginning in Calendar Year 2005, if Tenant pays Landlord the annual rent in full by July 15 of each year, then rent will be reduced by four percent (4%).

3. Use of Room 209. Once remodeling begins on Room 209, Tenant shall no longer have the right to use Room 209 for evening and weekend classes. Once Room 109 has been remodeled, Tenant shall have the right to use Room 109 for evening and weekend classes based on availability with prior notice by Tenant.

4. Other Terms: All other terms and conditions of the Lease, as amended, shall apply.

5. Effective Date: The terms of this Sixth Addendum to the Lease shall be effective upon execution.

6. Entire Agreement: This Sixth Addendum is a written instrument pursuant to Paragraph 31 of the Lease between the parties and it cannot be altered or amended except by written instrument, signed by both parties.

DATED this ____ day of March 2004.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

UNIVERSITY OF UTAH

____
Arnold Combe, Vice President

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ______ day of March, 2004, personally appeared before me Arnold Combe, who being duly sworn, did say that he is the Vice President for the University of Utah, and acknowledged to me that the preceding Agreement was signed on behalf of said company, and he acknowledged that the company did execute the same for its stated purpose.

____
Notary Public

City Council
Staff Report

Author:	**Mark Christensen**
Subject:	**CDBG PUBLIC HEARING**
Date:	**March 4, 2004**
Type of Item:	**Public Hearing**

PARK CITY 1884

BUDGET, DEBT, AND GRANTS

Summary Recommendations: Hold a public hearing soliciting public comment for the CDBG Grant process.

Description:

Topic: CDBG Affordable Housing Plan Grant.

A. Background:
The Community Development Block Grant (CDBG) Program is a federal grant program administered through the Mountainland Association of Governments (MAG). As part of the application process the City is required to hold two public hearings soliciting comment regarding the CDBG application. The City held the first required public meeting on November 6, 2003 to specifically solicit public input on this year's application.

At that meeting several recommendations were made. Proposals included projects designed to aid Senior Citizens in the Community, the People's Health Center, and Affordable Housing. During that public hearing the most commonly discussed issue was Affordable Housing Planning.

On November 20, City Council authorized staff to submit a CDBG Affordable Housing Study application. The submittal was submitted to MAG on December 1. On February 2, 2004 MAG advised the City that $25,500.00 had been earmarked for Park City's Affordable Housing Study. This amount represents 85% of Park City's original request of $30,000.

The MAG Process requires that a second public hearing be held if/when the pre-application is accepted and funds are earmarked. The purpose of this public hearing is to:
1) Explain the project that was applied for,
2) Identify the amount of money received,
3) Respond to specific questions of all citizens, particularly those who may immediately impacted by the project

The City will hold the required public hearing on March 4, 2004.

B. Analysis:
As per the attached letter/tables, the 85% allocation is consistent with allocations to other municipalities. The City will match the $25,500 amount from the Affordable Housing CIP giving our total study budget of $51,000. As previously stated, the grant is to assist Park City in the analysis and prioritization of affordable housing needs for the City's low/moderate income persons (LMI). The planning assistance will look at Park City as well as incorporate the relative

housing issues of the surrounding region to gain a better understanding of the population and affordable housing needs. This planning grant will be used to carry out the functions identified in the Park City Housing Policy and Plan and will be used to set long term affordable housing goals, strategies, and action plans in place for the City.
In compliance with the requirements of the application process, a brief time line is listed below:

• Hold Public Hearing	March 4, 2004
• Staff to attend Grantee Workshop	Late March/Early April
• Complete Final Application	February through April
• Submit final application to MAG	April 30, 2004

C. Department Review:
City Manager, Customer and Technical Services, and Budget, Debt, and Grants, Affordable Housing Specialist.

D. Recommendation:

1. Hold a public hearing on March 4, 2004.
2. Respond to specific questions of all citizens, particularly those who may immediately impacted by the project

CITY COUNCIL
Staff Report

Planning

Author:	**Kirsten Whetstone**
Subject:	**Land Management Code Amendments**
Date:	**March 4, 2004**
Type of Item:	**Legislative**

Summary Recommendations:
Discuss proposed revisions to the Land Management Code and provide direction to Staff, and conduct a public hearing.

Description:

A. Topic:

Project Name:	LMC Amendments
Applicant:	Planning Department
Proposal:	Revisions to the Land Management Code
Project Planner:	Planning Staff

B. Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Reorganization of the Community Development Department requires language in the Land Management Code to be revised to reflect the new organization and revisions are being proposed to align the LMC with the Park City General Plan and the goals and objectives of the City Council. In addition, amendments to address specific LMC issues that have arisen in the past year are being proposed.

At the work session on January 14 and the public hearing on January 28, 2004, the Planning Commission discussed the various LMC revisions (see attached minutes). The Commission voted on January 28, 2004 to forward to the City Council a positive recommendation on 3 of the 5 amendments, listed below.

C. Analysis

Three general issues are addressed by the proposed amendments. They are as follows: 1) Reconsideration of Master Planned Developments in the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) zoning districts; 2) Inclusion within the Supplemental Regulations of specific CUP criteria for review of vehicular control gates; and 3) Revisions to the HR-2 zoning district to clarify when and how a Main Street business may expand into the HR-2 zone below the street grade of Park Avenue for purposes of meeting Building and Fire Code egress and accessibility criteria.

(1) Reconsideration of MPDs within the HCB and HRC zoning districts

When the Land Management Code was revised in September 2000, Master Planned Developments were taken out of historic zones (ie. HCB, HRC, HR-1, etc.) because the Commission found that MPDs were "growth inducing" and had the potential to yield incompatible structures, primarily in the HR-1 zone.

Staff has encountered several properties in Old Town, with historic structures, that have characteristics of two different zones. These properties contemplate mixed-use development with common underground parking structures are located in or adjacent to commercial zones. The lack of a Master Planned Development process, however, reduces design flexibility necessary for well-planned, mixed-use developments with common underground parking structures. The MPD process would enhance the flexibility to successfully incorporate underground parking, commercial uses, and historic structures and features into a single project design.

Lack of the MPD process further discourages combination of larger lots/parcels of land, due to the lack of flexibility with the building foot print formula that decreases footprint as lot size increases. This formula was intended to reduce the size of residential structures proposed on combined lots to prevent incompatible residential structures adjacent to smaller, historic structures within the HR-1 district.

