PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 3, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 3, 2011.

Closed Session
2:00 p.m. Property and litigation

Work Session
3:00 p.m. Council questions/comments
3:15 p.m. Legislative update
3:30 p.m. Comstock/Sidewinder Project P. 4 - 8
4:00 p.m. Historic Preservation Board Interviews
5:50 p.m. Break

Regular Meeting
6:00 p.m.
I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 10, 2011
P. 9 - 26

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration a Resolution supporting Park City's membership in the Mountain Partnership, a voluntary alliance of partners dedicated to improving the lives of mountain people and protecting mountain environments around the world, and authorizing the Mayor to sign the membership application P. 27 - 29

2. Consideration of an encroachment agreement with Treasure Mountain Inn Homeowner's Association for Treasure Mountain Inn, located at 255 Main Street, Park City, Utah
P. 30 - 37

3. Consideration of an Ordinance approving the First Amendment to the Resort Townhomes Condominium Record of Survey Plat located at 1109 - 1139 Woodside Avenue, Park City, Utah P. 38 - 68
   (a) Public hearing
   (b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

PARK CITY HOUSING AUTHORITY
SUMMIT COUNTY, UTAH
MARCH 3, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the Housing Authority of Park City, Utah will hold its meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah immediately following the adjournment of the City Council meeting, as described below on Thursday, March 3, 2011.

I ROLL CALL

II PUBLIC INPUT *(Any matter of Housing Authority business not scheduled on agenda)*

III MINUTES OF MEETING OF NOVEMBER 19, 2009 P. 72 - 73

IV NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

Consideration of acceptance Physicians Holdings Affordable Housing Plan for the Medical Office Building Project located at Quinns Junction P. 69 - 74

V ADJOURNMENT

A majority of members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service available in the Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

Posted: 02/28/11
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

March 2011

10 American Way article on Park City - Chamber
Amendments to the Land Management Code considering adding Chapter 2.24, Transfer of Development Rights Overlay Zone and related amendments to Chapter 15, Definitions (work/possible action)
HPB interviews (4:00 – 6 p.m.)
Swearing in of Police Officers Miguel Contreras and Travis Orawiec

17 **No meeting**

24 Monthly budget update
Review of two year special event policy
Delivery ordinance update
Christopher Homes plat amendment 29 - 83 Silver Strike Trail - KW
Christopher Homes plat amendment 29 & 39 Silver Strike Trail - KW
573 Main Street plat amendment - KW
2800 Deer Valley Drive – KW
44 Prospect Street plat amendment - JM

31 Addendums to facility leases extending terms – Library and Education Center, and Miners Hospital

April 2011

7

14 **No meeting**

21 Monthly budget update

28

May 2011

5

12

19 **No meeting - Liza gone**
Monthly budget update

26

Pending Items:

RAB interviews
U S Postal Service gang boxes in Old Town

City Council
Staff Report

Subject: **Comstock/Sidewinder Walkability Project**
Author: **Heinrich Deters/Matt Twombly**
Date: **March 3, 2011**
Type of Item: **Informational**

Recommendation
This report is an informational construction update for the Comstock/Sidewinder Walkability Project. (Exhibit A & B)

Background
As part of the WALC recommendations list, funded by the $15 million walkability bond, Comstock Drive was identified as a 'spine' corridor and recommended for improved pedestrian and bike infrastructure. The initial recommendation from the WALC study was for a 5' sidewalk on the east side of the road.

The construction of the sidewalk was initially deferred to provide for an incremental approach of a striped at grade pedestrian area within the roadway.

In 2009, the City entered into contract with Fehr & Peers, to evaluate the striped at grade pedestrian area and provide a recommendation for walking and biking infrastructure on Comstock Dr. The report recommended a 5' sidewalk along the east side of Comstock Drive. A public Open House was provided on April 21st and October 28th, 2009 to collect resident input. Additionally, the item was scheduled for several Council work sessions (October 1 and December 3), where public input was received.

At the January 21, 2010 work session meeting, Council directed staff to move forward with the design of a separated pathway along the East side of Comstock Drive, which will remove bike lanes and not impact landscaping within the right of way outside the line of the existing curb and gutter. This option also removed parking from the east side of the street but maintained parking on the west side. Council also directed staff to examine traffic calming options and crossings at Little Bessie and Ina.

In January 2011, the City entered into a Professional Service Provider contract with Horrock's Engineering for design, construction management and public Involvement of the project.

<u>Analysis</u>
The project in its current design provides a high level of service for walkability in the area and will provide an exceptional value to the 'safe routes to school' program. Moreover, the design will provide significant traffic calming by narrowing the roadway, thus addressing the traffic speeds along the corridor.

Timeline- The design team will submit construction drawings for review in March and look to bid the project for construction in April. Construction on the Comstock portion of the project is slated for the period of June 13-mid August, which corresponds to the school summer break.

The Sidewinder portion of the project is slated for mid-August to mid-September. The project close out is scheduled for October 10th.

Public outreach- An open house for the community to review design alternatives will be held on March 1. Staff, in conjunction with Horrock's Public Involvement team, conducted extensive outreach to notify residents in the affected areas of the meeting. Outreach for the open house included a postcard mailer to the 150+ addresses in the project area as well delivering a door hanger invitation at each address. The door hanger reminds people of the open house, and also catches households who do not have home mail delivery or who are renters and may not receive the mailed postcard. An email blast was also sent to prior public meeting attendees. Furthermore, staff has met with local HOAs and businesses, as requested. A second pre construction open house is scheduled for June 7th. Also, a project website will be established, to provide further information for residents. Public Involvement during construction will include the following:

- Project hotline number
- Website with specific email contact
- Weekly construction updates posted on City and project websites
- Public Involvement team on site once a week to walk the neighborhood and discuss with residents
- A City representative and Horrock's personnel on site each day to provide a point of contact.

Construction Management- Horrock's engineers will have an inspector on site during all construction activity, as well as having a resident engineer on site twenty hours a week. City staff will also be on site each day.

Right of Way- The final separated path will be within the existing pavement section, but construction will extend slightly past the existing pavement section. Minimal and temporary landscape and driveway impacts are anticipated due to the construction. The design team will document existing conditions prior to construction to ensure any impacts will be addressed accordingly.

Parking- Parking on the east side of the street is currently prohibited, so there will be no additional parking impact. There will likely be parking impacts on the West side to accommodate the construction activity and provide for traffic and safety.

Storm Drain- The storm drain system under Comstock and Sidewinder has been reviewed and is in good condition, thus replacement of the infrastructure is not required. Existing catch basins will need to be relocated to the future curb and gutter, as well as some additional inlet boxes near the raised intersection.

Budget- There is currently $1,340,000 budgeted out of the $15 Million WALC bond for the entire project. This includes $540,000 for a sidewalk and the recrowning of the roadway and drainage improvements. A further $400,000 is budgeted for traffic calming on Comstock Drive. Also, there is $400,000 budgeted for the sidewalk along the South side of Sidewinder from Comstock to Gold Dust and other traffic calming improvements in the area.

Questar Gas Line upgrades – As part of the initial design, Horrock's engineering contacted local utilities about the upcoming project. Coordination of this type is fundamental to the success of projects. Questar Gas Company notified Horrock's that the existing gas lines were outdated and scheduled for immediate upgrade. Staff and the design team have met with Questar Gas to coordinate the two projects and limit future impacts to the neighborhood. The door hanger alerted residents that there will be gas line work occurring in conjunction with this project. Questar will have information available at the March 1 open house. It will also be provided on the project website.

The gas line will require installing a main line in back of the existing curb and gutter on the West side of Comstock and North side of Sidewinder within the Right of Way. This main line and service line tie-ins will impact the landscaping behind the curb and gutter within the City Right of Way for each resident along the route. Questar is anticipating that all driveway crossings will be bored, thus alleviating the expense and impact of reconstructing driveways. This main line will likely be installed prior to the commencement of the WALC project.
On the East side of Comstock a new main line will be installed under the landscape strip. This gas line will be coordinated and integrated into the WALC project. The tie-ins on both sides of the street will likely be done after both main lines are in.

Significant Impacts
Construction impacts, including traffic and noise will be the most prevalent to adjacent residents.

The Questar gas line portion of the project, while separate from the walkability, will be viewed as part of the City project. Timeline for the implementation of the gas lines is to be determined, however, portions of the project are likely to take place prior to the June 13 mobilization for the walkability project. The design team is working closely with Questar to help mitigate impacts to the neighborhood. The project area is within the Park City soils ordinance, thus, mitigation of soils from the project must meet City standards and protocols.

Annual O&M - Estimates for the Comstock sidewalk/path include $4,356 in basic maintenance, in addition to $1,680 for signs and crosswalks. These maintenance costs do not include maintenance for any bulb-outs or landscape strips. Funding requests for snow plow services have been submitted in the upcoming FY2012 budget process.

Departmental Review
This report has been reviewed by the Sustainability Team, City Engineer, Legal Department, and City Manager.

Staff Recommendations:
This report is an informational construction update for the Comstock/Sidewinder Walkability Project.

Attachments:
Exhibit A -Comstock Drive Design
Exhibit B – Sidewinder Drive Design

Exhibit A

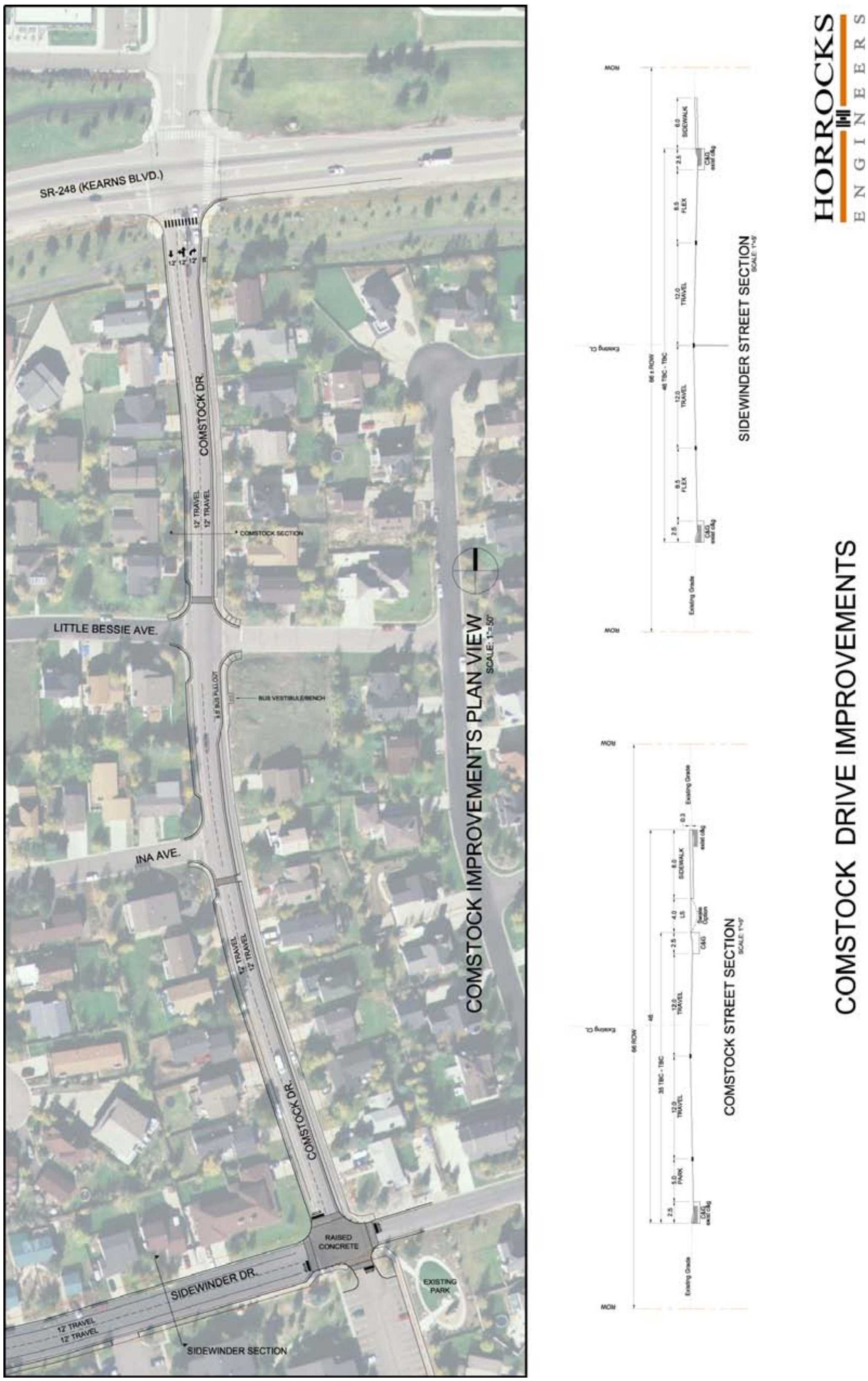
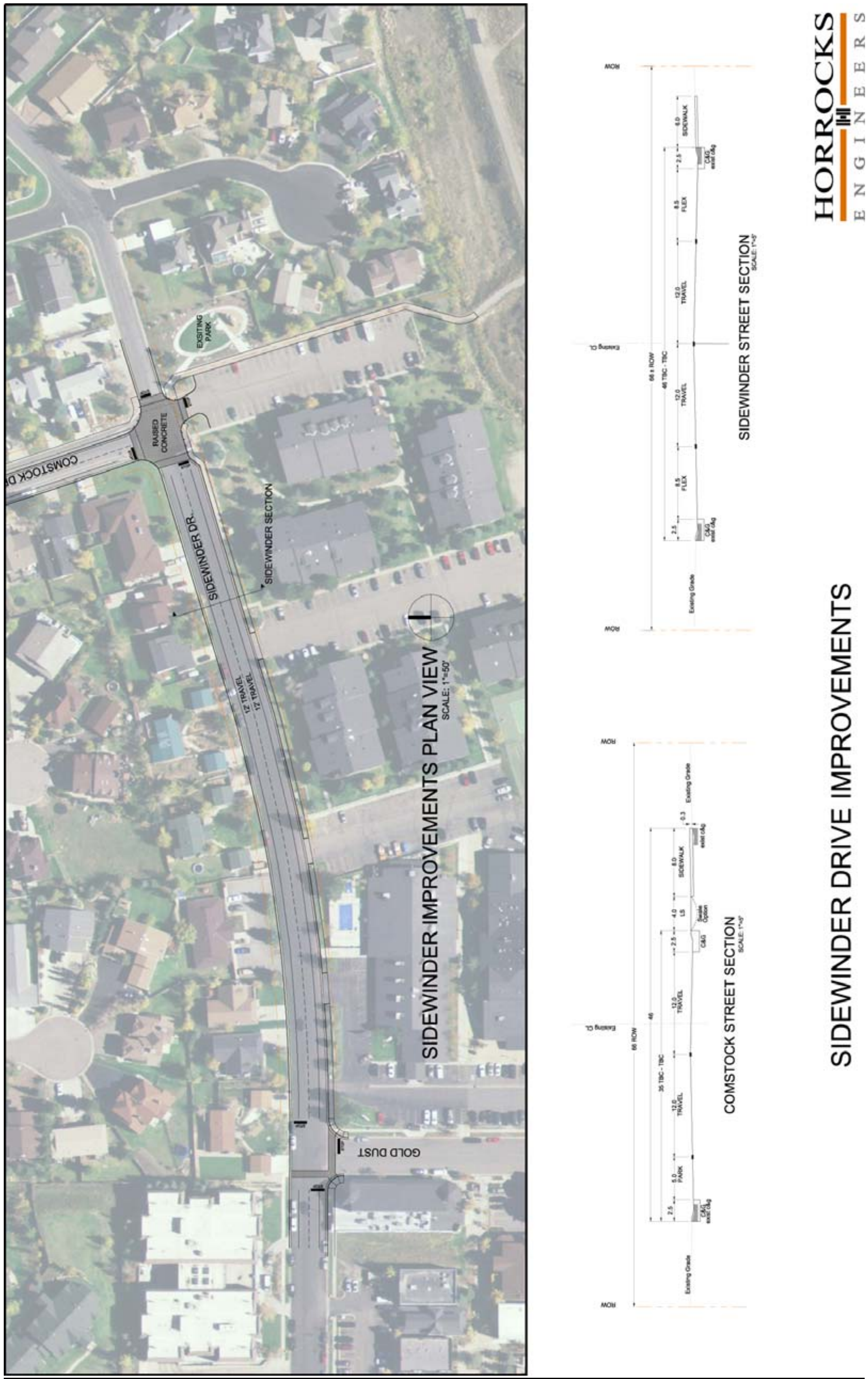

COMSTOCK DRIVE IMPROVEMENTS
COMSTOCK IMPROVEMENTS PLAN VIEW
SCALE: 1"=50'
SIDEWINDER STREET SECTION
COMSTOCK STREET SECTION
HORROCKS
ENGINEERS
SR-248 (KEARNS BLVD.)
COMSTOCK DR.
LITTLE BESSIE AVE.
INA AVE.
SIDEWINDER DR.
RAISED CONCRETE
EXISTING PARK
12' TRAVEL
12' TRAVEL
SIDEWINDER SECTION
COMSTOCK SECTION
BUS VESTIBULE/BENCH

Exhibit B



SIDEWINDER DRIVE IMPROVEMENTS
SIDEWINDER IMPROVEMENTS PLAN VIEW
SCALE: 1"=50'
SIDEWINDER DR.
SIDEWINDER SECTION
COMSTOCK DR
GOLD DUST
RAISED CONCRETE
EXSITING PARK
12' TRAVEL
12' TRAVEL
SIDEWINDER STREET SECTION
COMSTOCK STREET SECTION
HORROCKS
ENGINEERS

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 10, 2011

Present: **Mayor Dana Williams; Council members Alex Butwinski; Candace Erickson; Joe Kernan; Liza Simpson; and Cindy Matsumoto**

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Bob Kollar; Joint Venture Manager; Jon Weidenhamer, Economic Development Manager; and Matt Cassel, City Engineer

Karen Weiss, Executive Director of Tour of Utah; Matt Ripken, InterPlan

1. Council questions/comments. Cindy Matsumoto stated that the Library Board is completing its long-range plan and top priorities for next year include an upgrade of on-line catalog software and an additional .25 position for children's programs. Friends of the Library will be holding its annual luncheon on October 13, 2011. Alex Butwinski shared business addressed by the Planning Commission including transfer development rights. A positive recommendation will be forwarded to the City Council. PC Heights was reviewed as well as Design Guidelines. He has observed good use of the cleared Holiday Ranch Loop sidewalk and Ms. Erickson agreed. She commented on the recent Visioning Session and felt that most issues the City deals with are minor compared to other cities. Liza Simpson thanked staff for producing the Visioning Session. The meeting with the Historic Preservation Board and the discussion on Bonanza Park were productive and she appreciated a look back at the year. She spoke about going to the state legislature, and attending the Lodging Association, Mountainlands Community Housing Trust and co-housing meetings. Joe Kernan discussed the Visioning Session and noted that the Employee Discharge and Transfer Board is meeting. He also attended the co-housing meeting.

Mayor Williams believed that the 2011 Visioning Session was one of the better retreats. He attended the public hearing on MIDA hosted by Summit County and wholeheartedly believes that citizens make a difference. The Mayor recognized the work of lobbyist Dave Stewart on this matter. Some of the public input at the hearing was very dramatic and emotional but he expressed that members of MIDA are honorable and respectable people and are not corrupt. The negotiation team has done a really good job but MIDA chose not to accept the terms. He thanked both resorts for the phenomenal FIS event.

2. Legislative update. Michael Kovacs addressed bills having the highest impact on Park City. HB135, sales tax redistribution revisions, is so complicated that a budget analyst is needed to administer it. ULCT has pledged to fight it. SB76 may be a companion bill. HB72, school equalization, did not make it out of committee and HB65 is a multi-million redistribution bill as well. HB78, developer fees, will not penalize the City.

Mr. Kovacs explained that SB231, film enterprise zone, is currently a box car bill with no language yet. Developers in other communities have seen what is happening here and are contacting their legislators to change zoning to accommodate their projects. There is a lot of support to stop this bill. It is anticipated that other commercial uses will be requested in conjunction with the film studio.

Michael Kovacs discussed SB243, the historic areas or sites amendments, which places a one year moratorium on new historic districts. It also prohibits cities and counties from designating new historic zones or sites and restricts powers in place by May 10, 2011. The legislation is intended to provide a *cool off* period between developers and cities. This may impact the authority of our HPB and designating historic structures. Mark Harrington interjected that if the issues aren't resolved to the satisfaction of the state, there may be further legislation which is the bigger worry. Michael Kovacs pointed out the ultimate result of cities not being able to regulate historic districts. The bill includes higher thresholds for setting up historic districts.

The restaurant tax elimination is a boxcar with no language. HB203, 2009 energy code, has been unsuccessful so far in gaining support. HB70, illegal immigration enforcement act, will be amended because of input from cities including language allowing citizens to sue cities to mandate compliance which has been removed. Some of the *shall* language will be changed to *may*, giving law enforcement more powers. It is not anticipated that the senate will modify this bill significantly. Liza Simpson indicated that because cities expressed opposition to unfunded mandates a proposal was made to establish a fee for all remittance money being wired out of the country which would be collected by the state. These charges could be claimed on state income tax returns. Michael Kovacs indicated that he heard about this but hasn't seen it yet. There has been good progress on the immigration effort but the cost of the fiscal note may be misleading because it is very conservative. Ms. Simpson understood the concern is that the fiscal note was estimated at a spread of $4.5 to $11 million. The Mayor asked about testimony on the impacts of tourism with immigration bills. Mr. Kovacs believed that it is not a major consideration as tourism represents only 3% of the state's economy. Driver cards and property rights were discussed.

3. Tour of Utah preliminary fee waiver discussion. Bob Kollar explained that staff is asking for direction regarding the extent to which City staff should facilitate hosting the Tour of Utah in 2011 and the level of financial commitment toward the event. He explained that the reason this work session discussion is scheduled before a complete application has been submitted is because the Tour of Utah is hosting a press conference next week announcing its various host cities. He introduced Karen Weiss, Executive Director and pointed out that there are three noteworthy changes from 2010. The Tour of Utah has changed from the National Racing Calendar to the International Federation Calendar or USI. A USI sanctioned event includes more elite teams, high caliber riders and international media exposure. Park City could become known for high altitude training and as a competition venue. He explained that on the minus side, the costs increase. For a NRC event each team is responsible for its own travel, lodging, transportation, etc. but for a USI sanctioned event, the organizer or Tour of Utah in this case, is responsible for associated costs and as a result the host city sponsorship value increases.

Mr. Kollar stated that the cash contribution requested is $100,000 as well as providing City services and operational support. Staff has identified enthusiasts in the community to help support the success of the Tour and Michael Spencer has volunteered to form a committee to privately raise $100,000 in the private business community. Staff is in the process of analyzing operational assistance and will return to Council with a master festival license with specific costs. He recalled that last year the City contributed about $8,000 from the General Fund and the Chamber Bureau supplemented that with a $5,000 grant, totaling just over $13,000. Estimates for 2011 will probably be in the $15,000 to $25,000 range based on increased responsibilities. He suggested that the Chamber Bureau may supplement costs with another grant, there may be Joint Venture Fund money, or a grant application for a Restaurant Tax award could be pursued.

Another major change is that the course is changing. Last year a criterium was held and all of the teams were competing at one time. The course went up Main Street, down Swede Alley, down lower Main, then up Park Avenue on a continuous 90 minute loop late afternoon on a Saturday. This year the Tour is proposing that the City host the prologue which is the kick-off stage which brings some increased media coverage. A prologue differs from a criterium in that it is one rider at a time and a race against the clock. The course will probably start at Park City Mountain Resort or Cole Sport, up Park Avenue, finishing on Main Street but this is still being formulated. This would be a Tuesday late afternoon event. The number of patrons last year was somewhere between 10,000 and 12,000 and he felt that there will be a lot of interest in seeing high caliber racing. Mr. Kollar believed that international exposure of this popular sport will attract visitors.

The Mayor asked whether the Council will be approached later if there is a shortfall and Jon Weidenhamer explained that the letter of intent was not signed and the City has no obligation for the $100,000. Mr. Kollar added that a local organizing committee is in the process of signing a letter of intent with the Tour and if they fail to meet that commitment, the shortfall is between the local organizing committee and the Tour of Utah. In response to a question from the Mayor, Mr. Kollar explained that the economic impact of last year's event benefitted Main Street businesses but he doesn't have a report on it. He received primarily positive feedback from merchants but discussed improving the event this year with regard to the closure of Main Street. Candace Erickson believed that business owners will be happier with a Tuesday closure and discussed not being able to cross the street last year which caused problems. She was pleased to hear that a fund raising committee is being formed because $100,000 seems like a big reach for the benefit to the City received last year.

