

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
FEBRUARY 28, 2013**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 28, 2013.

Closed Session

2:00 p.m. Personnel, property and litigation

Work Session

4:10 p.m.	Council questions/comments	
4:20 p.m.	Legislative update	
4:30 p.m.	Summit Community Solar – update and filming	P. 4 - 6
4:40 p.m.	Proposed lift ticket ordinance	P. 7 - 10
5:00 p.m.	Tour of Utah	P. 11 - 14
5:10 p.m.	Main Street improvements	P. 15 - 47
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 the agenda*)

IV MINUTES OF MEETINGS OF FEBRUARY 7, 2013 AND FEBRUARY 14, 2013
P. 48 - 51

VI NEW BUSINESS

1. Consideration of an Ordinance approving the First Amended 315 Park Avenue Subdivision, located at 315 Park Avenue, Park City, Utah P. 60 - 92

- (a) Public hearing
- (b) Action

2. Consideration of an Ordinance approving the Park Avenue Subdivision Plat located at 1492 Park Avenue, Park City, Utah P. 93 - 121

- (a) Public hearing
- (b) Action

3. Consideration of an Ordinance adopting Title 4, Chapter A – Special Event Temporary Alcoholic Beverage Licenses described in the Municipal Code of Park City and amendment Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5, Beer Licenses described; Title 4, Chapter 6, Liquor License Described, of the Municipal Code of Park City P. 122 - 161

- (a) Public hearing
- (b) Action

4. Consideration of an amendment to the contract for state lobbying services with Legislative Executive Consulting, LLC for an additional \$80,000 for the 2013 legislative session, in a form approved by the City Attorney

VII ADJOURNMENT

A majority of City Council 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 is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 02/25/13

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

March 2013

- 7 Legislative update - work
Walkability update - work
RMP - work
Water Research Foundation for evaluation of distribution system in the amount of \$200,000
Lift ticket ordinance –public hearing/action
- 14 **No meeting**
- 21 Legislative update - work
RMP - work
Marketing and advertising sales contract – ice arena - JP
520 & 522 Park Avenue plat amendment
496 McHenry Lots 21-32 Echo Spur Subdivision plat amendment
421 Park Avenue plat amendment
- 28 Tour of Utah – work
Business retention and attraction – study
Historic District grant program update
Award of Contract for Transit Residential Building Construction

April 2013

- 4
- 11
- 18
- 25 **No meeting**

May 2013

- 2
- 9
- 16
- 23
- 30

Pending Items:

Water leak technology and policies
GIS app
Wasatch Front and Back mountain resort expansions – Mayor Becker team
Latino Community outreach and engagement – study
Visioning w/County - Phyllis



City Council Staff Report

Subject: Summit Community Solar - Update and Filming
Author: Tyler Poulson
Department: Sustainability
Date: February 28, 2013
Type of Item: Informational

Summary Recommendations:

A local filmmaker has requested permission to document aspects of the Summit Community Solar program for a potential film or short film. Since City staff and facilities are being utilized for this project, staff is inquiring as to whether Council has objections with the bulk solar program being filmed and later distributed.

Topic/Description:

Community bulk solar is a program whereby citizens collectively seek out renewable energy solutions. Summit Community solar was launched as a way for residents to procure affordable and competitive solar PV systems for their homes. Administrative support for the program and its volunteers is being provided by Park City, Summit County, and Utah Clean Energy.

Background:

Staff presented the concept of community bulk solar, and the Summit Community Solar program in particular, to City Council on January 24, 2013. Council directed staff to partner with Summit County and Utah Clean Energy in order to support the initiative. Staff has been providing technical and management support for the process and intends on remaining involved throughout 2013. Staff is now returning to City Council to provide updates and also present the possibility of a filmmaker following Summit Community Solar and documenting its outcomes for either a short film or feature documentary.

Analysis:

Staff from the City, County, and Utah Clean Energy held two workshops in early February to recruit volunteers to support Summit Community Solar. We were seeking people to serve on the Steering Committee that would assist with contractor selection and coordination in addition to program marketing and outreach. Roughly 50 citizens attended these two workshops and 22 of them volunteered their time to be part of the Steering Committee. The number of committed volunteers for Summit Community Solar is more than double the turn-out utilized for Salt Lake Community Solar as part of their highly successful program in 2012. Our Steering Committee includes multiple representatives from the Park City area as well as support from eastern Summit County.

A local filmmaker attended one of the initial workshops and would like to document Summit Community Solar as part of a series of productions they are creating to highlight

the benefits of clean energy. Summit County and Utah Clean Energy staff have approved the filmmaker to move forward with documenting the process. City staff believes that the publicity derived from this documentary could heighten the profile of community bulk solar while also presenting a positive, proactive story of citizen involvement with clean energy solutions. Staff would like to provide the filmmaker with an approval to move forward as long as Council does not have any objections.

While Summit Community Solar has enough volunteers to fill the Steering Committee there will be future opportunities for others to get involved throughout the year. This involvement ranges from assisting with program marketing and outreach to actually installing solar panels on your home. Interested residents should visit mycommunitysolar.org/summit in order to learn more and sign-up for ongoing program updates.

Department Review:

Sustainability, Legal, and the Interim City Manager reviewed this Staff Report.

Alternatives:

A. Approve:

Agree with Staff Recommendation to allow filming of documentary coverage that follows Summit Community Solar. The community solar project is supported by City staff and some meetings will occur in City facilities. **(STAFF RECOMMENDATION)**

B. Deny:

Direct staff to return to Summit Community Solar team with request that project is not filmed.

C. Modify:

City Council may approve the staff recommendation, but with some modifications outlined by Council during Work Session.

D. Continue the Item:

City Council may request that staff return with more information to help inform their decision and priorities.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Unique and diverse businesses + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Reduced municipal, business and community carbon footprints	+ Residents live and work locally	+ Engaged and informed citizenry + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Positive 	Positive 
Comments: Staff previously expressed that a community bulk solar program will deliver long-term positive benefits across the spectrum of economic, environmental, and social goals. Regarding filming of Summit Community Solar, staff feels that added exposure might not only highlight local successes, but also inspire others to take similar action. Overall, staff sees the potential in a documentary film (short or feature-length) to strengthen existing positive aspects of the program.				

Funding Source:

No City funding is being requested to fulfill the Staff Recommendation.

Consequences of not taking the recommended action:

Staff feels that Summit Community Solar will effectively drive local interest and investment in solar energy in 2013. Having a film created about the process could highlight positive aspects of the program while creating a legacy of this success. The inherent risk is that the bulk solar program or film does not result in a positive success story for solar energy or our community. With the information available at this time, City staff and our program partners feel that the potential benefits outweigh the risks associated with this documentary film coverage.

Recommendation:

A local filmmaker has requested permission to document aspects of the Summit Community Solar program for a potential film or short film. Since City staff and facilities are being utilized for this project, staff is inquiring as to whether Council has objections with the bulk solar program being filmed and later distributed.

Attachments:

None



City Council Staff Report

Subject: Reselling Ski Lift Ticket Ordinance
Author: Tricia S. Lake, Assistant City Attorney
Department: Legal Department
Date: 2/28/13
Type of Item: Legislative

Summary Recommendations:

Adopt the proposed ordinance which would amend Title 8, Chapter 3 of the Municipal Code of Park City (MCPC). This ordinance addresses reselling of ski lift tickets. This ordinance affects only those portions of Park City Mountain Resort and Deer Valley Resort that are within Park City Municipal Corporation (PCMC) boundaries.

Topic/Description:

Amending PCMC's MCPC.

Background:

Park City Mountain Resort approached the Park City Attorney's Office asking for assistance with a proposed ordinance which would prohibit the reselling of ski lift tickets. The primary concern is with individuals trying to resell ski lift tickets in the parking lots of the ski resorts as opposed to online sales.

Analysis:

Staff has reviewed and analyzed the reselling of ski lift ticket statutes in other states, including California and Colorado. The elements of the proposed ordinance are consistent with similar codes in other jurisdictions.

A violation of the proposed ordinance would be a class B misdemeanor. Under both Utah State Code and the MCPC, a class B misdemeanor is punishable by imprisonment of not more than six months and a fine of not more than \$1,000. Misdemeanors are rarely sentenced to the maximum allowable sentence. Both the city and the resorts are primarily interested in this ordinance as a deterrent.

Department Review:

The Legal Department has reviewed this matter and has been in consultation with Park City Mountain Resort and Deer Valley Resort.

Alternatives:

A. Approve:

Adopt the ordinance as proposed. This is the recommended action.

B. Deny:

Denying the request would amount to being unresponsive to the local ski resorts' interest in enacting an ordinance prohibiting reselling ski lift tickets and the City's interest in continuing to assist the resorts in their effective operations.

D. Continue the Item:

Continuing the item and providing direction to staff on revisiting the proposed ordinance is an acceptable option, as long as the ordinance could quickly be brought back before the city council.

Significant Impacts:

Approving the request could impact the PCPD as it may be called upon to enforce the ordinance. Approval could also bring additional cases to the City Prosecutor's office, although there is no expectation that there will be a significant number of charges filed under this ordinance.

Consequences of not taking the recommended action:

Denying the request would amount to being unresponsive to the local ski resorts' interest in enacting an ordinance prohibiting reselling ski lift tickets and the City's interest in continuing to assist the resorts in their effective operations.

Continuing the item and providing direction to staff on revisiting the proposed ordinance is an acceptable option, as long as the ordinance could quickly be brought back before the city council.

Recommendation:

Approve and adopt the attached ordinance.

Ordinance No.

AN ORDINANCE AMENDING TITLE 8, CHAPTER 3 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE THE PROHIBITION OF RESELLING SKI LIFT TICKETS

WHEREAS, there exists a problem at Park City Mountain Resort and Deer Valley Resort for skiers and snowboarders to resell ski lift tickets; and

WHEREAS, the ski areas have asked the Park City Attorney's Office to assist with the enforcement of reselling ski lift tickets; and

WHEREAS, the Municipal Code of Park City does not have an ordinance regulating skiers and snowboarders who resell their ski lift tickets and therefore the city prosecutor is unable to prosecute this offense; and

WHEREAS, this section is intended to make the reselling of a ski lift ticket within the city limits a Class B Misdemeanor;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 8 Criminal Code of the Municipal Code of Park City is hereby amended to include Section 8-3-5, as follows:

8-3-5. RESELLING OF A SKI LIFT TICKET RESELLING OF A SKI LIFT TICKET

1. Definitions:

a. Ski Area Operator. Those persons, and their agents, officers, employees, or representatives, who operate a ski area.

b. Skier. Any person present in a ski area for the purpose of engaging in the sport of skiing, Nordic, freestyle, or other types of ski jumping using skis, sled, tube, snowboard or any other device.

c. Ski lift. A device, excluding an elevator, used to transport passengers along a level, inclined path by means of a haul rope or other flexible element that is driven by a power unit that remains essentially at a single location. Passenger ropeways include an aerial tramway; an aerial lift, including a detachable grip lift and chair lift; a conveyor; a funicular; a surface lift, including a J-bar, T-bar, or platter pull; and a rope tow.

d. Ski lift ticket. Any annual pass, day pass, promotional pass, punch card, badge, pin, coupon, or other device which then entitles the bearer to the use, benefit, or enjoyment of any ski lift.

e. Snowboarder. Any person present in a ski area for the purpose of engaging in the sport of snowboarding.

2. Reselling of a Ski Lift Ticket Prohibited. Any person not authorized by the ski area operator, who, with the intent to profit therefrom, resells or offers to resell any ski lift ticket, which then entitles the bearer to the use, benefit, or enjoyment of any ski lift is in violation of this section.

3. Penalty. Any person violating the provisions of this ordinance shall be guilty of a class B misdemeanor.

4. Enforcement. The Park City Police Department, upon notification from a ski area operator or its designee shall have authority to investigate violations of this section and issue citations.

5. Violations. Violations of this section that occur within ski area boundaries which extend into neighboring jurisdictions shall be referred to the appropriate authority for investigation and prosecution.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this ____ day of ____, 2013.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Tricia S. Lake, Assistant City Attorney



City Council Staff Report

Subject: 2013 Tour of Utah Update
Author: Heinrich Deters, Bob Kollar
Department: Sustainability & Joint Venture
Date: February 28, 2013
Type of Item: Informational

Summary Recommendations:

Staff is recommending Council review information attached in this report and provide direction if desired.

Background:

The Tour of Utah is a professional road-cycling event sanctioned by the International Cycling Federation, comparable to the Tours of major European Countries. Park City has hosted the event on several occasions, most recently in 2012, when Main Street was the venue for the start and finish of Stage 6, the final stage of the event.

Staff believes hosting such events is consistent with our economic development goals, is consistent with our past successes in hosting world-class sporting events, and we believe it helps further our relationship with and commitment to the State of Utah's Life Elevated program and overall economic and tourism goals.

Analysis:

In 2012, Park City's Main Street hosted the Start and Finish of the final stage of the Tour of Utah. The event was deemed by everyone associated with the production of the event as the penultimate moment of the six day affair. A crowd of approximately 10,000 spectators descended on Main Street for a day of racing and festivities and while the event was not without impacts, members of the lodging community, Historic Park City Alliance and Silly Market all deemed the day a success. Finally, the national and international exposure received via media outlets covering the Tour of Utah further emphasizes Park City's reputation as a world class recreational destination that hosts a variety of well organized, internationally recognized events.

On February 5th, Tour of Utah unveiled host Cities for the 2013 event. Park City was again selected to host Stage 6, the final stage of the event, on Sunday, August 11th. Details, including course, road closures, timing and the Main Street 'footprint' associated with Stage 6 will be very similar to the 2012 event. Staff will return to Council with the final layout and logistics as part of the Master Festival permitting.

Proposed changes for 2013 Tour of Utah Event

On Saturday, August 10th, Stage 5 of the event starts at Snowbasin Resort and finishes at Snowbird Resort. The stage, often referred to as the Queen Stage, is proposed to travel through Park City before climbing over Guardsman Pass into Big Cottonwood Canyon and finally climbing Little Cottonwood Canyon to the finish. Tour officials have

asked staff to consider possible 'routes' through Park City, including the use of Main Street. Staff has discussed the option of utilizing Main Street with the Historic Park City Alliance and the Alliance has stated they would rather not 'impact' Main Street for two consecutive days and have suggested the 'route' traverse Old Town via Deer Valley Drive to Marsac Avenue. (Exhibit A) Staff supports this recommendation and would like Council to provide any direction/input if desired.

Ultimate Challenge Saturday August 10th

The Ultimate Challenge, a complimentary event to the Tour of Utah, allows amateur cyclists the chance to ride Stage 5 in the morning, prior to the professionals taking the course. The event is not a race and participants are instructed to follow 'rules of the road' while on course. Three 'distance' options are made available for the participants and the promoter would like to use Park City as the second distance option. The event in itself will add up to 500+ cyclists to the roads within the stage route, as well as, support infrastructure such as a large tent pavilion for the three 'distance' cities. Staff is working with the Ultimate Challenge promoter and will return to Council with details under the same Master Festival permit as Tour of Utah.

Public Outreach

Due to possible impacts from road closures, staff has notified numerous stakeholders associated with the 2012 event to provide input or comment on the proposed 2013 event.

Financial Element

Similar to the 2012, the City and Chamber through the Joint Venture (which is jointly funded equally by Park City and the Chamber/Bureau) will provide approximate \$80,000 of value and value-in-kind (VIK), in addition to, grant application funds for the 2013 event.

- \$20,000 cash budget from Chamber.
- \$20,000 cash budget from Joint Venture.
- \$15,000 of Value In Kind (VIK) City/Chamber Services.
- \$25,000 cash for marketing from grant funds

Lower Deer Valley Drive Construction

Construction scheduled along Lower Deer Valley Drive is being coordinated with all appropriate departments and the Tour of Utah to help minimize any possible negative impacts.