Staff redlined the MPD Chapter 6 to address the following concerns:

1. Properties that are bisected by two zoning designations;
2. Properties with significant historic structures that have been restored or will be rehabilitated as part of the Master Planned Development;
3. Development proposals providing underground parking structures to reduce surface parking lots and multiple garage and access points;
4. Common parking structures to accommodate developments that require a lot combination to resolve property line issues; and
5. Lot combinations of large parcels that result in significant reductions in floor area due to a building foot print formula devised primarily for residential structures.

Staff also requested the Planning Commission consider allowing (1) In-Lieu payment for parking in the HRC zone (already allowed in the HCB district) as part of Master Planned Development; (2) commercial property adjacent to an HCB zone to have perimeter setbacks that match the adjacent zone, provided that all necessary Building and Fire Codes are met; (3) MPDs in the HR-1 zone only when HR-1 lots are combined with adjacent HRC or HCB zone property in an allowed MPD; and (4) an alternative method of calculating building footprint and/or floor area for MPDs that include property zoned HR-1.

Based on discussion and public input at the January 14 and 28, 2004, meetings, Planning staff redlined the LMC- Chapter 6 to reflect the proposed revisions to allow Master Planned Developments, subject to specific criteria. **At the January 28, 2004 meeting the Planning Commission voted to forward a positive recommendation on these revisions, to the City Council (see attached Exhibit).**

(2) Specific Conditional Use Permit criteria for vehicular gates

Vehicular Control Gates, as defined by the Land Management Code (LMC), on Private Streets are allowed in various zoning districts as a Conditional Use. Currently, in order to make a determination as to whether to approve a conditional use permit (CUP) for a Vehicular Control Gate, the Planning Commission must find that the applicable findings and review standards as required for a Conditional Use Permit, as stated in Section 15.1.10 of the LMC, are met. As recommended by the Commission, staff has drafted additional, specific review criteria for Vehicular Control Gates; to be used by the staff and Commission during the review of such conditional use permit applications. The specific review standards are as follows:

A. The applicants have demonstrated a need for a Vehicular Control Gate to effectively control an ongoing health, safety, and welfare situation or in highly unique circumstances, to mitigate traffic, parking congestion, or excessive and unnecessary through traffic on streets within a neighborhood;
B. The Private Street is a cul-de-sac and not a through street. Traffic circulation through the neighborhood is not impacted by the proposed Vehicular Control Gate;
C. The Private Street serves primarily single family or duplex residences with individual or shared driveways where parking, for the most part, is provided outside of an underground common parking structure;
D. There is a major traffic or parking generator or use (such as the ski area base at Lower and Upper Deer Valley Resort and Park City Mountain Resort) within a 900' walking distance of the Private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season;
E. The Vehicular Control Gate is located outside of the City right-of-way and maintains all setbacks of the zone;
F. The Vehicular Control Gate does not impact existing utility easements;
G. The Vehicular Control Gate is designed to permit unimpeded pedestrian, bicycle and equestrian access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular uses;
H. The Vehicular Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of 2', from the bottom of the Gate rail to the road surface. A diagonal structural support may cross through the 2' opening to provide additional structural strength for the cantilevered Gate (see illustration) and keep the overall Gate mass to a minimum. The Gate shall be no more than 3' (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open Gate. Any walls associated with the entry Gate shall be pedestrian in scale and shall generally not exceed a height of 5'. Column elements may be added for architectural interest, but these column elements shall not exceed a height of 9';
I. The method of access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a building permit for the Gate construction;
J. Vehicular Control Gates on Private Streets are not permitted in all zones. Gates on Private Streets are allowed as a Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD;
K. Any signs associated with the Gate and/or walls are subject to the Park City Sign Code and require a separate sign permit;
L. A Vehicular Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the Gate will be closed. Applicants shall agree to leave the Gate open at all times, except as specified in the approved management plan;

At the January 28, 2004, Planning Commission meeting the Commission voted to forward a positive recommendation to the Council to adopt the above revisions related to Vehicular Control Gates.

(3) Revisions to the HR-2 Zoning District regarding Sub-Zone A

Recently, staff reviewed an application for expansion of an HCB-zoned Main Street business into the HR-2 zone. This application and subsequent appeal to the Planning Commission was denied based on the language in Section 15-2.3-8 which prohibits expansions of commercial structures into the HR-2 zone without an approved plat amendment dating prior to January 1, 2000. Said contiguous properties are owned in common, but a plat amendment was not approved prior to January 1, 2000.

Section 15-2.3-8 reads:

"The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot"

The intent of this language was to allow only holders of existing approved plat amendments (prior to January 1, 2000) to move forward with renovation plans expanding into the adjacent HR-2 zone, while protecting the residents from further commercial impact. Any commercial expansion must occur below the grade of Park Avenue and any structure or use fronting on Park Avenue at grade or above, must be residential.

Staff requested the Planning Commission consider amending the language in Section 15-2.3-8 to sunset the ability to expand into the HR-2 district by changing the date to January 1, 2006. This request was based on two concerns:

1) Chief Building Official and a committee of public safety/fire agencies expressed concerns regarding egress from Main Street buildings. They noted at a previous Planning Commission meeting that a number of buildings on the West side of Main Street were experiencing high occupancy loads without fire code compliant egress. These buildings at maximum capacity violate the International Building Code and Fire Code. If egress is not resolved, the Chief Building Official will have to terminate the uses. In terms of economic development, these uses are typically highly successful and contribute positively to the economic conditions of Main Street. In most of these cases, providing the necessary emergency egress involves some expansion of commercial structures into the HR-2 District.
2) Some business owners have expressed concerns that they have not formally combined the adjacent HR-2 portion of the Main Street property (or business) that they currently own and that they should not be penalized because they did not received a plat amendment prior to January 1, 2000 (which is the date the Historic Transition Overlay (HTO) zone was replaced with the current HR-2 zone.) By amending the date to January 1, 2006, property owners would have sufficient time to process necessary plat amendments. This new date would serve as a sunset clause, after which time new expansions would not be permitted.

Several residents on Park Avenue requested the Commission continue the item until they are able to meet as a group and with City Staff to look at the area comprehensively and come up with alternative language.

The Commission discussed these concerns and voted to forward a positive recommendation on amendments that address the Chief Building Official's immediate concerns of emergency egress and accessibility. The larger discussion on removing the required date for plat approval was continued to a future Planning Commission meeting. The Commission forwarded to the City Council the following revisions to the HR-2 zone:

In Section15-2.3-2. (B) Conditional Uses, the following language was added:

Limited Commercial Expansion necessary for compliance with Building/Fire Code egress and accessibility requirements. [10]

Footnote 10 shall read: **Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and accessibility requirements, and may include additional building footprint for ADA restrooms.**

D. Department Review
These amendments were discussed at the January 6, 2004 staff review meeting. The proposed revisions are consistent with comments received at the staff review meeting.