Alex Butwinski asked about the press conference. Bob Kollar stated that it is scheduled on February 16 and the Tour would like Park City to host understanding that the MFL has not been officially approved. As a fall back, there are other locations in Summit

County that are in negotiations with the Tour of Utah in the event Main Street does not work for some reason. Race formats were detailed. Joe Kernan believed that $15,000 is well worth the benefits of hosting the Tour in Park City. Liza Simpson agreed. This is a great event that needed to be tweaked. She suggested surveying Main Street about the Tuesday event and felt that having Park City on the USI Calendar is a great opportunity.

Karen Weiss explained that the Tour of France ends and then 16 days later, those teams all come to Utah and five days later go to the Tour of Colorado. Cindy Matsumoto expressed her support of the event and Tom Bakaly clarified that the $15,000 represents a fee waiver or foregone revenue. Jon Weidenhamer spoke about the economic benefits. The Mayor confirmed unanimous support to move forward.

4. Traffic and Transportation Master Plan update. Matt Cassel explained that the purpose of the work session is to update Council members before the plan is presented to the public. A stakeholders meeting is scheduled on February 15 and a public open house on February 28 or March 1. Areas of interest are cross-sections, neighborhood connections and the gateway corridors.

Consultant Matt Ripken referred to goals discussed last October which haven't changed a whole lot and putting objectives in place that can be measured. Complete WALC streets, good internal and external circulation and improved accessibility are targets. The Council and public have said that they don't want a lot of widening of streets or losing the character of the town which means that in order to avoid congestion, it is important to get people on transit or walking, biking, or some other alternative mode. He added that there will be a *report card* for each goal and it is hoped that staff will return to Council every year or two and continue to address the status of goals. Mr. Ripken stated that the public has provided some input on street cross-sections and these will be presented again to the public. He spoke about the characteristics of collector streets with sidewalks, bike lanes, parking, etc.; the plan should be efficient but also landscaped. Neighborhood connections and gateway corridors are broad terms and he spoke about methods of avoiding controversy by presenting ideas early in the process.

Advantages and disadvantages are presented for each option so there is a balanced approach. Liza Simpson pointed out that it would be helpful to have numbers on Kearns Boulevard now that the tunnel is open. Mr. Ripken stated that the big gateway corridor is SR224. Summit County is planning on adding a HOV lane but the stretch from Park City Market to Jan's will get worse. Matt Cassel added that UDOT's long-range goal for 2021 to 2031 is to expand one lane on SR224 in both directions up to SR248 out to Kimball Junctions. Staff needs to analyze the plan to determine if it is really needed. Mr. Ripken relayed that the details for HOV lanes have not been determined.

Alex Butwinski expressed concerns about dumping thousands of cars into a residential neighborhood, acknowledging that the models are conceptual but some of the options seem unrealistic. Matt Cassel explained that there are only two ways into town and if there is a third way in, the City could consider it now knowing it is 30 years away. He believed this discussion is overdue and should have happened in 1981 when Deer Valley Resort came on line. Whether or not to consider a third access should be decided. Matt Ripken encouraged members to eliminate unrealistic proposals that should not be considered as a matter of efficiency. Mr. Butwinski personally wanted to see how good we are at reducing cars rather than accommodating more cars.

Joe Kernan stated that he appreciates these *out of the box* ideas and any information or suggestions to mitigate negative impacts to neighborhoods. He discussed the negative impacts of widening roads as a standard solution. Matt Cassel indicated that these points are well taken acknowledging that as soon as roads are widened, traffic and congestion increase. Alex Butwinski emphasized that by just providing another road into town as opposed to widening the road, will have the same result. Matt Cassel agreed and explained that this is an exercise in making sure that everything is considered. Mr. Ripken referred to discussions about eliminating some of these ideas based on goals, but taking them through the process seemed more comprehensive. He relayed that different alignment options are available with a tunnel.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 10, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 10, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Manager; Clint McAffee, Project Manager; Diane Foster, Sustainability Manager; and Kayla Sintz, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Comstock Tunnel - Matt Cassel reported that he is working with Bowen Construction on issues regarding the Comstock Tunnel.

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

1. Air Force Hotel and MIDA - Henry Sig, developer, stated that there is land in Summit County that can accommodate a Cosco and could qualify for EDC funding through the County's Redevelopment Agency. These properties are alternatives to avoid compromising open space and view sheds.

2. Treasure Project and Transfer of Development Rights - John Stafsholt, resident, reported that that the Planning Commission approved a TDR plan was last night and members limited the amount at Treasure to 22 unit equivalents which represents 10%. He encouraged Council to let the market decide and to not establish a limit, especially one that low. Thomas Eddington explained that the number was put in place as a beginning point and more work will be done on the ordinance.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 13, 2011

Liza Simpson corrected the minutes to reflect her absence. Alex Butwinski, "I move we approve the minutes of January 13, as corrected". Joe Kernan seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Abstention

V NEW BUSINESS ***(New items with presentations and/or anticipated detailed discussions)***

1. Consideration of a Professional Services Agreement between Park City Municipal Corporation and Water Works Engineers for engineering services related to the Phase I study for Water Quality Excursions in the Distribution System in an amount of $22,585 – Clint McAffee described the selection process and the qualifications of the vendor, pointing out that the fee is significantly lower than any one else. The Mayor invited public input; there was none. Liza Simpson, "I move that we authorize the City Manager to executive a professional services agreement in a form approved by the City Attorney with Water Works Engineering for engineering services related to Phase I Water Study for water quality excursions in the distribution system in the amount of $11,585". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of authorization to sell City-owned remnant parcels adjacent to Claimjumper Court, Park City, Utah to adjacent property owners, purchase agreements and deeds in forms approved by the City Attorney – Diane Foster explained that the City owns four remnant parcels located in the Thaynes Canyon Subdivision behind Claimjumper Court. There is no access to the parcels, the remnants are not of interest to the City, and it is recommended to sell them to adjacent property owners. Three of the affected four home owners are interested. The Mayor opened the public hearing; there were no comments from the audience. She read the options outlined in her staff report. Mark Harrington indicated that the deeds will return to Council for final approval. There was consensus to allocate sale proceeds to the open space fund. Alex Butwinski, "I move to authorize the City Manager to enter into one or more purchase agreements with the respective adjacent home owners, subject to final Council approval of individual agreements the Mayor will be authorized to executive the deeds". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 508 Main Street Subdivision Plat Amendment located at 508 Main Street, Park City, Utah – Planner Kayla Sintz stated that the property is located in the HCB Zone and the building sits across a number of lot lines. The landmark structure on site has been previously known as Phoenix Gallery and is now operating as a restaurant named Silver. The applicant completed Historic District Design Review for exterior renovation work which included infilling a second level exterior deck. A condition of approval is recommended requiring that encroachments be recorded prior to certificate of occupancy. She explained that approval of the plat amendment will clean up lot lines, record the encroachments, etc. There is extensive exterior mechanical work on the second level and rear space that was not shown, reviewed, or approved and staff cited the work as it did not comply with Historic District Guidelines. Staff has been working with the applicant toward a complaint plan which may result in moving and relocating the mechanical if necessary. A bond has been secured and the work must be completed by May 12, 2011. In response to a question from Alex Butwinski, she explained that approval has been obtained for the HDDR but the mechanical work was not contemplated on the application. This portion of the project will have to be reviewed and approved by staff.

The timing on the TCO was used as leverage for compliance. Council member Butwinski suggested that this be a condition of approval and Mark Harrington indicated that Finding of Fact No. 10 could be modified and a condition could be added. However, there is an existing enforcement method through the TCO to secure compliance and Mr. Butwinski agreed that adding a condition may be redundant. The Mayor opened the public hearing and with no input from the audience, closed the public hearing. Joe Kernan, "I move we approve New Business Item No. 3". Cindy Matsumoto seconded. Motion unanimously carried.

4. ~~Consideration of the sale of a portion (35 acres) of unimproved property commonly known as the Triangle Parcel to the Military Development Installation Authority of Utah located outside of city limits in Section 27, Township 1 South, Range 4 East, Salt Lake Base and Meridian in Summit County east of US 40 and south of Home Depot and jointly owned with Summit County and approving the purchase of approximately 35 acres known as the Red Maple Parcel located north of SR248 in Township 2 South, Range 4 East, Salt Lake Base & Meridian for $2 million; contracts in forms approved by the City Attorney~~ **CANCELLED**

5. Consideration of an appeal of the Planning Commission's December 15, 2010 approval of a Conditional Use Permit for 1440 Empire Avenue - Applicant is John Paul DeJoria, represented by Craig Elliott AIA. Appellants are David and Rosemary Olsen, Rick Margolis, and Bill and Dianne Newland, represented by Bruce R Baird PC (quasi-judicial - no ex parte communications) – Council member Kernan disclosed that he has a business relationship with some of the properties owned by the applicant. The Mayor pointed out that the Council has the discretion to expand the scope of the appeal to accept information on other matters. All members preferred to stay within the parameters of the appeal.

Kayla Sintz stated that on February 25, 2010, the City Council heard an appeal of the approval of a conditional use permit granted on December 9, 2009. On March 4, 2010, the City Council adopted the Findings of Fact, Conclusion of Law, Conditions of Approval and Order. On May 12, 2010 the applicant presented rear façade modifications based on the remand and the Planning Commission requested that the building be moved closer to Empire Avenue. On December 8, 2010, the Planning Commission reviewed the project with the building moved accordingly and the new design included underground parking. The Commission directed staff to return with findings for approval that the project meets the direction of the City Council remand as well as an analysis of compliance of CUP criteria for redesigned elements. On December 15, 2010, the Planning Commission approved the CUP. With regard to the February 25, 2010 remand, Ms. Sintz noted that the appeal was granted in part and denied in part and limited to the following matters:

1. Height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);

2. Further design changes with consideration for ensuring that the proposed development transitions to and compliments the existing historic structure to the east shall be reviewed and/or further conditioned.

She indicated that the new design not only mitigates the rear façade massing issues but addresses other project concerns.

- Underground parking is an asset to building occupants and adjacent owners. Meeting zone height without utilizing height exceptions.
- Vehicular access and parking oriented away from concerned Empire Avenue property owners to the south.
- Reduced shadowing of historic properties to the east.
- Opening up rear yard view shed areas similar to other single family homes along Empire Avenue.
- Similar Empire Avenue building patterning of buildings located closer to front yard setbacks.

Ms. Sintz displayed a number of slides of the previously approved project and compared features to the proposed modified project design to illustrate addressed issues.

Bruce Beard, legal counsel for the appellants, explained the order of presentations from the appellants and pointed out that there are six issues. Parking is a problem and they have had concerns about it from the beginning because it is a moving target. Staff has been repeatedly told by the applicant that this new design complies with all parking requirements, but it clearly does not. He stated that it does not comply with ADA requirements requiring a 16 foot stall and when this was pointed out, dual use of a loading area was proposed at the last minute. He has never seen dual use for ADA parking and is uncertain if the Building Official would approve. The only other way to fix it is by shrinking the other stalls or to ask for a variance, which would have to be in the ballpark of 10% which is not minor. The City Engineer does not have the ability to grant variances under state law which is reserved for the Board of Adjustment. The parking does not comply in terms of the numbers. Mr. Beard stated that another problem is the lack of a parking plan to support the CUP approval. By allowing up to 48 beds without a plan, a finding can not be made that the parking is mitigated. He asked that even with an approved parking plan, will Council withdraw the CUP if there are violations and make them take the third floor off this building? He didn't think so, but that is what would have to be done to enforce the parking plan.

Mr. Beard stated that the second issue is density. The General Plan indicates that this is a transitional area to low density. There are nine units on 12,800 square feet which works out to approximately 30.5 units per acre which is not transitional to low density. He referred to Craig Elliott's letter in the meeting packet which addresses unit equivalents. Unit equivalents talks about 2,000 square feet of a multi-family unit equaling a unit equivalent and using this formula would result in 18 units per acre. The master plan code says medium density is five to eight units, then certainly low density is below five and therefore to use the unit equivalent definition is a more egregious density violation. The Council can not possibly make a finding that this is low density housing and it certainly doesn't transition. The only way the applicant can get close to the 12,000 square feet is an improper use of the lot combination ordinance which the appellants have brought suit against and the case is pending. Bruce Beard noted that the maximum square footage analysis would be approximately 8,000 square feet of livable space, not 12,000 square feet.

The fourth issue is determining that this design mitigates the impacts to the adjoining property owners. He displayed slides of the project and pointed out that the new design includes 12 windows and three decks which intrude on the privacy and utility of the Olson House nearby. There is no need for the decks except to punish the Olsons for opposing the project however they could be used for storage because there is little storage in the units. Mr. Beard stated that the decks facing the Olsons are not only an invasion of their privacy, but almost guaranteed to become storage. He asked if they are not permitted to be used for storage, how that will be enforced? If the decks were enclosed, then the units would be big enough to trigger additional parking requirements. He alleged that Mr. Elliott has cleverly tried to maximize uses and has created privacy and storage problems on these decks.

Mr. Beard stated that the fifth problem is the inappropriate nature of the mass and scale of this project in conjunction with the neighborhood. He referred to Mr. Elliott's exhibit illustrating larger buildings east of Empire Avenue. He acknowledged that those buildings are larger but all of these buildings were pre-General Plan which is the reason the General Plan was implemented. Park City wants to learn from its mistakes. These inappropriate buildings should not be used as a comparison to build equally inappropriate buildings. The buildings that have been built after the General Plan east of Empire Avenue have all been single family. Mr. Elliott also tries to show that the density of the single family homes is larger than the density of his project which Mr. Beard criticized.

Bruce Beard stated that the character of the adjacent single family homes is classic mountain architecture. The proposed project is simply inappropriate and is not compatible with regard to mass or scale and the only building that looks remotely like this is the Edelweiss House. He again spoke about the order of presentations. The Planning Commission was faced with an attempt by the applicant or staff to look at these limited issues on remand, but the Commission recognized that the complete redesign of the project would justify a complete review of all of the criteria and they walked through and looked at most of them which the appellants disagreed with. To approve this, there has to be a finding on all of the issues.

The Mayor asked for clarification on scope of review as Mr. Beard has brought up parking, density, improper use of lot combination, decks and mass/scale. Mark Harrington agreed that the new design triggers application of the CUP criteria. Elements are still properly before Council, notwithstanding the limited scope of the appeal to the two issues put on remand. He emphasized that the lot combination is a final decision in which the Council no longer has jurisdiction over, not even for reconsideration. This issue is properly before District Court. Mr. Beard still insisted that Mr. Margolis address the lot combination.

Rick Margolis believed the history of the project is relevant with respect to a CUP which can not be issued without compliance with the General Plan and all provisions of the Land Management Code. The property included three lots and if it were not for the lot consolidation, we wouldn't be trying to cram this square peg into a round hole. He spoke about the split voting of the Planning Commission on this project and decisions are difficult because there is too much building, too little parking, and too many beds even though it complies with the Code. He stated that if the General Plan and the LMC were followed, the appeal would not be here. These three separate lots combined into one lot is the subject of a pending lawsuit and whether or not they are combined, the amount of buildable space on the property doesn't change. He stated that he testified at the lot combination meeting and warned members that consolidation would result in too much density. He suggested at the time that a condition be placed on the approval that no more can be built on one than could otherwise be built on three. Mr. Margolis stated that the purpose of the lot consolidation statute is to more easily manage land because you can't build across lot lines. You can't take buildable area from all three lots and combine the square footage which is being done with this particular application. He referred to Section 15-7-5(b) of the LMC, *the regulations are not intended to interfere with, abrogate, annul any other ordinance, rule or regulation, statute or the provision of law and where any provision of these regulations imposes restrictions different to the ones imposed by law under other rules, the most restrictive rules shall apply.* Mr. Margolis indicated that the lot consolidation rules also say specifically under 15-7-2(g) that the purpose is to provide the most beneficial relationship between uses of land, circulation of traffic, and congestion. He pointed out that if you don't know what can be built on the three separate lots before consolidation, how can a finding be made that this is the best use to most avoid congestion. Staff did an analysis and concluded that although the applicants are proposing a 12,000 square foot building, but for the lot combination, they could only build about 8,000 square feet. The building will be enlarged by 50% by merely removing lot lines which is causing the problems. If the third floor is removed, there are eight less beds with the same parking or more parking per bed, a lower profile building, less congestion on the street, and fewer impediments to traffic. He commented that all of the problems go away with the most restrictive interpretation. Staff has that analysis, dated February 25, 2010, showing 8,985 square feet not 12,882 square feet. All the problems go away by just following the Code which is one of the requirements for a CUP.

In order to obtain a CUP, Section 15-1-10(d) requires that the use is consistent with the General Plan. He detailed the origin of the General Plan to create a community vision and his neighborhood is called the resort base area which has specific requirements. The area east of Empire Avenue is intended to provide skier bed base and is designated low density residential which is not defined but medium density residential is defined. The Code talks about medium density and apartment buildings require 15 foot rear yard setbacks. This project has a ten foot rear yard setback and is supposed to be low density residential. The General Plan addresses the need for affordable housing but not resort bed base and *encourages permanent residences and affordable housing* on lower Park Avenue. The General Plan specifically discourages affordable housing near Park City Mountain Resort and he read an excerpt, *to maintain the tourist residential bed base along Park Avenue in the vicinity of the Park City Mountain Resort.* His neighborhood is located in the RC zone east of Empire Avenue and is designated skier bed base. He referred to other large buildings in the area but they all predate the General Plan, the policy document guiding the future of Park City which is required to be followed for a CUP. It is not skier bed base, tourist base, low density residential, or affordable housing so the CUP can not be allowed. If the density requirements of the lot consolidation were followed, none of this would be an issue.

Alex Butwinski brought up the fact that Mr. Margolis is a skier and a tourist and Mr. Margolis clarified he is a second home owner. Mark Harrington clarified Mr. Butwinski's point being that single family meets whatever that definition is whether it is restricted to tourists or skiers or not. Mr. Margolis pointed out that it is skier bed base and Mr. Butwinski felt that if occupants ski, that they fit the definition of skier base.

Diane Newland, 1450 Woodside Avenue, stated that her property is directly behind and below the project. She and her husband didn't move here to develop property and she spoke about being 30 year residents of the community. The size, scope and scale of the project are not in keeping with the surrounding homes. They have been told by the City that they can only do certain things with their house because it is historic. Their house only became historic about a year ago and they are not located in the Historic District. She indicated that even though the building has been moved to the front of the lot, their 1,100 square foot home will still be in the shadows most of the day which places an adverse unmitigated impact on them. Three stories, underground parking and an eight to ten foot retaining wall will be like five stories. All drawings show a gradual slope to their house but it is not and is steep. She displayed an old plan where the back of the building is flat and huge. The City Council requested that the rear façade be reworked and the project returned to the Planning Commission. A newer plan seemed more aesthetic and historic looking but everything changed with the latest design and the project should be reviewed as a new application not just as a change. She displayed the new design with balconies and new windows and it is pretty straight in the back which is of concern to her. They will be hearing cars all night long because of the parking lot location. No one has suggested the type of lighting proposed. She is concerned about the windows and balconies, especially if they are used for storage and believes that people will throw garbage off their balconies. She felt that the building is very modern looking and pointed out the similarities with the Edelweiss House and Shadow Ridge which are big and ugly. The new design is a 70s or 80s style design. Ms. Newland presented a map of six proposed affordable housing projects located in her neighborhood and understood there should not be a concentration of affordable housing in one area of town. The 1440 Empire Avenue project was supposed to be affordable housing and she understood that two bedroom affordable housing units have to be 900 square feet.

Kayla Sintz explained that the 900 square foot requirement applies to deed-restricted affordable housing. If it is not deed-restricted it can be any size as long as it meets the minimum Building Code requirements. If it is converted to an affordable housing project, it has to meet the current affordable housing ordinance in place.

Ms. Newland expressed her preference for deed-restricted and owner-occupied affordable housing. She spoke about problems with the 1450 Woodside Avenue affordable housing because it is transient housing. She favored designating this project deed-restricted affordable housing with the 900 square foot requirement.

Rosemary Olson, appellant, referred to a newspaper article about the Mayor of Vail retiring two years early due to protests regarding affordable housing. She stated three things that concern her about the project, the integrity of Old Town and the resort, snow removal and parking. The Planning Commission asked that the applicant tweak the design and all that was done was darkening the rendering. She discussed the project in relation to their house and complained about the location of the exhaust vent and the elevator shaft on the main level wall adjacent to their house. Usually these elements are located in the middle of the building because they are noisy. Ms. Olson did not feel the project transitions and pointed out that the building in angled so that the project's windows look into their backside windows. This places a burden on them. Some of the balconies have storage, but the balcony on their side has no storage. Snow is a big issue and she questioned the feasibility of the snow removal plan which will drain into the Newland's property. The applicant has not explained how the drainage will work and she wants to know now, not later, so there isn't a burden on the Newlands or them. Currently there is a parking issue with the Snowshoe Inn which has 18 units and a parking space for each bedroom. It is always completely full and she has had to have illegally parked cars towed. The entrance to the project building comes from the street so repairmen will park along the street where there is no street parking. The Snowshoe Inn has a manager who is watching the property. Ms. Olson believed this project will turn into a dormitory with inadequate parking and the ADA parking should be accessible 24/7. She alleged that when she has had cars towed, there is retaliation. Ms. Olson stated that in reality the Snowshoe Inn is employee housing and there are major problems. She spoke at length about proposed affordable housing in the area and the impacts on the Newland property. The building is too big and intrusive. Rosemary Olson stated that at the end of the day the City Council is supposed to represent her and the neighborhood that is already paying taxes. The City Council is supposed to protect her as much as the developer and it should not be her burden to show but their burden to show. She asked if Council can guarantee that the project isn't going to be a burden on anyone. Is there a process? Who is managing this? Is there an HOA? Can you guarantee that there won't be mechanical impacts? Does this in reality represent her as equally as it does the applicant? She doesn't feel it does.

Dave Olson, adjacent property owner, believed the dialog on skier bed base is a non-issue as they are single family which is an allowed use. A finding has to be made about the increase in scale and that impacts have been mitigated on the neighborhood. Transitioning has been brought up and the project will be the highest building on the east side of Empire Avenue and the only building that has been built since the General Plan was implemented that is other than single family. The reason for that is that his builders and others were told they could not build to that density. He and his wife bought their property based on the General Plan map showing low density, knowing something would be built, but this application is not in keeping with what has been built up and down the street. Careful planning has been to maximize density. Mr. Olson pointed out that instead of designing 650 square foot units which would require more parking, the applicants are proposing 645 square feet. Instead of putting a closet inside that would take up additional space and lop off a number of units, storage is placed outside on the decks on the rear and the storage facing their homes is just there to be used. The Snowshoe Inn has bunk beds and if bunk beds were used in this project, there would be 96 beds while twin beds result in 48 beds on this narrow piece of property. Mr. Olson stated that the planning has been to minimize parking, maximize density, and to get the most bodies there of a transient nature. Although it may be desirable, it is not consistent with the General Plan and clearly represents more density and mitigation seems to be running in reverse. The applicants are treating this another way and after density is created to the max, they are doing little things to help it. He emphasized that the building is still five stories, an eight to ten foot retaining wall, a one story parking structure, and three stories. This goes back to a point made by Mr. Margolis. If maximum density was designated at 8,700 square feet, which could have been determined at the lot consolidation, we wouldn't have these problems.

Craig Elliott, Elliott Work Group representing the applicants, stated that all of the things that were brought up earlier can be responded to although they were not part of the remand. He asked members for their preference. Cindy Matsumoto asked for clarification about discussing these issues as Council voted not to expand the appeal, but the City Attorney indicated that the application has changed enough to be reviewing a whole new project. He added that most of the issues have to do with the design and the remand resulted in the design changes as opposed to the density and lot combination issues. Staff's response about the General Plan and the lot combination points were summarized and incorporated by reference to the prior arguments that staff had made, and not part of the remand. Design, parking, density, transition, mechanical, and snow removal are issues regardless of whether they relate to the rear façade. If the issues are resulting from changes to the design, those are squarely before Council on this remand. It does serve members to go through all of the elements of the CUP criteria with regard to all those issues. By way of exclusion, the lot combination, density, and General Plan issues are already incorporated. These concerns are on the record and members have not heard anything new. Alex Butwinski indicated that he has personally heard the Planning Commission proceedings and suggested that Mr. Elliott briefly explain the history of the design. He asked Mr. Elliott to comment on the difference of looking at what you see in a plan elevation versus what you see when it is actually built including building articulation.