Department Review:

This report has been reviewed by the Sustainability, Legal and Executive Departments and their comments have been included in the document.

Alternatives:

This report is for informational purposes

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Varied and extensive event offerings		+ Shared use of Main Street by locals and visitors	+ Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	(Select from List)	Positive 	Positive 
Comments:				

Funding Source:

Proposed funding for the event may come from the City/Chamber Joint Venture account.

Consequences of not taking the recommended action:

This report is for informational purposes

Recommendation:

Staff is recommending Council review information attached in this report and provide direction if desired.

Exhibit A- Recommended Stage 5 Route through Park City

Proposed Tour of Utah Stage 5 Route



City Council Staff Report



Sustainability

Author: Jonathan Weidenhamer
Subject: Historic Park City/ Main Street Projects Update and Discussion on Streetscape Materials
Date: February 28, 2013
Type of Item: Work Session- Direction

Summary Recommendation

Consider the update on the pending Phase I downtown streetscape projects. Provide direction on:

1. Preferred material of the sidewalk paving;
2. Radiant heat for Terigo walkway.

Topic:

During the FY 13 budget process, Council was supportive of moving forward with the entire scope of the downtown projects as a collective package of projects. In November the resort city sales tax ballot measure was approved, thus providing a funding source for the Projects. The FY 13 budget includes \$15M to fund a 10 year implementation schedule for the projects based on preliminary cost estimates and phasing schedule that includes inflation estimates from IBI (exhibit B). The projects include:

- Immediate Needs (Completed or in progress for this spring);
- Short Term Needs (CY 2013- 2018); and Long Term Needs – (CY 2019- 2024)
 - Streetscape & Sidewalk Projects
 - Plaza & Pass Through Projects

Park City secured a contract with MGB+A to complete construction documents for the first phase of the Projects scheduled for starting construction in spring of 2013. The scope of Phase I include:

- Streetscape and sidewalks from 4th – 5th on the east side of Main Street;
- Streetscape and sidewalks from 5th to the Claimjumper/ Bear Bench on the West side of Main Street;
- The Terigo walkway from Swede Alley to Main;
- 7th Street including adding parking and bulb outs at both Park Ave & Main St.

Park City is in the process of procuring a contractor for phase I construction. Once a contractor is on board we will be able to identify a construction timeline. This will be based on working with HPCA to develop timing and phasing schedule with an explicit goal to minimize impacts where possible.

MGB+A has been working with staff to complete construction drawings for the streetscape package. This is critical because it will set the blue print (and financial

commitment to materials) for the next 10 years streetscape and sidewalk improvements which include:

- Curb and gutter;
- New sidewalks;
- Refurbished streetlights;
- Updated power and conduits for future improvements (communication, lights, sound, events);
- Locations for public art & seating;
- Benches;
- Garbage Cans;
- Storm Drains, incorporating roof drains; and
- Water meters.

As staff and the consultant are finalizing recommendations for the streetscape we are at a critical decision point and can't move into Design Development Drawings until we have policy direction on Council's preferred level of service (LOS) from both a capital and operating standpoint. Specifically staff seeks direction on:

1. Use of concrete or granite (or a blend of both) for the sidewalk paving; and
2. Radiant heat in the Terigo walkway.

Background

On April 5, 2012, IBI presented the overall scope and general direction of the Downtown projects (Exhibit D). On July 12, 2012 Council agreed to a final scope and construction phasing plan (Exhibit B). While staff and HCPA were quite satisfied with IBI's work, MGB&A were chosen specifically to question and push IBI's recommendations so that we could feel like we thoroughly exhausted every design alternative.

Current Progress

The design team (MGB&A, Alliance (Engineer), Hans Hoffman (architect)) , Staff - Jonathan, Matt Twombly, Matt Cassel, Troy & Clint Dayley, Thomas, Anya, and HPCA (Alison) has been meeting weekly since November 30, 2012. The schematic design process has been slow to gain full consensus on specific application and design of paving finishes. While the design has yet to go through the formal Historic District Design Review process, staff has been working closely with Planning to come up with the current recommendations.

The current progress update includes agreements on the following components:

HPCA Position Summary

It is important to keep in mind throughout the following summary of HPCA positions that will be expressed in detail where appropriate (Exhibit I):

1. Funding priority, based on perceived "return on investment" is in the attractions (plazas) and walkways, not sidewalks;

2. Expenditures in sidewalks should not take available funding from #1;
3. Consistently seeking increased O&M Level of service; and
4. Significantly concerned with construction timing and impacts.

Phase I Scope

Specific Phase I Scope is detailed in the following descriptions:

- Streetscape and sidewalks from 4th – 5th on the east side of Main Street;
- Streetscape and sidewalks from 5th to the Claimjumper on the West side;

The streetscape layout is the same layout that the IBI plans determined with the same parking configurations and curb location. This project phase extends from the street curb to the building face from the north side of 4th street to the north edge of the Post Office.

This design is consistent with a historic downtown with simple geometry. The recommended design (option3) includes upgraded pedestrian pavers/banding along Main Street with a unique/contrasting pedestrian paver for Terigo Plaza creating a whimsical area to showcase art and celebrate each Main Street event. Historic iron benches, period trash receptacles, refurbished historic street lights and movable planters containing perennials and annuals are spaced along Main Street. The planters can be removed in the winter months for snow removal. Hanging baskets from each street light are also included to bring color and interest to Main Street.

A new upgrade curb will replace the concrete curb and gutter with a new storm system that will collect roof drains and storm water quickly creating a more usable pedestrian space. This will reduce the about of pooled water from melting snow that creates obstacles for pedestrians exiting from parked cars to the sidewalk. There are also new water meters included in the scope.





Terigo Walkway

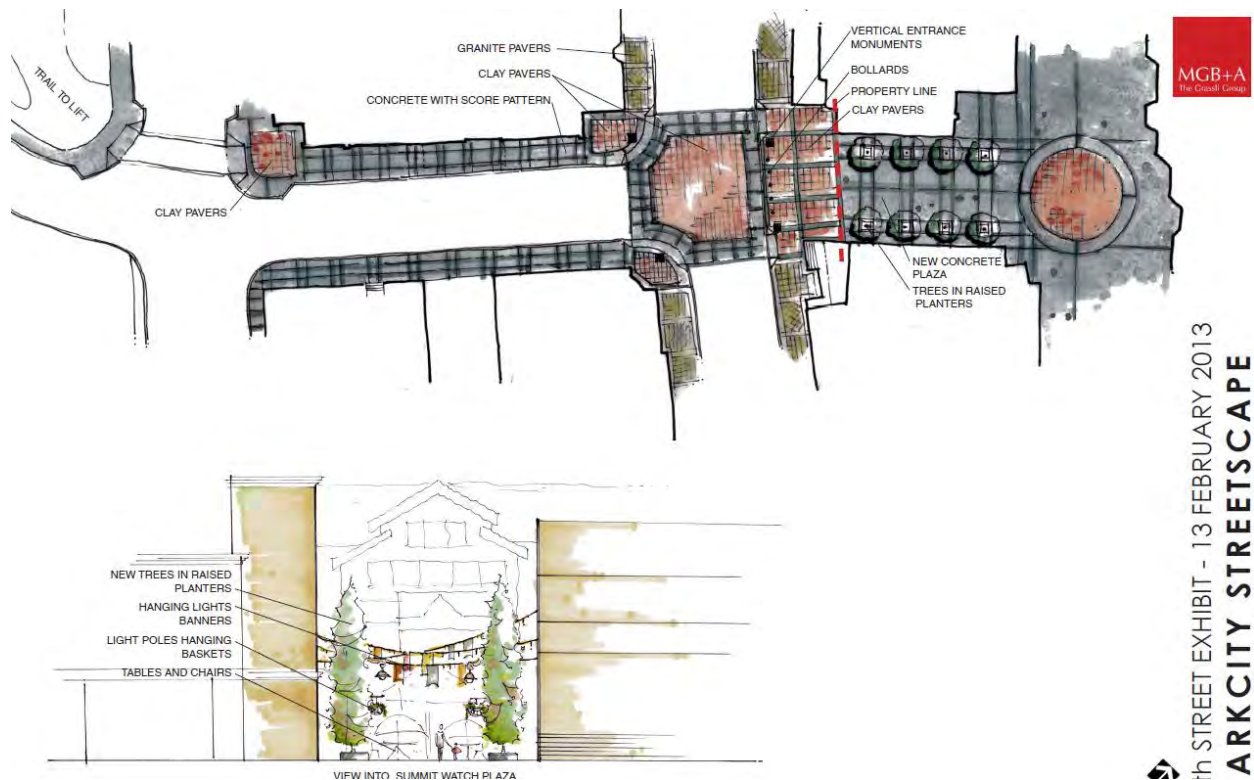
The Terigo Plaza is meant to be more creative and unique to set it apart from a traditional and historic design that is intended for Main Street. It includes interpretive elements intended to call attention to Park City, such as curved “foot prints” in the paving representing the mining cart of the past, with ski tracks of the present. The new design also adds greater pedestrian connection from China Bridge to Main Street by replacing the stairs and adding an ADA accessible ramp. The improvements will also include additional safety lighting and connection across Swede Alley.

The design is consistent with a condition of approval from the newer China Bridge parking garage CUP which included specific stipulations on pedestrian circulation and access between Main Street and the garage (Exhibit H).

Lastly, there is a split recommendation on radiant heating a portion of this project. This issue will be discussed later in the report.

7th Street from Park Avenue to Summit Watch Entrance

–7th Street improvements are designed to create greater east – west pedestrian movement, beginning at the bottom of the ski bridge on Park Ave. across to Main Street and beyond. Connection into Summit Watch is a primary focus. Because the intersection of 7th and Main is also used as event staging (i.e. Tour of Utah and Silly market) the proposed design replaces the asphalt with vehicular pavers, so that it can be transformed from a street to plaza. Power and lighting improvements will facilitate such needs as well. East – west sidewalks will be improved but secondary to Main Street.



Paving Materials & Streetscape

Staff has narrowed the conversation to 4 options. The “budget” referred to reflects the preliminary \$15M placeholder in the approved budget based on IBI projections. Their non-inflated cost estimate was \$13.9M.

LOS	IBI Projection	Option 1	Option 2	Option 3	Option 4
sidewalk	26 % granite	concrete	concrete	60% granite	granite
curb	granite	concrete	granite	granite	granite
cost (not inflated)	\$13.9 M	\$12 M	\$12.4 M	\$14.4 M	\$15.8 M
initial visual, aesthetics	high LOS	lowest level of service			best
Expected Lifecycle		20 years/curb 10 yrs	20 yrs/curb 50+ yrs	Granite 50+ conc 20	50+ years
Replacement cost		Granite curb < Concrete Curb *		** Granite Paving ~ Concrete Paving	
long term look	better than current	current situation	curb will greatly improve appearance, longevity & sidewalk lifecycle	significantly improved	best
* Based on 3 independent studies from University of Massachusetts, Rhodelsland DOT, & Curtain Wall Design & Consulting, Dallas, TX					
** Granite paving is almost 100% reuseable (subsurface work) whereas concrete requires 100 % replacement. Due to the concrete slab under					

Option 1 has been exhausted. There is a full consensus from staff that a granite curb and gutter are critical from a durability standpoint. It is included for Council to have context of the least expensive option.

IBI’s initial projections were based on 26% granite sidewalks and granite curbs. Currently Planning and Economic Development staff are recommending 60% granite

sidewalks, with concrete bands surrounding them and granite curbs (Option 3) with the following specific components:

Pedestrian Paving: Historically Main Street had wood plank sidewalks that transitioned into concrete sidewalks decades ago which exists today. A logical progression of history would allow a more durable material that is conservatively stated as to not detract from the beauty of the historic buildings that face Main Street. Each of the options considered to date have

Granite Pavers: While analyzing the pavers that have historically been used in Park City the group noted an overall deterioration of concrete and clay pavers. Granite paving was recommended as a more durable material that would bring a quality experience for the users of Main Street as long as the colors were conservative (gray/earth tones – see picture below) allowing the historic buildings to be the focus of user's attention. Granite also provides a greater sense of place and a quality environment (City Creek – Main Street SLC). Granite has a life span of at least 50 years compared to concrete that will start showing wear within the first couple of years of installation. Granite pavers will be dry set on sand allowing for easy maintenance should a paver get chipped or damaged.

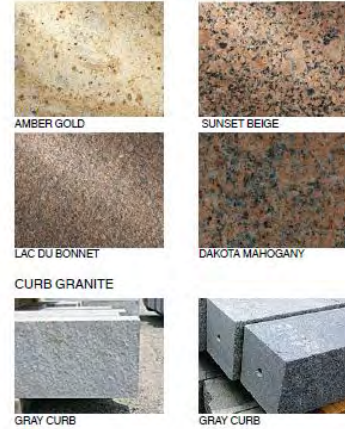
Planning is firmly recommending a plain application of the granite. Their goal is to not have the paving take the focus away from the historic buildings.

Concrete Banding: Concrete banding could be added to the granite to reduce installation cost but would require maintenance and potential repeated replacements.

Threshold Pavers: The group discussed installing a contrasting paver strip to match the banding width in front of each merchant's door that the merchant could customize at their expense once the project was completed. There is no consensus on this to date.



SIDEWALK GRANITE - OPTIONS



GRANITE PAVING EXAMPLES



The staff recommendation of Option 3 is based primarily on design and look and feel, and sustainable design considerations that are balanced with budget impact (see next section). Based on three independent studies the granite curb has been found to be more cost effective than concrete curb (Exhibit G). The granite curb while having a higher initial cost outlasts concrete by a minimum of 2.5 times. Concrete curb (especially high back) does not hold up to the damage caused by snow plows and only has a 10 year lifespan. Even after a few years the snow plow damage is evident and does not look good (Exhibit G).

Granite paving is similar to the granite curb in that the product will last 50+ years. Granite curb and paving is very sustainable in that it is reusable whereas concrete is only recyclable although much will wind up in the landfill when any subsurface work is performed. Granite can also be reset if there is any heaving or settling whereas the concrete either needs to be ground down, affecting the appearance, or the concrete needs to be replaced if badly cracked.

The “look and feel” of the granite is also very important. The longevity of the granite adds to the appearance. Although granite will require some resetting it will maintain its

looks throughout its lifespan which may be well beyond 50 years. As mentioned above the concrete will crack and heave detracting from the look, feel and even function of the walking surface.

The concrete band around the granite pavers will also help at the transition to some of the doorways. Because the banding will be tied to the slab under the granite heaving between the pavement types should be minimized. Also the banding will be in smaller jointed squares which should reduce cracking.



Exhibit G of this staff report includes a link to a series of pictures of paving examples in other resort towns. Many of the newer areas that look so nice are brick pavers. Every one of them is radiant heated. There are no granite applications in peer cities. MGB+A has also created a walking tour of Salt Lake City, City Creek area that identifies specific granite applications (Exhibit F).

Staff seeks specific discussion on Council's willingness to pursue option 4, which in many ways could be considered superior. However, there are 3 concerns from least to most important: 1) Addressing cross slopes and entry thresholds; 2) Budget implication (approx. \$2 M over Option 2 over ten years), especially considering HPCA's priority of the Plazas and walkways; and most importantly, 3) Potential "impact" on the Historic District. While we've verified through Corey Jensen at the State Historic Preservation Office that our material selection has little to do with our National Register status, Planning members believe a full granite option is too formal or institutional for Main Street and do not recommend this application.

Staff's presentation at the Council meeting will focus on the specific application of the paving materials, including construction, repair, look and feel and budget implication.