Recommendation
Staff recommends the Council discuss the proposed amendments to the Land Management Code and conduct a public hearing.

Exhibits

A. **Chapter 6- Master Planned Developments redlines**
B. **Chapter 4- Supplemental Regulations redlines**
C. **Chapter 2.3- HR-2 District redlines**
D. **Planning Commission Minutes from January 28, 2004**

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

(A) compliment the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and ~~Historic Commercial Business (HCB),~~ Historic Residential - Medium Density (HRM) ~~and Historic Recreation Commercial (HRC)~~ for the following:

(A) Any residential project larger than ten (10) Lots or units.

(B) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.

(C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC)

and Historic Residential (HR-1) zones. If the subject property and proposed MPD meet the following criteria:

(A) The property is bisected by two or more zoning designations, and

(B) The property has significant historic structures that either have been restored or is proposed to be rehabilitated as part of the MPD;

(C) The proposed Master Planned Development includes reduced surface parking via common underground parking.

MPDs are allowed in Historic Residential (HR-1) Zone only when:

(1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone properties as part of an allowed MPD (see criteria above); or

(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Section 15-6-7 herein.

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15.

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparing an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-17.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

(1) A legal description of the land;

(2) All relevant zoning parameters including all findings, conclusions and conditions of approval;

(3) An express reservation of the future legislative power and zoning authority of the City;

(4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer's agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS**. Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

~~(19)~~(10) **SITE SPECIFIC APPROVALS**.
Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS**. The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/

Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) Maximum Allowed Building Footprint For Master Planned Developments within the HR-1 District: The HR-1 District sets forth a Maximum Building Footprint for all structures based on lot area. For purposes of establishing the Maximum Building Footprint for Master Planned Developments which include development in the HR-1 District, the Maximum Building Footprint shall be calculated based on the Subdivision Plat and lots of record at the time of complete Master Planned Development application submittal. The area of a common underground parking structures shall not count against the maximum building footprint.

(1) The maximum building footprint calculation for properties within the Historic District do not apply to common underground parking structures approved as part of an Master Planned Development.

(C) **SETBACKS**. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce setbacks within the project from those otherwise required in the zone **to match an abutting zone setback,** provided the project meet minimum Uniform Building Code **and Fire Code** requirements; does not increase project density; and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE**.

~~(1)~~ **MINIMUM REQUIRED**. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, **Historic Residential (HRC) Commercial and Historic Commercial (HCB) Business zones** and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For Applications proposing the redevelopment of existing Developments, the Planning

Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/ trail linkages, ~~and~~ public art; rehabilitation of historic structures.~~,~~

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan.

(E) **OFF-STREET PARKING**. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(1) Payment in-lieu of the on-site parking requirement will prevent a loss of significant open space, yard area, and/or public amenities and gathering areas;
(2) Payment in-lieu of the on-site parking requirement will result in preservation and rehabilitation of significant historic structures;
(3) Payment in-lieu of the on-site parking requirement will not result in an increase project density or intensity of use; and
(4) The project is located along a public transit route and is within 3 blocks of a Municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in Resolution No.2-97 or as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Additional height will not be granted for Master Planned Developments within the HR-1 zone unless said property meets the criteria of Development on Steep Slopes, Section 15-2-6. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

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

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

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

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable, and MPD's which include: ;

(5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Guidelines if within the Historic District.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2-2.6.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for

Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE**. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPDs containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15.

(J) **EMPLOYEE/AFFORDABLE HOUSING**. MPDs shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

15- 6- 6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this code.

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE**. The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM**. If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS**. When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and finding of this section shall apply to Affordable Housing projects, except for those listed below.

(E) **DENSITY BONUS**. The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(F) **PARKING**. Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE**. A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. In general, one (1) Unit Equivalent equates to 2000 square feet of residential floor Area and 1000 square feet of commercial floor Area. For purposes of calculating residential Unit Equivalents, the following table shall apply:

Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Dwelling	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE**. Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS**. For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS**. Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses, see definition of Support Commercial Use, without the Use of a Unit Equivalent for commercial space. Any support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE**. Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses do not require the use of Unit Equivalents.

(E) **COMMERCIAL UNIT EQUIVALENTS**. Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs not open to the public
Telephone Areas
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways
Back of house Uses

(G) <u>RESORT ACCESSORY USES</u>. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

EXHIBIT B

1. Delete Section 15-2.7-6, Section 15-2.9-8, Section 15-2.10-8, and Section 15-2.13-10 (Criteria for Vehicle Control Access Gates in the ROS, E-40, E, and RD Districts respectively) that read as follows:

   Entry gates on Private Streets may be approved as a Conditional Use by the Planning Commission. In order to approve a Conditional Use Permit (CUP) for a vehicular Access control gate, making a determination whether an entry gate is appropriate, the Planning Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met.

2. Add the following review criteria to Chapter 4- Supplemental Regulations:

15-4-19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.

The Planning Commission may approve Vehicle Control Gates on private Streets, in the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met.

A. The applicants have demonstrated a need for a Vehicle Control Gate to effectively control an ongoing health, safety, and welfare situation or in highly unique circumstances, to mitigate traffic, parking congestion, or excessive and unnecessary through traffic on streets within a neighborhood.

B. The Private Street is a cul-de-sac and not a through street. The proposed Vehicle Control Gate does not impact traffic circulation through the neighborhood.

C. The Private Street serves primarily single family or duplex residences with individual or shared driveways where parking, for the most part, is provided outside of an underground common parking structure.

D. There is a major traffic or parking generator or use (such as the ski area base at Lower and Upper Deer Valley Resort and Park City Mountain Resort) within a 900' walking distance of the Private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.

E. The Vehicle Control Gate is located outside of the City right-of-way and maintains all setbacks of the zone.

F. The Vehicle Control Gate does not impact existing utility easements.

G. The Vehicle Control Gate is designed to permit unimpeded pedestrian, bicycle and equestrian access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular uses.

H. The Vehicle Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of 2', from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the 2' opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than 3' (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of 5'. Column elements may be added for architectural interest, but these column elements shall not exceed a height of 9'.

I. The method of access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a building permit for the gate construction.

J. Vehicle Control Gates on Private Streets are not permitted in all zones. Gates on Private Streets are allowed as a Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.

K. Any signs associated with the gate and/or walls are subject to the Park City Sign Code and require a separate sign permit.