Craig Elliott stated that after the remand, the rear of the building was redesigned. The roof form was lowered, reducing impacts in the rear, and shadow studies were conducted. Minor modifications were made upon request and the Planning Commission determined that the application met criteria. However, the Planning Commission then asked that the building be moved forward acknowledging that all of the criteria of the remand were met. He advised the Commission that the redesign will result in a significantly different building. Mr. Elliott noted that he briefly talked with a couple of the neighbors and explained some of the issues that might come up and there was support in moving the building forward. The new design returned to the Planning Commission and they have been compliant with every request from the Planning Commission or City Council. All of the parking was placed underground, the design was changed completely, the rear was lowered and moved 20 feet away from the historic building, which reduced the height and the shadowing. He pointed out that the shadow studies actually showed the buildings around the property cast more shadow on the historic structure than the proposed building. He displayed a site plan presented to the Planning Commission several years ago. The property and adjacent lots were owned by his client and the property was subdivided to allow the neighbors' houses to be built. This should be considered in context with the discussion on the plat amendment and changes to the zone. The owner created the opportunity for the neighbors, making it a unique situation. He alleged that Mr. Beard was able to quote something out of context in the Code. He read the Code, *Lot line adjustments. The Planning Director may approve a lot line adjustment between two lots without a plat amendment within the corporate limits of Park City if. . .*but he can't do it in a way that allows more to be built on the property. They didn't do that, but went through a plat amendment process. They are not trying to pull the wool over anybody's eyes, it is just a process outlined in the Code. It is just irrelevant. With regard to the low density designation in the General Plan, Mr. Elliott pointed out that it goes all the way over to the HR-1 Zone or Old Town which is considered to be low density but is twice as dense from what is being proposed. Mr. Elliott stated that they are definitely low density in the project and it's simple to figure out the calculations. They are not trying to hide anything. Applicants are allowed to go through a CUP process.

He displayed the new plan and pointed out that the whole back of the Olson House is a deck and he is concerned they will be looking into the project's decks and windows. The Olson property is only three feet away from the property line while this project has set-backs of over ten feet and in some instances 18 feet from the property line. Mr. Elliott explained the air intake mechanism used to ventilate the garage which draws the air in and pumps it out through the roof in a chase that is located in the back rear corner. You can't see it or hear it; there are no issues with that. He referred to the revisions allowing the ADA parking. The only reason the elevator is in the lower level of the building is to best serve the ADA parking stall. Mr. Elliott felt that the neighborhood houses really look more like Deer Valley houses, not Old Town houses or Park City Mountain Resort houses. In his opinion as an architect, he doesn't believe that what they have designed looks like a 70s or 80s building and everybody has opinions about architecture, scale and massing and he is not sure these neighborhood houses are appropriate in their location. He again referred to the displayed site plan. The reason the building is angled toward the neighbor's house is so it lines up with the street front, which improved the distance away from the Olson House, moving it farther away. In this zone, a single family house can be three feet away from the property line, but this building is required to be ten feet away but they went beyond that to reduce the impact to the neighbors in that location. Mr. Elliott showed slides illustrating his point and pointed out the retaining wall and vegetation proposed to create a softer look in the back. The building massing facing to it is similar in scale and scope. There is a tremendous amount of articulation, materials are contextual, and there is no garage door facing Empire Avenue. All of the parking is underground which is a major accomplishment. They are trying to provide housing for two reasons. The developer and owner are being responsible by trying to bring in their affordable housing before the development project. Mark Fischer developed 24 units in Rail-Central and never needed to dedicate them. He is trying to fulfill affordable housing requirements for future developments which is commendable. Also they are trying to build housing for people in the service industry who have no voice right now and there is a huge demand for this type of housing. Leasing big homes to a number of renters as affordable housing is not what we really want for transient affordable housing. Mountainlands Community Housing Trust or the Christian Center can easily relay the housing needs in the community. The reasons they are doing this are straight-forward.

Alex Butwinski asked about a solution for the drainage. Craig Elliott stated that they have talked with the City Engineer and they know they can solve it in a couple of ways. Currently, about 40 feet of snow is stacked on the property and with this project, there will be less snow and drainage run-off than what has been there for the last several years. Snow removal and storage impacts will be greatly reduced from what has been experienced there historically. In response to a question from Mr. Butwinski, Mr. Elliott explained that requirements are in place for lighting and since it is not technically a parking lot, lighting might not be required. If there is exterior lighting it will be bollard lighting. Mr. Butwinski asked about elevator noise and Mr. Elliott responded that there is no issue as there will be no noise problem. Cindy Matsumoto expressed her appreciation for moving the building 20 feet forward and asked if the rear wall is articulated. Mr. Elliott stated that it is quite articulated and the Code requires it. He displayed a rendering and emphasized that the building is farther away and significantly lower, consistent with the direction given through the remand. The Mayor invited public input; there was none.

Bruce Beard stated that it is hard to hide nine units and 48 people and they have never said that Mr. Elliott is trying to hide it, but trying to cram density inappropriately. Single family units are permitted but this is a CUP so the discussion about single family use is generally irrelevant with regard to density, acreage, and proximity. As a CUP, it has to meet different requirements than a permitted use and must mitigate the harm that it creates on the permitted uses. They have pointed out a number of ways in which it doesn't, including but not limited to, parking, privacy, mass, etc. They keep hearing that it's affordable housing, but it's not qualified deed-restricted affordable housing and saying your building affordable housing in advance of needing it doesn't make a lot of sense when what is being built won't qualify as affordable housing. Secondly, the people Mr. Elliott is talking about are not defined as skier bed base but employees. This is an employee housing project, not skier bed base and not affordable housing. It is not low density. Thirty units on an acre isn't low density. He relayed that the red herring is saying that the property has historically been used for snow storage and there will be less snow with this project which doesn't mean that it will not impact the property below it. This project is a square peg in a round hole and this isn't careful planning in terms of mitigating the impacts on the neighborhood but careful planning to squeeze literally every single human body you can on a space where that many people simply don't go.

Alex Butwinski recalled the Planning Commission determining that use as affordable housing is irrelevant to the application. Deed-restricting the property would occur after the completion of the project and Mr. Butwinski felt this argument is a non-issue. The City Attorney agreed. The distinction between skier bed base and employee housing was debated again. Alex Butwinski referred to Mr. Margolis' statement that all Planning Commission votes on the project were split, but pointed out that the last approval on December 15, 2010 was unanimous. Mr. Margolis explained that December 8, 2010 was the meeting he attended and he couldn't attend the last meeting. Mr. Butwinski assumed he read the minutes to prepare for the appeal and would be aware of the unanimous vote. Rick Margolis stated that he did not read the minutes and commented that at the last hearing he attended, Mark Harrington pointed out that the scope was so narrow that there wasn't much to talk about and approval was a matter of general compliance. The City Attorney confirmed that the Planning Commission vote was unanimous.

The Mayor presented options to members. He asked about the 48 tenancy number and it was explained that it represents two people per bedroom. Ms. Simpson believed that if the project application was for an affordable housing project, it could receive more density. The City Attorney explained that it would be eligible to apply for greater density, but it is not a given and the property has physical constraints so it may or may not be granted. The Mayor asked about compliance with ADA parking requirements and Kayla Sintz indicated that the parking plan complies. In response to a question from Candace Erickson, Mark Harrington explained that if the appeal is denied, the lot combination lawsuit will continue. This approval is contingent upon the plat recordation and a pending lawsuit doesn't stay the approval unless there is an injunction.

Alex Butwinski, "<u>I move to deny the appeal of the Planning Commission's December 15, 2010 approval on the conditional use permit for 1440 Empire Avenue</u>". Liza Simpson seconded. Mark Harrington asked if members have reviewed and accepted the draft findings, conclusions and conditions outlined in the staff report. Alex Butwinski stated that he has no changes. <u>Motion unanimously carried</u>.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII 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 5 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Jonathan Weidenhamer, Economic Development Manager, and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss litigation and property". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 6 p.m. Candace Erickson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Subject:	**Membership in Mountain Partnership**
Author:	**Janet M Scott**
Department:	**Mayor's Office**
Date:	**March 3, 2011**
Type of Item:	**Administrative**

Summary Recommendations:
Adopt a resolution authorizing the Mayor to submit an application to Mountain Partnership for membership.

Background:
Utah Valley University is hosting the Women in the Mountains Conference to be held in Orem on March 8 and 9, 2011 where Mountain Partnership is represented. The Mayor's Office has been contacted by Christina Lowe, Miss Utah, urging Park City to pass a resolution authorizing the Mayor to apply for membership and if approved, Park City's involvement would be announced at the conference. Dana believes this is a worthwhile endeavor and asked for consideration this Thursday. Christina Lowe will be in attendance at Thursday's meeting to answer any questions.

Incidentally, Diane Foster will be speaking at this conference so Park City will be well represented. http://womenofthemountains.org/

Analysis:
The only other city listed as a participant on its website is Aspen who joined last June, but staff understands that Salt Lake City also became a member in February. There is no membership fee or commitment in terms of financial support or staff resources. http://www.mountainpartnership.org/

Alternatives:

- **A. Approve:**
  This is staff's recommendation.
- **B. Deny:**
- **D. Continue the Item:**
  Direct staff to provide more information at a later date.

Significant Impacts:
None.

Consequences of not taking the recommended action:
None.

Recommendation:
Adopt a resolution authorizing the Mayor to submit an application to Mountain Partnership for membership.

Resolution No. 11-

RESOLUTION SUPPORTING PARK CITY'S MEMBERSHIP IN THE MOUNTAIN PARTNERSHIP, A VOLUNTARY ALLIANCE OF PARTNERS DEDICATED TO IMPROVING THE LIVES OF MOUNTAIN PEOPLE AND PROTECTING MOUNTAIN ENVIRONMENTS AROUND THE WORLD, AND AUTHORIZING THE MAYOR TO SIGN THE MEMBERSHIP APPLICATION

WHEREAS, The Mountain Partnership is bringing countries, cities, groups and organizations together to work toward a common goal: to improve the lives of mountain people and protect mountain environments around the world in coming together to contribute ideas with the intention to benefit all members through joint efforts with the United Nations to create a dialogue on progress and new ideas between Mountain Communities; and

WHEREAS, Park City is interested in learning about the environments, needs, and cultures of other communities and recognizes mountain communities play a vital role in the world's culture and economy, and which ecological systems provide large quantities of potential resources ranging from forestry, agriculture, rich biological diversity, great areas of recreation, tourism and social heritage for the rest of the world; and

WHEREAS, Park City has played to its strength of tourism and is the home to three major ski resorts and was a venue in the 2002 Winter Olympic Games. Park City is continuously featured in ski magazines across the world. In 2008 *Forbes Traveler Magazine* named Park City as a top 20 "prettiest town" in the U.S. Other mountainous communities could benefit from Park City's ability to promote tourism.

WHEREAS, Park City and other communities with mountain climates can share knowledge and insights about their successes and challenges; and

WHEREAS, Park City appreciates and promotes women in leadership roles. The Mountain Partnership focuses on women and their role in their communities consistent with Park City values, and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Park City shall lend its support to the people of the world's mountain communities by joining The Mountain Partnership and sharing knowledge and expertise about critical issues such as water, infrastructure, industry, education and social services and seeking to participate in relevant initiatives.
2. The Mayor shall be authorized to sign the Mountain Partnership membership application.
3. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED this **3rd** day of **March** 2011.

Dear Honorable Members of the Mountain Partnership,

We, Park City Utah, write with the intent to join the numerous nations and organizations that comprise the Mountain Partnership. Park City feels that it has a great to deal to offer and to learn from the Mountain Partnership.

Since its beginnings in the late 1860's Park City has always had the goal of sustainable mountain development. Silver mining was the primary resource for the region and employed much of the early population. Park City transformed into one of the premier skiing destinations in the world, marked by the first ski lift installation in 1946.

Park City is no exception to the many difficulties that mountain areas face. Since its inception and over the years the city has had to overcome its share of challenges, particularly in the early 1950's when many of the mines shut down and countless miners were put out of work. Due to the ability to adapt and to reinvent itself, Park City has emerged as one of the top resort cities in the West with a sustainable economy.

In 2008 Forbes Traveler Magazine named Park City one of America's 20 "Prettiest Towns," Deer Valley Resort was named the number one ski resort in North America by readers of *Ski Magazine* over the past several years. International world cup competitions have been held in Park City's resorts and Olympic Park in the last 10 years. Park City also has the pleasure of hosting the world renowned Sundance Film Festival every year.

Park City feels that it would be able to contribute to mountain communities throughout the world namely by way of initiatives already in place by the Mountain Partnership. Park City is a great example of a city that has produced healthy transition from an industrial city to a tourist city and has been able to capitalize on its unique mountain area to do so. This transition has furnished a vast array of jobs in many different sectors of the economy.

It is our hope that Park City will be accepted into the Mountain Partnership and have the opportunity, through its network, to combat issues that affect mountain regions. We feel that we have great potential and a great opportunity to learn and network with similar communities throughout the globe.

Sincerely,
Mayor Dana Williams

City Council Staff Report

Subject:	**Encroachment Agreement with Treasure Mountain Homeowner's Association for an Elevator & Abutting Facilities Located in the Third and Main Street Right-of-Ways**
Author:	**Matthew Cassel, City Engineer**
Date:	**March 3, 2011**
Type of Item:	**Legislative**

Summary Recommendations:
Staff recommends that the City Council approve an Encroachment Agreement, in a form approved by the City Attorney, with Treasure Mountain Inn Homeowner's Association for the purpose of constructing, operating and maintaining an elevator and abutting facilities for Treasure Mountain Inn, 255 Main Street.

Description:
The applicant is proposing to renovate the north face of the Treasure Mountain Inn. As part of this renovation, the applicant proposed to install an exterior access (elevator) to the building and a ramp to the elevator in compliance with the American with Disabilities Act (ADA). Current ADA access into the facility is through their parking garage.

The proposed encroachment would include the elevator and its shaft, mechanic room for the elevator, ADA ramps leading to the elevator and expanded decking on the main floor to maneuver around the elevator shaft.

Background:
An encroachment agreement with Treasure Mountain Inn Homeowner's Association was recorded on October 3, 2006 for the columns and covered walkway at the entrance of the Inn on Main Street.

An existing deck encroachment exists on the north side of the building and within the Third Street ROW. This deck/patio has been in existence for over 10 years. Efforts to find an encroachment agreement for this deck have been futile. If we cannot locate an existing encroachment agreement, this deck/patio will be included in this proposed encroachment agreement.

A Historic District Design Review (HDDR) has recently been completed by our Planning Department. The building is not historic. The application was vested under the old guidelines but their design is compatible with the new guidelines. The HDDR included noticing of the neighbors. To date, no issues have arisen.

Analysis:
As part of the agreement, the applicant will provide a 10 foot by 18 foot lockable storage room for the sole use of the City and will install and provide water to the City's planter located at the intersection of Third Street and Main Street. Once completed, the

proposed encroachment will not impact the current use of the public stairs or the existing public spaces within the Third Street Right-of-Way or the sidewalk along the west side of Main Street.

Additionally as part of the encroachment agreement, the applicant will be required to undertake additional snow removal responsibilities for the sidewalks, curbs and walkways abutting the encroachment and will be required to maintain additional insurance levels with the City named as an Additional Insured by the applicant's insurance carrier.

The Planning Department is in support of the proposed exterior building improvements and deck and patio encroachment improvements as it consistent with the General Plan for the Main Street commercial zone in activating exterior gathering and dining areas.

Department Review:
This report has been reviewed by Legal, Planning, Building and Public Works. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:
Approving the encroachment will allow Treasure Mountain Inn to move forward with their renovation of the north side of their building. This is Staff's recommendation.

B. Deny the Request:
Denying the encroachment will then not allow Treasure Mountain Inn to move forward with their renovation of the north side of their building.

C. Continue the Item:
If the Council desires more information about the encroachment, the item may be continued.

D. Do Nothing:
This would have the same affect as denying the request for the encroachment.

Significant Impacts:
Significant impacts arising from the recommended action is that the Third Street ROW between Main Street and Park Avenue specifically the Third Street public stairs will be adjacent to construction activities this coming summer. To minimize impacts and as part of the Construction Mitigation Plan, the contractor will be required to provide protected access to and from the Third Street public stairs throughout the construction period of the project.

Consequences of not taking the recommended action:
If the encroachment agreement is not approved, Treasure Mountain Inn will not be able to construct the elevator and associated improvements along the north face of their building.

Recommendation:
Staff recommends that the City Council approve an Encroachment Agreement, in a form approved by the City Attorney, with Treasure Mountain Inn Homeowners Association for the purpose of constructing, operating and maintaining an elevator and abutting facilities for Treasure Mountain Inn, 255 Main Street.

Attachment – Encroachment Agreement
Renderings of the Finished North Face of TMI
Layout Drawing showing the Encroachment

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

ENCROACHMENT AGREEMENT
TREASURE MOUNTAIN INN
255 MAIN STREET

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (*City*) and TREASURE MOUNTAIN INN HOMEOWNERS ASSOCIATION (Owner), to set forth the terms and conditions under which the City will permit the (Owner) to build and maintain certain improvements within the City street known as Third Street and Main Street in front of and adjacent to 255 Main Street, Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain an elevator on City property adjacent to 255 Main Street.

1. TREASURE MOUNTAIN INN HOMEOWNERS ASSOCIATION are the tenant of, and this encroachment agreement shall be appurtenant to the following described property:

> The common areas within Treasure Mountain Inn Condominiums, 255 Main Street, Park City, Summit County, Section 16, T2S, R4E, Salt Lake Base and Meridian.

This agreement is not transferable to other property, but is freely transferable with the title to the condominium common area and other condominiumized spaces within the Treasure Mountain Inn. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owners. Owners shall provide the City with proof of incorporation with the State of Utah annually, and include the name and address of their registered agent. Upon failure to provide such information, the City may demand that one or more commercial unit owners co-sign this agreement, or the agreement may be immediately revoked.

2. The improvements permitted within the City property described above shall consist of an elevator and abutting facilities of a design approved by Park City. The design for the facilities is shown on plans prepared by David G. White, Architect for 255 Main Street. No modifications to the elevator and abutting facilities, once installed, may be made without prior written permission from Park City Municipal Corporation. Park City's approval or lack thereof will be based on the Land Management Code, the International Building Code, and the Historic District Design Guidelines in effect at the time of any requested modification.

3. Although it is not currently planned, the City may, at some future date, elect to make improvements to Third Street at this location and install surface or overhead improvements to the full width of platted Third Street. Such overhead improvements may include, but are not limited to, street lighting, an overhead monorail or people mover system, or covered walkways. To the extent that any surface or overhead improvements requires the removal, relocation, replacement, and/or destruction of the improvements the Owners may have installed within the Third Street right-of-way, the Owners waives any right to compensation for the loss of the use of the elevator within the City's street right-of-way and/or for any change in the grade and elevation of Third Street, its adjacent sidewalk and curb, and any related public improvements. This waiver of compensation, in the event the encroaching elevator is removed for purposes of installing overhead improvements or other City improvements, is the consideration give for the granting of this encroachment permit.

4. Prior to installing City improvements in, along, or above Third Street and/or its adjacent sidewalks and curb in a manner that will require the removal or

relocation of the elevator and abutting facilities, the City will endeavor to give the Owners ninety (90) days notice, in which time the Owners shall make adjustments and remodel or remove the facilities as necessary to accommodate the changes in the City improvements within the Third Street right-of-way at Owner's cost. The City is in no way obligated to provide an alternative location for the elevator if it needs to be moved from its approval location.

5. No permanent right, title, or interest of any kind shall vest in the Owners in the City property by virtue of this agreement. The elevator may not be condominiumized or otherwise separately owned from the balance of the Owner's property except as shown on the recorded Record of Survey. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

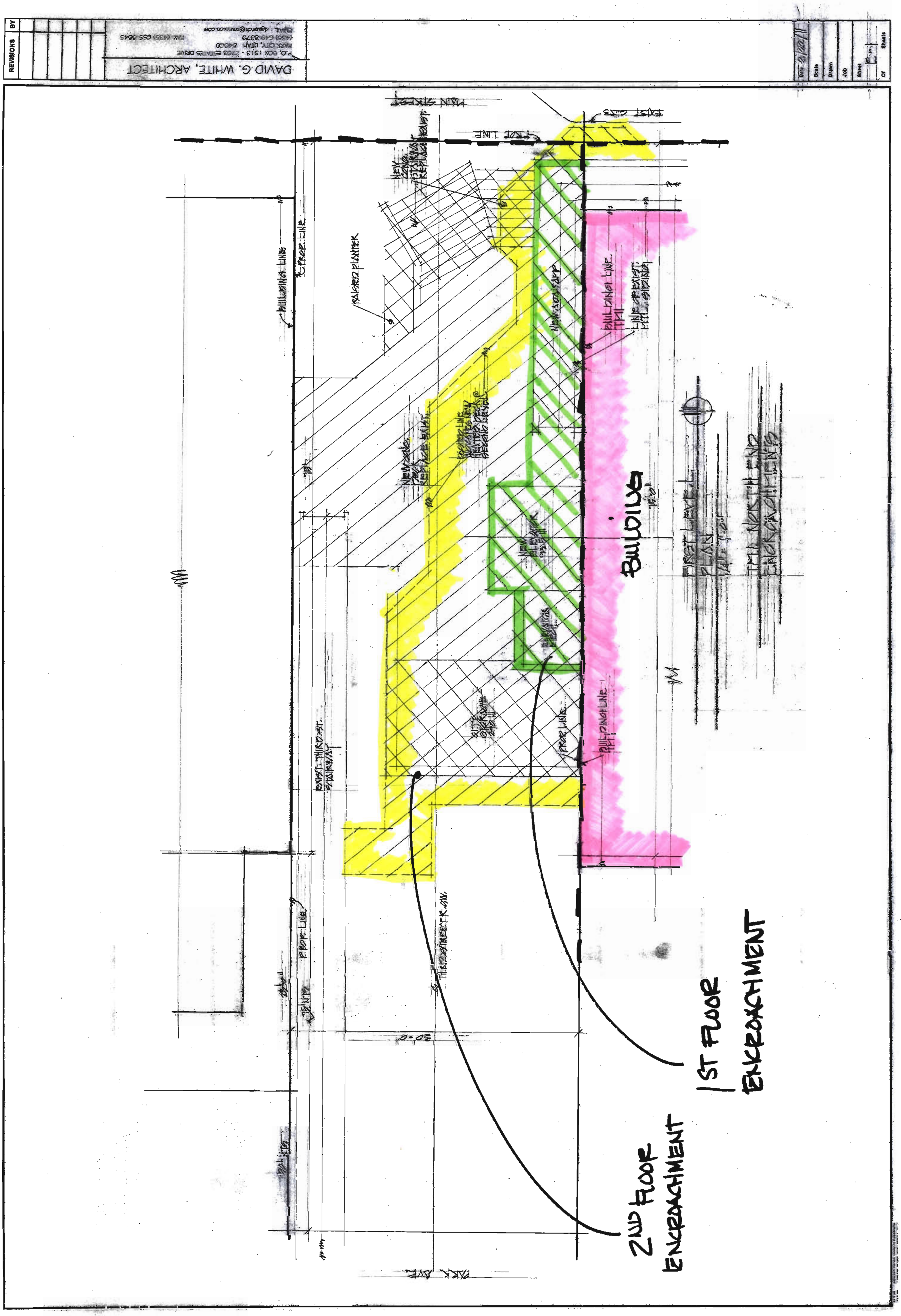
6. The Owners or their successor shall maintain the elevator and abutting facilities in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owners also hereby agree to undertake additional snow removal responsibility for the sidewalks, curbs and walkways abutting the encroachment as shown on the attached diagram. This additional snow removal responsibility is in recognition of the interference of the elevator with the existing enhanced City maintenance, and it represents a portion of the consideration given for the granting of this encroachment permit. The Owners shall remove all snow and ice from the sidewalks, curbs and walkways abutting the encroachment as shown on the attached diagram as required by Section 14-4-7, 14-4-8 and 14-4-9 of the Park City Municipal Code.