Overall Budget, Per Unit Costs & Cost Implication

Streetscapes

The staff recommended Option 3 LOS includes a projected budget over 10 years of \$14.4 M (not inflated), which is \$500,000 higher than projected by IBI (\$13.9 M). The budget placeholder approved in the FY13 budget (funded with resort city sales tax) is \$15M, which includes inflation estimates:

	IBI Projection	Option 1	Option 2	Option 3	Option 4
sidewalk	26 % granite	concrete	concrete	60% granite	granite
curb	granite	concrete	granite	granite	granite
Phase I cost	\$1,009,049	\$1,350,011	\$1,404,006	\$1,663,622	\$1,804,694
Streetscape cost overall	\$4,609,454	\$3,572,649	\$3,787,818	\$5,595,110	\$6,754,361
All project cost w/inflation	\$13,935,556	\$12,081,269	\$12,353,124	\$14,440,701	\$15,754,028

Staff finds the increased budget for streetscapes is more than warranted based on:

- Better “place making” - Increased LOS from a look and feel standpoint;
- Investing in our resort destination economy and differentiating our Main St.;
- More sustainable from a “green” standpoint (see below);
- More sustainable from a lifecycle and replacement standpoint (see below).

Staff recommendation on Paving Material

Staff recommends Option 3. Recommending a full granite application (Option 4) would increase the streetscape budget an additional \$2 M over Option 2 (concrete sidewalk, granite curb) over the 10 year project. While this would be the preferred option of the Sustainability staff from a “place making”, operations and longevity standpoint, Sustainability is willing to compromise our position based on stated concerns on:

- Budget;
- Design concerns raised by the Planning Department about historic compatibility;
- Concrete banding may help in the transition areas at building thresholds and lightpoles.

Increasing project costs beyond the \$15M budgeted is not recommended by the Budget Department, especially considering HPCA & Staff's priority of putting budget into the plazas and walkways (see next section).

Plazas & Walkways

Preliminary cost estimates for 7Th street are consistent with IBI's projections. The Terigo walkway is as much as 30% higher due to added concrete base under pavers for

stability, electrical improvements, and additional site furnishings. While we could value engineer these items out, we recommend and are supported by the HPCA in keeping higher unit costs in walkway and plaza projects. Staff and HPCA agree prioritizing funding here will garnish the greatest bang for the buck or return on the investment.

Environmental Sustainability

Public infrastructure projects are exempt from the requirement that an additional 4% project budget be allocated to “green” measures. Despite not making this firm financial commitment, staff has been contemplating ways to honor the City’s environmental values in the project. Staff has been referencing a new protocol from the Institute for Sustainable Infrastructure (ISI) that grades project decisions using a triple bottom line methodology. Lifecycle energy consumption, product durability, greenhouse gas emissions, use of locally sourced and recycled materials, and community implications are just some of the considerations laid out by ISI. For this report we will focus on two major project decisions with environmental implications, choice of sidewalk and curbing materials plus use of snowmelt systems.

Sidewalk and Curb & Gutter

The use of granite curb and gutter, and partial granite sidewalks, supports goals laid out within ISI. Granite has a much longer life expectancy than concrete, resulting in a lower lifecycle financial cost. Granite can also provide significant reductions in lifecycle energy inputs and greenhouse gas emissions over concrete, depending on where the granite is sourced from. The below table includes expected product lifetimes for various sidewalk and curb and gutter options. The staff recommendation of Option #3 (60% granite sidewalk and 100% granite curb and gutter) seems to strike a balance between upfront cost premiums and reduced lifecycle cost along with mitigated environmental impacts.

Replacement Time for Materials		
Material / Location	Concrete	Granite
Sidewalk	20 Years	50+ Years
Curb & Gutter	10 Years	50+ Years
Carbon Footprint Impact		
Embodied Energy	Concrete	Granite *
Initial EE	1.0 - 1.3	0.1 - 0.85
Recurring EE	3180	2030
Embodied Carbon	0.112	0.006 - 0.18

distance from site, type of finish... Granite for countertops from S.A., has a much higher embodied carbon than granite curb or paving

Sidewalk Snowmelt Infrastructure

On April 5, 2012 Council directed staff to not pursue a snow melt system for the Main Street sidewalks, curbs and gutters. General discussion revolved around an enhanced snow removal level of service as opposed to the excessive capital and environmental cost of snow melt. All agreed to further consider snowmelt in plaza areas and potentially some sort of “heat sink” option in Swede Alley. Rather than trying to make a one-off decision about heating the Terigo walkway, staff put together a comprehensive overview of costs and impacts from snow-melting certain areas:

Project	Comstock Tunnel Stairs (example)	Terigo	Miners	Brewpub	Transit Center Walkway	Total No-Sidewalk	Main St. Sidewalks
Size (SF)	880	2,000	3,500	12,000	2,000	19,500	85,000
Capital Cost	\$50,000	\$39,000	\$50,000	\$90,000	\$39,000	\$218,000	\$3,000,000
Annual Fuel Cost	\$1,250	\$2,900	\$3,500	\$12,000	\$2,900	\$21,300	\$54,000-\$90,000
Carbon Impact (short tons CO ₂)	8.8 – 14.7	19.3 - 32.1	24.7 – 41.2	84.7 - 141.3	19.3 - 32.1	148 - 246.7	480 - 799

There is not a staff consensus on whether to radiant heat the Terigo walkway.

Staff from Economic Development, Public Works, Building, and Engineering, along with the HPCA, are supportive of prioritizing heating the Terigo walkway based on LOS of maintenance tied to health, safety and welfare. To reduce the carbon footprint, rather than heat the whole plaza, we are suggesting heating about half of the area. This area would include the ramps, steps and about 1/3 of the width of the east-to-west walkway.

If one downtown project had to be prioritized for snow melting, staff would choose this area because of the centralization of pedestrian and ADA circulation infrastructure including the elevator, ramps and main crosswalk at China Bridge. It is important to note that our shoveling crews stop daily maintenance at 4:00 pm. Radiant heating this will provide at least one consistent pedestrian option from Swede to Main. In addition to the Terigo walkway, the HPCA however prioritizes heating the brewpub parking lot as an activity attractor.

The Planning Director prioritizes more the triple bottom line and effect on the environment. Furthermore they think that snow adds ambiance and should be expected in a ski resort town. While Anya Grahn is neutral and is supportive of either position.

Environmental Sustainability staff recognizes the desire to heat the Terigo walkway, but is concerned about widespread usage of heated snowmelt throughout the downtown projects. Snowmelt systems are a very resource and emissions-intensive way to clear snow. By comparison, heat melt systems result in about 50-times more CO₂ per square

foot serviced than removal of snow through combined means such as shoveling, plowing and snow hauling. The cumulative carbon impact of the Terigo, Miners, Brewpub and Transit Center Walkway projects mentioned above far exceeds the offset created by all 508 solar panels installed by PCMC since 2009.

In summary, snowmelt presents a situation where pursuing these projects contradicts goals set forth in the City's Environmental Strategic plan. The goals directly impacted include the following:

Objective 1.0	Reduce Municipal carbon & greenhouse gas emissions
Objective 2.1	Develop Internal Municipal Policies that encourage conservation
Objective 4.0	Reduce community-wide energy consumption & reduce community-wide energy costs

The impacts triggered by widespread adoption of snowmelt systems are so significant that they represent a policy consideration for City Council. Given the priority and historical context of the PC approval, Environmental Sustainability is reticently supportive of radiant heat for Terigo walkway but does not recommend heat melting other projects.

Trash Receptacles – submitted by Matt Abbott

In June of 2011, the City received a report from BigBelly Solar, Inc. regarding the potential deployment of 45 BigBelly compactor units. The total projected cost of the deployment was \$135,725 with an annual software license fee of \$11,700. Total annual projected savings from this installation were estimated to be \$30,881, with \$14,040 in savings generated from reduced vehicle usage and an additional \$7,254 in labor savings. BigBelly Solar also projects a \$2,763 annual savings in disposal costs and an additional \$2,189 in recycling revenues.

The projected lifespan of each BigBelly or SmartBelly unit is 8-12 years. Units are warrantied one year with an option to purchase extended warranties. There is routine maintenance during this lifespan and additional allowances should be made for major repairs or complete unit replacements. Assuming a ten year product lifecycle, routine maintenance, no product replacements, and a 5% inflation rate the return on investment (ROI) for this project is 22.2%, the net present value (NPV) is \$18,849, and the initial rate of return (IRR) is 8.67%.

In addition, we reviewed BigBelly Solar's recommendations from an operational perspective. Currently, all proposed BigBelly units are on routes that are regularly serviced for cleaning or other maintenance which drastically reduces projected cost savings for both vehicle usage and labor. In addition, it is unlikely that the City will receive recycling revenues without adding additional staff time for sorting or delivery. With these facts in mind, BigBelly is a considerably less attractive investment (ROI - 51.0%, NPV -\$123,994, and IRR -38.3%).

Staff recognizes the conceptual upsides of a self-contained, solar powered, waste and recycling receptacle network. BigBelly Solar, Inc. offers a leading edge technology with aesthetic and hygienic benefits. In assessing their offer holistically, we have identified numerous economic and environmental shortcomings. Additionally, there is a potential environmental credibility conflict in deploying sustainable products that fail from both a single and a triple bottom line perspective.

The staff recommendation is to pursue no further business with BigBelly Solar, Inc. at this time. Pursuit of a pilot unit, excluding staff time, would cost a minimum of \$1,900 and would be the precursor to an ill-advised investment.

Public Art (1%)

Staff recommends applying the public art requirement of 1% to all elements of the downtown projects (streetscape for Phase I would generate about \$16,000 to PAAB budget). The attached budget estimates do not reflect those amounts at this time because they are so minimal. Staff anticipates a discussion with PAAB and Council in the future to discuss the option of making a one-time contribution to their budget for the 10 year estimated overall cost in order for there to be a critical mass of funding versus one year at a time (approx. \$144k).

Snow Removal Operations & Maintenance LOS

Last winter/spring the HPCA engaged Council with a request to enhance general operations and maintenance on the street. The City Manager directed staff to do so within the existing budget. During the April 5, 2012 presentation to Council on the downtown projects, staff identified the following option for “enhanced snow removal” as part of a radiant heat discussion:

Enhanced Process for snow removal is based on removal within 48 hours after an average snow storm. Current Process budgets for four (4) hauls off of Main Street for an average year. A new loader will need to be purchased and one FTE-equivalent (two individuals, seasonal) will be needed to perform the service over the course of the winter. The enhanced level of service does not include any additional hauling. Swede Alley surface lots will need to be used to store the snow prior to a major haul, impacting a limited amount of parking. Annual costs = \$18,571 for loader; \$800 for fuel; \$49,920 for FTE-equivalent.

The HPCA continues to be supportive of increasing basic LOS throughout the downtown. Based on the conversation last April and HPCA’s position, Sustainability staff has put in a preliminary request in the FY14 budget for consideration for this LOS.

Utilities

Included in the budgets are costs for electrical upgrades for current needs (wiring for lights, irrigation and events) and conduits for future possibilities (comprehensive lighting and sound). Not included in the above estimate are utility costs for water meters or storm drain (\$1.14 M), which staff recommends be taken from the water fund and Storm Drain Master Plan CIP (resort city sales tax) respectively.

Construction Timeline

Because the schematic design has taken so long to complete the design team and contractor will need to work together closely to be able to complete the demolition of the sidewalk and installation of the concrete paver base before the summer event season starts. Once this is complete the contractor could continue installing pavers with little disturbance of the pedestrian way or merchant activities. This process would require that the design be crafted into different bid packages starting with demolition then excavation and utility placement and lastly curbing and concrete paver slab and pavers installation.

Spring is the preferred time because there is typically less business and warming trends – the opposite of fall. Busy time is predictably July 1, with June getting better every year. The fall can be quite lucrative until it snows, and then shuts off until just before Christmas. This creates more difficult conversations about fall construction, such as, “Are businesses open to shutting down for an entire week or two?” or, “Are we willing to delay for a year?” The contractor coming on board as soon as possible will help to begin framing and answering these questions over the next two months.

Not mentioned in the Utilities section is the replacement of the gas main on Main Street. Preliminary discussions have been held with Questar Gas and they wish to replace the gas main which runs under the East side of the Main Street sidewalks. New gas mains will need to be run on each side of the street and laterals tied into the side with the new main. The work will take a minimum of 3 weeks on each side of Main Street (4th Street – 5th East, and 5th Street to Bear Bench West). This will have a profound impact on the construction schedule. Once the contractor is hired then we will have a better understanding of the schedule.

The following is a high level picture of timeline:

what	April - June	July - Labor Day	Labor Day - Nov
Egyptian pass through	x		
Historic wall	x		
streetscape			x
Terigo Walkway	x		x
7th Street			x
utility work	?	?	?

HPCA Position

The HPCA has continued to iterate support for the streetscape projects provided they don't undermine funding for the public plaza attractions. Their position is similar on the capital and operating level of service question. They are supportive of premium and more sustainable materials provided any enhanced cost doesn't jeopardize potential funding of the plazas. Similarly, in preliminary discussions they've indicated a preference for enhanced operations and maintenance (snow removal, general

cleanliness and prompt replacement) if there is ultimately competition for funds. The HPCA is clear on the differences between capital expenditures and annual O&M costs.

Further, the HPCA would rather the City continue a willingness to carry a higher unit cost for plaza and walkway improvements rather than paving. Lastly, the HPCA is significantly worried about construction impacts. They would rather us put off the paving projects until next spring if that can further minimize impacts.

Department Review: This report has been reviewed by representatives of Sustainability, Legal, and the City Manager's Office and their comments have been integrated into this report.

Staff Recommendations:

Consider the update on the pending Phase I downtown streetscape projects. Provide direction on:

1. Preferred material of the sidewalk paving;
2. Radiant heat for Terigo walkway.

Exhibits

A –Cost Estimates

B – Projected Project Sequencing by year (IBI)

C – Streetscape Renderings

D – April 5, 2012 report –

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9156>

E– July 12, 2012 report –

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9622>

Exhibit F – MGB+A Walking Tour

Exhibit G –Background Information

- Granite lifecycle information

- Pictures from:

- Main Street Park City

- Vail

- Other resort town Main Streets

<http://www.parkcity.org/index.aspx?page=541&parent=10670>

Exhibit H – China Bridge CUP – pedestrian circulation

Exhibit I – HPCA Position Update

Exhibit A – Details on Cost Estimates

Phase I Improvements (CY 13) Capital Cost					
	IBI Concept	Option 1	Option 2	Option 3	Option 4
sidewalk material		concrete	concrete	60 % concrete	granite
curb/gutter material		concrete	granite	granite	granite
Sidewalk Paving		\$345,977			
Curb/gutter					
4th to 5th (east side)	\$181,528		\$171,107	\$278,775	\$346,426
5th to Bear (west side)	\$238,873		\$205,470	\$354,847	\$452,071
utilities		\$162,150	\$162,150	\$162,150	\$162,150
sub total	\$420,401	\$508,127	\$538,727	\$795,772	\$960,647
7th Street					
project		\$311,345	\$311,345	\$311,345	\$298,745
Utilities		\$35,310	\$35,310	\$35,310	\$35,310
sub total	\$349,066	\$346,655	\$346,655	\$346,655	\$334,055
Café Terigo Walkway					
Project		\$415,597	\$438,457	\$438,457	\$425,858
Utilities		\$16,266	\$16,266	\$16,266	\$16,266
Snowmelt system		\$50,000	\$50,000	\$50,000	\$50,000
sub total	\$229,591	\$481,863	\$504,723	\$504,723	\$492,124
Construction total	\$999,058	\$1,336,645	\$1,390,105	\$1,647,150	\$1,786,826
Public art (1%)	\$9,991	\$13,366	\$13,901	\$16,472	\$17,868
Green (Not in Policy)					
TOTAL	\$1,009,049	\$1,350,011	\$1,404,006	\$1,663,622	\$1,804,694