L. A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

3. Change land use from Vehicular Access Control Gates to Vehicle Control Gates, consistent with Chapter 15- Definitions, and add a footnote to the land use list that states the following:

    See Section 15-4-19 for specific review criteria for gates.

EXHIBIT C.

In Section15-2.3-2. (B) Conditional Uses, add the following language:

(28) Limited Commercial Expansion necessary for compliance with Building/Fire Code egress and accessibility requirements. [10]

Footnote 10 shall read:

Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and accessibility requirements, and may include additional building footprint for ADA restrooms.

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JANUARY 28, 2004

Present: Chair Andrew Volkman, Bruce Erickson, Chris Larson, Bob Powers, Diane Zimney, Patrick Putt, Brooks Robinson, Kirsten Whetstone, Tim Twardowski, Ron Ivie, Eric DeHaan

Land Management Code Amendments - Title 15 of the Park City Municipal Code

Director Putt stated that the Planning Commission will conduct a public hearing this evening on proposed amendments to the Land Management Code. The Staff is still in the process of working through and formatting the first set of amendments, which would eliminate references to the Community Development Department and replace them with Planning, Building, and Engineering Departments.

Director Putt explained that the next set of amendments deals with the HCB and HR-2 zone and the potential expansion of Main Street HCB businesses back into the HR-2 zone to Park Avenue.

Director Putt reported that the Staff has compiled a revised set of criteria for vehicular control gates.

Director Putt commented on the side yard exceptions in Old Town and noted that Jeff Love, an Old Town resident, was unable to attend this evening and requested that the Planning Commission hold a public hearing but not make a recommendation until he could be present to provide additional input.

Director Putt explained that the last set of amendments relates to the HR-2 zone, the expansion of a Main Street business into the HR-2 zone, and whether a bar would be allowed as a conditional use in that zone. Regarding that item, he recalled that a Code change occurred four years ago which went through a public hearing process and a final decision by the City Council. The issue was whether commercial expansion toward the residential neighborhood of Park Avenue was appropriate. The Code prior to that amendment did permit that type of expansion through an historic overlay zone. Specific criteria were established to minimize or offset potential problems associated with that type of use. Prohibitions on delivery and public access were established, and the development had to be below the grade of Park Avenue based on input from the Upper Park Avenue area and concerns expressed at that time related to noise and traffic. The City Council permitted only properties that went through a plat amendment process prior to January 2000 to apply for a Conditional Use Permit for those expansions. Properties that had not gone through a specific plat amendment approval process with a specific design were precluded from expansion. This helped the Staff address the concerns expressed by the Park Avenue residents in terms of traffic, delivery, and noise. However, that may have resulted in unintended consequences, the main one having to do with Main Street businesses meeting the necessary fire and building code requirements for egress and

accessibility. At the last work session, the Staff proposed deleting the current language in the Code that created the January 2000 cut-off date, which would allow property owners who want to expand their businesses on Main Street to go through a process to demonstrate whether they can comply with the criteria. Input was received from John Plunkett and Mike Guetschow expressing concerns, and the Staff met with the Upper Park Avenue residents to continue the dialog on their issues. Planners Whetstone and Milliner met with the residents a week ago, and the staff report contains a recommendation to move forward with modifications to the Code. One modification would be to change the deadline to a sunset clause. After a lengthy discussion this morning with John Plunkett, Barbara Kerr, and Mike Guetschow, an approach was decided on which would bifurcate the public safety and access issue and set aside the issue of commercial expansion into the HR-2 zone and regulating criteria for additional policy discussion in a public hearing. Director Putt distributed copies of a strike-out version of the HR-2 zone and indicated revisions to item 28 under conditional uses. The revision inserts the language, "limited commercial expansion necessary for compliance with building and fire code egress and accessibility requirements." Director Putt explained that footnote 10 further defines what they want to achieve with the revised language. Any proposed expansion would have to meet the requirements of Subzone A and particularly the requirements which prohibit service deliveries off the back. Clarifying language is proposed which reads, "Said expansion is limited to the minimum area necessary to achieve building and fire code egress and accessibility compliance." Director Putt reported that John Plunkett and Mike Guetschow support moving forward with the public safety and egress related problems. They are anxious to continue a dialog with the Staff and Planning Commission on other broader policy issues.
Director Putt stated that, after conducting a public hearing this evening, the Staff recommended that the Planning Commission forward the amendments to the City Council for possible action at an upcoming meeting.

Commissioner Larson stated that he generally supports the amendments, but he was concerned about control of the egress for emergency purposes only. Director Putt replied that this has been discussed, and there are a number of options to consider. One idea presented by the Upper Park Avenue residents would be to signalize the egress door so someone would be notified when the door is opened. Commissioner Larson felt it would be easy to forget the commitments that have been made when it is hot in the summer and someone props open the door. Director Putt stated that compliance issues can be addressed through amendments to business licensing which could allow for a business license to be suspended or revoked for non-compliance with a CUP condition of approval. Modifications could also be made to Chapter 1 of the LMC in the Conditional Use Permit section to allow for a call-up process.

Commissioner Powers suggested adding language about revoking the liquor license. Planner Whetstone replied that the staff report indicates that they are considering that approach. She noted that the special requirements for Subzone A are already in place and were established when the HTO zone was eliminated. The Park Avenue residents like the criteria but want to continue discussions on how they can be enforced.

Chair Volkman requested that they be bale to look at the plat map to see what properties could be impacted when they have that discussion to better understand the problems. Commissioner Larson felt it would also be helpful to understand the reason why it would sunset and why a certain date was selected. The intent clearly seemed to be to sunset the ability. Planner Whetstone explained that the Planning Commission forwarded the requirements without a sunset clause. The City Council was concerned about growth inducement and the impacts of allowing businesses on Main Street to become more intense, and they added the sunset clause.

Commissioner Erickson noted that the Staff has worked hard with the Park Avenue residents and asked if they had worked as hard with the Main Street business owners to accommodate their issues. He asked what had been done to prevent some of the problems that have occurred in the Historic District where policy decisions did not result in good technical architecture. He requested that the Staff work with the business owners and residents equally. He understood the concerns of the HR-2 property owners, but he wants to see a fair and equitable balance in this regulation. He wanted to be sure that the expansion language includes accessible restrooms and possibly additional restrooms. Chair Volkman stated that he believed the language about accessibility pertained to restrooms as well as accessibility to the premises. Director Putt agreed with Commissioner Erickson that the objective of the language should be as clear as possible. Commissioner Erickson suggested that, as a condition for permitting an expansion, a written certification must be obtained from the Fire Marshall that the exit is required. Chair Volkman agreed and suggested requiring written certification from the Chief Building Official stating that expanded ADA access is required. Director Putt noted that proposed expansions will be reviewed by the Planning Commission as CUP's.