7. The Owners hereby agree to construct and maintain the storage facilities located in the 3rd Street Right-of-Way as shown on the attached plans. The Owners also agree to install a water line to the City planter located in the 3rd Street Right-of-Way and to provide water for the plant materials during the spring, summer and fall months.

8. The Owners agree to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the Third Street right-of-way for private purposes, or from the failure of the Owner's improvements and enhanced maintenance responsibility. The Owners agrees to maintain general liability insurance in effect in perpetuity, with an aggregate insurance value of not less than $4,000,000.00 (four million dollars) and $2,000,000.00 per occurrence, and Park City shall be named as an Additional Insured by the Owner's insurance carrier. Nothing herein shall waive any provision of the Utah Government Immunity Act.

9. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

DATED this ________________ day of __________, 2011.


DAVID G. WHITE, ARCHITECT
MAIN STREET
PROP. LINE
BUILDING LINE
RAISED PLANTER
BUILDING
THIRD STREET R.O.W.
PARK AVE
2ND FLOOR ENCROACHMENT
1ST FLOOR ENCROACHMENT


HOTEL

City Council Staff Report

Subject: Resort Townhomes Condominiums First Amended plat
Author: Kirsten A. Whetstone, AICP
Date: March 3, 2011
Project Number: PL-10-01083
Type of Item: Administrative – Condominium Record of Survey Amendments

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council open a public hearing, discuss the request for amendments to the Resort Townhomes condominiums record of survey plat, consider any input, and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Topic

Applicant:	Resort Townhomes HOA
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Historic single family homes and duplexes, contemporary homes and condominiums, the Shop Yoga studio.
Reason for Review:	Amendments to condominium record of survey plats require Planning Commission review and recommendation to City Council

Proposed Plat Amendment

On October 15, 2010, the City received an application for the first amendment to the twelve unit Resort Townhomes condominium record of survey plat located at 1109-1139 Woodside Avenue (see Exhibits A, B, and C). The application was complete on December 3, 2010.

The applicant, Resort Townhomes HOA, represented by, David Belz, requests the following amendments:

- Request to convert limited common areas associated with each individual unit and used for the open garages, to private area in order to allow the garages to be enclosed with a garage door. Garages currently have three walls and are counted in the building footprint calculations for the zone. No change are proposed to the building footprints.
- Conversion of common area interior to the site (yard area) and between buildings to limited common area to allow placement of hot tubs for exclusive use of adjacent units. No building construction is proposed.

On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input.

Background

Resort Townhomes condominiums are located at 1109-1139 Woodside Avenue within the HR-1 zoning district. The Resort Townhomes record of survey plat was approved by the City Council on May 17, 1984 and recorded at Summit County on May 18, 1984. The buildings are not historic and are not listed on the Historic Site Inventory. This is the first proposed amendment to the Record of Survey.

Resort Townhomes record of survey plat consists of 12 residential condominium units in six duplex buildings located on 12 old town lots. The record of survey plat recorded 12 residential condominium units of 587 sf each. The actual unit area is 573.64 sf, as recently surveyed for the plat amendment. The unit dimensions exist as originally platted; however the 573.64 sf is the accurate figure for the existing floor area.

Each duplex is located on two lots in compliance with the current lot requirements in the HR-1 zone, with the exception of units 9/10 and 11/12 which exceed the building footprint by 14 sf per building.

Each unit has 2 parking spaces, currently located in an open garage configuration (with side and rear walls but no garage door) on the ground floor with the unit floor areas located above. The parking spaces were constructed with dimensions of 31.16’ deep by 17.79’ wide and are legal non-conforming garages. Current parking dimensions are required to be 20’ deep by 20’ wide. The garages currently count into the allowable footprint and no changes to the building footprints are proposed. Enclosed garages are proposed in order to mitigate issues the HOA has with pipes freezing due to the open garages.

There are two access driveways to the units. Units 1-4 are accessed off of a 12’ wide private driveway off of Woodside Avenue and Units 5-12 are accessed off of a 25’ wide driveway located further to the south on Woodside Avenue. No changes to the driveways are proposed. Garages face north/south and are not visible from the street (see Exhibit D). The existing buildings comply with the site and lot requirements of the HR-1 zoning district as outlined below.

Analysis

Zoning for the subdivision is Historic Residential (HR-1). The applicable purposes of the HR-1 zone include the following:

- Preserve present land Uses and character of the Historic residential areas.
- Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

The proposed amendments are consistent with the purpose statements of the zone in that the use as residential condominiums is unchanged, the additional floor area is proposed in areas internal to the site with minimal site disturbance. Enclosing the open garages with garage doors that comply with the Design Guidelines for Historic Districts and Sites will improve the overall appearance of the site. The Design Guidelines discourage carports and enclosed garages are compatible with surrounding structures. Enclosed garages are proposed in order to mitigate issues the HOA has with pipes freezing due to the open garages.

All units currently have 573.64 sf in floor area that is designated as private area. This private area is located on the second floor of the buildings. The existing Resort Townhomes plat identifies each unit as having 587 sf of private area. The dimensions of the units have not changed, however the current plat accurately reflects the actual private area that results from these dimensions.

The proposed amendments increase the square footage of private area for the units by converting the limited common area of the garages and existing storage areas on the ground floor to private area for each unit. The existing limited common areas range in size from 554.34 sf to 691.01 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The total private area includes both the garage and private storage areas. The second story private floor area remains at 573.64 sf.

There are no floor area limitations in the HR-1 zone or on the plat. However the zoning district does have restrictions on the total building footprint of 1,519 sf per building. No changes are proposed to the existing building footprints. The amendments increase the total private area of the units as follows:

Building and Unit #	**Existing bldg footprint (sf) - no changes to footprint are proposed.**	**Existing private area total per unit (sf)**	**Proposed private area total per unit (sf) (includes garage as private)**	**Bldg footprint allowed by HR-1 zoning (sf)**
A- Units 1/2	1,504	573.64 573.64	1,182.13 1,182.02	1,519
B- Units 3/4	1,504	573.64 573.64	1,182.02 1,182.13	1,519
C- Units 5/6	1,504	573.64 573.64	1,182.13 1,179.75	1,519
D- Units 7/8	1,504	573.64 573.64	1,179.75 1,182.13	1,519
E- Units 9/10	1,533 (existing non-conforming)	573.64 573.64	1,213.33 1,179.75	1,519
F- Units 11/12	1,533 (existing non-conforming)	573.64 573.64	1,179.75 1,212.88	1,519
Total	**No change in footprint**	**6,883.68**	**14237.77**	

The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
Staff reviewed the proposal for compliance with the Land Management Code as shown in the following table:

	HR-1 Zone requirements	**Existing/proposed**
Height	27’	26.6’ to 26.8’ no changes proposed to building height- **complies**.
Front setback	10’	No construction is proposed into the existing 10’ front setbacks- **complies**.
Rear setback	10’	No construction is proposed into the 10’ rear setbacks- **complies**.
Side setbacks	5’	No construction is proposed into 5’ side setbacks- **complies**.
Minimum Lot Size	3,750 sf for a duplex	3,750 sf for each duplex building (12 Old Town lots total)
Building footprint	1,519 sf per building (2 units per building)	See table above- **Units 9/10 and 11/12 are non-conforming. Others comply.**
Commercial and Office uses/ Support uses	No commercial or office uses exist.	No commercial or office uses are proposed. **complies**
Parking	2 spaces per duplex unit with dimensions of 20’ by 20’ (four spaces per duplex building).	No changes to existing parking proposed, except addition of garage doors. Existing dimensions (31.16’ depth by 17.79’ width) are non-conforming in width. All exterior changes to the buildings require Historic Design Review (HDDR) approval. **Existing non-conforming garage widths.**

The buildings do not exceed the allowable 27’ building height and there are no non-conforming setback issues. There are no floor area restrictions in the HR-1 zone. The plat amendment would increase the private area for individual units by enclosing garage and storage area on the ground floor; however the floor area of the units (second floor) remains at 573.64 sf.

Existing garage dimensions are legal non-conforming in width (by 2.21 feet). The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages. The buildings comply with setbacks, and building height requirements. Buildings E and F (units 9/10 and 11/12) are existing non-conforming in terms of building footprint, exceeding the footprint limitation by 14 sf per building. The other buildings comply with the footprint limitations. No new building footprint area is proposed.

Department Review

The plat amendment application was taken before the Development Review team on November 9, 2010. The Development Review team reviewed the zoning compliance items, conversion of common to limited common and limited common to private. The SBWRD requested that existing sewer easements be included on the plat with recording information noted, as well as a request for a note on the plat regarding resurfacing of the common driveways and requiring the HOA to be responsible for adjusting sewer manhole covers back to grade. The applicant has addressed issues raised at the meeting and notes have been included on the plat.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

Staff has not received any public input at the time of this report.

Future Process

Approval of this application by the City Council would constitute Final Action that may be appealed following the procedures found in LMC 15-1-18.

Recommendation

Staff recommends the City Council open a public hearing, discuss the request for amendments to the Resort Townhomes condominiums record of survey plat, consider any input, and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance
Exhibit A- Proposed plat
Exhibit B- Existing plat
Exhibit C- Applicant letter
Exhibit D- photos of property

Ordinance 11-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE RESORT TOWNHOMES CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 1109-1139 WOODSIDE AVENUE IN PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Resort Townhomes Condominiums, located at 1109 – 1139 Woodside Avenue, within the HR-1 zoning district, have petitioned the City Council for approval of amendments to 1) convert to private area the limited common area within the open garages in order to enclose the garages and existing storage areas and 2) convert to private area those limited common areas located internal to the site between buildings, for the purpose of locating hot tubs on limited common areas; 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 property owners as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2011, to receive input on the proposed amendments to the record of survey plat; and

WHEREAS, on February 9, 2011, the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, on March 3, 2011, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed amendments to the Resort Townhomes record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Resort Townhomes Condominium record of survey plat 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 property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums record of survey plat was approved by the City Council on May 17, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit,

as recently surveyed for the plat amendment. The unit dimensions exist as originally platted; however the 573.64 sf is the accurate figure for the existing unit floor area. The private area excludes the common garage and storage areas on the ground floor. The project consists of six duplex buildings.

5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.
7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 19, 2010, the Resort Townhomes owner's association unanimously voted to approve the condominium record of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27' building height and there are no non-conforming setback issues.
14. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input.

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

Conditions of Approval

1. 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 these conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval unless an extension to the recordation date is granted.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance are required for all construction and/or disturbances of the soil or landscaping on the site.

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

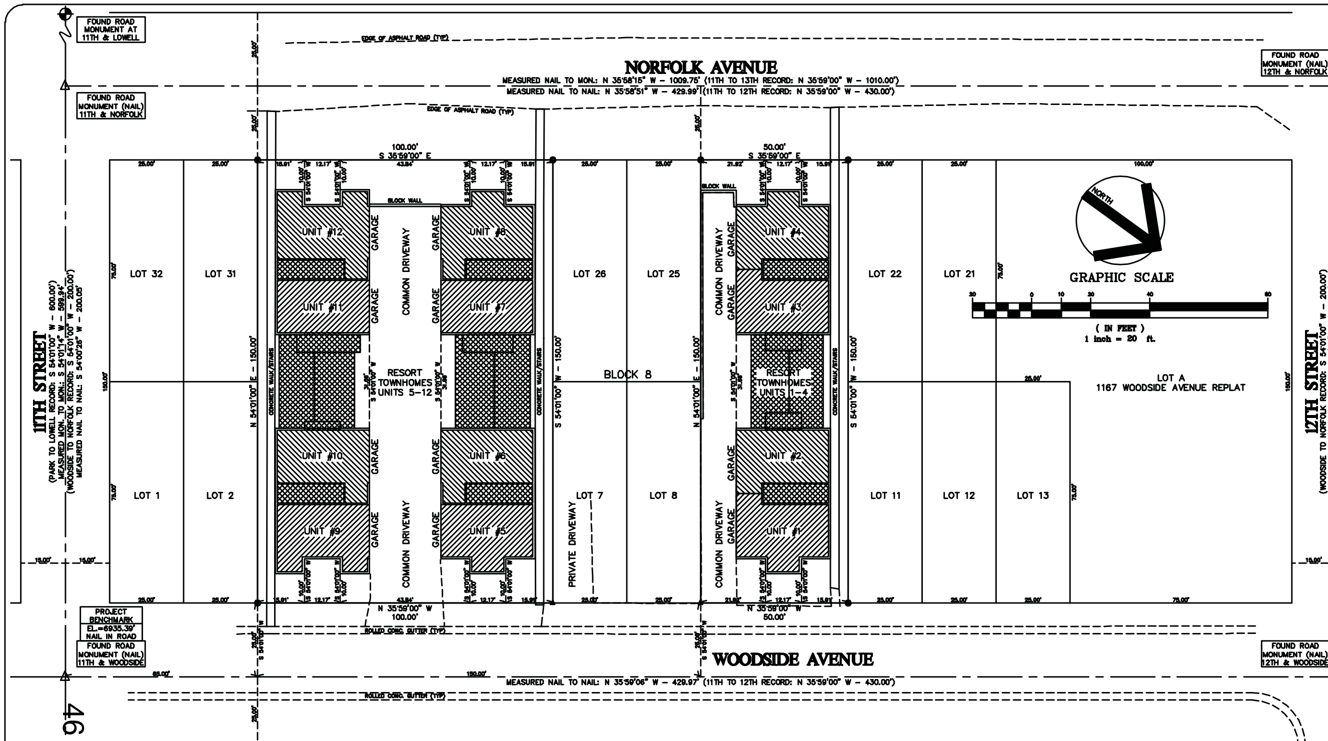
PASSED AND ADOPTED this ___ day of March, 2011.

CONDOMINIUM PLAT

RESORT TOWNHOMES AMENDED

– A 12 UNIT CONDOMINIUM PROJECT –

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY, NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

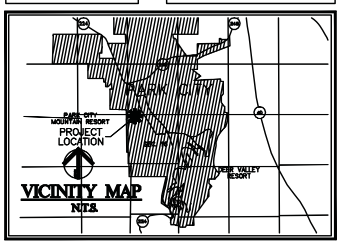


SYMBOL LEGEND

- FOUND & ACCEPTED REBAR & PLASTIC CAP "EVERGREEN ENG" "LS 187788"
- FOUND & ACCEPTED REBAR & PLASTIC CAP "ALLIANCE ENGINEERING"
- FOUND & ACCEPTED "MAG NAIL" IN ASPHALT
- FOUND & ACCEPTED STREET MONUMENT

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNITS



VICINITY MAP
N.T.S.

LEGAL DESCRIPTION

"RESORT TOWNHOMES (12 UNITS) A UTAH CONDOMINIUM PROJECT" ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AS NO. 220528.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:
ALL OF LOTS 3, 4, 5, 6, 9, 10, 23, 24, 27, 28, 29 AND 30, BLOCK 8, SNYDERS ADDITION TO PARK CITY, UTAH. LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

AREA TABULATIONS

COMMON AREA	–	12,458.52 S.F.
LIMITED COMMON AREA	–	5,112.0 S.F.
UNIT 1	–	390.0 S.F.
UNIT 2	–	463.0 S.F.
UNIT 3	–	463.0 S.F.
UNIT 4	–	390.0 S.F.
UNIT 5	–	404.5 S.F.
UNIT 6	–	404.5 S.F.
UNIT 7	–	515.5 S.F.
UNIT 8	–	404.5 S.F.
UNIT 9	–	355.5 S.F.
UNIT 10	–	391.5 S.F.
UNIT 11	–	533.5 S.F.
UNIT 12	–	396.5 S.F.
PRIVATE AREA (UNITS)	–	14,254.09 S.F.
UNIT 1	–	1,213.23 S.F.
UNIT 2	–	1,159.08 S.F.
UNIT 3	–	1,159.08 S.F.
UNIT 4	–	1,213.23 S.F.
UNIT 5	–	1,182.13 S.F.
UNIT 6	–	1,179.75 S.F.
UNIT 7	–	1,127.98 S.F.
UNIT 8	–	1,233.90 S.F.
UNIT 9	–	1,213.33 S.F.
UNIT 10	–	1,179.75 S.F.
UNIT 11	–	1,127.98 S.F.
UNIT 12	–	1,264.65 S.F.

UNIT FLOOR ELEVATIONS

UNIT	GARAGE SLAB	GAR. LANDING	MAIN LEVEL
UNIT 1	6926.4	6926.7	6936.1
UNIT 2	6926.4	6926.7	6936.1
UNIT 3	6931.2	6933.4	6942.8
UNIT 4	6933.7	6933.4	6942.8
UNIT 5	6931.9	6933.2	6942.6
UNIT 6	6933.8	6933.2	6942.6
UNIT 7	6938.8	6940.7	6950.1
UNIT 8	6938.8	6940.7	6950.1
UNIT 9	6934.3	6936.5	6945.9
UNIT 10	6935.6	6936.5	6945.9
UNIT 11	6940.5	6942.7	6952.3
UNIT 12	6941.8	6942.7	6952.3

PARK AVENUE
N 35°59'00" W – 429.99' (11TH TO 12TH – MEASURED)
* BASIS OF BEARING * N 35°59'00" W – 1009.67' (MEASURED)
[N 35°59'00" W – 1010.00' (RECORD)]

FOUND ROAD MONUMENT AT 11TH & PARK
FOUND ROAD MONUMENT AT 12TH & PARK
FOUND ROAD MONUMENT AT 13TH & PARK

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT. UTAH CODE TITLE 57. REAL ESTATE.

STATE OF UTAH – GREGORY R. WOLBACH – NO. 187788 – PROFESSIONAL LAND SURVEYOR

____________________ GREGORY R. WOLBACH DATE: ____________

NOTES:

1. LOCATED WITHIN: BLOCK 8, SNYDERS ADDITION TO PARK CITY, N.W. 1/4 OF SECTION 16, T. 2 S., R. 4 E., S.L.B.&M., PARK CITY, SUMMIT COUNTY, UTAH.
2. BASIS OF BEARING: MEASURED N 35°59'00" W 1009.67', BETWEEN A FOUND MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 11TH STREET AND A FOUND MONUMENT AT THE INTERSECTION OF PARK AVENUE AND 12TH STREET, AS SHOWN HEREON.
3. PROPERTY CORNERS: FOUND AND ACCEPTED SURVEY MONUMENTS, AS SHOWN HEREON.
4. PROJECT BENCHMARK ELEVATION=6935.39'. A FOUND "MAG" NAIL AT THE RECORD LOCATION FOR THE STREET MONUMENT LOCATED AT THE INTERSECTION OF 11TH STREET AND WOODSIDE AVENUE, AS SHOWN HEREON.
5. THIS PLAT REPRESENTS AN AMENDMENT OF THE EXISTING "RESORT TOWNHOMES", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, NO. 220528.
6. THE PURPOSE OF THIS AMENDMENT IS TO RE-DEFINE GARAGE AREA/SPACE TO "PRIVATE AREA". EACH UNIT REFLECTS THE AMENDED "PRIVATE AREA", AS SHOWN HEREON. ALSO, PORTIONS OF THE COMMON AREA, AT GROUND LEVEL, HAVE BEEN RE-DEFINED TO "LIMITED COMMON" AREA, AS SHOWN HEREON.
7. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
8. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "RESORT TOWNHOMES, AMENDED" AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO.________, BOOK________, PAGE________.
9. THE UNITS OF THIS CONDOMINIUM ARE SERVED BY COMMON PRIVATE LATERAL WASTEWATER LINES. "RESORT TOWNHOMES ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE UNITS, COMMON AND LIMITED COMMON AREAS CONTAINED WITHIN THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "RESORT TOWNHOMES, AMENDED", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT AND OFFER FOR DEDICATION ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED TO BE PUBLIC SHOWN HEREON IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. WE CERTIFY THAT THE BUILDINGS AND UNITS CONTAINED THEREIN ARE AS SHOWN ON THIS AMENDED RECORD OF SURVEY PLAT.

ACKNOWLEDGMENTS

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

STATE OF ________) ________,
COUNTY OF ________)

ON THE ______ DAY OF __________, 2010, PERSONALLY APPEARED BEFORE ME __________, WHO BEING BY ME DULY SWORN, DID SAY THAT _HE, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND DULY ACKNOWLEDGED TO ME THAT _HE AUTHORIZES THE FOREGOING INSTRUMENT.

NOTARY PUBLIC __________
MY COMMISSION EXPIRES: __________
RESIDING IN __________
COUNTY, STATE

SHEET 1 OF 10
PLOT DATE: OCTOBER 12, 2010
DRAWING: RTCONDO-ROS-R-2010.DWG

Evergreen Engineering, Inc.
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1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435.649.4667 * Fax: 435.649.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS ______ DAY OF ________ A.D. 2010.

CITY ENGINEER

SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF __________ AD 2010.

BY: ______________
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ________ DAY OF ________ A.D. 2010.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS ________ DAY OF ________ A.D. 2010.