All/ Remaining Projects (CY 14 and on) Capital Cost					
	IBI Concept	Option 1	Option 2	Option 3	Option 4
streetscape	estimated cost				
Phase I (above)	\$1,009,049	\$1,350,011	\$1,404,006	\$1,663,622	\$1,804,694
Remaining Main Streetscape no inflation	\$4,609,454	\$3,572,649	\$3,787,818	\$5,595,110	\$6,754,361
Remaining Streetscape (no inflation)	\$1,282,777	\$1,282,777	\$1,282,777	\$1,282,777	\$1,282,777
minus utilities		-\$1,140,086	-\$1,140,086	-\$1,140,086	-\$1,140,086
Streetscape subtotal	\$6,901,280	\$5,065,351	\$5,334,515	\$7,401,423	\$8,701,747
rest of projects					
Plaza's (no inflation)					
Brew Pub	\$4,031,579	\$4,031,579	\$4,031,579	\$4,031,579	\$4,031,579
Coalition	\$772,485	\$772,485	\$772,485	\$772,485	\$772,485
Miners	\$528,336	\$528,336	\$528,336	\$528,336	\$528,336
Design - Brew Pub	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000
Pass Through/ Other (no Inf)					
Bear Bench - Transit Ctr	\$431,672	\$431,672	\$431,672	\$431,672	\$431,672
Schreurs Centennial	\$265,000	\$265,000	\$265,000	\$265,000	\$265,000
Poison Creek	\$95,000	\$95,000	\$95,000	\$95,000	\$95,000
China B. Restrooms	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
City Hall Plaza	\$495,229	\$495,229	\$495,229	\$495,229	\$495,229
Design - City Hall/Bear Bench	\$47,000	\$47,000	\$47,000	\$47,000	\$47,000
Rest of projects sub-total	\$6,896,301	\$6,896,301	\$6,896,301	\$6,896,301	\$6,896,301
construction sub-total	\$13,797,581	\$11,961,652	\$12,230,816	\$14,297,724	\$15,598,048
Public art (1%)	\$137,976	\$119,617	\$122,308	\$142,977	\$155,980
Green construction (4%)					
	\$13,935,556	\$12,081,269	\$12,353,124	\$14,440,701	\$15,754,028
original projection (not inflated)	\$12,100,000				

Exhibit B - IBI's Projected Phasing Plan

Historic Park City Improvement Plan Project Summary

Immediate Needs ("Low Hanging Fruit")

	Budget	CY12/FY13	CY13/FY14	CY14/FY15	CY15/FY16	CY16/FY17	CY17/FY18
1 Swede/Heber Crosswalks	\$77,790	\$77,790					
2 Swede/Transit Center Crosswalk	\$48,253	\$48,253					
3 Swede/Terigo/Parking Structure Crosswalk	\$45,476	\$45,476					
4 Swede/Egyptian Crosswalk	\$41,735	\$41,735					
C Egyptian Pass Through	\$75,000	\$75,000					
K Historic Wall	\$150,000	\$150,000					
Design Fees for 5 Year Streetscape Package	\$200,000	\$200,000					
Subtotal Streetscape Projects	\$638,253	\$638,253	\$0	\$0	\$0	\$0	\$0

Short Term Needs (1-5 years)

Streetscape Projects		Budget					
1 Main - 4th Street to 5th Street West Side		\$190,510		\$130,000			\$60,510
2 Main - 4th Street to 5th Street East Side		\$181,528	\$181,528				
3 4th Street Conversion		\$237,260			\$237,260		
4 5th Street Conversion		\$20,000			\$20,000		
5 Main - Bear Bench to Heber Ave West Side		\$352,840		\$352,840			
6 Main - Bear Bench to Heber Ave East Side		\$347,530			\$347,530		
7 Main - Town Lift On-Street Parking		\$103,119			\$103,119		
8 7th Street - Main Street to Park Ave		\$349,066	\$349,066				
9 Main - 5th Street to Bear Bench West Side		\$238,873	\$238,873				
10 Main - 5th Street to Bear Bench East Side		\$223,919		\$223,919			
11 Main - 7th Street to Deer Valley Drive East Side		\$426,255				\$426,255	
12 Main - 7th Street to 9th Street West Side		\$234,176			\$234,176		
29 9th Street - Main Street to Park Ave South Side		\$100,000				\$100,000	
30 Main/Egyptian Crosswalk		\$99,210		\$99,210			
5 Swede Sidewalk - Egyptian to Brew Pub Lot		\$66,979		\$66,979			
6 Swede Dumpster - Ciseros		\$25,000		\$25,000			
Subtotal Streetscape Projects		\$3,196,265	\$769,466	\$897,948	\$942,085	\$526,255	\$60,510
Inflation Adjustment (3% per year)			\$23,084	\$53,877	\$84,788	\$63,151	\$9,077
Subtotal Streetscape Projects Adjusted			\$792,550	\$951,825	\$1,026,873	\$589,406	\$69,587
Plaza/Pass Through Projects							
B Terigo Pass Through		\$229,591	\$229,591				
D Brew Pub Plaza		\$3,671,579		\$3,671,579			
E Coalition Trailhead Park		\$772,485				\$772,485	
G City Hall Plaza		\$495,229		\$495,229			
Design fees for Brew Pub Plaza		\$180,000	\$180,000				
Design fees for City Hall Plaza		\$27,000	\$27,000				
Design fees for Bear Bench/Transit Center Pass Through		\$20,000	\$20,000				
Subtotal Plaza/Pass Through Projects		\$5,395,884	\$456,591	\$4,166,808	\$0	\$772,485	\$0
Inflation Adjustment (3% per year)			\$13,698	\$250,008	\$0	\$92,698	\$0
Subtotal Streetscape Projects Adjusted			\$470,288	\$4,416,816	\$0	\$865,184	\$0
Total Short Term Needs		\$8,592,149					

Long Term Needs (5-10 years)

Streetscape Projects		Budget					
13 Main - Swede to 4th Street West Side		\$543,996		\$181,151			\$362,845
14 Main - Brew Pub to 4th Street East Side		\$323,599			\$323,599		
15 Park Ave - 7th to 9th East Side		\$94,022					
16 Park Ave - 7th to 8th West Side		\$66,075					
17 Swede - Egyptian to Post Office West Side		\$53,963		\$53,963			
18 Swede - Egyptian to Liquor Store East Side		\$148,262					
19 Swede - Bear Bench to Heber West Side		\$51,298					
20 Main - Heber to 7th Street East Side		\$203,375					
21 Main - Heber to 7th Street West Side (KAC dependent)		\$156,271					
22 Heber - Swede to Main North Side		\$71,500					
23 Heber - Swede to Main South Side		\$41,085					
24 Park Ave - Heber to 7th Street West Side		\$67,129					
25 Park Ave - Heber to 7th Street East Side (KAC dependent)		\$27,788					
26 Heber - Main to Park Ave South Side		\$40,687					
27 Heber - Main to Park Ave North Side (KAC dependent)		\$11,563					
28 Swede - 5th Street to Bear Bench West Side		\$57,817					
Subtotal Streetscape Projects		\$1,958,430	\$0	\$235,113	\$323,599	\$0	\$362,845
Inflation Adjustment (3% per year)			\$0	\$14,107	\$29,124	\$0	\$54,427
Subtotal Streetscape Projects Adjusted			\$0	\$249,220	\$352,723	\$0	\$417,272
Plaza/ Pass Through Projects							
A Miners Plaza Renovation		\$528,336					\$528,336
F Bear Bench/Transit Center Pass Through		\$411,672		\$411,672			
H Schreurs Centennial Plaza Renovation		\$265,000					
I Poison Creek Park		\$95,000					
J China Bridge Restrooms		\$50,000				\$50,000	
Subtotal Plaza/Pass Through Projects		\$1,350,008	\$0	\$411,672	\$0	\$50,000	\$528,336
Inflation Adjustment (3% per year)			\$0	\$24,700	\$0	\$6,000	\$79,250
Subtotal Streetscape Projects Adjusted			\$0	\$436,372	\$0	\$56,000	\$607,587
Total Long Term Needs		\$3,308,438					
Proposed Phasing Totals		\$12,538,841	\$638,253	\$1,262,839	\$6,054,233	\$1,379,596	\$1,510,589
							\$1,094,446
							\$11,939,956

Exhibit C – Streetscape Option 1 (all concrete)



01 | 21 | 2013

STREETSCAPE OPTIONS - OPTION ONE
CONCRETE SIDEWALK + CONCRETE CURB
HISTORIC PARK CITY MAIN STREET



SIDEWALK SURFACE
CONCRETE. NATURAL COLOR.
BROOM FINISH.
SCORING AND BANDING PATTERN

CURB
CONCRETE. NATURAL COLOR.



CONCRETE PAVING EXAMPLES



Exhibit C – Streetscape Option 2 (granite curb, concrete sidewalk)



SIDEWALK GRANITE - OPTIONS



AMBER GOLD



SUNSET BEIGE



LAC DU BONNET



DAKOTA MAHOGANY

CURB

CONCRETE: NATURAL COLOR.

GRANITE PAVING EXAMPLES



STREETSCAPE OPTIONS - OPTION TWO
GRANITE SIDEWALK + CONCRETE CURB
HISTORIC PARK CITY MAIN STREET

Ex. C Option 3 -

Granite Curb; Sidewalk -
40% concrete (banding)
60% granite inlay

Option 4 -

All Granite (curb, and
sidewalks)



SIDEWALK GRANITE - OPTIONS



AMBER GOLD



SUNSET BEIGE



LAC DU BONNET



DAKOTA MAHOGANY

CURB GRANITE



GRAY CURB



GRAY CURB

GRANITE PAVING EXAMPLES



01 | 21 | 2013

STREETSCAPE OPTIONS - OPTIONS THREE AND FOUR
GRANITE SIDEWALK + GRANITE CURB
HISTORIC PARK CITY MAIN STREET

Exhibit D – April 5, 2012 report –

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9156>

Exhibit E– July 12, 2012 report –

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9622>

Exhibit F – MGB+A Walking Tour



Granite Field/Granite Band
150 South Main, East Side



Concrete Curb & Paver Band, Granite
150 South Main, East Side



Granite Next to Grouted Inlay Paver
100 South Main, SE Corner



Granite, Paver Band & Concrete
150 South Main, East Side



Concrete with Granite Edge
LDS Temple Square



Paver Band Next to Granite
100 South Main, NE

Streetscape Walking Tour
Paver Options in Downtown Salt Lake City

145 West 200 South
Salt Lake City, UT 84101
(801) 364-9696



Exhibit G –Background Information

- Granite lifecycle information
- Pictures from:
 - Main Street Park City
 - Vail
 - Other resort towns Main Street

<http://www.parkcity.org/index.aspx?page=541&parent=10670>

Exhibit H

China Bridge CUP Pedestrian Study & Recommendations

Planning Commission Staff Report



Author: Jonathan Weidenhamer
Subject: Pedestrian Circulation & Access Plan
Municipal Parking Structure – Swede Alley
Date: November 9, 2005
Type of Item: Administrative

Summary Recommendations:

The Planning Department recommends the Planning Commission accept the traffic consultant's recommendations addressing pedestrian circulation and access issues relating to the approved Conditional Use Permit for a Municipal Parking Structure in Swede Alley.

Topic:

Applicant: Park City Municipal Corporation – Colin Hilton – Director of Economic Development and Capital Projects
Location: Swede Alley
Zoning: Public Use Transitional District
Adjacent Land Uses: Existing Parking Structure, rear of buildings at the east of Main St., Transit Center, surface parking, residential development on Marsac Ave.
Reason for Review: Follow up to a condition of approval from the March 23, 2005 Parking Structure CUP approval.

Background:

The Planning Commission approved a Conditional Use for a parking structure on March 23, 2005. Condition of Approval # 11 of that approval stated, "A pedestrian and vehicle transportation plan is to be reviewed and approved by the Planning Commission prior to issuing a certificate of occupancy for the parking garage." Excerpts from the meeting minutes are attached as Exhibit C.

Below is Staff's analysis relating to this topic from the March 23, 2005 CUP staff report:

Criteria 2: Traffic considerations; Complies.

.... One option relating to traffic suggested by the Planning Commission was to consider making 4th street one way westbound between Main Street and Swede Alley. As more attractive parking options and supply are created, it is anticipated that additional vehicular traffic will be generated on this portion of 4th Street. This option was discussed by City staff, and has not received support from the City Engineer or the Main Street Business Alliance. Staff finds it is important to keep this portion of 4th street as a two way street to provide motorists flexibility as they

drive long stretches of Main Street without any other exit options. Staff also finds that offering options, especially to local motorists, functions as a traffic calming feature by reducing speeding.

Staff will continue to consider traffic patterns at 4th Street as other phases of our anticipated capital projects are initiated. One action item recommendation from the Downtown Task Force was to improve pedestrian connections from Swede Alley to Main Street. As the town plaza begins build out and the City looks to meet this goal, it is anticipated that the functionality and circulation issues relating to 4th Street will be specifically addressed.

Analysis

Staff engaged the transportation consultant Fehr & Peers to address and respond to the concerns raised by the Planning Commission during initial approval of the parking structure. Fehr and Peer's attached memo provides opinions on options as discussed by the Planning Commission and offers recommended alternatives (Exhibit B).

Based on the input from Fehr & Peers, staff continues to find that vehicular road patterns should not be changed at this time. Staff also agrees with Fehr and Peer's in that traffic patterns should be re-evaluated as part of the Town Plaza planning. Staff finds that the following improvements related to pedestrian circulation mitigate for the construction of the new parking structure (phase I of Downtown improvements) and adequately address concerns the Planning Commission raised:

- A comprehensive way-finding and pedestrian sign package will be installed. This will steer pedestrians to existing pedestrian connections between Swede Alley and Main Street, located at the Egyptian Theatre, 350 Main, and Café Terigo Plaza).
- A new crosswalk between the main stair/elevator tower of the new parking structure and the Café Terigo walkway on Main Street will be installed prior to completion of the project. This crosswalk may be elevated and also used as a traffic calming feature as early as next summer.

Regarding both of Fehr and Peers Long Term Options for raised crosswalks and other advanced pedestrian and traffic calming features, staff agrees that an additional study should be completed prior to implementation.

Summary Recommendations:

The Planning Department recommends the Planning Commission accept the traffic consultant's recommendations addressing pedestrian circulation and access issues relating to the approved Conditional Use Permit for a Municipal Parking Structure in Swede Alley.

Exhibits

Exhibit A – Fehr & Peers Memo

Exhibit B – Site Plan, Elevations, Existing Conditions

Exhibit C – 3/23/05 Planning Commission Minutes Excerpts



MEMORANDUM

Date: November 2, 2005
To: Colin Hilton – Park City Municipal Corp
From: Jon Nepstad, AICP, Principal
Ryan Hales, P.E., PTOE
Subject: *Swede Alley Pedestrian Accessibility*

Fehr & Peers has been asked by Park City staff to review concerns brought up by the Planning Commission on the pedestrian access between the new China Bridge parking garage and Main Street. The Commission's concerns focused on the pedestrian safety of 4th Street, considering that it does not have sidewalks on either side. This memo will provide opinions on the proposals offered by the Commission to 4th Street and also offer an opinion on an alternate pedestrian route as discussed with staff.

The Commission also expressed concern about the timing of these changes and whether they should be made now or wait until the Swede Alley Plaza is closer to implementation? After review of the Commission comments, we concur with the Commission recommendation that 4th & 5th Streets should be re-evaluated once the proposed Plaza is designed on Swede Alley, since the Plaza has the potential to dramatically change the nature of Swede Alley.

In regard to the pedestrian connectivity, the Commission has offered two different options about how to accommodate them on 4th Street:

1. Make the vehicular traffic one-way westbound and leave the remaining pavement for pedestrians, or
2. Close 4th Street and create a "pedestrian connection"

We also concur with the staff recommendation that 4th Street remains functioning as it is today until the Plaza is constructed for the following reasons:

- An additional one-way street would be detrimental to the traffic circulation since it would reduce opportunities for traffic to exit / enter Main Street.
- Closing it entirely would also be detrimental to the Old Town circulation patterns by creating longer uninterrupted sections of streets for both Swede Alley and Main Street. The side street connections with Main Street increase side friction, which in turn helps reduce vehicular traffic speeds.
- Either of these options could impede delivery access, snow storage, garbage removal and other maintenance needs.