Director Putt noted that this latest strike out version regarding the HR-2 zone was a direct result of conversations with the Park Avenue residents today. He had not had time to speak directly with the applicant for the No Name Saloon or any other Main Street business owners. He stated that the Staff would notify the affected Main Street businesses to be sure they are brought into the process on equal standing.

Assistant City Attorney Tim Twardowski referred to Footnote 10 and noted that there are 12 criteria in this section. He asked if criteria 4 through 12 were omitted in error. Director Putt replied that it was an omission error.

Director Putt reviewed the proposed MPD amendments. He explained that several properties are larger than most Old Town properties and usually include a series of platted lots and remnant pieces of platted lots with mixed zoning designations. These properties are characterized by having a number of historically significant structures. For many years the Staff has been approached with proposals for mixed-use developments, and although mixed-use developments are possible in these areas, it has become increasingly evident that there may be a lack of flexibility in the Code that would allow better design to be achieved. LMC revisions a few years ago eliminated MPD's from Old Town because they were considered growth inducing in the residential areas of Old Town. Eliminating MPD's in Old Town may have resulted in unintended consequences that limit flexibility. The Staff

City Council
Staff Report

Author:	**Matthew A. Twombly**
Subject:	**Library & Education Center Rm. 209 Renovation**
Date:	**March 4, 2004**
Type of Item:	**Award of Construction Contract**

PARK CITY
1884

ECONOMIC DEVELOPMENT AND CAPITAL PROJECTS

Summary Recommendations:
Staff requests authorization to proceed with the Library & Education Center Room 209 renovation and award the construction contract to Avalon Construction, Inc., in the amount of Twenty Two Thousand Thirty Seven Dollars ($22,037.00).

Description:
Topic: Library & Education Center Rm. 209 Renovation

A. Background:
On February 19, 2004 City Council approved a relocation agreement and amended lease with the Park City Cooperative Preschool (Co-op). This action allowed the City staff to proceed with the preferred design plan for the library expansion project. The design firm of Gould Evans developed plans for the renovation of Room 209 through a series of meetings between the City Staff, design team, and representatives of the Co-op.

B. Analysis:
Staff solicited proposals for the contract work based on the baseline construction documents. There were four proposals for the project: Avalon Construction, Inc., was the lowest proposal at Twenty Two Thousand Thirty Seven Dollars ($22,037.00); Then Thiede Construction Corp. at Twenty Four Thousand Dollars ($24,000.00), Archer Construction at Twenty Four Thousand One Hundred Sixty Four Dollars ($24,164.00) and Jeff Reihl Construction, Inc. at Twenty Four Thousand Three Hundred Fifty Nine Dollars ($24,359.00).

The construction cost of $22,037 is the major cost towards the $24,000 budgeted for the Room 209 renovation. The remaining charges spelled out in the relocation agreement with the Co-op are moving and design time charges that will fit within the remaining budget.

Alternatives:

A. Approve the Request:
Award the construction contract to Avalon Construction, Inc., in the amount of Twenty Two Thousand Thirty Seven Dollars ($22,037.00).

B. Deny the Request:
The Library Expansion project would be delayed until either August 2004 or Spring 2005.

C. Do Nothing:
Delaying a decision would jeopardize the desired April construction window for the larger library expansion project.

Significant Impacts:
Council approved the Co-op Relocation Agreement with an estimated total project cost of $24,000 for the Room 209 Upgrade/Relocation. The Room 209 project is part of the Library Expansion project budgeted at $385,000.

Consequences of not taking the recommended action:
The relocation of the Co-op and the start of the Library Expansion project construction would not take place until late in August, 2004 or Spring 2005.

Recommendation:
Staff recommends that Council award the construction contract to Avalon Construction, Inc., in the amount of Twenty Two Thousand Thirty Seven Dollars ($22,037.00).

has identified specific situations where an MPD may be appropriate and are looking to codify those this evening and allow for flexibility in several areas. One would be to not penalize a project or property owner by virtue of the fact that they have multiple lots. Replatting for a condominium would significantly reduce the amount of density or development potential when several lots are converted into one. To avoid penalizing the property owner because the lots have been combined, when an application is made, the density will be designated on the plat at the time of application. Flexibility could also be created by giving the Planning Commission the ability to vary setbacks in certain situations based on set criteria to allow for more square footage. An applicant could also be allowed to pay into an in-lieu parking fee fund in consideration for meeting on-site parking requirements, and the Staff has tried to be specific as to when this would be appropriate. In order to allow this option, the Staff and Planning Commission would have to be confident that payment in lieu of on-site parking would prevent the loss of significant open space yard area and/or public amenities and gathering areas, result in preservation and rehabilitation of significant historic structures, not result in an increase in project density or intensity of use, and be applied if the project is located along a public transit route within three blocks of a municipal bus stop.

Chair Volkman recalled from the last meeting that one criterion discussed for payment in lieu was the ability to demonstrate that there would be ample off-site parking nearby.

Commissioner Erickson asked Director Putt to clarify the criteria between D and E and asked if they include the other criteria that require a property to be bisected by two or more zoning designations and have significant historic structures. Director Putt replied that all the criteria need to be met. Commissioner Erickson suggested changing the language to indicate that all the criteria must be met. He noted that the described criteria A-E require a mixed-use development, and he was unsure if they wanted to make that statement. Director Putt suggested striking the words "mixed use." After further discussion, Commissioner Erickson felt that criteria A, B, and C were necessary, but he did not believe criteria D and E were, because this ordinance is about protecting open space in the Historic District. If the open space requirement for an MPD is 60%, he asked if it should still be 60% for an HCB MPD. He commented on the revisions for open space and noted that it is not clear whether the reductions are allowed on public pedestrian areas or private pedestrian areas. He suggested that they modify the open space ordinance in two parts. One would be for the correct amount of open space in the Historic District, and the other would be to clarify that the uses acceptable for open space reductions below 60% are for public benefit.