CITY ATTORNEY

CITY COUNCIL APPROVAL

PRESENTED TO THE PARK CITY COUNCIL THIS ________ DAY OF ________ A.D. 2010 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

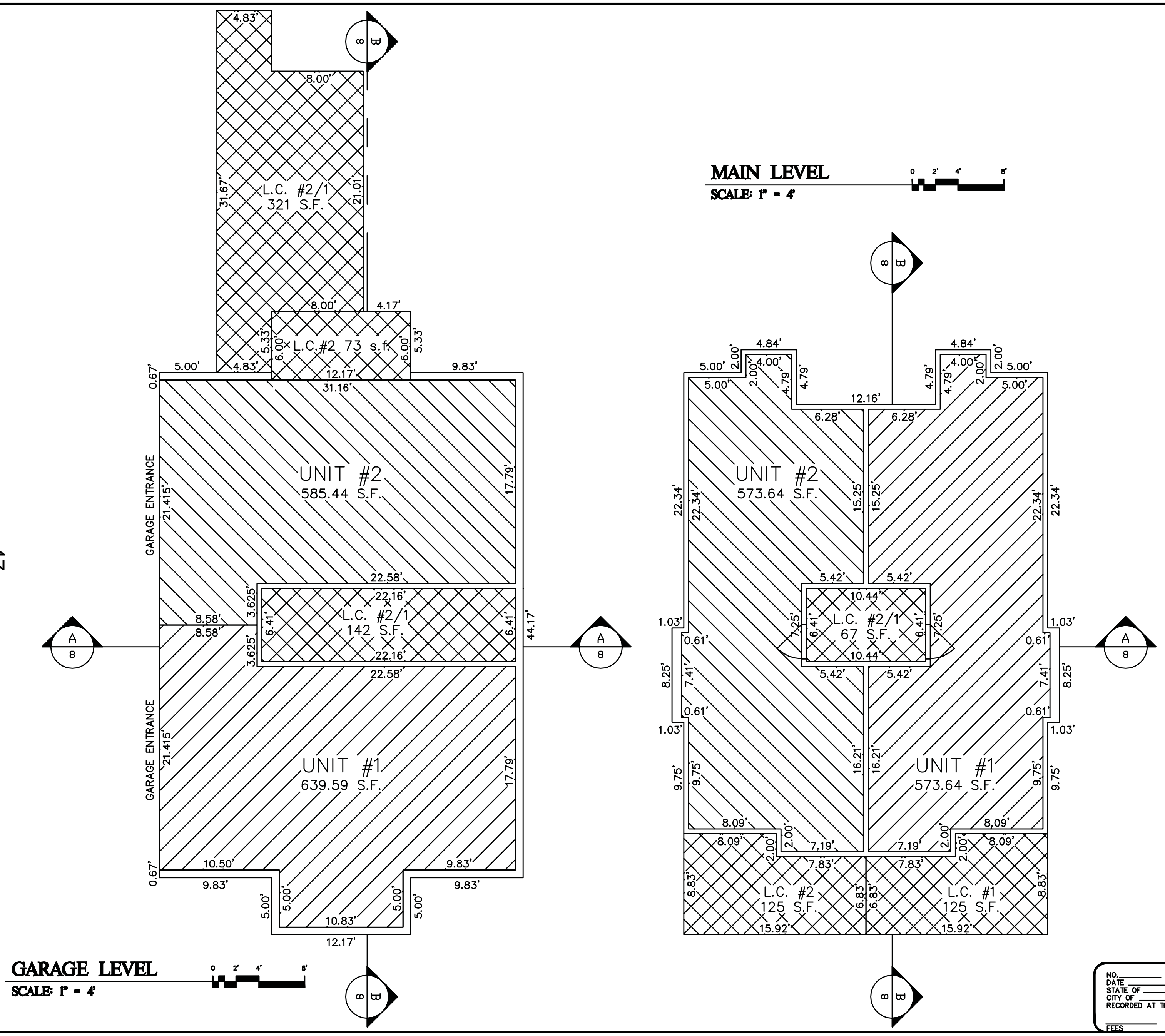
MAYOR

CITY RECORDER

RECORDED

Nº. ________.
STATE OF ________.
COUNTY OF ________.
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 1	
PRIVATE AREA –	1,213.23 SF
LIMITED COMMON AREA –	390.0 SF
UNIT 2	
PRIVATE AREA –	1,159.08 SF
LIMITED COMMON AREA –	463.0 SF

PLOTTED: OCTOBER 12, 2010

RECORDED
NO.
DATE
STATE OF
CITY OF
RECORDED AT THE REQUEST OF
FEES
CITY RECORDER

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E-mail: office@evergreen-eng.com

REVISIONS

DATE	BY	COMMENTS

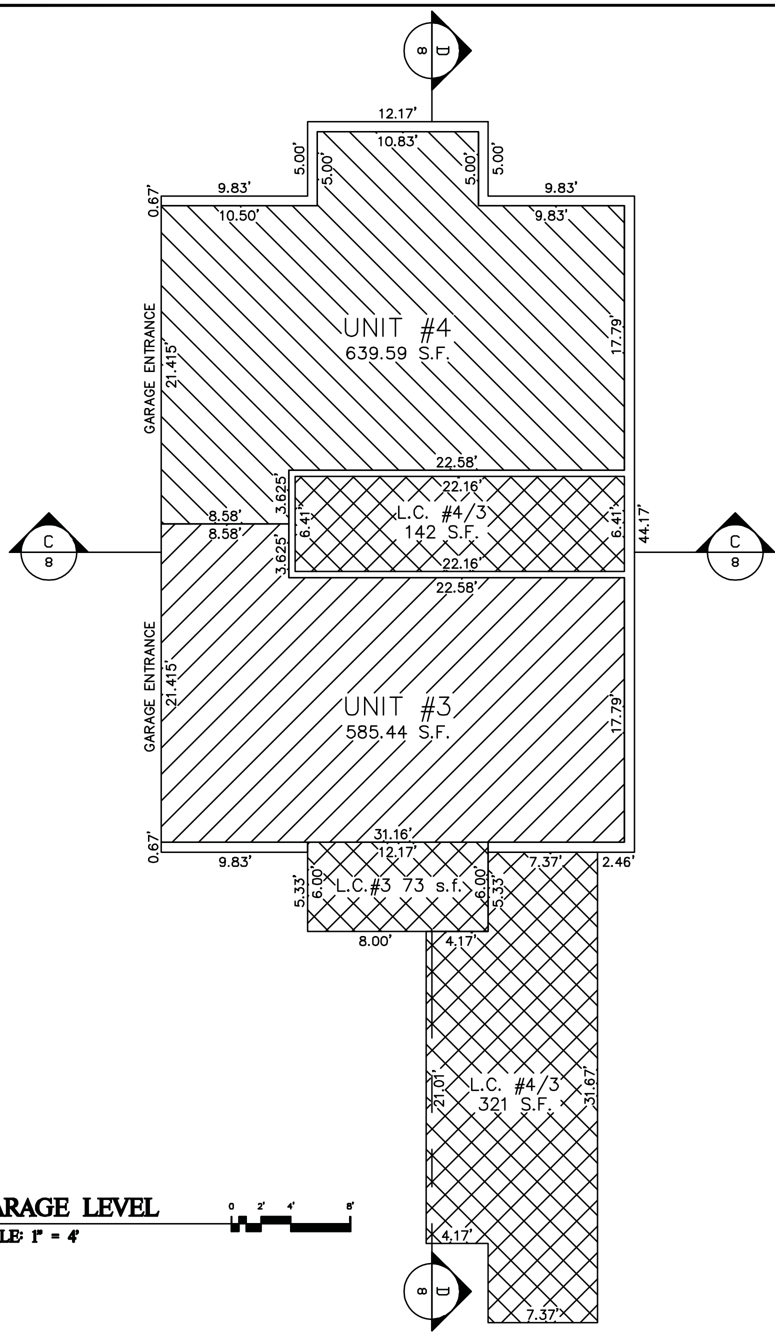
STATE OF UTAH PROFESSIONAL LAND SURVEYOR GREGORY R. WOLBACH NO. 187788

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 1 AND 2 - FLOOR PLANS

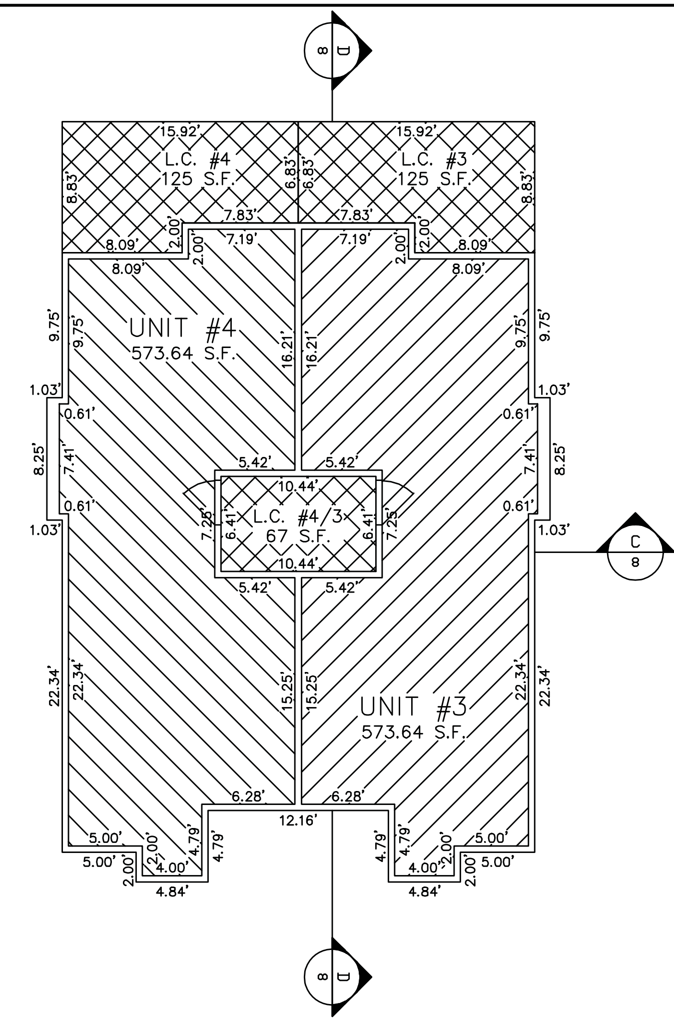
FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

SHEET 2 OF 10



GARAGE LEVEL

SCALE: 1" = 4'



MAIN LEVEL

SCALE: 1" = 4'

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 3	
PRIVATE AREA –	1,159.08 SF
LIMITED COMMON AREA –	463.0 SF
UNIT 4	
PRIVATE AREA –	1,213.23 SF
LIMITED COMMON AREA –	390.0 SF

PLOTTED: OCTOBER 12, 2010

RECORDED

NO.______
DATE______
STATE OF______
CITY OF______
RECORDED AT THE REQUEST OF______
FEES______ ______ CITY RECORDER

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DATE	BY	COMMENTS
		REVISIONS

STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

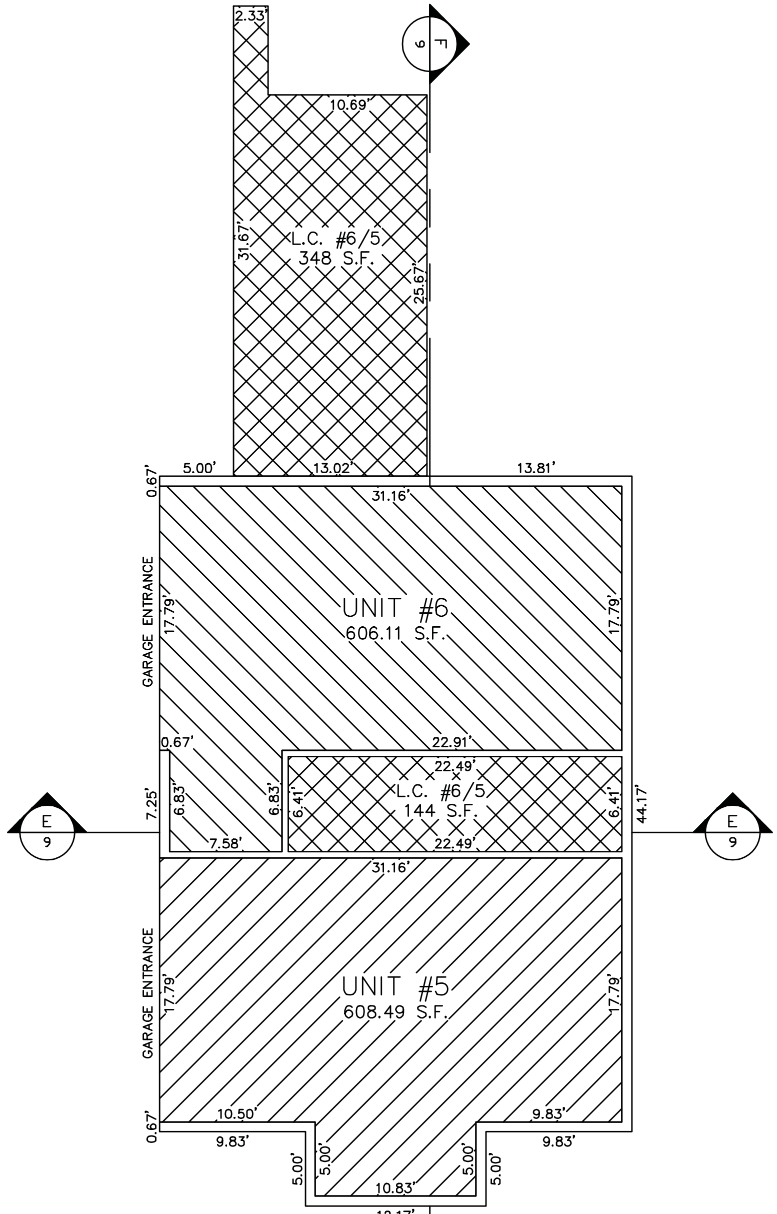
RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 3 AND 4 - FLOOR PLANS

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

SHEET 3 OF 10

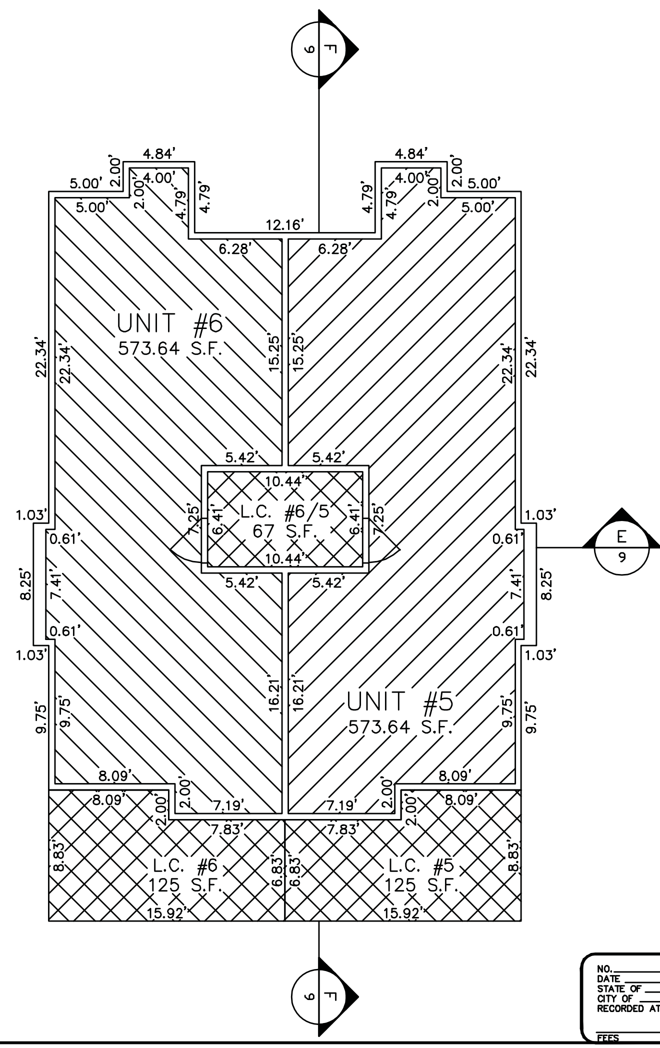
GARAGE LEVEL

SCALE: 1" = 4'



MAIN LEVEL

SCALE: 1" = 4'



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 5	
PRIVATE AREA –	1,182.13 SF
LIMITED COMMON AREA –	404.5 SF
UNIT 6	
PRIVATE AREA –	1,179.75 SF
LIMITED COMMON AREA –	404.5 SF

PLOTTED: OCTOBER 12, 2010

RECORDED

NO.______
DATE______
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FEES______ CITY RECORDER

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DATE	BY	COMMENTS

REVISIONS

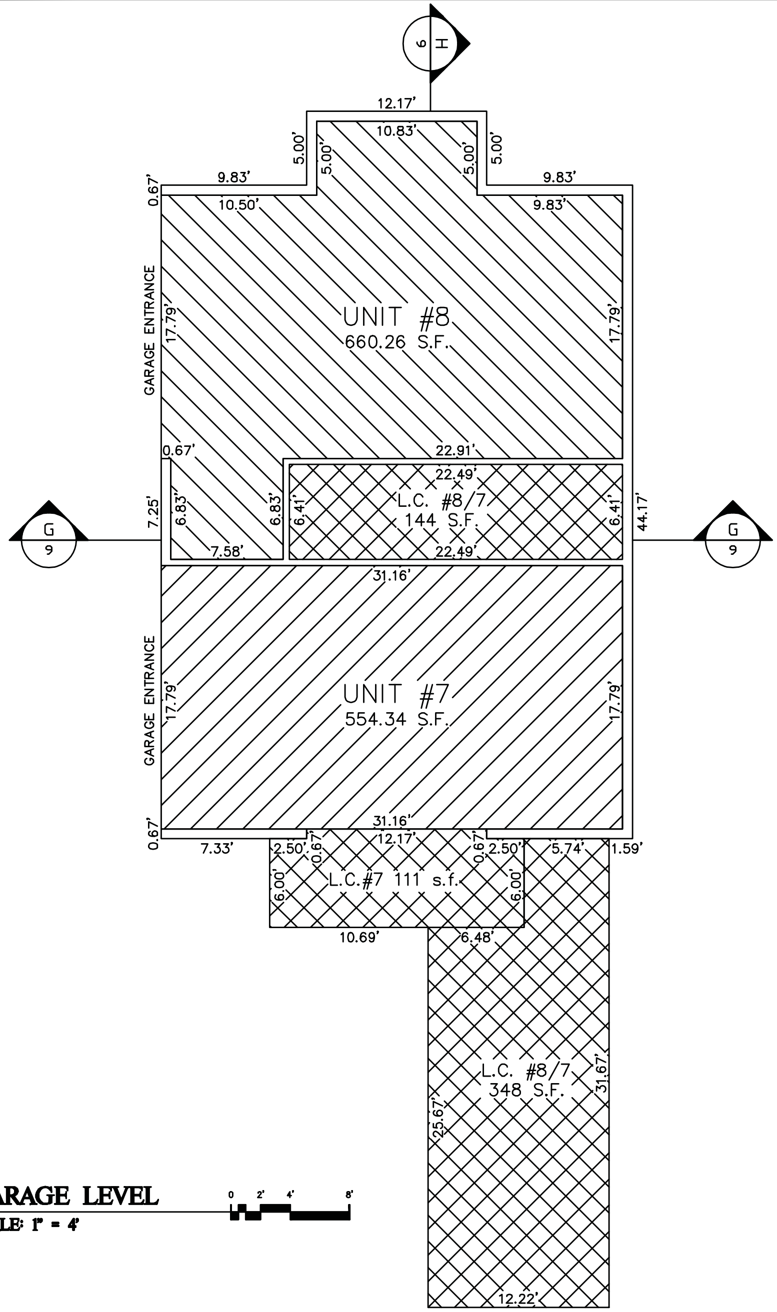
STATE OF UTAH PROFESSIONAL LAND SURVEYOR GREGORY R. WOLBACH NO. 187788

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 5 AND 6 - FLOOR PLANS

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 7 AND 8 - FLOOR PLANS



GARAGE LEVEL

SCALE: 1" = 4'

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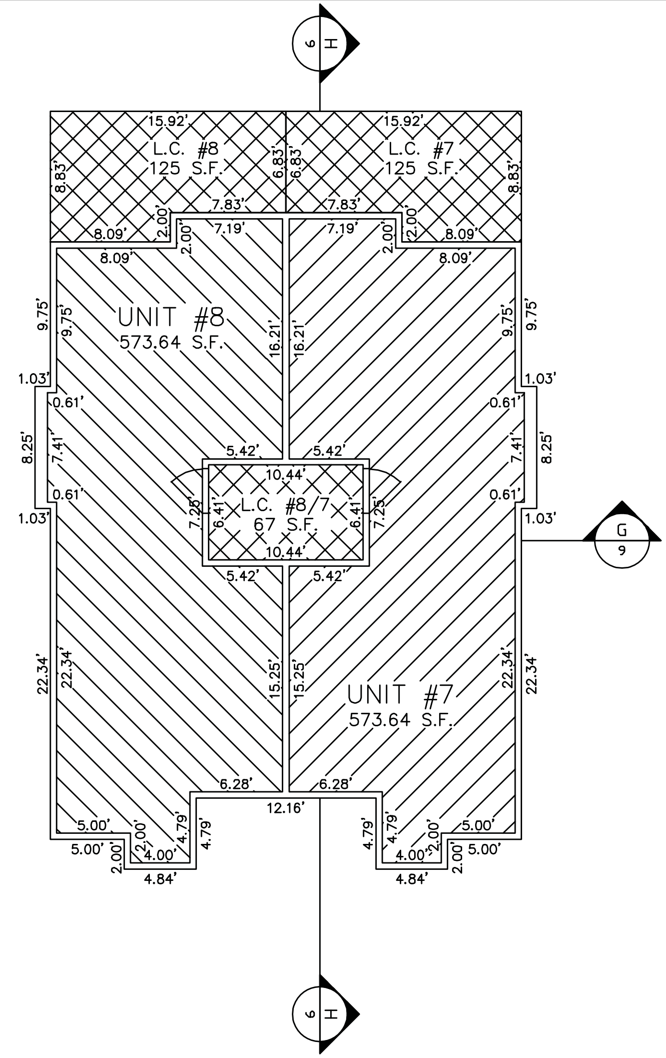

MAIN LEVEL

SCALE: 1" = 4'

0 2' 4' 8'

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 7		
PRIVATE AREA	–	1,127.98 SF
LIMITED COMMON AREA	–	515.5 SF
UNIT 8		
PRIVATE AREA	–	1,233.90 SF
LIMITED COMMON AREA	–	404.5 SF

PLOTTED: OCTOBER 12, 2010

RECORDED

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DATE________
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CITY OF________
RECORDED AT THE REQUEST OF________

FEES ________ CITY RECORDER

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DATE	BY	COMMENTS

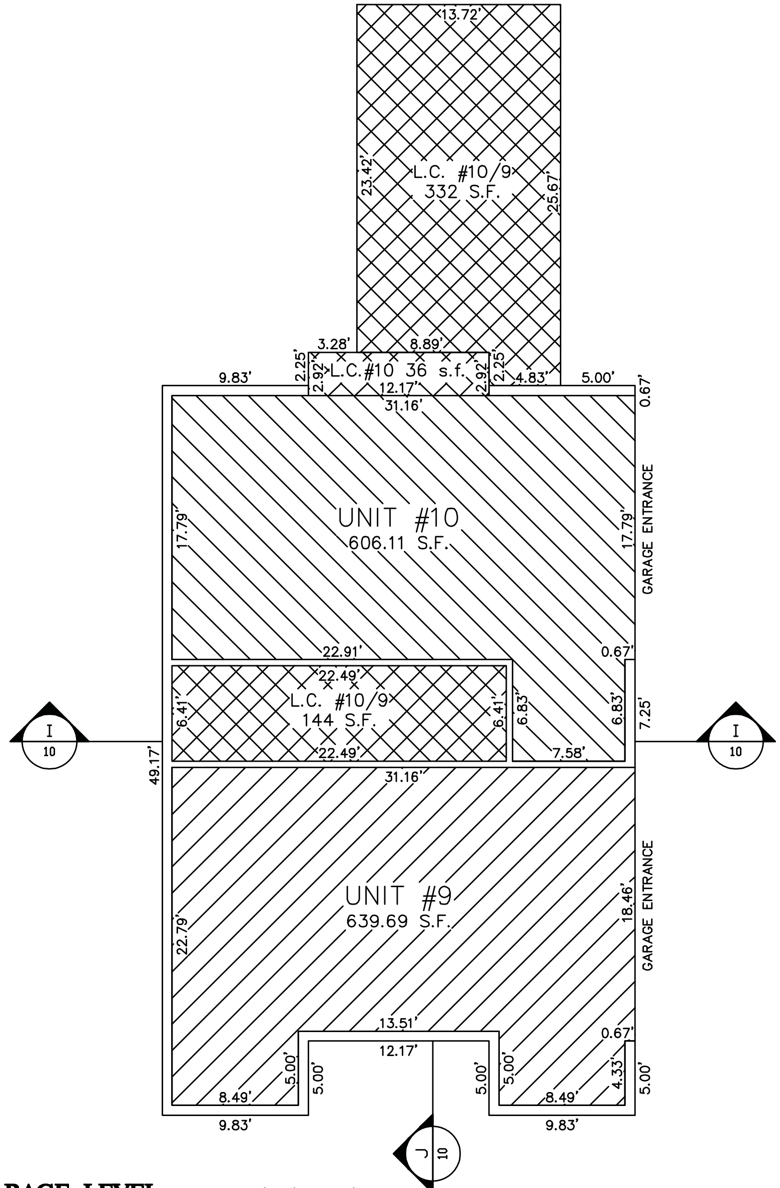
REVISIONS

STATE OF UTAH — GREGORY R. WOLBACH — NO. 187788 — PROFESSIONAL LAND SURVEYOR

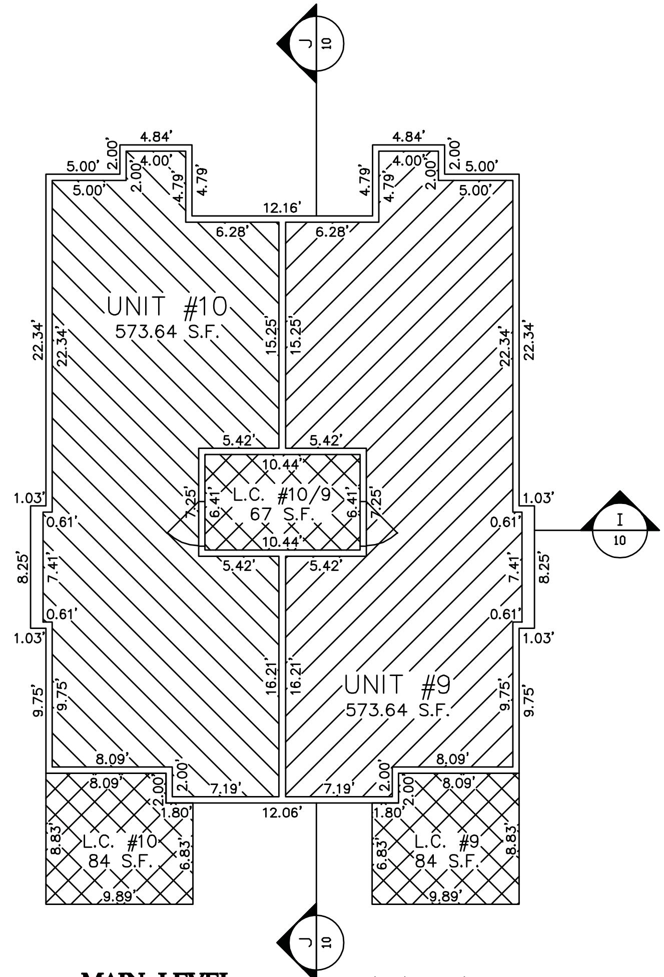
SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0722