There is, however, another option for pedestrians crossing between the new China Bridge parking structure and Main Street. This option would allow pedestrians to access the walkway alongside Café Terigo. This walkway is directly west of the main staircase in the new garage and provides an excellent opportunity for channeling pedestrians to Main Street while avoiding 4th Street. However, as discussed with staff, there are some interim and long term considerations that Park City must evaluate to make this a safe and viable option. Some of these considerations are as follows:

Interim Option (this construction season):

1. Installation of a mid-block pedestrian crosswalk on Swede Alley (crosswalk should be implemented to coincide with the opening of the parking garage this fall). This would be an at-grade, painted and signed crosswalk to meet the *Manual on Uniform Traffic Control Devices* (MUTCD) handbook requirements.
2. An additional safety measure might include providing crossing flags similar to what Park City has incorporated along Bonanza Drive and Park Avenue at Albertsons.

Long Term Option (next construction season):

1. This option would include the construction of a raised crosswalk with a stamped concrete pattern (see picture). This would facilitate pedestrians crossing from the new China Bridge parking structure to the walkway alongside Café Terigo without stepping down from a curb, which would be compliant with ADA requirements. This raised crosswalk will also work to slow speeds down on Swede Alley creating a more safe pedestrian environment. The stamped / colored concrete will help alert vehicle drivers to the presence of the crosswalk.



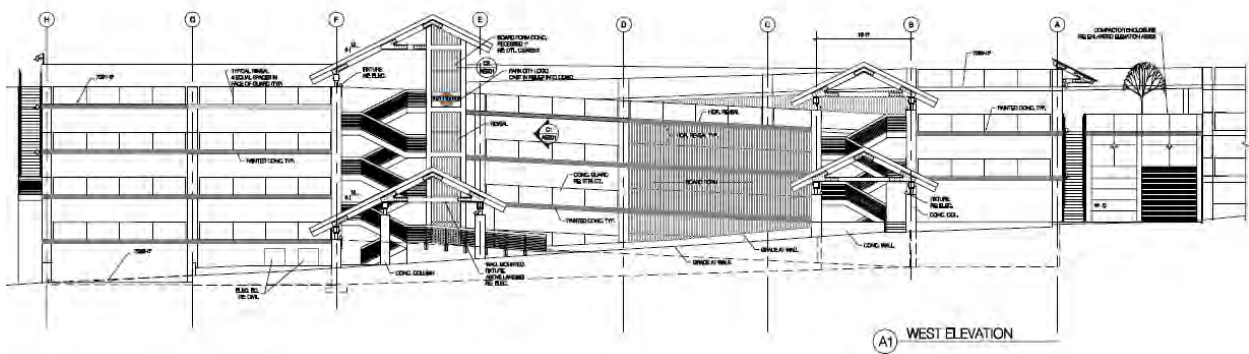
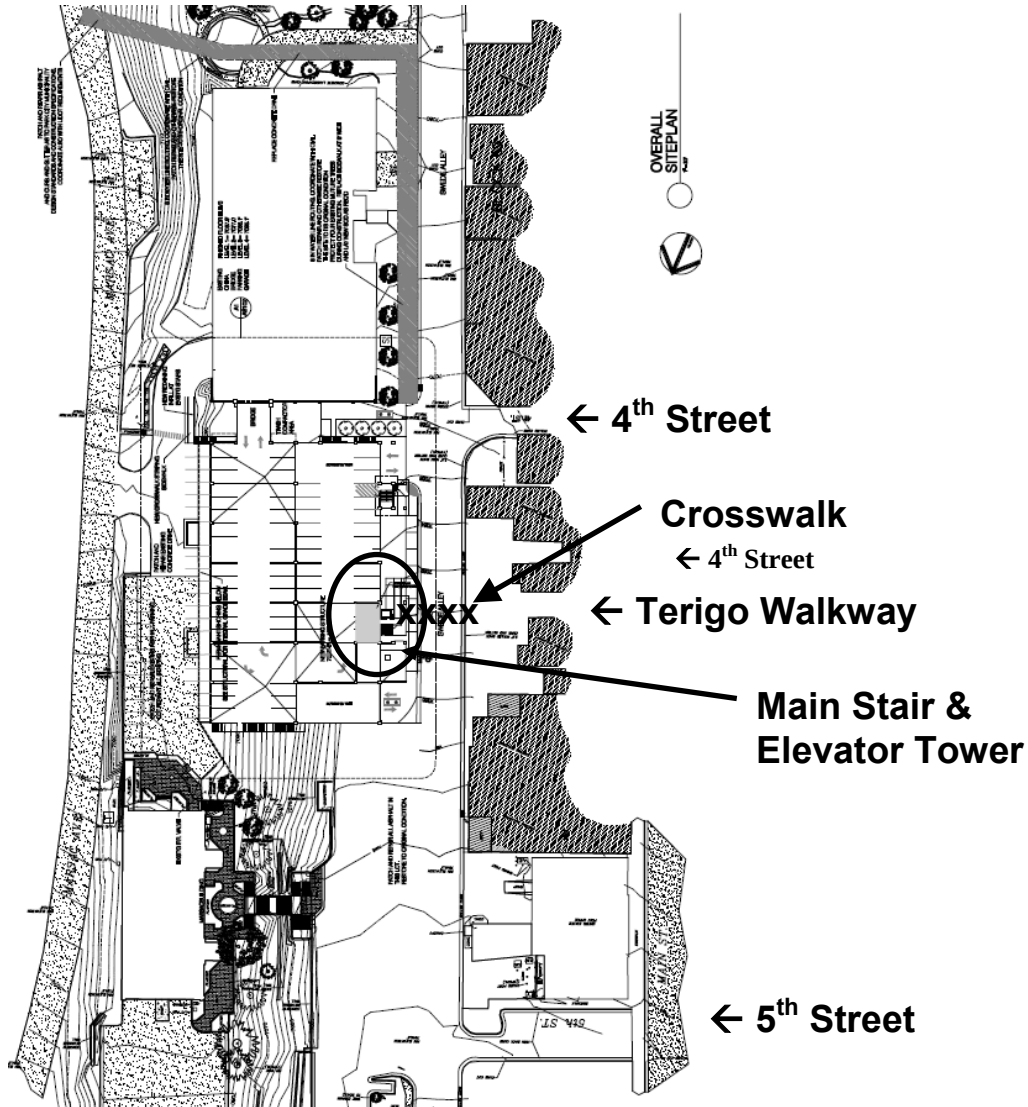
Long Term Option (with construction of Town Plaza):

1. This option should consider the reconstruction of the walkway alongside Café Terigo to include disability ramps to meet ADA standards.
2. Provide sidewalk along west side of Swede Alley.
3. Provide pedestrian enhancements on 4th Street between Main Street and Swede Alley that might include intersection, crosswalk and pedestrian pathway improvements / delineation.
4. Provide pedestrian enhancements at the Museum / Transit Center that could include crosswalks, bulbouts, and other traffic management techniques.

At a minimum, prior to implementation of either of these options, a study should be completed to:

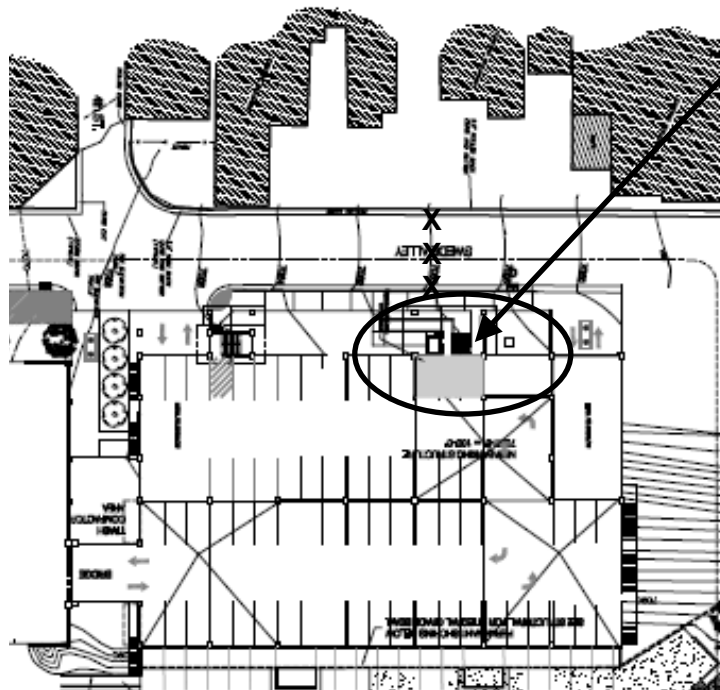
- identify the existing sight-distance
- record the existing traffic volumes (gaps in the traffic stream)
- record the existing vehicle speeds
- recommend / design way-finding signage
- prepare a signing / striping plan

If you have any further questions or concerns, please feel free to call us.





Café Terigo Walkway, Main stair, and elevator Tower



March 23, 2005 Planning Commission Minutes (Excerpts)

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Michael O'Hara, Bruce Erickson, Bob Powers, Jack Thomas, Andrew Volkman, Diane Zimney

Parking Structure & Town Plaza - Conditional Use Permit

Vice-Chair O'Hara asked how 4th Street was addressed. Planner Weidenhamer replied that this issue was discussed at length with the City Engineer. It is agreed that a parking structure in this location would likely create more traffic on 4th Street, but Mr. DeHaan believes it is critical to have two-way traffic on 4th Street for traffic and circulation to function properly on Main Street. Planner Weidenhamer requested permission from the Planning Commission to consider looking at 4th Street in the next phase of the downtown capital projects which will increase and promote pedestrian circulation between Swede Alley and Main Street. He believed 4th Street and how it functions could be better addressed at that time.

Commissioner Thomas commented that, since this project will double the parking capacity on Swede Alley, it will also add more pedestrians who want to circulate onto Main Street. Considering this, he felt it would be logical to make 4th Street a pedestrian connection.

Vice-Chair O'Hara encouraged the Planning Commission to consider drafting findings of fact to address the 296 net increase in parking and how it will generate additional traffic and additional impacts, as well as a condition of approval to make 4th Street between Swede Alley and Main Street one way west bound. He stated that he appreciated the City Engineer's opinion, but he felt it would be after the fact to wait for future phases to address serious safety issues. Planner Weidenhamer replied that the design team has a traffic consultant who can be engaged to work on making 4th Street one way if that is the direction the Planning Commission chooses. He requested that the condition be based on completion of the structure to allow time for the traffic consultant to work with Mr. DeHaan.

Commissioner Erickson clarified that Vice-Chair O'Hara is requesting one-way vehicle movement, while Commissioner Thomas has suggested pedestrianizing 4th Street. Commissioner Erickson stated that, if 4th Street one-way is included as a condition of approval and is found to be wrong, the CUP would have to be changed in order to change the condition. Commissioner O'Hara stated that he would prefer to take that chance rather than ignore what he considers to be a serious safety issue.

Commissioner Thomas stated that he could not see the logic of one-way vehicles on 4th Street since pedestrians will be circulating both ways. He preferred that 4th Street be a pedestrian connection to Main Street. However, he did not feel strongly enough about this to counter Mr. DeHaan without first hearing his input.

Director Putt suggested that the Planning Commission could approve the CUP as conditioned and forward a comment to the City Council requesting further consideration and review of an overall Main Street/Swede Alley traffic and pedestrian circulation study. He believed the issues raised were bigger than 4th Street and that there may be other opportunities to solve the problems beyond what is proposed for 4th Street.

Vice-Chair O'Hara felt that 4th Street and this CUP should be tied together. If the Planning Commission chooses to approve the CUP, they should add a condition that 4th Street will be changed prior to completion of the parking structure.

Commissioner Erickson suggested approving the CUP permit with a condition of approval stating that the Planning Commission will approve the traffic management plan for 4th Street and the Post Office prior to occupancy of the building. Vice-Chair O'Hara believed that would accomplish his goal of addressing the safety issues.

Colin Hilton, Director of Capital Improvements, stated that he wants to be sure that all the options are explored, not just one-way 4th Street. He noted that a number of pedestrian corridors need to be addressed, and he would like to find the right options. He stated that one-way traffic may not be the only solution, and he would like the opportunity to find out. Commissioner Erickson clarified that the Planning Commission is only suggesting that a traffic and pedestrian circulation plan be created for the Post Office access and 4th Street and be approved by the Planning Commission.

Planner Weidenhamer stated that, in terms of phasing and the uncertainty of what will happen to the Post Office, he was concerned with tying this project to the Post Office. Commissioner Erickson replied that he only included the Post Office road to be sure traffic will be considered more globally than just 4th Street. This will allow the ability for other options.

MOTION: Commissioner Erickson moved to APPROVE the conditional use permit for the Municipal Parking Structure in Swede Alley in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the following modifications:

Finding of Fact 19 will be modified to include the fact that, "additional parking stalls in Swede Alley will increase pedestrian traffic back and forth between Swede Alley and Main Street and also has the potential to increase the number of trips and turning movements on 4th Street and the Post Office alleyway 5th Street."

Condition of Approval 11 will be added to read, "A pedestrian and vehicle transportation plan is to be reviewed and approved by the Planning Commission prior to issuing a certificate of occupancy for the parking garage."

Commissioner Thomas seconded the motion.

Commissioner Erickson modified his motion to insert the language in Condition 11 that the "pedestrian and vehicle transportation management plan be focused on 4th and 5th Streets."

VOTE: The motion passed unanimously.

Conditions of Approval - Municipal Parking Structure - CUP

11. A pedestrian and vehicle transportation plan is to be reviewed and approved by the Planning Commission prior to issuing a certificate of occupancy for the parking garage.

Exhibit I

HPCA Position Update



February 21, 2013

Jonathan Weidenhamer
Economic Development Manager
Park City Municipal
PO Box 1480
Park City, UT 84060

Dear Jonathan:

Thank you for your presentation and review of the Historic Park City Infrastructure Project at the Historic Park City Alliance's Board Meeting on February 19, 2013. The Board Members were able to review the proposed updates to the plan, as designed by MGB + A, and provide clear direction on the progress for the project.

The HPCA found that the proposal of 60% granite and 40% concrete was in sync with the proposed sidewalk materials that IBI Group suggested, and were previously supported by the HPCA Board. The HPCA understands that the City may look to an increase of granite material due to the longevity and durability of the material. The HPCA is concerned that if the budget for sidewalk materials increases, future improvements such as the Wasatch Brew Pub Plaza and Miners Park enhancements will be eliminated from future construction plans. The HPCA continues to find the plaza improvements the highest priority for our organization.

With the delay in securing a general contractor for the project, the HPCA has come to understand that a spring 2013 start to sidewalk improvements will not happen. The HPCA is in favor of postponing the start of construction until after the Labor Day holiday. The HPCA acknowledges that this may allow only for the Café Terigo and 7th Street improvements occur in 2013. The HPCA's priority is to allow businesses to operate at their full capacity in July and August, since those months are critical to a business's year round success.

Thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Alison Butz", is written over a light blue circular stamp.

Alison Butz
Executive Director

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
FEBRUARY 7, 2013**

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 7, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present were Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Wade Carpenter, Chief of Police; and Heinrich Deters Trails and Open Space Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Tribute to retired Police Sergeant Lynn Nagel – The Mayor thanked Sgt. Nagel and presented him with a plaque in honor of his service. Chief Wade Carpenter stated that he has been a huge part of the Department for the last 21 years and started the Reserve Program. The City hosts over 270 special events a year of which a large number require police services. He has done an excellent job in utilizing multiple agencies to provide security and has saved the City money.

Sgt. Nagel thanked his wife for her support and pointed out that Andrew Leatham was in the first reserve class.