Commissioner Larson commented on the Belz property and the Bransford Hotel and expressed concern that they are increasing density in the more restrictive of the two zones. He wanted to be certain that they do not open the door too far. He asked if the maximum allowed building footprint would include the common garage. Director Putt replied that it would not include the garage. Commissioner Larson suggested that they think this section through very carefully to be sure the volumetrics are in place. He asked if the more restrictive zone height would control for height. Director Putt explained that the MPD would not change the zone height. The HR-1 zone would still be 27 feet measured in the same spot from existing grade. The HRC zone would still be that same height. The MPD process would allow the applicant to petition the Planning Commissioner for increased height provided all the Code criteria are met. Commissioners Larson and Erickson believed that should be eliminated, because the Planning Commission would not allow a height exception in the HR-1 zone. They might be more flexible in the HRC zone. Chair Volkman asked for clarification of whether the zone in which the density will occur is the zone that must be adhered to if the property is bisected by two zones. Director Putt provided examples of when a height exception might create a better project. Commissioner Erickson suggested that special criteria be drafted for height exemptions in the H zones. After further discussion, Commissioner Larson recommended adding language that is between the HRC and HCB zones regarding a transition in height. Chair Volkman asked that the Staff run through test cases to see how they would apply.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 28, 2004

3. Land Management Code Amendments - Title 15 of the Park City Municipal Code

Technical revisions to reflect the re-organization of the Community Development Department, addition of a Historic Preservation Board, and other non-substantive language revisions
Revisions to Sections 15-2.5-2 (Uses within the Historic Recreation Commercial (HRC) District)

Revision to Section 15-6 (Master Planned Developments) to include specific review criteria, findings, and applicability related to MPD's in the Historic zoning districts

Revisions to Section 15-4 (Supplemental Regulations) to include specific conditional use permit criteria for vehicular control gates

Revisions to Side Yard Exceptions in Sections 15-2.1-3 (HRL), 15-2.2-3 (HR-1), 15-2.3-4 (HR-2), 15-2.4-4 (HRM), and 15-2.16-3 (RC) regarding exceptions for mechanical equipment in side yards

Revisions to Section 15-2.3-2(B) to allow "Bars" as a Conditional Use and to Section 15-2.3-8 (HR-2) to eliminate the requirement that any expansion of a structure into the HR-2 zone be part of a plat amendment approved prior to January 1, 2000

Planning Director Patrick Putt reported that the Planning Commission discussed the proposed amendments during the work session. He commented on the amendments scheduled for public hearing. One amendment involves changes related to the reorganization of the Community Development Department. Throughout the Code, language referring to the Community Development Department will be changed to read Planning, Building, and Engineering Departments. He requested that this item be continued to February 11 to allow the Staff time to complete the extensive revisions associated with this change. The next amendment deals with a series of proposed changes to reinsert Master Planned Developments in the Historic District under certain conditions. He reviewed additional changes that he and the Assistant City Attorney had added to the document. The Staff requested that the Planning Commission forward a positive recommendation regarding the Conditional Use Permit criteria for vehicular control gates. Director Putt requested that the Planning Commission conduct a public hearing and continue proposed side yard exceptions within the HR-1, HR-L, HR-2, HRM, and RC zones dealing with mechanical equipment in the side yard. He also requested that the Planning

Commission conduct a public hearing on proposed revisions to the HR-2 zone that deal with expansion of Main Street Commercial HCB zoned buildings into the HR-2 zone.

Director Putt referred to the revised copy of the MPD sections and reviewed proposed wording changes to address comments and suggestions from the work session discussion. On page 15-6-1, under the Applicability Section, it was proposed that the sentence which reads, "The Master Planned Development process shall be allowed in the Historic District Commercial Business (HCB) and Historic Recreation Commercial (HRC) and Historic Residential (HR-1) zones subject to:" be revised to read, "The Master Planned Development is allowed but not required in the Historic Commercial Business HCB, Historic Recreation Commercial (HRC), and the Historic Residential (HR-1) Zones if the subject property and proposed MPD meet the following criteria:

1. The property is bisected by two or more zoning designations;
2. The property has significant historic structures that have either been restored or are proposed to be rehabilitated as part of the MPD;
3. The proposed Master Planned Development includes reduced surface parking via a common underground parking structure and the common parking structure is proposed."

Item D and reference to mixed use development would be eliminated. Further down that column, Item (1) would be revised to insert an "and" and a "semicolon" between (1) and (2).

Director Putt referred to page 15-6-6 and proposed adding a final sentence to Item (B) Maximum Allowed Building Footprint for Master Planned Development within the HR-1 District to read, "The area of a common underground parking structure shall not count against the maximum building footprint."

Director Putt referred to the middle of the first paragraph of Page 15-6-7 and noted that the word public has been added to emphasize the fact that a public component is associated. The revised language would read, "Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and public pedestrian areas, increased landscape material size, public transit improvements, public pedestrian plaza, pedestrian way/trail linkages, and public art."

Director Putt referred to the first column of page 15-6-8 and added item (5) to read, "Adequate public parking facilities are located within three blocks of a Municipal bus stop."

Director Putt referred to page 15-6-8, Height Exception, and added item (5) which reads, "Additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines, or the Historic District Guidelines, if the project is within the Historic District."

Director Putt stated that, following a public hearing, unless additional amendments are proposed, the Staff requested that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Erickson commented on MPD's in the Historic District and noted that the Code currently requires 60% open space with an opportunity to reduce that amount for public spaces. He felt they would not come close to 60% with the plan proposed by David Belz. Director Putt replied that the amendment would provide the opportunity to reduce open space to 30%. Commissioner Erickson understood that 30% open space is allowed in a redevelopment project and asked what benefits the City would receive in order to justify reducing open space in an MPD in the Historic District by a third. Director Putt replied that they would probably get plazas and common areas. In certain situations they may get a bus stop. He commented that it may also be a reasonable trade-off for historic rehabilitation.

Director Putt referred to Section 15-2.3-2(B) and a recommendation in the staff report that the Planning Commission forward a positive recommendation to the City Council to strike language that allowed only those who went through a plat amendment process prior to January 1, 2000, to have commercial expansions. As discussed during work session, the Staff offered an alternative recommendation which is contained in a separate handout. The amendments would allow for limited commercial expansions necessary for compliance with building and fire code egress and accessibility requirements and would be added as a Conditional Use Permit in the HR-2 zone. He suggested adding footnote 10 which would say, "Subject to compliance with the criteria set forth in Section 15-2.3-8(B) 1-12," and the additional language, "Said expansion is limited to the minimum area necessary to achieve building and fire code egress and accessibility compliance. Accessibility compliance may also include necessary ADA accessible bathrooms."

Commissioner Erickson stated that he did not understand why they would restrict bathrooms underground in the HR-2 zone.
Chair Volkman opened the public hearing.