SHEET 5 OF 10



GARAGE LEVEL
SCALE: 1" = 4'



MAIN LEVEL
SCALE: 1" = 4'

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 9	
PRIVATE AREA –	1,213.33 SF
LIMITED COMMON AREA –	355.5 SF
UNIT 10	
PRIVATE AREA –	1,179.75 SF
LIMITED COMMON AREA –	391.5 SF

PLOTTED: OCTOBER 12, 2010

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DATE ______
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DATE	BY	COMMENTS

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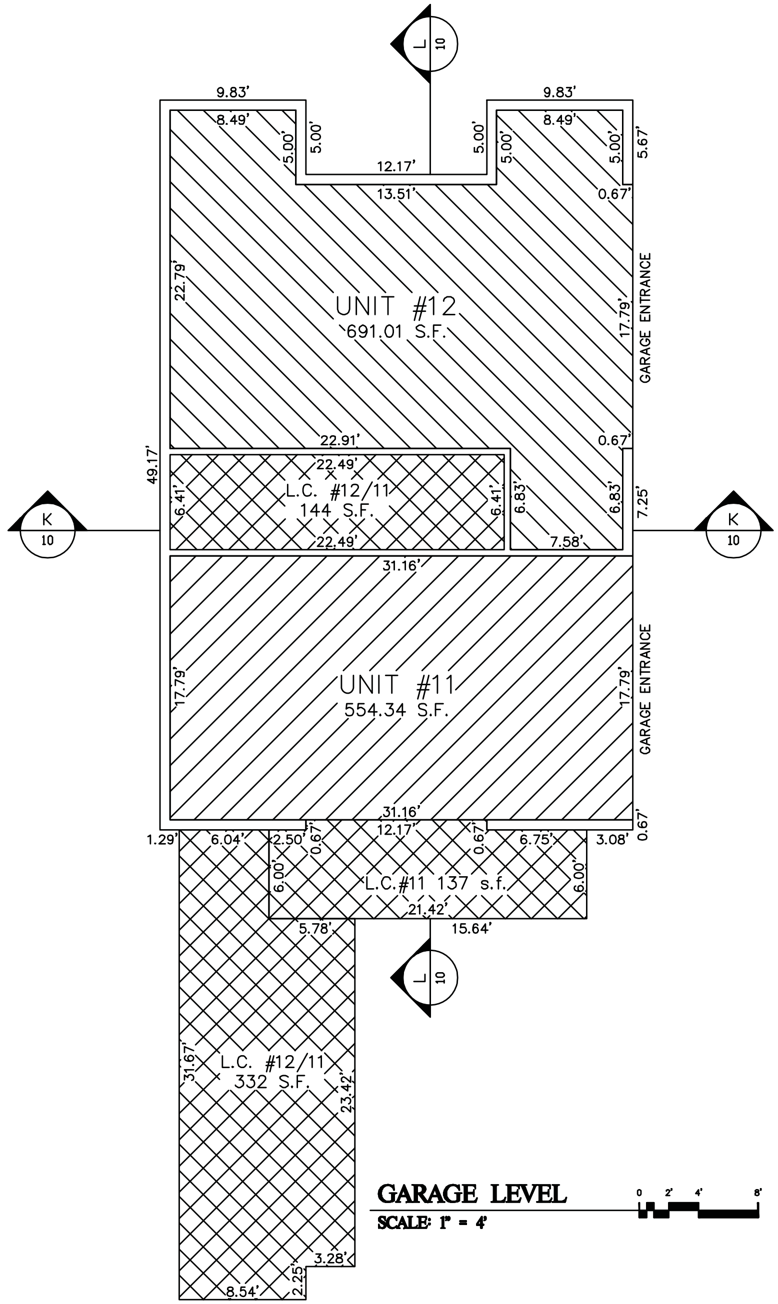
STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

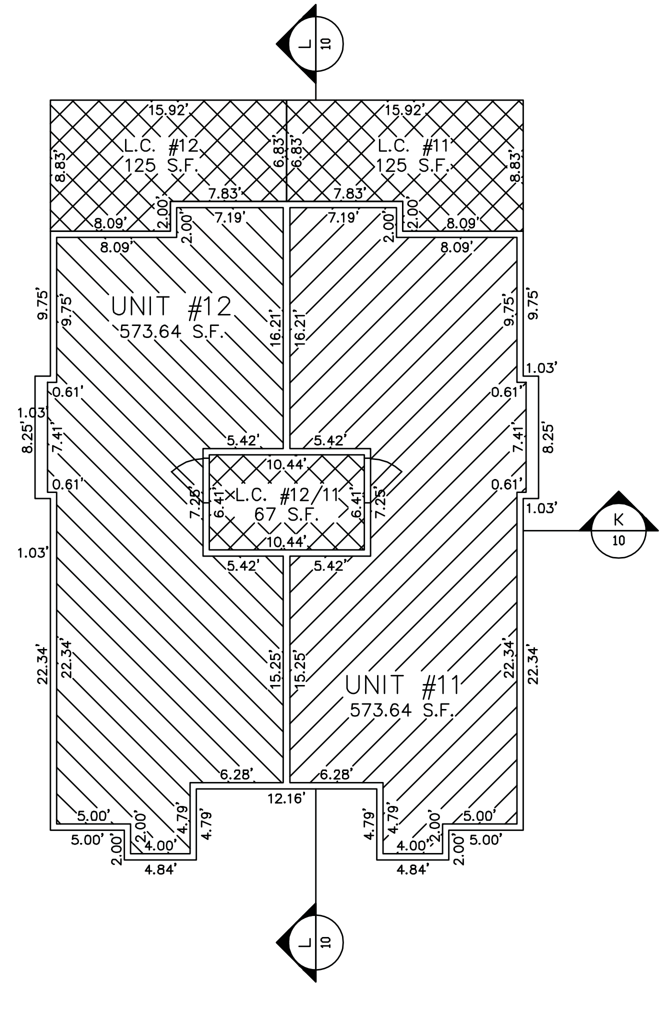
RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 9 AND 10 – FLOOR PLANS

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

SHEET 6 OF 10



GARAGE LEVEL
SCALE: 1" = 4'



MAIN LEVEL
SCALE: 1" = 4'

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT

AREA TABULATIONS

UNIT 11	
PRIVATE AREA –	1,127.98 SF
LIMITED COMMON AREA –	533.5 SF
UNIT 12	
PRIVATE AREA –	1,264.65 SF
LIMITED COMMON AREA –	396.5 SF

PLOTTED: OCTOBER 12, 2010

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REVISIONS

DATE	BY	COMMENTS

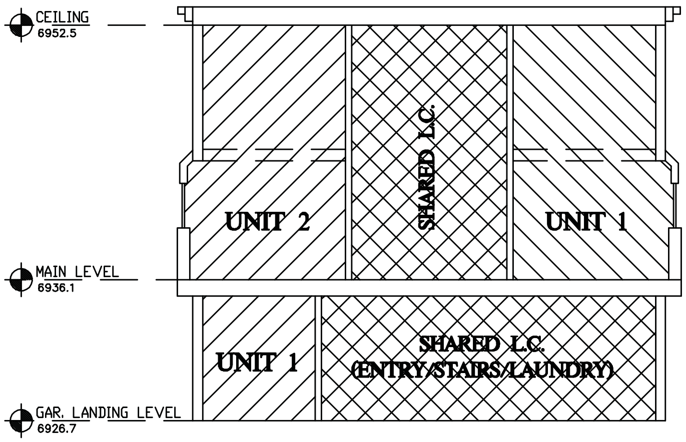
STATE OF UTAH PROFESSIONAL LAND SURVEYOR GREGORY R. WOLBACH NO. 187788

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

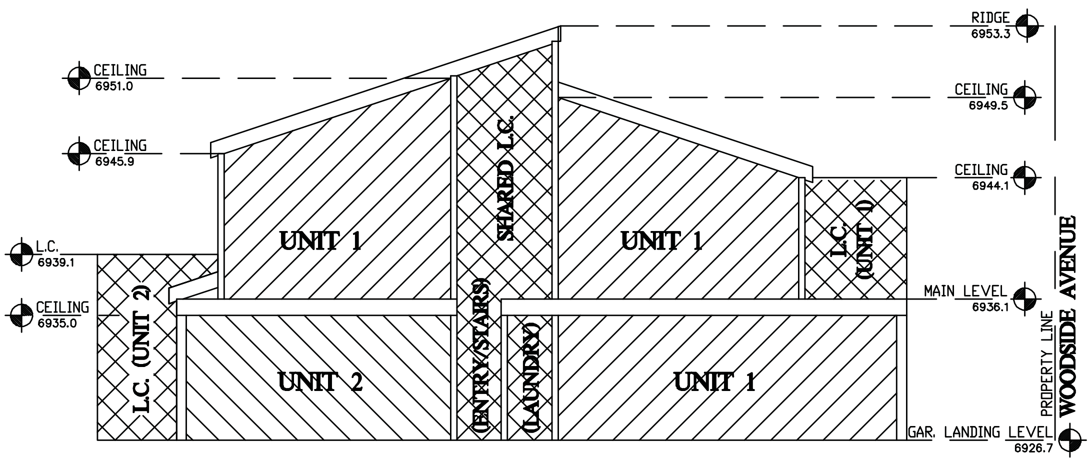
RESORT TOWNHOMES AMENDED SPACE/AREA USAGE UNITS 11 AND 12 – FLOOR PLANS

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

SHEET 7 OF 10



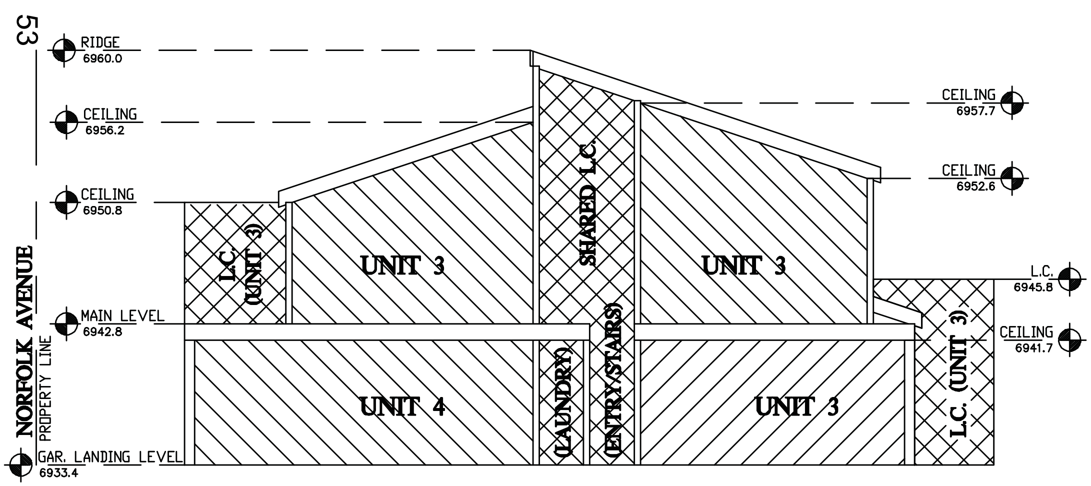
BUILDING SECTION A
SCALE: 1" = 4'
0 2' 4' 8'



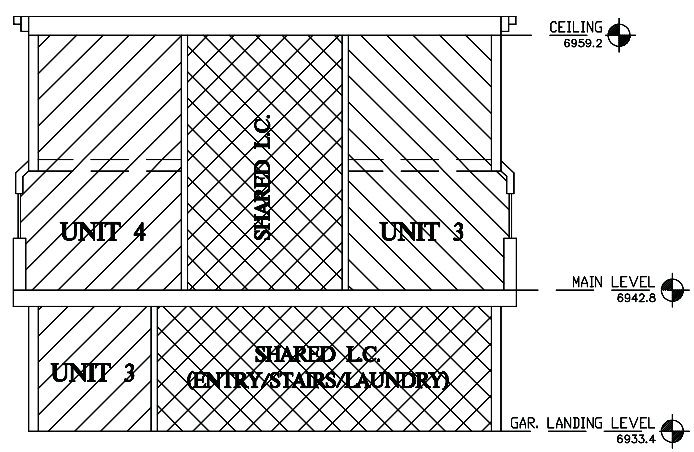
BUILDING SECTION B
SCALE: 1" = 4'
0 2' 4' 8'

HATCHING LEGEND

COMMON AREA
LIMITED COMMON AREA – L.C.
PRIVATE AREA – UNIT



BUILDING SECTION D
SCALE: 1" = 4'
0 2' 4' 8'



BUILDING SECTION C
SCALE: 1" = 4'
0 2' 4' 8'

PLOTTED: OCTOBER 12, 2010

RECORDED
NO.
DATE
STATE OF
CITY OF
RECORDED AT THE REQUEST OF
FEES
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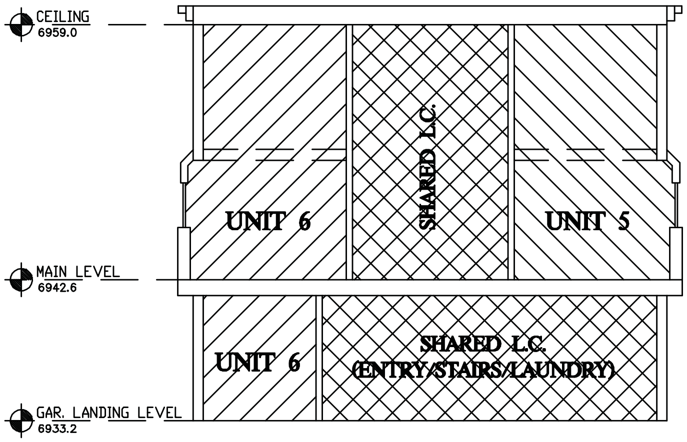
DATE	BY	COMMENTS
REVISIONS		

STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

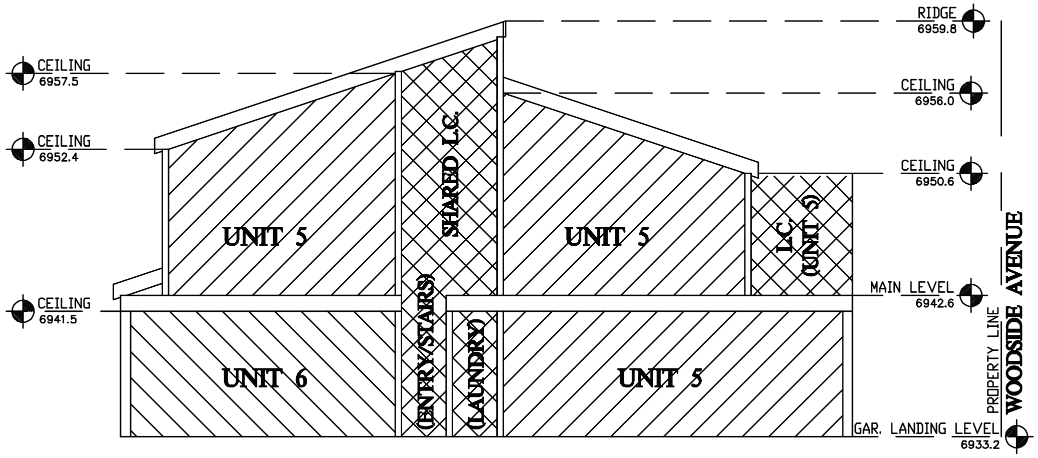
SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

RESORT TOWNHOMES AMENDED
BUILDING SECTIONS A, B, C, & D
UNITS 1, 2, 3 & 4

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732



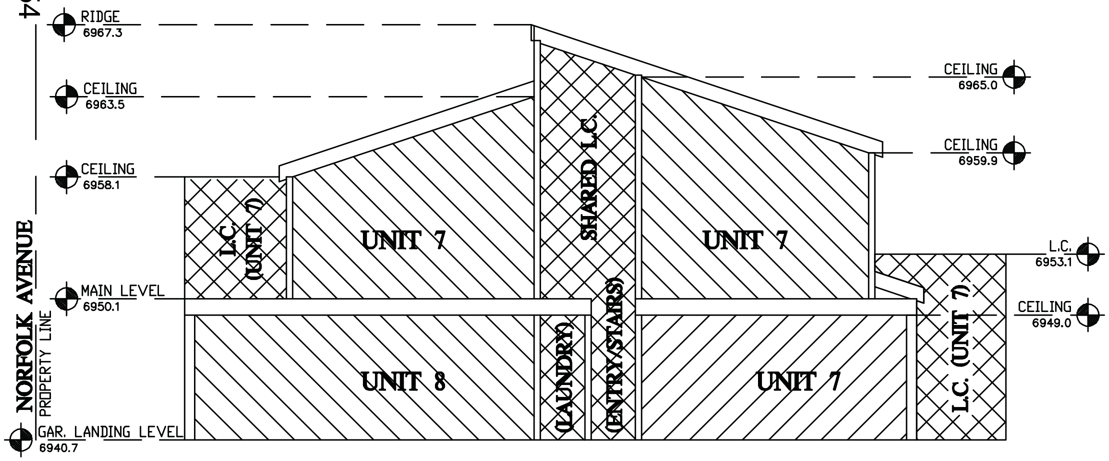
BUILDING SECTION E
SCALE: 1" = 4'



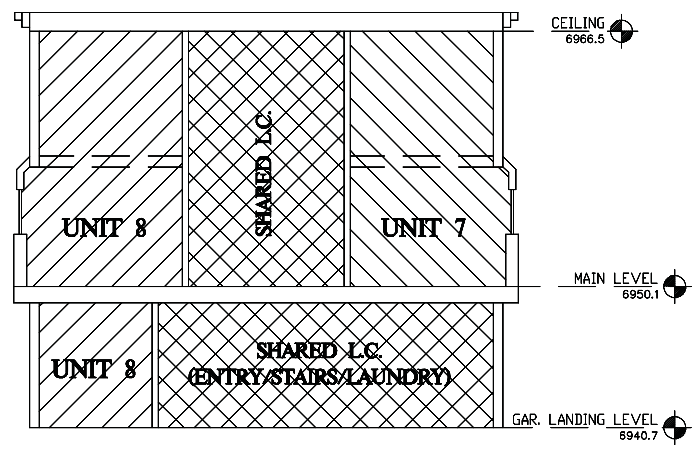
BUILDING SECTION F
SCALE: 1" = 4'

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT



BUILDING SECTION H
SCALE: 1" = 4'



BUILDING SECTION G
SCALE: 1" = 4'

PLOTTED: OCTOBER 13, 2010

RECORDED
NO.______
DATE______
STATE OF______
CITY OF______
RECORDED AT THE REQUEST OF______
FEES______ CITY RECORDER

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DATE	BY	COMMENTS

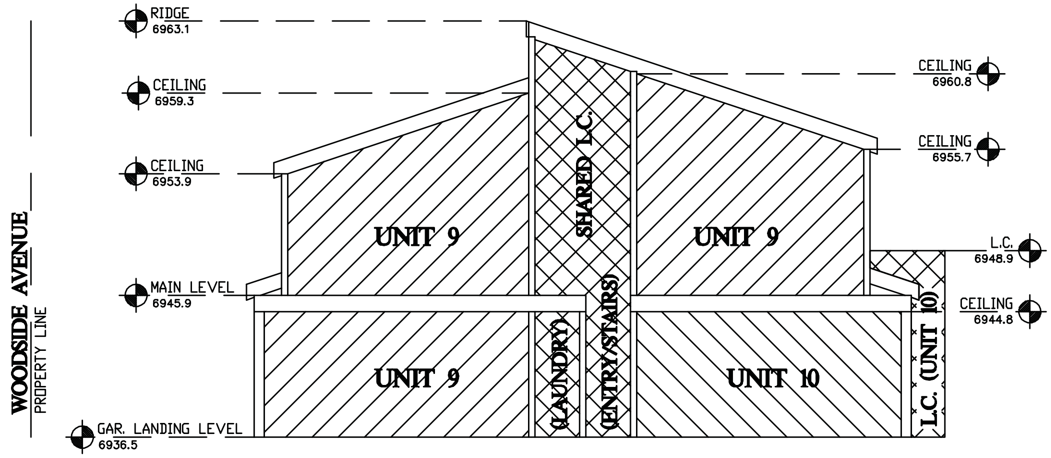
REVISIONS

STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

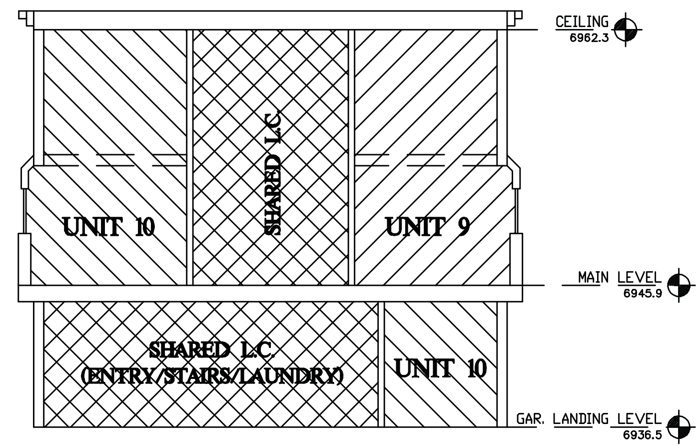
SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

RESORT TOWNHOMES AMENDED
BUILDING SECTIONS E, F, G & H
UNITS 5, 6, 7 & 8

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0732

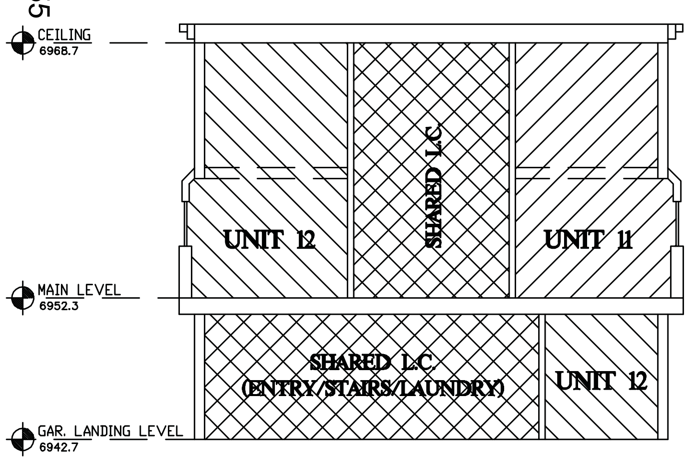


BUILDING SECTION J
SCALE: 1" = 4'

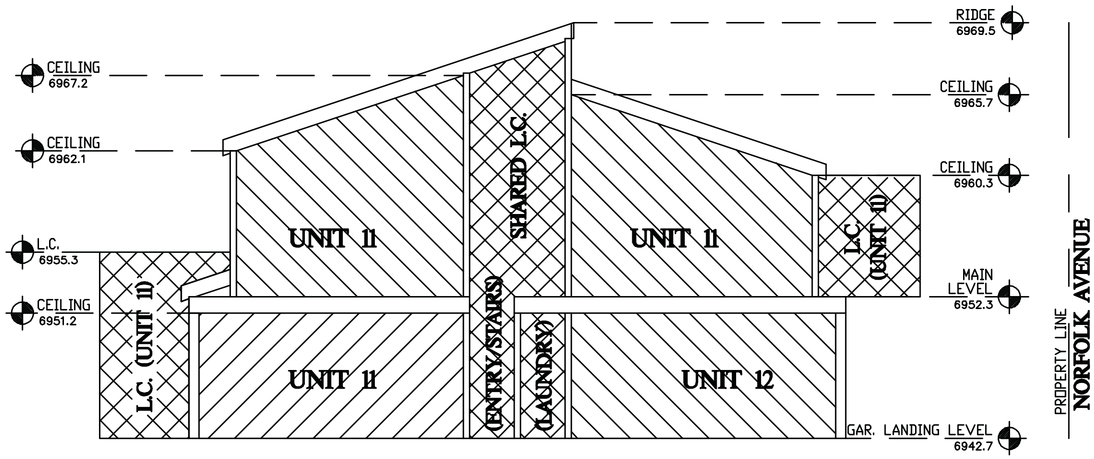


BUILDING SECTION I
SCALE: 1" = 4'

HATCHING LEGEND
- COMMON AREA
- LIMITED COMMON AREA – L.C.
- PRIVATE AREA – UNIT



BUILDING SECTION K
SCALE: 1" = 4'