2. Swearing-in of Police Sergeant Andrew Leatham and Police Sergeant Jay Randall – Chief Carpenter described the backgrounds, qualifications and accomplishments of both recruits. The Mayor administered the oath of office.

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

None.

IV MINUTES OF MEETING OF JANUARY 24, 2013

Andy Beerman, “I move to approve the meeting minutes from January 24th”. Dick Peek seconded. Liza Simpson abstained as she was absent from the meeting. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Abstention

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of a Resolution to appoint a Citizen's Advisory Committee (COSAC) to advise the Council on community priorities for open space acquisition and methods to permanently preserve open space - and

2. Consideration to Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with Blalock and Partners LLC., in the amount of \$214,200 – Cindy Matsumoto, "I move that we approve Consent Agenda Items 1 and 2". Liza Simpson seconded. Motion unanimously carried.

VI RESIGNATIONS AND APPOINTMENTS

Consideration of appointments to the COSAC – Heinrich Deters explained that this body is COSAC IV and the at large group will supplement the stakeholder group. The City received 29 applications, 17 qualified, and on February 1, 2013 a small selection committee met, reviewed applications and recommends the list before Council. The group also provided two alternates to the at-large group.

- Mountain Trails Foundation (MTF)- *Charlie Sturgis/John O'Connell*
- Summit Land Conservancy (SLC)- *Cheryl Fox/ Erin Bragg*
- Utah Open Lands (UOL) *Wendy Fisher/Mark Raming*
- Basin Open Space Advisory Committee (BOSAC)- *Jan Wilking/Tom Brennen*
- Park City Chamber of Commerce & Visitors Bureau-*Rhonda Sideris/Jeff Ward*
- Park City Board of Realtors- *Suzanne Sheridan/Bronson Calder*
- Recreation Advisory Board (RAB)-*Kathy Kahn/Alisha Niswander*
- Park City Planning Commission-*Stew Gross/Brooke Hontz*
- Park City Council- *Andy Beerman/Cindy Matsumoto*

At-Large Nominees:

- Tim Henney
- Cara Goodman
- Meg Ryan
- Jim Doilney
- Judy Hanley

At-Large Alternates

- Bill Cunningham
- Carolyn Frankenburg

Liza Simpson, "I move that we approve the stakeholders, at-large nominees, and at-large alternates to COSAC IV". Dick Peek seconded. Motion unanimously carried.

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 3:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Clint McAfee, Water Manager; Roger McClain, Water Project Manager; Heinrich Deters, Trails and Open Space Manager; Phyllis Robinson, Public Affairs Manager; Matt Cassel, City Engineer; Thomas Eddington, Planning Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 5:10 p.m. Alex Butwinski, "I move to open the meeting". Dick Peek seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 5:40 p.m. Staff present was Mark Harrington, City Attorney; and Diane Foster, Interim City Manager. Alex Butwinski, "I move to close the meeting for personnel". Dick Peek seconded. Motion unanimously carried. The meeting opened at approximately 6 p.m. Liza Simpson, "I move to open the meeting". Dick Peek 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

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
FEBRUARY 14, 2013**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson

Phyllis Robinson, Acting City Manager; Jody Morrison, Assistant City Recorder; Bret Howser, Special Projects Manager; Ken Fisher, Recreation Manager; and Mark Harrington, City Attorney; and Matt Twombly, City Engineer

Recreation Advisory Board members: Kathy Kahn, John Halsey, Michael Barrelle, Alisha Niswander, Meg Steel, and Kraig Moyes

Rena Jordan, Snyderville Basin Special Recreation District

1. Council questions/comments. Andy Beerman stated that he attended the Summit Lands Conservancy meeting. He complimented the Leadership 101 Program where participants seemed very engaged and Alex Butwinski agreed. Liza Simpson spoke about the quality of the Soils Commission meetings.

Alex Butwinski stated that the Public Art Advisory Board is updating its strategic plan. He attended the Planning Commission meeting where height was discussed at length. He reported that the General Plan has a hard deadline of March 31, 2013 and holding an extra Planning Commission meeting is contemplated. He and Bret Howser also attended the ULCT weekly legislative session.

The Mayor spoke about the Mosquito Abatement Board and participating in the one billion rising flash mob at noon today organized by the Performing Arts Center and the Peace House. Liza Simpson expressed that she will try to attend the Latinos in Action conference in Salt Lake on March 1 since the Mayor will be out-of-town.

2. Legislative update. Jody Morrison stated that staff is recommending support of HB289, fireworks amendment. She explained that the City is watching SB167, master liquor licenses, and Liza Simpson asked about the exceptions. Staff will follow-up. Bret Howser explained that the bills which are stricken out on the table are considered as not having much impact on Park City. Bret Howser reported on two Mel Brown proposals. SB130 seems to allow amending lot lines without being subject to the local land use authority. SB236 relates to the City's ability in the LMC to address re-vegetation, landscaping, or managing erosion control on the owner's property. The Mayor felt that the City should be strongly opposed to these two bills and members agreed. Mr. Howser explained that SB58 is a new bill relating to the allocation of sales tax revenues that the state is not yet receiving, e.g., internet sales. He suggested not supporting this bill.

The Mayor referred to legislation regarding carrying a weapon and disorderly conduct, HB26. Mr. Howser explained that the Police Chiefs' Association worked on the language. He understood the NRA wording has been removed giving more discretion to police officers and he will need to see the amended language before making a recommendation to Council. In response to comments made on legislation for changing the form of government, Mr. Butwinski explained that the ULCT took no position as it doesn't really affect cities. Mr. Howser clarified that raising the limit on reserves is still sitting on the Senate floor after making it out of committee. He indicated that he is following SB181 which would disallow municipalities from selling property at less than fair market rate which would impact the City's ability to negotiate affordable housing and some RDA projects. Phyllis Robinson interjected that when property has been disposed of in the past, a benefits analysis was required which considered qualitative and other non-monetary benefits. Mr. Howser suggested getting more information from ULCT before taking a position on it. The City Attorney added that incentives have been used for historic preservation where the market value is offset with *beyond-regulation* rehabilitation improvements, for example. Alex Butwinski suggested supporting the substitute bill for SB109 on water. Building Code amendments were discussed.

3. Recreation Advisory Board Visioning. RAB members in attendance introduced themselves and are indicated above. Ken Fisher referred to the City Park tennis court expansion project which is hoped to be completed by the first week of July. He discussed the replacement of the seven outdoor tennis courts at the MARC and expanding use by adding court lines to accommodate more players. The City received \$450,000 in RAP Tax money last year to help fund this project. There is a shortfall of about \$200,000 and RAB is looking to cut back on features of the project, for example to drop the wall to 18 feet decreasing structural costs.

The idea of practice walls was introduced by the lacrosse community and RAB would like to research potential locations and construct these walls during the next year. Locations could include the Recreation Complex or City Park. Andy Beerman pointed out that practice walls are not identified in the recreation survey or in the wants of the community and asked if there is enough demand. John Halsey responded that lacrosse is growing substantially and Kraig Moyes pointed out that the walls can help get players off of the field space which can then be better programmed. Mr. Fisher felt that School District property or City property in the North 40 could be considered. The surface is cement, and the wall is 16 feet high, 20 feet wide with a 34 foot pad.

Mr. Butwinski asked if tennis court surfaces count toward open space as he recalls that the MARC project just met its open space requirements. He asked that staff double check the open space calculation. He questioned some of the indicators in significant impacts section of the staff report.

Mr. Fisher reported that two studies were completed last year. One related to regional facilities which were compared to the mountain resort standard, and the other was a community attitudes and interests survey. This data can be combined together to

develop a regional recreation master plan with the Basin and the project is on track to publish a RFP in the next few days, pending Council support. The estimate is \$20,000 and members were supportive. He discussed a new idea of *Cardio in the Park* and placing fitness equipment in the parks either adjacent to playgrounds or along trails. The Mayor commented that this amenity is common in Beijing and well used.

Mr. Fisher referred to the dog park survey included in the staff report, pointing out the number of requests for a water feature. This was not included in the list of potential improvements because it didn't seem realistic. The Basin is fencing off a section of the Willow Creek dog park that will include the pond. Ms. Matsumoto pointed out that many respondents commented about the dog park being dusty and wind-blown. Mayor Williams pointed out that when the dog park was approved, there was a commitment from citizens about raising money for improvements which didn't happen but Liza Simpson stated that the group actually raised \$10,000. The Mayor felt that the dog park is unattractive but Mr. Fisher pointed out that it is well used. Andy Beerman referred to the recommendation for a shade structure but suggested trees instead but it was pointed out that there is no irrigation at the location. Ms. Simpson indicated that she uses the dog park and based on her experience of using dog parks in other cities, most facilities are very basic. She encouraged replacing the water fountain which doesn't always work. Matt Twombly reported that the area has a $\frac{3}{4}$ " culinary line servicing the water fountain and is equipped for an irrigation system. Ms. Simpson suggested installing a drinking trough.

Alex Butwinski warned members about friends groups who commit to raise money but later approach the City for funding and the Mayor interjected that \$10,000 was raised for the dog park. Cindy Matsumoto expressed that dog parks are projects that cities commonly undertake. Kathy Kahn felt that the number of comments about how the dog park looks is partly based on its visibility. She is not in favor of a lot of landscaping around it for security reasons, feels it needs to stay wide open, but supports providing shade. Ken Fisher believed RAB will focus on adding shade, creating terrain features and obstacles. He asked if Council is supportive of submitting a CIP request and felt that improvements could total \$50,000. A 10 x 10 shade structure could cost as much as \$7,500 and would be taken down in the winter. Liza Simpson was also supportive of planting trees in the area.

Ken Fisher explained that another recommendation is putting a shade structure over existing playgrounds including Creekside, Prospector and Quinns. Two of the three parks already have shade but not the playgrounds. The Mayor pointed out that many shade trees can be purchased for \$200,000. Mr. Fisher pointed out that the trees at the Recreation Complex were planted in 2006 and are still pretty small. Andy Beerman asked how often the shade canvasses need to be replaced and the cost. Mr. Fisher acknowledged that he has to research the product more. Rena Jordan reported that it cost SBSRD about \$100,000 to \$120,000 for a shade structure and commented on the need for massive footings to handle the wind. Liza Simpson emphasized that when

Prospector Park was constructed, the neighborhood did not want shade structures and she asked that more research be done for shade at each location.

The Mayor referred to Council comments last year about security in the parks and Ms. Kahn's comment about safety today. Ms. Simpson agreed and asked that RAB revisit research about emergency stations. Mr. Butwinski felt it would be interesting to know about the incidence of false alarms. Liza Simpson relayed that emergency stations are placed throughout the campus at the University of Utah which could provide data.

In response to a question from Alex Butwinski, Ken Fisher explained that the neighborhood parks bond passed in 2001 for \$2 million and there is money available for projects from the interest earned from the bonds when they were sold.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
FEBRUARY 14, 2013**

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 14, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Phyllis Robinson, Acting City Manager; Mark Harrington, City Attorney; Michelle DeHaan, Water Quality Manager; and Heinrich Deters, Trails and Open Space Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

355 Woodside Avenue - Ruth Meisma, Woodside Avenue resident, stated that the first project for a Landmark building processed under the new Design Guidelines was disappointing. She has been working with the Planning Department on this project and complimented staff as being committed to historic preservation. The excavation team did a beautiful job and another professional team lifted the house and placed it on cribbing. The construction crew, however, didn't have prior experience with historic preservation. She displayed photographs of the building which was on a perfect site to test the new Guidelines because it is a double lot with large side yards and open space in the back. The second photograph showed the residence collapsed in the excavated hole. She then displayed a Powerpoint illustrating how the building fell and explained that the cribbing and i-beams were removed and the building was supported by jack poles. The combination of wind and lack of lateral support tilted and twisted the building causing the jack poles to fall down and the structure to fall.

She noted that she has seen this same glitch in historic preservation projects in the past. After the building fell, the Planning staff rewrote the preservation plan for the project and was proactive in setting up a site visit which involved the Building Official; the applicant's architect and engineer; the crane operator, planners, and she and her brother were also invited. Ms. Meisma spoke about her interest in watching the project proceed. Her brother has experience in historic construction and preservation and also questioned what was going on at the site. This site visit concluded with the planner in charge, Francisco Astorga, asking for the applicant's representatives, the architect and engineer, to prepare a plan in writing to remove the house from the hole, emphasizing the need to save as much of the house and historic materials as possible. After receiving the requested plans several days later, Mr. Astorga set up a meeting including the Chief Building Official, the Building Official in charge of the project, the planner in charge, the Historic Preservation planner, the crane operator, her and her brother. At

the conclusion of the meeting, the engineer's proposal was tossed and after considering several options, the consensus was that the best approach was to *surgically* disassemble the roof to save the valuable 1x8x10 foot one hundred plus year planks and beams for possible reuse in replacing damaged portions of the structure, to remove the north and east walls, and to evaluate and save the damaged, not destroyed, south wall.

After the meeting, she stated that the Building Department dismissed the aforementioned plan and the reasons given was that it was too time consuming and labor intensive to disassemble the roof. The plan written by Planner Astorga was dated January 8, 2013 and this was done 30 days later. The Building Department felt it was too dangerous to work under the roof but she talked to roofing companies who felt that it was safe to work on the roof and disassemble it. Ms. Meisma stated that this is where the process went awry. A new plan devised by the Building Department was to cut free and pull out the north and east walls and let the roof and everything that fell into the hole be removed as waste. This new plan was not sent back to the Planning Department for a preservation overview and the Building Department justified overstepping the Planning Department saying it was not necessary nor required to have the Department's input. If it is proper protocol not having final input from Planning when changes to a historic project occur after approval and after the building permit is issued, then this weak point has and will compromise the preservation process the City is trying so hard to implement to save history. If this is not proper protocol, then the Building Department should have input from the Planning Department on *after-approval* changes and the Building Department needs to be given direction on this all important point.

Ms. Meisma emphasized that the Building Department does not have preservation purview and a gap exists between departments. If Planning had been involved in a look at the second plan, more of the building would have been saved. She understood the mindset of the construction crew but it really doesn't work in saving historic buildings. Ms. Meisma was uncertain if this property can now qualify for the significant list. The house will be reconstructed and the shape will remain but again, it is a sad example for the first Landmark project. She felt there is a missing person in the process and that person is the code enforcement counterpart for Planning who can monitor projects according to the preservation plan. It would be best if this person knows Code and could cite infractions on behalf of the Building Department. There is a void.

The Mayor thanked Ruth Meisma for her presentation. Ms. Simpson asked when the revised preservation plan was done. Ms. Meisma believed it was January 9, 2013. The Mayor summarized her two issues as being the lack of vertical support and the disconnect between Building and Planning.

IV MINUTES OF MEETING OF JANUARY 31, 2013

Alex Butwinski, "I move approval of the minutes of the meeting of January 31, as corrected". Andy Beerman seconded. Liza Simpson disclosed that she will be abstaining as she was not in attendance. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Abstention

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

The Mayor asked if there are any questions from members. With regard to Item 1, Alex Butwinski asked about the number of pipes in the project and Michelle DeHaan advised that there will be two pipes installed which doesn't affect the scope of work. Andy Beerman referred to Item 3 and asked if the impact fees are one-time and whether the City can be credited if they are not used. Ms. DeHaan confirmed that they are one-time fees and the City can be credited.

Liza Simpson congratulated Ms. DeHaan on the pigging award. Michelle DeHaan explained that the Water Research Foundation is the best within the water industry and the City has been a member for over 10 years. The City has applied for a technical collaboration project specific to ensuring a better understanding of the releases occurring in the Thaynes Canyon neighborhood and the most effective cleaning systems for our system in the future. The project will be moving forward in the next couple of weeks and the cost is about \$200,000 with a matching grant of \$175,000 from the WRF. The work would likely be conducted during the Fall.