Scott Adams, Assistant Fire Chief for the Park City Fire District, spoke in support of the amendment. He believed it would be beneficial in helping with exiting problems that occur in some historic buildings as demand increases. He encouraged the Planning Commission to support this amendment. He commented that a letter was submitted to the Planning Commission from the Fire District and jointly signed by the Summit County Sheriff's Office, the Park City Police Department, Ron Ivie's office, and the Summit County Building Department.

Chief Building Official Ron Ivie stated that it is important to approve these amendments because there are serious problems, and it is important to clear them up before they face a major problem in the future.

Chair Volkman closed the public hearing.

Chair Volkman commented that these amendments will not solve all the problems, but they will get them over some immediate problems and suggested that they move forward.

Commissioner O'Hara referred to the CUP criteria for vehicle control gates, Paragraph A, and requested that they remove the phrase, "such as excessive non-neighborhood parking on a regular basis." He felt this language presumed that an applicant would be approved.

MOTION: Commissioner O'Hara moved to CONTINUE the revisions related to the Community Development Department and the side yard exceptions to February 11, 2004. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the revisions to Section 15-2.5-2, uses within the Historic Commercial Business District, using the revised amendments as submitted to the Planning Commission on January 28, 2004, adding Conditional Use #28, "That limited commercial expansion necessary for compliance of building, fire code egress, and accessibility requirements" and footnote 10, "Said expansion is limited to minimum areas necessary to achieve fire building code egress and accessibility compliance including the provision of accessible restrooms," and to forward a POSITIVE recommendation to the City Council for revisions to Section 15.6, Master Planned Developments, in accordance with the revisions submitted by the Staff to the Planning Commission on January 28, 2004, and to forward a POSITIVE recommendation to the City Council for revisions to Section 15 for supplementary regulations to include specific Conditional Use Permit criteria for vehicle control gates and to allow modifications to Section 15-2.3 as submitted to the Planning Commission on January 28, 2004. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

City Council Staff Report

Author: Matthew A. Twombly
Subject: Library & Education Center Rm. 209 Renovation
Date: March 4, 2004
Type of Item: Award of Construction Contract

PARK CITY 1884

ECONOMIC DEVELOPMENT AND CAPITAL PROJECTS

Summary Recommendations:
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A. Approve the Request:
Award the construction contract to Avalon Construction, Inc., in the amount of Twenty Two Thousand Thirty Seven Dollars ($22,037.00).

B. Deny the Request:
The Library Expansion project would be delayed until either August 2004 or Spring 2005.

C. Do Nothing:
Delaying a decision would jeopardize the desired April construction window for the larger library expansion project.

Significant Impacts:
Council approved the Co-op Relocation Agreement with an estimated total project cost of $24,000 for the Room 209 Upgrade/Relocation. The Room 209 project is part of the Library Expansion project budgeted at $385,000.

Consequences of not taking the recommended action:
The relocation of the Co-op and the start of the Library Expansion project construction would not take place until late in August, 2004 or Spring 2005.

Recommendation:
Staff recommends that Council award the construction contract to Avalon Construction, Inc., in the amount of Twenty Two Thousand Thirty Seven Dollars ($22,037.00).

City Council Staff Report

Author: Eric DeHaan, P.E.
Subject: Upper Park Avenue Construction Contract
Date: March 4, 2004
Type of Item: Administrative

PARK CITY 1884

CITY ENGINEER

Summary Recommendations: The City Council should approve award of a construction contract for the reconstruction of Upper Park Avenue with Geneva Rock Products, Inc., in the amount of $2,258,135.20 and in a form approved by the City Attorney.

Description:

Topic: After three years of public meetings, design review, and budget discussions, bids were opened on February 24 for the reconstruction of Upper Park Avenue. Favorable bids were received, with the low bidder being Geneva Rock Products as shown on Exhibit A, attached.

The reconstruction of Upper Park Avenue is slated to occur between April 15 and November 15, 2004, to improve Park Avenue and to accommodate Snyderville Basin Water Reclamation District (SBWRD), Questar Gas, UPAPA's street design requests, and (if a Special Improvement District is supported by residents and property owners) the closely related 2005 relocation of overhead utilities to underground locations along Upper Park Avenue.

Background: On January 17, 2002, the Council decided to postpone the construction of Upper Park Avenue in order to establish a strategy for the relocation of overhead utilities to underground locations ("undergrounding") and also to accommodate requests from the Upper Park Avenue Property Association (UPAPA) for additional improvements, including sidewalk and traffic-calming features. During the deliberations on the FY2004 budget and the FY2005 plan, the Council forged a strategy for the undergrounding in which the City pays for 50% of the cost plus an additional $400,000 to underground the 3-phase power line on Upper Park which serves Main Street, subject to property owners embracing a Special Improvement District to cover the other 50%. Council will be formally updated as to the status of the undergrounding on a March 18 work session.

In October of 2003, the City Council approved a revision to the design contract with Stantec, Inc., to incorporate the necessary changes to the plans to accommodate the undergrounding and other UPAPA requests such as provision of landscapable areas and a continuous sidewalk. The changes were made and the project was advertised for bids for construction in accordance with State law and with Park City's purchasing policy.

Analysis: The Council originally approved the design contract with Stantec on August 9, 2001. With the revised scope of design work, the proposed construction contract now includes the reconstruction of the water lines from 7th Street to King Road, sewer and storm drains from Heber to King, as well as curb and gutter, sidewalk, and pavement.

The design includes massive underground conduit banks on each side of the road to carry power, phone, and cable TV cables, as well as conduits under Park Avenue from side to side to enable all structures to be served with these utilities if and when the future undergrounding phase takes place. A complete copy of the scope of work is available for review in the City Engineer's office. That work may occur as early as 2005 if the Special Improvement District is formed.

The Park Avenue project will require environmental monitoring of the soils due to the presence of heavy metals. This soil contamination will slow the progress of the contractor but we hope to be complete by mid-November.

Department Review: This report has been reviewed by the City Manager, the City Engineer, and the Director of Capital Projects and Economic Development.

Alternatives:

Approve the Request: By approving the construction contract, the Council will keep the Upper Park Avenue Reconstruction project moving toward 2004-2005 construction as described above. The contract will be in the form of the City's Standard Construction Contract.

Continue the Item: The Council can continue the item if more information is needed.