BUILDING SECTION L
SCALE: 1" = 4'

PLOTTED: OCTOBER 12, 2010

RECORDED
NO.
DATE
STATE OF
CITY OF
RECORDED AT THE REQUEST OF
FEES
CITY RECORDER

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com

DATE	BY	COMMENTS

REVISIONS

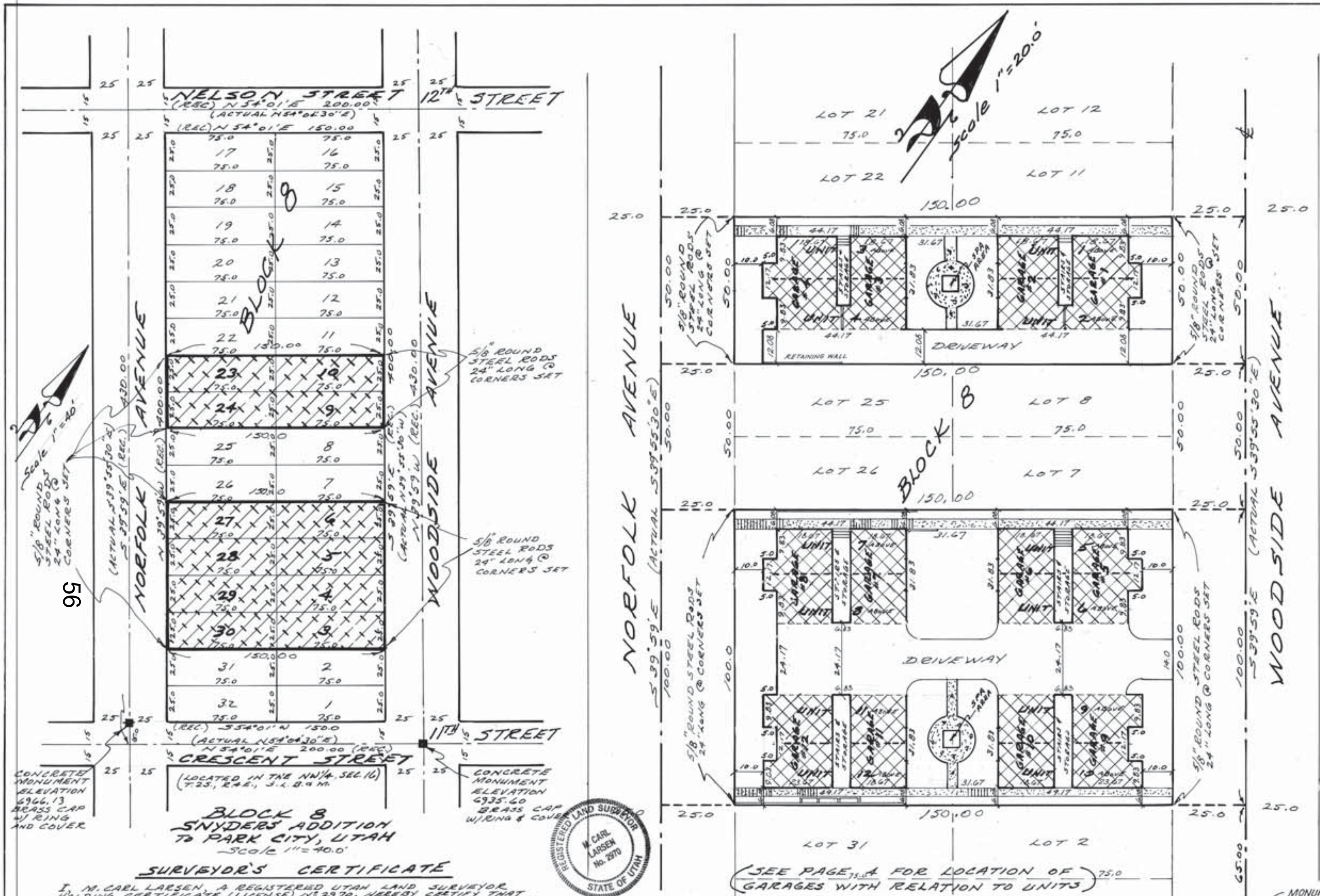
STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW/ADM

RESORT TOWNHOMES AMENDED
BUILDING SECTIONS I, J, K & L
UNITS 9, 10, 11 & 12

FOR: RESORT TOWNHOMES H.O.A.
DWG: RTCONDO-ROS-R-10
JOB NO. 0722

SHEET 10 OF 10



LEGEND

= PROPERTIES THAT ARE IN PROJECT

= UNITS - PRIVATE OWNERSHIP

= LIMITED COMMON AREAS

= CONCRETE = COMMON AREAS

= COMMON AREAS

CRESCENT ⊕ 7 ST. MONUMENT

OWNER'S CERTIFICATE OF CONSENT TO RECORD

PURSUANT TO THE UTAH CONDOMINIUM OWNERSHIP ACT, PARK CITY RESORT LIMITED, A CALIFORNIA LIMITED PARTNERSHIP, THE RECORD OWNER OF THE REAL PROPERTY DESCRIBED HEREON, HEREBY CONSENTS TO THE RECORDATION OF THIS RECORD OF SURVEY MAP FOR "RESORT TOWNHOMES" A UTAH CONDOMINIUM PROJECT. SHIMON BEN-BASSAT, INC., WITH SHIMON BEN-BASSAT AS PRESIDENT AND ALFONSO H. MORALES AS GENERAL PARTNER, SIGN IN BEHALF OF SAID LIMITED PARTNERSHIP THIS RECORD OF SURVEY MAP COMMITTING THE SUBJECT PROPERTY TO THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT.

SHIMON BEN-BASSAT INC.,
GENERAL PARTNER
Shimon Ben-Bassat
SHIMON BEN-BASSAT, PRESIDENT

Alfonso H. Morales
ALFONSO H. MORALES
GENERAL PARTNER

ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS

ON THE 14TH DAY OF FEBRUARY, A.D., 1984 PERSONALLY APPEARED BEFORE ME SHIMON BEN-BASSAT, PRESIDENT OF SHIMON BEN-BASSAT, INC., AND ALFONSO H. MORALES, GENERAL PARTNERS, WHO BEING BY ME DULY SWORN DID SAY THAT THEY ARE THE GENERAL PARTNERS OF PARK CITY RESORT LIMITED, A CALIFORNIA LIMITED PARTNERSHIP, AND THAT THE WITHIN AND FOREGOING OWNER'S CERTIFICATE OF CONSENT TO RECORD WAS SIGNED IN BEHALF OF SAID LIMITED PARTNERSHIP BY AUTHORITY OF ITS ARTICLES OF PARTNERSHIP AND BY AUTHORITY OF THE BY-LAWS OF THE CORPORATE GENERAL PARTNERSHIP, AND SHIMON BEN-BASSAT INC., THROUGH ITS PRESIDENT AND ALFONSO H. MORALES DULY ACKNOWLEDGED TO ME THAT SAID PARTNERSHIP EXECUTED THE SAME.

JAN. 2, 1988 — MY COMMISSION EXPIRES

Ailene Salguiver — NOTARY PUBLIC RESIDING AT

LA — COUNTY; CA — STATE

OFFICIAL SEAL
AILENE SALGUIVER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires JAN 2, 1988

NOTE: OWNER'S CERTIFICATE AND CONSENT TO RECORD ADDITION:

I CERTIFY THAT BUILDINGS SHOWN ON THIS PLAT, BUT NOT UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE SUBSTANTIALLY AS SHOWN ON THIS PLAT.

Shimon Ben-Bassat
SHIMON BEN-BASSAT
PRESIDENT OF
SHIMON BEN-BASSAT INC.

Alfonso H. Morales
ALFONSO H. MORALES

SURVEYOR'S CERTIFICATE

I, M. CARL LARSEN, A REGISTERED UTAH LAND SURVEYOR HOLDING CERTIFICATE (LICENSE) Nº 2970, HEREBY CERTIFY THAT BY AUTHORITY OF THE RECORD OWNERS THEREOF I HAVE SUPERVISED A SURVEY OF THE TRACT OF LAND SHOWN ON THIS MAP, THE RECORD EXTERNAL BOUNDARIES OF WHICH ARE DESCRIBED BELOW. I FURTHER CERTIFY THAT THE REFERENCE MARKERS SHOWN ON THIS RECORD OF SURVEY MAP ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO READILY RETRACE OR RE-ESTABLISH THIS SURVEY, THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ESTABLISH ACCURATELY THE HORIZONTAL AND VERTICAL BOUNDARIES OF THE BUILDINGS AND OF EACH UNIT LOCATED WITHIN SAID BUILDINGS ON THE TRACT OF LAND HEREINAFTER DESCRIBED, AND THAT THIS SURVEY AND RECORD OF SURVEY MAP HAVE BEEN PREPARED PURSUANT TO THE UTAH CONDOMINIUM OWNERSHIP ACT.

PROPERTY SUBJECT TO THIS PROJECT:
ALL OF LOTS 3, 4, 5, 6, 9, 10, 23, 24, 27, 28, 29, AND 30, BLOCK 8, SNYDERS ADDITION, TO PARK CITY, UTAH. LOCATED IN THE NW 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

FEB. 28, 1984 — DATE

M. Carl Larsen
M. CARL LARSEN
REGISTERED UTAH LAND SURVEYOR
UTAH CERTIFICATE (LICENSE) 2970.

REGISTERED LAND SURVEYOR — M. CARL LARSEN No. 2970 — STATE OF UTAH

PREPARED BY
LARSEN AND MALMQUIST
CONSULTING ENGINEERS AND LAND SURVEYORS
2736 SOUTH 2700 WEST STREET
WEST VALLEY CITY, UTAH 84119
1-801-972-2634

NOTE: ALL DISTANCES SHOWN FROM BUILDING TO PROPERTY LINES ARE EITHER PERPENDICULAR TO PROPERTY LINES OR ON THE BEARING LINE OF THE BUILDING EXTENDED TO PROPERTY LINE.

M. CARL LARSEN
UTAH LAND SURVEYOR

RECORD OF SURVEY MAP

RESORT TOWNHOMES

(12 UNITS)

A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY, NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PARK CITY, UTAH
SITUATE IN SUMMIT COUNTY
STATE OF UTAH

SHEET 1 OF 4 SHEETS

L&M 0451-83S E.R.Dow JAN. 1984 DEC. 1983

PARK CITY COUNCIL APPROVAL

ON THIS 17TH DAY OF MAY, A.D., 1984 THE CITY OF PARK CITY, A BODY POLITIC, AND CORPORATE OF THE STATE OF UTAH AND THE MUNICIPALITY IN WHICH THE RESORT TOWNHOMES, A UTAH CONDOMINIUM PROJECT IS LOCATED, HEREBY GIVES FINAL APPROVAL TO SAID PROJECT, TO THE DECLARATION RECORDED CONCURRENTLY HEREWITH, AND TO THIS RECORD OF SURVEY MAP CONSISTING OF 4 SHEETS IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT.

William R. Carthemen — ATTEST: RECORDER

MAYOR OF PARK CITY

PLANNING COMMISSION APPROVAL

APPROVED AND ACCEPTED THIS 11th DAY OF APRIL, A.D., 1984.

CHAIRMAN PARK CITY PLANNING COMMISSION

CITY ENGINEER APPROVAL

APPROVED AND ACCEPTED THIS 28TH DAY OF MARCH, A.D., 1984.

Eric W. DeHaan, P.E.
PARK CITY ENGINEER

CITY ATTORNEY APPROVAL

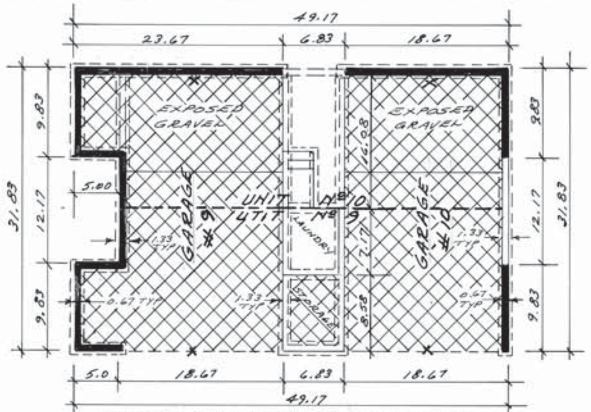
APPROVED AND ACCEPTED THIS 7 DAY OF May, A.D., 1984.

Thomas E. Clyde
PARK CITY ATTORNEY

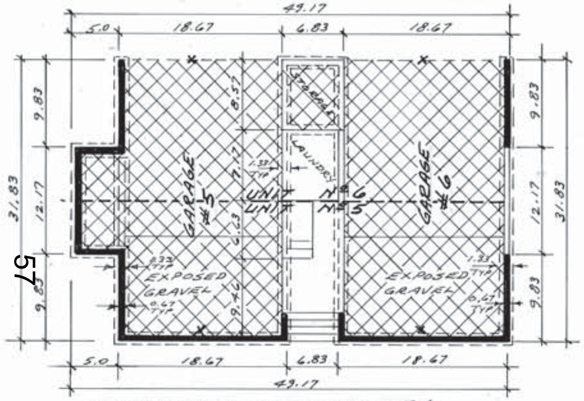
RECORDED Nº 220528

STATE OF UTAH, } SS
SUMMIT COUNTY,
RECORDED AND FILED AT THE REQUEST OF Western States Title
DATE: 5-18-84 TIME 3:30 BOOK PAGE
Susan Bohmer — SUMMIT COUNTY RECORDER
deputy
FEE $ 66.00

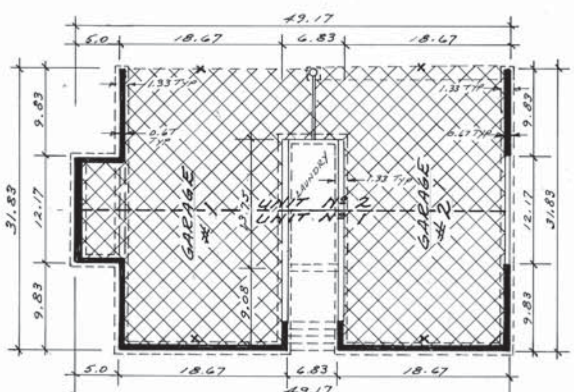
RESORT TOWNHOMES 1 OF 4



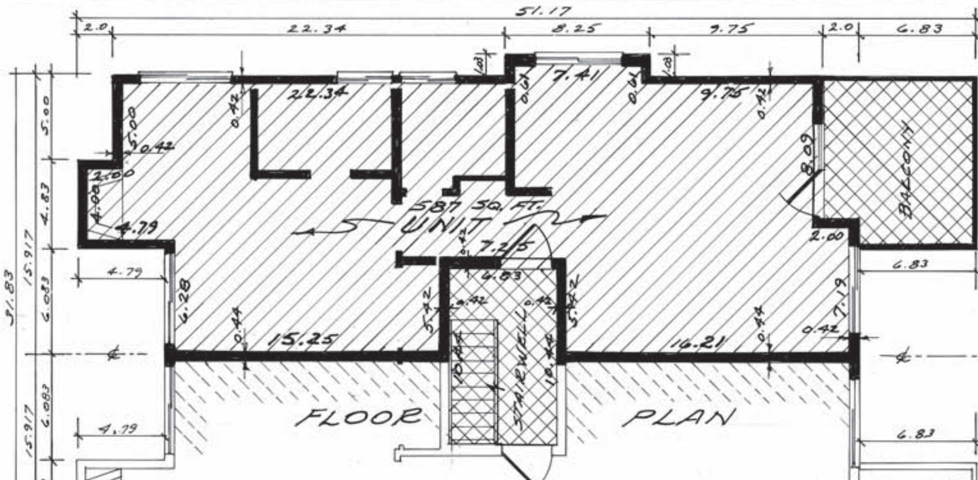
FOUNDATION PLAN UNITS 9-10



FOUNDATION PLAN UNITS 5-6

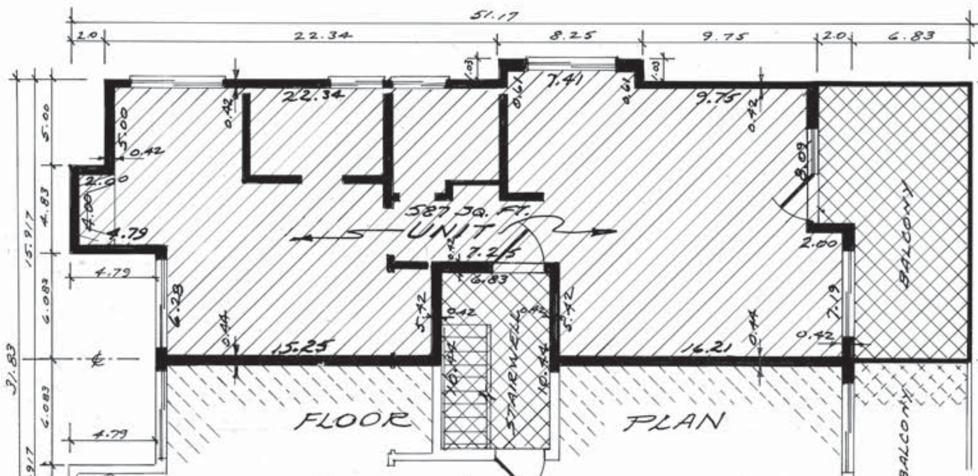


FOUNDATION PLAN UNITS 1-2



(FLOOR PLAN UNITS 9 AS SHOWN) (FLOOR PLAN UNITS 10 OPPOSITE HAND)

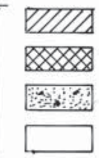
(FLOOR PLAN UNIT 11 ENDO) (FLOOP PLAN UNIT 12 OPPOSITE HAND ENDO)



(FLOOR PLAN UNIT 1&5 AS SHOWN) (FLOOR PLAN UNIT 2&6 OPPOSITE HAND)

(FLOOR PLAN UNIT 3&7 ENDO) (FLOOR PLAN UNIT 4&8 OPPOSITE HAND ENDO)

LEGEND

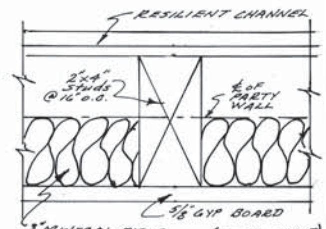


= UNITS

= LIMITED COMMON AREAS

= CONCRETE = COMMON AREAS

= COMMON AREAS



PARTY WALL

NOTES

1.- DASHED LINES REPRESENTS THE FOOTING LINES OF THE BUILDING (SEE PAGE 3 OF 4 FOR DETAILS.

2.- ALL FOUNDATION EXTERIOR AND INTERIOR WALLS ARE 0.65' THICK.

3.- SOLID (HEAVY) LINES ARE.
A.- OUTSIDE WALLS ARE 0.42 WIDE.
B.- PARTY WALL IS 0.44 WIDE.

4.- ALL AREAS CROSS-HATCHED ARE PRIVATE OWNERSHIP CONDOMINIUM UNITS AND ARE NUMBERED 1 THRU 12.

5.- STRUCTURAL COMPONENTS OF BALCONYS, RAILINGS, SKYLIGHTS, AND AIR-INTAKES-EXHAUTS ARE COMMON AREAS.

6.- THE AREA THAT IS DOUBLED CROSS-HATCHED ARE LIMITED COMMON OWNERSHIP.

7.- ALL DIMENSIONS AND ELEVATIONS ARE TO FINISED OUTSIDE SURFACES.

8.- DEFINITIONS - OPPOSITE HAND COUNTER IN LONG AXIS FLIPPED.
OPPOSITE HAND = ENDO. COUNTER IN LONG AXIS (FLIPPED AND REVERSE END FOR END (180°).

NOTE: ALL ELEVATIONS ARE TO FINISHED SURFACES

UNIT Nº	CENTERLINE X GARAGE FRONT	VERTICAL ELEVATION GARAGE BACK X	VERTICAL ELEVATION FIRST FLOOR	LOWER CEILING ELEVATION
1	6928.57	6928.97	6937.72	6945.75
2	6928.67	6928.97	6937.72	6945.75
3	6931.92	6932.22	6944.22	6952.25
4	6934.12	6935.22	6944.22	6952.25
5	6931.89	6932.22	6943.22	6951.25
6	6934.03	6934.55	6943.22	6951.25
7	6939.55	6939.22	6950.22	6958.25
8	6941.81	6941.22	6950.22	6958.25
9	6933.26	6934.22	6945.22	6953.25
10	6935.22	6936.22	6945.22	6953.25
11	6940.39	6941.22	6952.22	6960.25
12	6942.10	6943.22	6952.22	6960.25

NOTE: ALL ELEVATIONS ARE TO FINISHED SURFACES

REV. FEB. 1984

RECORD OF SURVEY MAP

RESORT TOWNHOMES
(12 UNITS)
A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY, NORTHWEST 1/4 OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PARK CITY, UTAH
SITUATE IN SUMMIT COUNTY
STATE OF UTAH

SHEET 2 OF 4 SHEETS

BENCH MARK = MONUMENT AT INTERSECTION OF CRESCENT STREET AND WOODSIDE AVENUE ELEVATION = 6935.60 PARK CITY DATUM.

L&M 0451-835 C.R. Dan DEC. 1983

OWNER'S CERTIFICATE I CERTIFY THAT BUILDINGS SHOWN ON THIS PLAT, BUT NOT UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE SUBSTANTILY AS SHOWN ON THIS PLAT.

Shimon Ben-Bassat — SHIMON BEN-BASSAT
Alfonso H Morales — ALFONDSO H. MORALES

CERTIFICATION

I CERTIFY THAT THE BUILDING SPECIFICATIONS OF BUILDINGS OF THE RESORT TOWNHOMES ARE OR WILL BE AS SHOWN ON THIS MAP.