1. Consideration public involvement contract with The Langdon Group in the amount of \$108,000, in a form approved by the City Attorney - and
2. Consideration of award to URS Corporation of Professional Services Contract for Richardson Flat Tailings Site OU4 (Prospector Drain) Engineering Evaluation Cost Analysis, in a form approved by the City Attorney - and
3. Consideration of authorizing the City Manager to pay Snyderville Basin Water Reclamation District \$327,823 for additional impact fees for discharging solids to the sewer at the Quinns Junction Water Treatment Plant - Liza Simpson, "I move we approve the Consent Agenda". Andy Beerman seconded. Motion unanimously carried.

VI NEW BUSINESS

Consideration of a Resolution updating a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety – Heinrich Deters referred to his staff report and draft Resolution which is an update from the 2005 document. In 2005 there was a concerted effort to collect data on City property and maintain it in a centralized department to gain efficiencies and to create an information source related to Public Works levels of service and/or planning and budget obligations. The matrix in the Resolution before Council pertains to developable unrestricted property. In response to a question from Liza Simpson about the Mawhinney lots being included in the revised Resolution, Mr. Deters explained that another use, other than parking, may be more appropriate in the future.

The Mayor invited public input. There was none. Liza Simpson, “I move that we adopt a Resolution updating a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety”. Dick Peek seconded. Motion unanimously carried.

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 2:45 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Phyllis Robinson, Acting City Manager; Dave Stewart, consultant; Matt Cassel, City Engineer; Nate Rockwood, Budget Manager; Jon Weidenhamer, Economic Development Manager; Jason Glidden, Marketing Manager; Tom Daley, Deputy City Attorney; Brooke Moss, Human Resources Manager; and Mark Harrington, City Attorney. Cindy Matsumoto, “I move to close the meeting to discuss property, personnel and litigation”. Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:50 p.m. Dick Peek, “I move to open the meeting”. Alex Butwinski seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 6:45 p.m. Andy Beerman, “I move to close to discuss personnel”. Liza Simpson seconded. Motion unanimously carried.

STATE OF UTAH)
 ss.
COUNTY OF SUMMIT)

**CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH**

As presiding officer of the City Council of Park City, Utah, I hereby certify that the second closed session meeting held by the City Council on February 14, 2013, was held pursuant to UCA Section 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this ____ day of _____, 2013.

Mayor Dana Williams

Subscribed and sworn before me this ____ day of _____, 2013.

Janet M. Scott, Notary Public

* * * * *

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: 315 Park Avenue Subdivision- plat amendment
Author: Kirsten Whetstone, Senior Planner
Date: February 28, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-12-01728

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Description

Applicant: Thayne's Capital Park City LLC (Damon Navarro)
Location: 315 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and condominiums
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment (Exhibit A) for the purpose of reconfiguring Lots A, B, and C of the 315 Park Avenue Subdivision. The 315 Park Avenue Subdivision is a three lot subdivision combining Lots 4, 5, 6, 27, 28, 29 Block 3 of the Park City Survey and platting them into three lots of record. The 315 Park Avenue Subdivision was approved by City Council on March 16th, 2006 and extended on June 28th, 2007 and finally recorded at Summit County on September 24th, 2007. The property is vacant (Exhibits B and C). The applicant wishes to reconfigure these three lots into three lots that are more equal in size for three future single family houses, reducing the potential density from 4 units to 3 units and a reduction in potential parking required from 8 spaces to 6 spaces due to a reduction in the lot area of Lot C so that a duplex would not be allowed on any of the proposed amended lots (Exhibit D).

Background

The property consists of three lots of record, namely Lots A, B, and C. These lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, as well as a shed, a "sliver" of which encroaches on these lots from an adjacent lot(s).

The lots were created during the plat amendment approval for the 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007 (Exhibits E and F).

Currently Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.

A house previously stood at 315 Park Avenue which was constructed across the underlying Park City Survey lot lines. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure (Exhibit G). On June 6, 2007 a demolition permit was issued and the structure was removed.

On November 27, 2012, the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots. The application was deemed complete on January 2, 2013.

On February 13, 2013, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to the City Council with amendments to findings of fact numbers 23 and 26. The findings were amended to contain the language “potential” density and “potential” parking requirements and to add language regarding the possible increase in setback requirements at the time of the Steep Slope Conditional Use Permit (CUP) review. There was public input provided regarding the desire to have larger setbacks to provide for additional open space in the neighborhood. Staff explained that setbacks in the HR-1 zone are based on the lot dimensions per the Land Management Code, and concurred that the Planning Commission may increase setbacks during the Steep Slope CUP review process according to criteria spelled out in greater detail in LMC Section 15-2.2-6 (B) (7). The Planning Commission’s amended findings have been provided in the attached Ordinance (Exhibit I).

Analysis

The current application is a request to reconfigure three existing lots in to three lots that are more equal in size. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone. The zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.

No changes are proposed to the access and frontage with amended Lots B and C fronting onto Woodside Avenue and amended Lot A fronting onto Park Avenue. There is a reduction in the both the potential density and the potential parking required to be provided as the previous plat allowed one lot to be a duplex. Potential density of the

existing configuration is 4 dwelling units and potential density with the re-plat is 3 dwelling units. Required parking for 4 dwelling units is 8 spaces and 6 spaces for 3 units.

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Existing Lots - Requirements

- Lot Size: Lot A - 3037.5 sf, Lot B - 1,875 sf, Lot C 3,750 sf
- Max Footprint: Lot A - 1,280.46 sf
Lot B - 844 sf
Lot C - 1,519 sf
- Setbacks: Lot A - Front/Rear- 10' Side- 3'
Lot B - Front/Rear- 10' Side- 3'
Lot C - Front/Rear- 10' Side- 5'
- Height: All lots - 27 feet

Re-platted Lots- Requirements

- Lot Size: Lot A amended - 2,812.5 sf, Lot B amended- 3,037.5 sf,
Lot C amended - 2,812.5 sf
- Max Footprint: Lot A amended - 1,200.66 sf
Lot B amended - 1,280.46 sf
Lot C amended - 1,200.66 sf
- Setbacks: Lot A amended Front/Rear - 10' Side - 3'
Lot B amended Front/Rear - 10' Side - 3'
Lot C amended Front/Rear - 10' Side - 3'
- Height: All lots - 27 feet

The proposed plat amendment does not create any new non-conforming situations as the lots are vacant. There are existing encroachments onto the lots that will need to be resolved prior to recordation of the plat, as they were not previously addressed by the subdivision plat in 2006. There are low rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent

Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution. These encroachments are addressed in the conditions of approval to be resolved prior to recordation of the plat by either removing the encroachment or recording easements for them.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as the plat amendment reconfigures the existing platted lots to create property boundaries preferred by the applicant, resolves encroachment issues, reduces the density from a potential of four units to three units, reduces the potential parking requirement from eight off-street spaces to six off-street spaces, and secures public snow storage easements across the frontage of the proposed lots. The plat amendment resolves encroachment issues by requiring removal of or easements for the existing encroachments. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development shall be met.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. Prior to issuance of a building permit for the amended Lots, approval of a Historic District Design Review application and approval of a Building Permit is required for each lot. Lot C contains areas of slope that are 30% or greater and if development is proposed in these areas then a Steep Slope Conditional Use permit is required prior to issuance of a building permit.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Public input regarding increased setbacks was received at the Planning Commission hearing, as described above. Public input may be taken at the Council meeting.

Alternatives

- The City Council may approve the First Amended 315 Park Avenue Subdivision as conditioned; or
- The City Council may deny the First Amended 315 Park Avenue Subdivision and direct staff to make Findings for this decision; or

- The City Council may modify the First Amended 315 Park Avenue Subdivision; or
- The City Council may continue the item to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a final decision.
- The “take no action” alternative is not an option for administrative plat amendments.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment could not be recorded. Development could be proposed on the three existing lots, including Lot C which could be built with a duplex, subject to a conditional use permit, Historic District Design Review, and if development is proposed on a slope of 30% or greater, a Steep Slope Conditional Use permit application is also required.

Recommendation

Staff recommends the City Council hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Plat

Exhibit B- Existing conditions site plan

Exhibit C- Aerial photo/vicinity Map

Exhibit D- Applicant letter and authorization

Exhibit E- Existing Recorded Plat

Exhibit F- Previous staff reports and published Ordinances

Exhibit G- HPB Action letter- Determination of Insignificance

Exhibit H- Photos

Exhibit I- Draft Planning Commission minutes

Ordinance No. 13-

**AN ORDINANCE APPROVING THE FIRST AMENDED 315 PARK AVENUE
SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owner of property located at 315 Park Avenue petitioned the City Council for approval of the First Amended 315 Park Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013 to receive input on the 315 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on February 13, 2013, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on February 28, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 315 Park Avenue Subdivision plat amendment to reconfigure the existing platted lots, to resolve encroachment issues, reduce the potential density from a potential of four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and to secure public snow storage easements across the frontage of the proposed lots.

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 First Amended 315 Park Avenue Subdivision 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 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue.
5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.

6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex.
10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more logical property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the potential parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. Lots A and B do not contain areas of slope greater than 30%. Lot C contains areas of slope that are 30% or greater.
21. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
22. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

23. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf. Setbacks may be increased during the Steep Slope CUP review per LMC Section 15-2.2-6(B) (7).
24. The plat amendment secures public snow storage easements across the frontage of the lots.
25. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
26. There is good cause to reconfigure the existing platted lots to create property boundaries preferred by the applicant, to resolve encroachment issues, reduce the potential density from four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet.
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either removed or encroachment easements shall be provided.
8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B

and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation the SBWRD shall review and sign the plat.

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

PASSED AND ADOPTED this ____ day of February, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

315 Park Avenue Subdivision Amended

A replat of Lots A, B & C
Block 3, Park City Survey

NARRATIVE

1. Survey requested by: Thaynes Capital Park City L.L.C.
2. Basis of survey: found street monuments as shown.
3. Date of survey: September, 2012.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous Plat of 315 Park Avenue Subdivision recorded as Entry No. 826141 in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

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

Date _____ J.D. Gailey RLS#359005

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is director of Thaynes Capital Park City L.L.C., a Delaware limited liability company, the owner of the hereon described 315 Park Avenue Subdivision, Block 3, Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat, on behalf of said Thaynes Capital Park City L.L.C., in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owner hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this _____ day of _____, 2012.

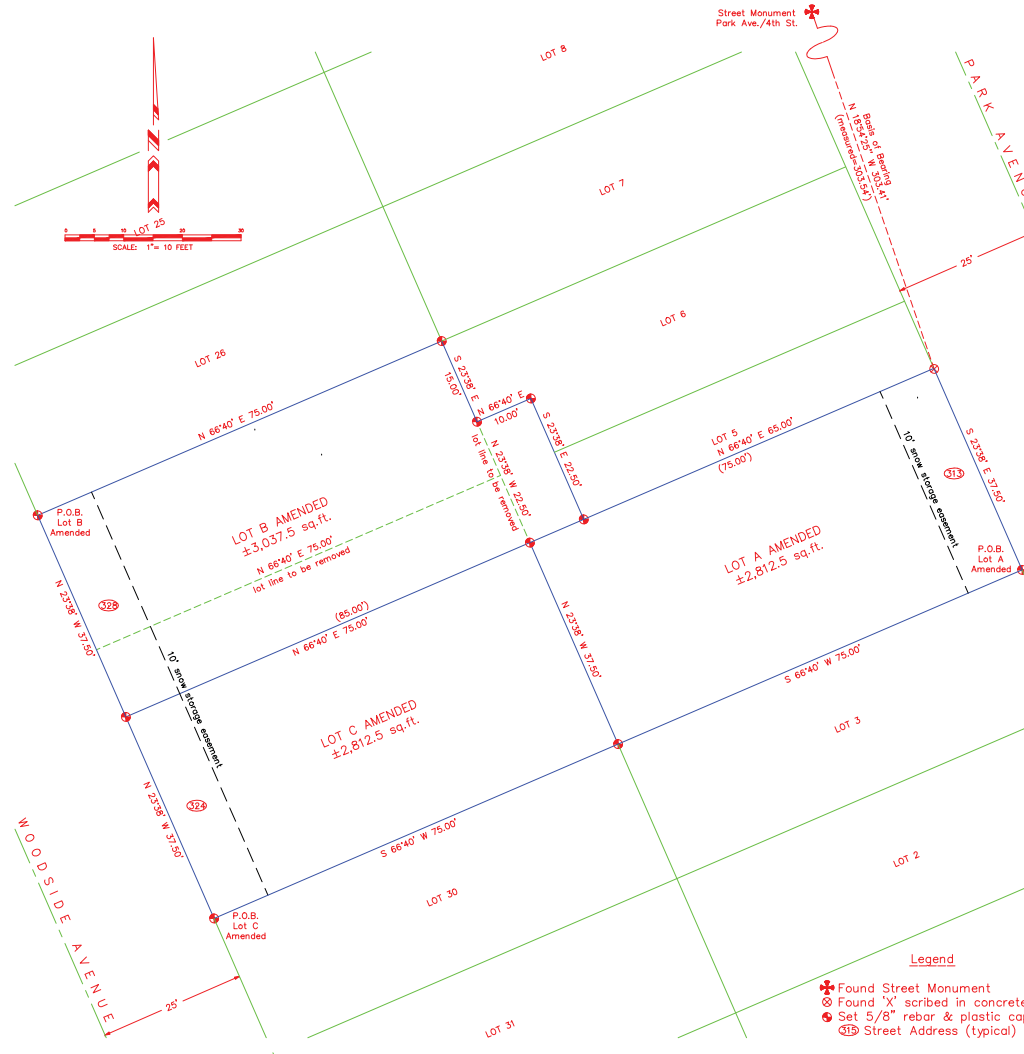
By: _____
Damon Navarro, Director
Thaynes Capital Park City L.L.C.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____, 2012, Damon Navarro personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is director of Thaynes Capital Park City L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Thaynes Capital Park City L.L.C., and that he has executed this document in his capacity as director on behalf of Thaynes Capital Park City L.L.C., for the purpose set forth herein.

My commission expires: _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____



LEGAL DESCRIPTIONS

315 Park Avenue Subdivision Amended

Beginning at the Northeasterly corner of Lot 3, Block 3, Park City Survey and the Southeasterly corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 150.00 feet to the Southwesterly corner of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northwesterly corner of said 315 Park Avenue Subdivision; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeasterly corner of Lot B of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 15.00 feet; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 10.00 feet; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 22.50 feet; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 65.00 feet to the Northeasterly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 8,662.6 square feet, more or less.

LOT A AMENDED

Beginning at the Northeasterly corner of Lot 3, Block 3, Park City Survey and the Southeasterly corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Southwesterly corner of Lot A of said 315 Park Avenue Subdivision; thence N 23°38' W, 37.50 feet; thence N 66°40' E, 75.00 feet to the Northeasterly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 2,812.5 square feet, more or less.

LOT B AMENDED

Beginning at the Southwesterly corner of Lot 26, Block 3, Park City Survey and the Northwesterly corner of Lot B, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeasterly corner of said Lot B, 315 Park Avenue Subdivision; thence along the boundary of said 315 Park Avenue Subdivision the following 3 courses: 1) S 23°38' E, 15.00 feet; thence 2) N 66°40' E, 10.00 feet; thence 3) S 23°38' E, 22.50 feet; thence S 66°40' W, 85.00 feet to the Westerly boundary of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 3,037.5 square feet, more or less.

LOT C AMENDED

Beginning at the Northwesterly corner of Lot 30, Block 3, Park City Survey and the Southwesterly corner of Lot C, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 37.50 feet; thence N 66°40' E, 75.00 feet; thence S 23°38' E, 37.50 feet to the Southeasterly corner of said Lot C, 315 Park Avenue Subdivision; thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the point of beginning; containing 2,812.5 square feet, more or less.