Significant Impacts: Significant staff resources and CIP money (for Stantec's existing design contract) have already been spent. The Council has put in a lot of time discussing Upper Park Avenue over the last three years. At this time the budget impacts have been anticipated by the Council's adoption of the FY2004 budget, which included appropriations totaling $2,260,000 in three different CIP accounts. Those account numbers are 31-44031, 34-44031, and 51-45085. This funding will pay for the remainder of Stantec's contract as well as the contract with Geneva Rock Products, Inc. Fund 31 is our Capital Improvement Fund, fund 34 is our Main Street RDA, and fund 51 is our Water Fund. Budget detail sheets are attached as Exhibit B.

Because it would be impossible to efficiently coordinate a separate contract for both the Water Reclamation District and the City, SBWRD has agreed to reimburse Park City for sewer costs contained within our single contract. Those reimbursables include all of Bid Schedule E as well as SBWRD's share of some related trenching costs. The reimbursed amount will be about $400,000.00, which is why the City's $2.26 million budgeted figure described above will cover the Stantec contract, the Geneva contract, and anticipated change orders primarily relating to soils contamination.

Additional City costs for the completion of undergrounding will come from separate Capital Improvements Program line items. Any unused money in the three funding sources listed above should remain in the Water Fund.

Significant staffing costs, primarily for the City Engineer as project manager, have already been included in the operating budget.

Recommendation: The City Council should approve the construction contract for the reconstruction of Upper Park Avenue with Geneva Rock Products, Inc., in the amount of $2,258,135.20.

BID TABULATION
PARK AVENUE RECONSTRUCTION
BIDS RECEIVED 2/24/04

	GENEVA ROCK	DC TRANSPORT & EXC	HUGHES GENERAL CONT.	COUNTERPOINT CONST.	WEYHER CONSTRUCTION	VAN CON	SCI	ENGINEER'S EST.
	$200,319.95	$328,500.00	$321,600.00	$240,000.00	$216,250.00	$101,000.00	$196,000.00	$122,429.38
	$932,999.20	$919,332.30	$993,480.05	$990,800.23	$1,026,398.00	$764,673.05	$988,362.50	$1,189,197.50
	$260,307.70	$306,569.40	$320,619.96	$293,870.36	$370,600.00	$468,962.00	$421,503.00	$336,182.00
	$180,970.00	$147,907.30	$152,530.03	$152,204.24	$168,145.00	$220,997.00	$267,541.00	$177,927.00
	$340,990.85	$290,777.95	$294,904.57	$376,619.78	$417,772.00	$562,448.00	$643,619.00	$525,978.00
	$342,547.50	$319,515.00	$284,919.00	$335,497.80	$238,610.00	$470,862.50	$292,805.00	$355,460.00
	$2,258,135.20	**$2,312,601.95**	**$2,368,653.61**	**$2,388,992.41**	**$2,437,775.00**	**$2,588,942.55**	**$2,809,830.50**	**$2,707,173.88**
	$200,319.95	$328,500.00	$321,600.00	$240,000.00	$216,250.00	$101,000.00	$196,000.00	
	$932,999.20	$919,332.30	$993,480.05	$991,609.23	$1,026,398.00	$764,655.05	$988,570.50	
	$260,307.70	$306,569.40	$320,619.96	$293,870.36	$370,600.00	$468,962.00	$421,503.00	
	$180,970.00	$147,807.30	$152,530.03	$152,204.24	$168,145.00	$220,997.00	$267,541.00	
	$340,990.85	$290,777.95	$294,904.57	$376,619.78	$417,772.00	$562,448.00	$643,619.00	
	$342,547.50	$319,515.00	$284,919.00	$335,497.80	$238,610.00	$470,862.50	$292,883.00	
	$2,258,135.20	**$2,312,601.95**	**$2,368,053.61**	**$2,389,801.41**	**$2,437,775.00**	**$2,588,924.55**	**$2,810,116.50**	
				$809.00		($18.00)	$286.00	

EXHIBIT A

STANTEC CONSULTING INC.

Park City Municipal Corporation
EXPENDITURES
For the Period 12012003 to 12312003
Fund: 31 CAPITAL IMPROVEMENT FUND

	(1) Beginning Year Balance	(2) Period Total Transactions	(3) YTD Transactions	(4) Encumbrances	(1) + (3) + (4) (5) Ending Balance 12312003	(6) Appropriations	(6) - (5) (7) Remainder	(5)/(6) (8) %
44031 UPPER PARK AVENUE								
CAPITAL OUTLAY								
44031 7319 000 000 UPPER PARK AVENUE	.00	.00	.00	.00	.00	1,366,976.00	1,366,976.00	.00
TOTAL CAPITAL OUTLAY	.00	.00	.00	.00	.00	1,366,976.00	1,366,976.00	.00
TOTAL UPPER PARK AVENUE	.00	.00	.00	.00	.00	1,366,976.00	1,366,976.00	.00

EXHIBIT B

Park City Municipal Corporation
EXPENDITURES
For the Period 12012003 to 12312003
Fund: 34 REDEVELOPMENT AGENCY-MAIN ST

	(1) Beginning Year Balance	(2) Period Total Transactions	(3) YTD Transactions	(4) Encumbrances	(1) + (3) + (4) (5) Ending Balance 12312003	(6) Appropriations	(6) - (5) (7) Remainder	(5)/(6) (8) %
44031 UPPER PARK AVENUE								
CAPITAL OUTLAY								
44031 7319 000 000 UPPER PARK AVENUE	.00	.00	.00	114,326.00	114,326.00	114,326.00	.00	100.0
TOTAL CAPITAL OUTLAY	.00	.00	.00	114,326.00	114,326.00	114,326.00	.00	100.0
TOTAL UPPER PARK AVENUE	.00	.00	.00	114,326.00	114,326.00	114,326.00	.00	100.0

Park City Municipal Corporation
EXPENDITURES
For the Period 12012003 to 12312003
Fund: 51 WATER FUND

	(1) Beginning Year Balance	(2) Period Total Transactions	(3) YTD Transactions	(4) Encumbrances	(1) + (3) + (4) (5) Ending Balance 12312003	(6) Appropriations	(6) - (5) (7) Remainder	(5)/(6) (8) %
45085 UPPER PARK AVE.-PROJ. 741								
CAPITAL OUTLAY								
45085 7319 000 000 UPPER PARK AVE. *	.00	.00	.00	.00	.00	778,698.00	778,698.00	.00
TOTAL CAPITAL OUTLAY	.00	.00	.00	.00	.00	778,698.00	778,698.00	.00
TOTAL UPPER PARK AVE.-PROJ. 741	.00	.00	.00	.00	.00	778,698.00	778,698.00	.00