M Carl Larsen — M. CARL LARSEN - SURVEYOR

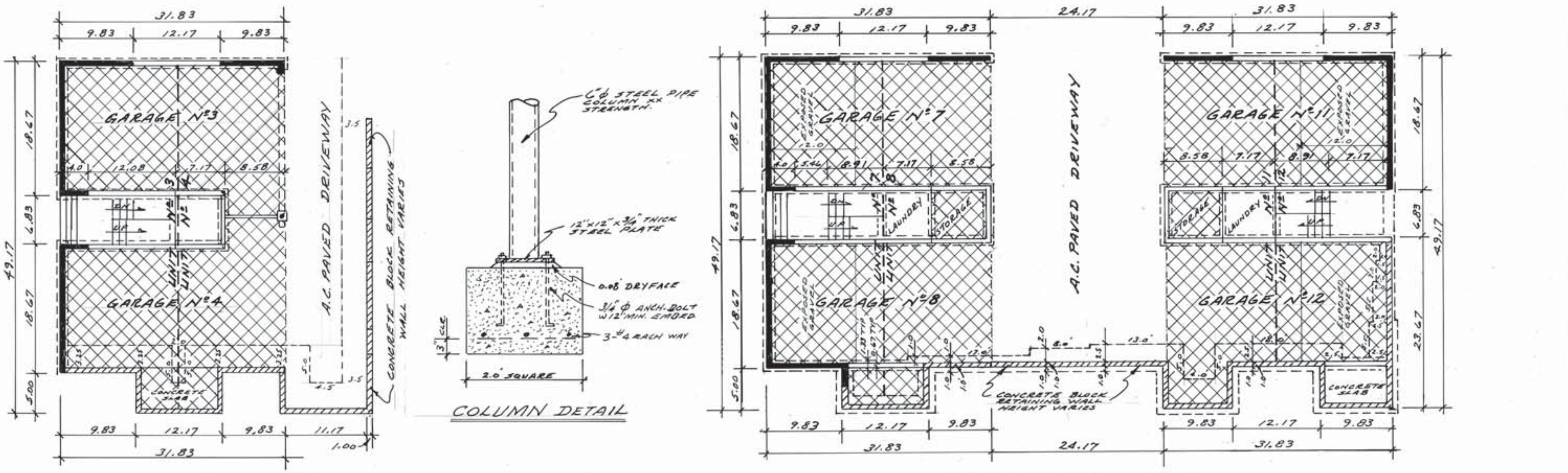
PREPARED BY

LARSEN AND MALMQUIST
CONSULTING ENGINEERS
AND LAND SURVEYORS
2736 SOUTH 2700 WEST STREET
WEST VALLEY CITY, UTAH, 84119
ATTN: M. CARL LARSEN 1-801-972-2634

RECORDED Nº 220528

STATE OF UTAH, }SS
SUMMIT COUNTY,
RECORDED AND FILED AT THE REQUEST OF, Western States Title
DATE: 5-18-84 TIME 3:30 BOOK ____ PAGE ____
FEE $ 66.00
Susan Robinson deputy
SUMMIT COUNTY RECORDER

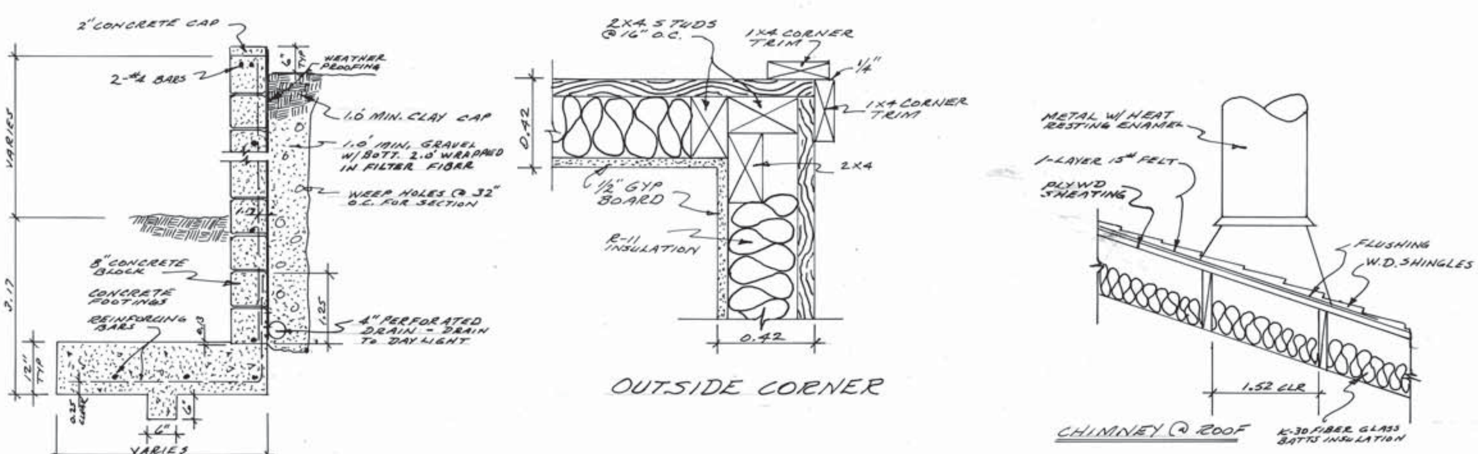
RESORT TOWNHOMES 2 OF 4



FOUNDATION PLAN
UNITS 3 & 4

COLUMN DETAIL

FOUNDATION PLAN
UNITS 7-8-11 & 12



RETAINING WALL

OUTSIDE CORNER

CHIMNEY @ ROOF

RECORD OF SURVEY MAP

RESORT TOWNHOMES (12 UNITS)
A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY, NORTHWEST 1/4 OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PARK CITY, UTAH
SITUATE IN SUMMIT COUNTY
STATE OF UTAH

SHEET 3 OF 4 SHEETS

REV. FEB. 1984

BENCH MARK = MONUMENT AT INTERSECTION OF CRESCENT STREET AND WOODSIDE AVENUE ELEVATION = 6935.60 PARK CITY DATUM

L&M0451-835 G.R. Davis JAN. 1984

OWNER'S CERTIFICATE I CERTIFY THAT BUILDINGS SHOWN ON THIS PLAT, BUT NOT UNDER CONSTRUCTION AT THIS TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE SUBSTANTIALLY AS SHOWN ON THIS PLAT.

SHIMON BEN-BASSAT ALFONDSO H. MORALES

CERTIFICATION

I CERTIFY THAT THE BUILDING SPECIFICATIONS OF BUILDING OF THE RESORT TOWNHOMES ARE OR WILL BE AS SHOWN ON THIS MAP.

M. Carl Larsen
M. CARL LARSEN - SURVEYOR

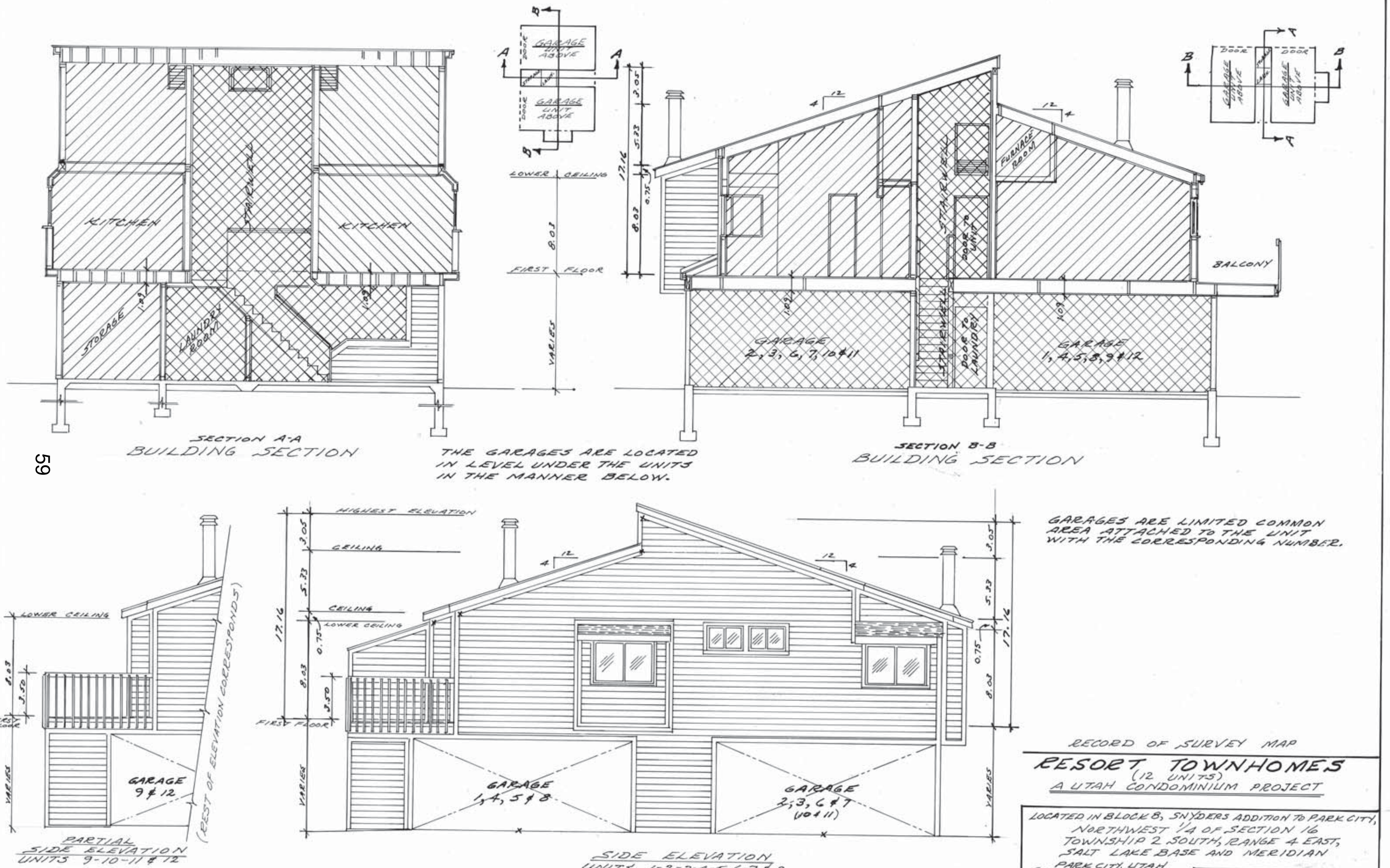
PREPARED BY

LARSEN AND MALMQUIST CONSULTING ENGINEERS AND LAND SURVEYORS
2736 SOUTH 2700 WEST STREET
WEST VALLEY CITY, UTAH, 84119
ATTN: M. CARL LARSEN 1-801-972-2634

RECORDED Nº 220528

STATE OF UTAH } SS
SUMMIT COUNTY
RECORDED AND FILED AT THE REQUEST OF Western States Title
DATE 5-18-84 TIME 3:30 BOOK PAGE
SUMMIT COUNTY RECORDER
deputy
FEE $ 66.00

RESORT TOWNHOMES 3 OF 4



RECORD OF SURVEY MAP

RESORT TOWNHOMES
(12 UNITS)

A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY, NORTHWEST 1/4 OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PARK CITY, UTAH
SITUATE IN SUMMIT COUNTY
STATE OF UTAH

SHEET 4 OF 4 SHEETS

REV. FEB. 1984

BENCH MARK = MONUMENT AT INTERSECTION OF CRESCENT STREET AND WOODSIDE AVENUE ELEVATION = 6935.60 PARK CITY DATUM L&M 0451-838 L.R. Dunn DEC. 1983	OWNER'S CERTIFICATE I CERTIFY THAT BUILDINGS SHOWN ON THIS PLAT, BUT NOT UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE SUBSTANTIALLY AS SHOWN ON THIS PLAT SHIMON BEN-BASSAT ALFONDSO H. MORALES	CERTIFICATION I CERTIFY THAT THE BUILDING SPECIFICATIONS OF BUILDING OF THE RESORT TOWNHOMES ARE OR WILL BE AS SHOWN ON THIS MAP M Carl Larsen M. CARL LARSEN - SURVEYOR	PREPARED BY LARSEN AND MALMQUIST CONSULTING ENGINEERS AND LAND SURVEYORS 2736 SOUTH 2700 WEST STREET WEST VALLEY CITY, UTAH, 84119 ATTN: M. CARL LARSEN 1-801-972-2634	RECORDED Nº 220528 STATE OF UTAH, SUMMIT COUNTY, RECORDED AND FILED AT THE REQUEST OF Western States Title DATE 3-12-84 TIME 3:30 BOOK PAGE FEE $ 66.00 SUMMIT COUNTY RECORDER deputy

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

November 9, 2010

Ms. Kirsten Whetstone, Planner
Park City Planning Dept.
445 Marsac
P.O. Box 1480
Park City, UT 84060

Subject: Resort Townhomes Condo. Plat, Amended

Dear Ms. Whetstone;

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat amendment and we provide the following comment:

1. An SBWRD easement (at two separate locations) is located in the plat area. This easement should be shown on the plat with recording information noted. (See attached easement document).

2. Add the following note to the plat:

   "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required."

Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Attachments

Cc: Evergreen Engineering, Inc.
Plat Review File

9.

Evergreen Engineering, Inc.
Civil Engineering - Land Surveying - Land Planning
1670 Bonanza Drive, Suite 104
P.O. Box 2861
Park City * Utah * 84060
Phone: 435.649.4667 * Fax: 435.649.9219 * Email: office@evergreen-eng.com

October 13, 2010

Park City Municipal Corporation
Planning & Zoning Department
445 Marsac Avenue – PO Box 1480
Park City, Utah 84060
435-615-5060

RE: Proposed Resort Townhomes Amended

The purpose of this Amended Condominium plat is to amend all twelve units of the existing Resort Townhomes condominium project. All garage space that was previously defined as "Limited Common Area" is now defined as "Private Area". Each building has a Laundry Room, Stairwell and Hallway (for Unit access) that was previously defined as "Common Area" this is now defined as "Limited Common Area". The area between adjacent buildings has been divided into "Limited Common Area" for the purpose of having a shared hot tub for each building; this area was previously defined as "Common Area". Additionally in this area, "Common Area" has been redefined as "~~Limited Common Area~~" and assigned to Units 2, 3, 7, 10 & 11. The purpose of this was to provide the ability to have attached storage area for these Units (the other Units currently have defined storage area in the garage). Construction of the storage space will be up to the individual Unit owner and must be approved by the Owners Association and PCMC prior to any construction.

Private

Existing Condominium Plat of Record:
Resort Townhomes, Record No. 220528 (5-18-84)
12 Private Condominium Units (Residential)
24 parking spaces (2-per Unit/Garage as Limited Common Area)

Block 8, Snyder's Addition to Park City, Lots 3-6, 9, 10, 23, 24, 27-30
Parcel Size: 22,500 square feet (0.5165 acres)

2

Summary of Proposed Changes to Resort Townhomes Association's Plat and CCRs

1) Project Description

Resort Townhomes Association seeks to make a few minor administrative adjustments to our Plat to alter allocation of our Common and Limited Common Areas the following goals:

- **Carports:** We propose converting the existing Limited Common Area designation for the carports into Private space. *There is one – two car parking area associated with each existing unit. We want that use to be exclusive for that unit.*

- **Storage areas:** We propose the conversion of small portions of Common Areas adjacent to some carports into ~~Limited Common~~ Private Areas to equalize the amount of space allocated for each Unit's carport. P*resently, storage areas adjacent to some of the carports are allocated to other Units. After the Carports are privatized we do not want other Unit Owners to remain entitled to access those storage spaces through another Unit Owner's private parking area. This, in part, led to some small area discrepancies between each unit)*

- **Yards between Buildings:** We propose a division of the Common Areas located between buildings into Limited Common Areas associated respectively with the Units that are directly adjacent to each area. *We want to allow for the placement of Hot Tubs that would not necessarily have to be Commercial Hot Tubs. Several residential tubs are cheaper then one commercial tub.*

Resort Townhomes Association seeks to make a few minor administrative adjustments to our CCR's to accomplish the following goals:

- We propose update language in order to be consistent with current Utah law and governing codes.
- We proposed enabling language so that Owner's of two adjacent units would be able to combine those units into a single larger Condominium Unit. *The project is comprised of six nearly identical buildings each accommodating two Condominium Units. Any resulting combined units would fit entirely into the existing building mass.*
- We propose clarification of allowed uses within each carport area. *As indicated above, we desire to validate some existing uses that are non-conforming under the existing CCRs.*

7.

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

November 9, 2010

Ms. Kirsten Whetstone, Planner
Park City Planning Dept.
445 Marsac
P.O. Box 1480
Park City, UT 84060

Subject: Resort Townhomes Condo. Plat, Amended

Dear Ms. Whetstone;

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat amendment and we provide the following comment:

1. An SBWRD easement (at two separate locations) is located in the plat area. This easement should be shown on the plat with recording information noted. (See attached easement document).

2. Add the following note to the plat:

 "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required."

Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Attachments

Cc: Evergreen Engineering, Inc.
Plat Review File


SPEED
LIMIT
20


NO PARKING ANY TIME

Housing Authority
Staff Report

Author:	**Rhoda J. Stauffer, Sustainability Team**
Subject:	**Employee/ Affordable Housing Plan**
	Physician Holding LLC
Date:	**March 3, 2011**
Type of Item:	**Administrative**

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss changes to the Physician Holdings LLC Employee/Affordable Housing Requirement and approve the proposed Affordable Housing Plan to fulfill their requirement.

DESCRIPTION: Review of proposed affordable housing plan with respect to potential employee generation.

BACKGROUND: The Physician Holding, LLC is developing 24,730 gross square feet of support medical offices at the Quinns/IHC campus. The Employee/Affordable Housing requirements are outlined in Section 11 of the IHC/USSA/Burbidge Annexation Agreement. The section that relates to the Support Medical Office area associated with the project is as follows:

"*The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed-restricted prices or otherwise financed consisted with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provide that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee has been posted therefore in a form and in an amount acceptable to the City.* "

The Employee/Housing obligation is based on Housing Resolution 17-99 which requires mitigation for 20 percent of the employees generated plus an additional 10 percent for the CT zone density of up to 3 units per acre.

The Housing Authority initially reviewed the Applicant's employee/affordable housing proposal in November 2009. At that time, the Applicant requested a deferral of the Employee/Affordable Housing requirements for the square footage associated with these medical practices and the community meeting space. The Housing Authority reviewed this request and approved the deferral so long as no new employees were generated. The space associated with the pharmacy was not included in the deferral since it would be a new business. The minutes of the November 19, 2009 Housing Authority meeting are attached to this report as Attachment A.

ANALYSIS:

The Applicant is developing 24,730 gross square feet of Support Medical Office. The employee housing requirement is calculated on the total net usable square feet or 80 percent of gross square feet whichever is more. The net usable square feet for this project is 82.3. This generates an employee/affordable housing requirement of 4.99 affordable unit equivalents or 3,996 square feet of affordable housing.

CT Zone Employee Generation	
Employees per 1,000 sf (Note 1)	2.900
Gross Square Feet Commercial	24,730
Net Square Feet Commercial	20,358
Total Employee Generation Projection	59.038
Workers per Household	1.300
Total worker households	45.414
20% Mitigation Rate Required by 17-99	4.541
CT Zone 10% Additional Mitigation Requirement	0.454
Total: Affordable UEs Required	**4.996**
Square Footage Equivalent	**3996.432**

The total square feet is below the 25,000 threshold for posting a financial guarantee in order for certificates of occupancy to be issued.

Employee/Affordable Housing Request

The Applicant recently approached the City with a revised request to fulfill its housing obligation in its entirety and remove the deferrals from the existing businesses. A copy of the request is attached. (Attachment B). In summary, the Applicant is requesting the ability to purchase two lots from Park City Municipal's at the Park City Heights development and construct two affordable homes of approximately 2,000 square feet. The units will be deed restricted in accordance with Housing Resolution 17-99.

Staff has met with the Applicant and discussed their request. There are 35 affordable units proposed by Park City Municipal within the Park City Heights project that are outside the allowed 160 market units. Staff finds that the sale of two of these lots is consistent with the intent of our co-tenancy interest. It creates affordable housing within the general vicinity of the commercial use as well as the affordable units associated with IHC. The sale of the two lots will generate capital that could subsidize the remaining affordable units, or be applied to repayment of bond debt. It reduces the number of units for which the City would be responsible for constructing and selling within the project. Finally, it greatly simplifies the monitoring that would have been required under the initial deferred approval. Under the existing deferral, Staff would have to monitor employee numbers on a quarterly basis in order to track any changes to the employee base that might trigger the affordable housing requirement.

Conditions of Approval

Staff recommends approval based on the following conditions:

- The Applicant will purchase two lots and construct two units totaling at least 3,996 square feet. The price of the lots will be determined through an appraisal following MPD and preliminary plat approval.
- The City and Applicant will enter into a purchase agreement following final plat approval.
- The Applicant will have 15 months to construct and sell the units following the purchase of the lots.
- Should the Applicant be unable to complete the construction and sale of the units within the 15-month time frame, a financial guarantee will be required.
- Units will be deed restricted in accordance with Housing Resolution 17-99 and must be owner-occupied.
- As outlined in the Annexation Agreement, no additional Certificates of Occupancy for additional support medical office will be issued until the affordable housing obligation for Physician Holdings LLC is satisfied.

DEPARTMENT REVIEW

Sustainability, Legal and the City Manager reviewed this report.

ALTERNATIVES

A. **Approve the Request:** The Housing Authority could approve the Applicant's request to purchase two lots from Park City for the purpose of constructing affordable housing to fulfill its housing obligation. **This is Staff's recommendation.**

B. **Modify the Request**: The Housing Authority could modify the request including granting a waiver for a portion of the housing requirement. This would reduce the total amount of housing required by the project.

C. **Continue the Item**: The Housing Authority could continue the item and direct Staff to return with additional information.

D. **Deny the Request:** The Housing Authority could deny the request and direct the Applicant to return with a new proposal.

RECOMMENDATION

Staff recommends that the Housing Authority conduct a public hearing, discuss changes to the Physician Holdings LLC Employee Housing Requirement and approve the proposed Affordable Housing Plan to fulfill their requirement.

ATTACHMENT A

PARK CITY HOUSING AUTHORITY
SUMMIT COUNTY, UTAH
NOVEMBER 19, 2009

I ROLL CALL

Chairman Dana Williams called the meeting of the Housing Authority to order at approximately 7:15 p.m. at the Marsac Municipal Building on Thursday, November 19, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Phyllis Robinson, Public Affairs Manager.

II PUBLIC INPUT *(Any matter of Housing Authority business not scheduled on agenda)*

None.

III MINUTES OF MEETING OF OCTOBER 1, 2009

Roger Harlan, "I move approval of the minutes of the meeting of October 1". Liza Simpson seconded. Motion unanimously carried.

IV NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

Direction on the applicability of the employee housing obligation of Physician Holdings, LLC for their Medical Office Building proposed for the IHC campus – Phyllis Robinson explained that the medical office building proposed is 24,730 square feet and based on the CT Zone, the required employee/affordable housing is 6.62 AUEs and one AUE represents 800 square feet. The applicant has requested a review of the housing obligation based upon the intended uses of the space. She introduced Dr. Bill Pidwell representing Physician Holdings.

Ms. Robinson stated that staff from the Bonanza Drive clinic will be moved to the new facility and no new hires are anticipated as a result of the construction of this building. The EMT practice moving to the building is currently leasing space at the Jack Johnson and no new staff is anticipated for this use. The Fellowship Hall, a 4,500 square foot use is a community meeting space, and is a 501(3) (c) organization and consistent with other non-profits, a housing obligation could be deferred for this space until such time as that use ceases. The pharmacy is a new use that will generate additional employees and specialty practices will bring their own staff to the facility. Staff is recommending deferring a portion of the housing obligation as it relates to the existing tenants and staff is looking for Council direction on each of the uses. The project is currently pending before the Planning Commission. The Chairman invited public input; there was none.

Joe Kernan stated that he is comfortable with the staff recommended waivers and Roger Harlan supported deferrals with review in two years. Jim Hier noted that in general he is not in favor of waiving or deferring housing obligations. Discussion ensued on the USSA housing deferral. Mr. Hier asked if employees will increase with the clinic expansion and Dr. Pidwell stated that there will be no increase to staff. Mr. Hier expressed concern about monitoring deferrals and Phyllis Robinson explained that staff monitors all deed restricted units.

The Chairman confirmed that all members are inclined to support deferrals but not waivers. Candace Erickson pointed out that the EMT practice at the Jack Johnson Building is outside the City limits and Jim Hier indicated that he views this use as a net increase of employees to the City. Members did not support waiving or deferring the obligation on the pharmacy and again discussed monitoring housing obligations. Phyllis Robinson suggested that affordable housing be addressed in the conditions of approval in the MPD and Mark Harrington recommended placing the burden on Physicians Holdings to prove compliance. Mr. Hier felt that the requirement to provide affordable housing should be triggered on whether there will be a new full-time employee staffed there.

Dr. Pidwell explained that the fee in lieu of $60,000 is not in their budget and consideration of deferrals is appreciated. After discussion, members determined the employee obligation to be 1.24 which will be deferred

V ADJOURNMENT

With no further business, the meeting of the Housing Authority was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, Secretary

Park City
Housing Authority

Janet M. Scott, Secretary

ATTACHMENT B

Park City Municipal Corporation
Attention: Housing Authority

February 15, 2011

To whom it may concern:

Thank you for taking the time to follow-up with Physician Holdings, LLC and our project on the Park City Medical Center Campus. Our medical office building at Quinn's Junction is nearing completion and I felt it was time to finalize our plan to meet our affordable housing requirement.

We last met on November 19, 2009 at which point the housing authority agreed with our request for deferral of a portion of the affordable housing requirement. Since that time we have had some changes from our projected occupants. Due to various reasons, the changes have resulted in a new tenant mix as follows:

Tenant	*Usable Square Footage*
• Park City Clinic	7,763 sqft
• Intermountain Health Care	6,673 sqft
• Summit Pediatrics	3,525 sqft
• Park City Clinic Pharmacy	1,256 sqft
• Applegate Home Care and Hospice	1,043 sqft
• Café Galleria Express	148 sqft

Over the past year we have been in discussion with Park City Municipal regarding the opportunity of fulfilling our affordable housing requirement in the Park City Heights project. The partners of Physician Holdings see this as a viable possibility that would meet the desires of the Housing Authority.

While we still believe that deferral of affordable housing is appropriate for the majority of the above listed tenants, we are interested in foregoing the deferral if we can find a way to be part of the Park City Heights project. We understand that details are not fully known with how this would be structured, be it a lot purchase or completed unit purchase, but feel that we will be able to come to an agreement with Park City Municipal once those details are known.

We ask that the housing authority consider this plan as an alternative to the deferral granted in 2009. We are interested in removing the yearly review as directed in 2009, and simply completing our requirement with the first phase of Park City Heights.
Thank you for your consideration.

Sincerely,

Bill Pidwell, on behalf of Physician Holdings, LLC.