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

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVISED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____, 2012.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2012 A.D.
BY: _____
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2012 A.D.
BY: _____
PARK CITY ENGINEER

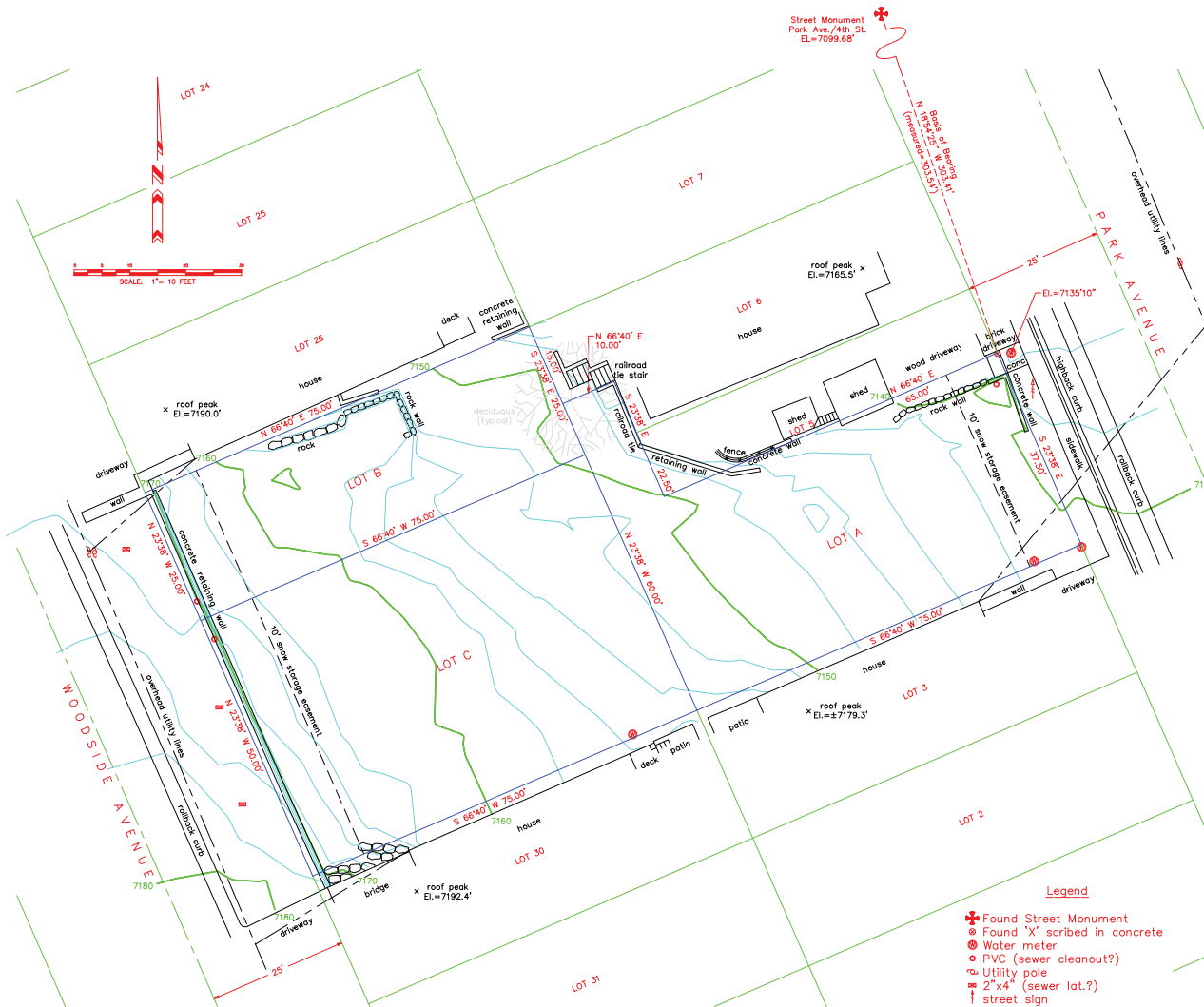
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2012 A.D.
BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2012 A.D.
BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____
2012 A.D.
BY: _____
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

315 Park Avenue Subdivision A Portion of Block 3, Park City Survey



NARRATIVE

1. Survey requested by: Damon Navarro.
2. Purpose of survey: locate the topographic relief.
3. Basis of survey: found Street Monuments as shown. Block dimensions are from the Park City Monument Control Map by Bush & Guggell, Inc. Recorded as Entry No. 199887 in the Office of the Summit County Recorder. Subdivision of Block 3 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: July 25, 2012; roof peaks added December 20, 2012.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7099.68 feet at the Street Monument found at the intersection of Park Avenue and 4th Street, from the Park City Monument Control Map.

DEED DESCRIPTIONS

Lots A, B & C, 315 Park Avenue Subdivision, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

SURVEYOR'S CERTIFICATE

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

Date J.D. Gailey RLS#359005

- Legend**
- ✦ Found Street Monument
 - ⊗ Found "x" scribed in concrete
 - ⊙ Water meter
 - ⊖ PVC (sewer cleanout?)
 - ⊙ Utility pole
 - ⊖ 2"x4" (sewer lat.?)
 - † street sign

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



NOT TO SCALE

315 Park Avenue Plat Amendment Vicinity Map

Main Street Mall

Woodside Ave

Park Ave



November 27, 2012

Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah 84060

Attn: Planning Department

Re: 315 Park Avenue Plat Amendment.

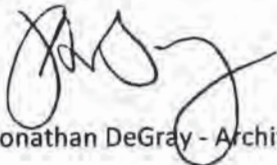
Dear Staff,

The 315 Park Avenue Subdivision was platted in 2007 and contains 3 lots of various sizes. Lot A contains a peninsula shaped appendage at the north/west corner. Lot B is a single lot and lot C is a double lot.

The new owners want to adjust the plat lines to maintain the 3 lots but clean up the peninsula and make lots B and C the same size. They feel these adjustments will allow for homes built on the three lots to be better designs on more uniform lot shapes.

Please let me know if you have any questions.

Sincerely,



Jonathan DeGray - Architect



614 Main Street, Suite 302
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

CUMMINGS & LOCKWOOD LLC

Michael J. Hinton

203.351.4492 Direct
203.351.4534 Fax
mhinton@cl-law.com
www.cl-law.com

Street Address:
Six Landmark Square
Stamford, CT 06901

Post Office Address:
P.O. Box 120
Stamford, CT 06904-0120

203.327.1700 Phone
203.351.4535 Fax

December 14, 2012

TO WHOM IT MAY CONCERN

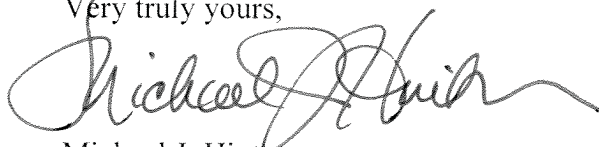
Re: Thaynes Capital LLC; Authority Issues

Dear Sir or Madam:

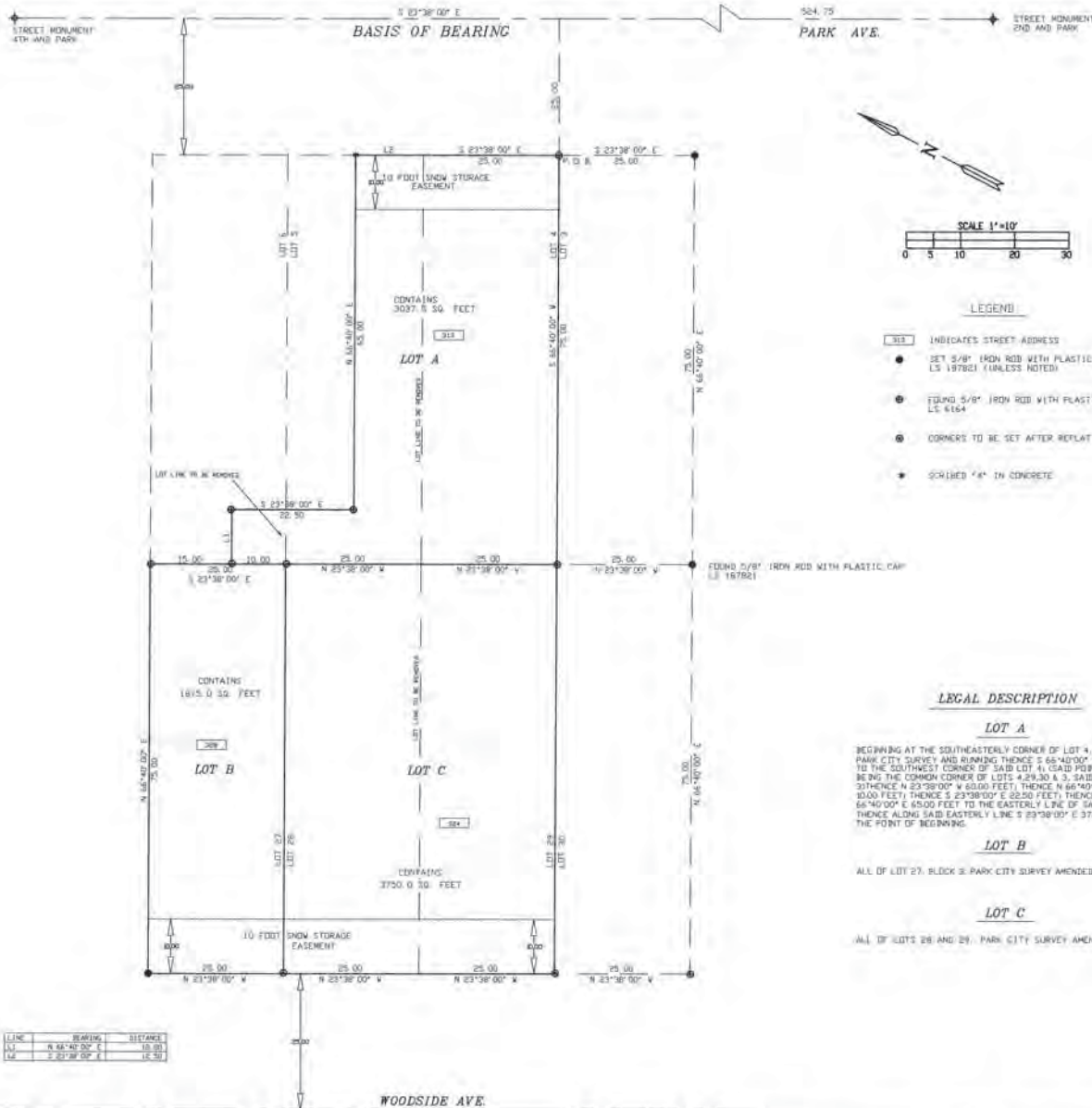
This letter confirms that I am the outside attorney responsible for forming Thaynes Capital LLC, Thaynes Capital Advisors LLC and Thaynes Capital Park City LLC, each a Delaware limited liability company. The sole manager of Thaynes Capital LLC is Thaynes Capital Advisors LLC. The sole manager of Thaynes Capital Advisors LLC is Damon Navarro. Thaynes Capital Park City LLC is a single member limited liability company and its sole member is Thaynes Capital LLC. The operating agreement of Thaynes Capital LLC, dated as of September 8, 2011, grants its manager the power and authority, acting alone and without the necessity of obtaining any additional vote or consent of the members of Thaynes Capital LLC, to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital LLC. The operating agreement of Thaynes Capital Advisors LLC, effective as of September 8, 2011, also contains an identical grant of power and authority to its manager to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital Advisors LLC. By virtue of being the sole manager of Thaynes Capital Advisors LLC, Damon Navarro has the power and authority to act unilaterally and unconditionally in such capacity, on behalf of each of Thaynes Capital Advisors LLC, Thaynes Capital LLC, and Thaynes Capital Park City LLC, including, without limitation, executing and delivering, on behalf of each of such three entities, all agreements, certificates, applications, notices, instruments and other documents, as he determines appropriate in his sole judgment.

Please let me know if you have any questions concerning the foregoing.

Very truly yours,



Michael J. Hinton
MJH:cc



315 PARK AVENUE SUBDIVISION AN AMENDMENT TO LOTS 4,5,6,27,28,29 BLOCK 3, PARK CITY SURVEY AMENDED PLAT

LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION
 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASIC MERIDIAN
 SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that, Silver Spur Development, LLC, owner of the herein described tract of land, to be known hereafter as the 315 PARK AVENUE SUBDIVISION, having caused this Lot Line Amendment Plat to be prepared, does hereby consent to the recording of this Record of Survey Map in accordance with Utah Law. Also, the owner, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the Plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 15 day of 2006.

By: Peter C. Seifinger
 Silver Spur Development, a LLC.

ACKNOWLEDGEMENT

STATE OF UTAH
 County of Summit:
 On this 15 day of 2006, Peter C. Seifinger personally appeared before me, the undersigned Notary Public, in and for said State of Utah, having been duly sworn, Peter C. Seifinger acknowledged to me that he is the managing member of Silver Spur Development, LLC, and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: 11/15/2007
 NOTARY PUBLIC
 RESIDING IN UTAH COUNTY SUMMIT

SURVEYOR'S CERTIFICATE

I, JACK HARMON, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 17696A AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS LOT LINE AMENDMENT PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE PROPERTY.

Jack H. Harmon 03-13-06

NARRATIVE:

SURVEY REQUESTED BY SILVER SPUR DEVELOPMENT LLC



JACK HARMON LAND SURVEYING
 725 EAST REDDEN ROAD
 PARK CITY, UTAH 84098
 (435) 842-6511

ENGINEER'S CERTIFICATE

I FINE THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 15 DAY OF AUGUST 2006 A.D. BY Peter C. Seifinger
 PARK CITY ENGINEER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28th DAY OF JUNE 2006 A.D. BY Donna Williams

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24th DAY OF JUNE 2007 BY B. R. Lee
 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 19th DAY OF JUNE 2007 BY Paul J. Smith
 PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL MAY OF 2006 A.D. BY Paul J. Smith
 PARK CITY RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 15th DAY OF JUNE 2006 A.D. BY Paul J. Smith
 PLANNING COMMISSION

#826141

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF High Country Title

DATE 7-24-07 TIME 9:10 AM BOOK PAGE

FEES \$32.00 RECORD BY Paul J. Smith

City Council Staff Report



Subject: 315 PARK AVENUE
Date: March 16, 2006
Type of Item: Subdivision

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: 315 Park Avenue
Project Planner: Ray Milliner
Applicant: Monique Abbott
Zone: Historic Residential (HR-1)

BACKGROUND

The applicant is the owner of Lots 4, 27, 28, 29 and portions of Lots 5 and 6 of Block 3, of the Park City survey. On December 7, 2005 the City received an application to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record (No changes are proposed to Lot 27). In addition to the historic home, there is an accessory building on the site that straddles the lot line between Proposed Lots B and C. This application was reviewed by the Planning Commission on March 1, 2006 and forwarded to the City Council with a positive recommendation.

ANALYSIS

The property is located in the Historic Residential (HR-1) zone. If approved, the property will have three lots of record, one for an existing historic single family home and two for future development. Proposed Lot A would have frontage onto Park Avenue and Proposed Lots B and C would have frontage onto Woodside Avenue. Lot A, would consist of 3,162 square feet, Lot B 1,875 square feet and Lot C 3,750 square feet. The minimum lot requirement for a lot in the HRL zone is 1,875 square feet. In order to respect the newly created lot lines and comply with the applicable HR-1 setbacks, the historic structures will need to be moved from their current locations, to become code compliant in their final locations. Staff is proposing that the Commission approve conditions of approval stating that the buildings must be moved to their permanent foundations and inspected for building code compliance prior to the recordation of this plat, in order to prevent the creation of a non-complying situation on the property.

In order to facilitate sensible future development, staff is recommending that the Commission require that the applicant create a reciprocal snow shed easement between proposed Lots B and C.

NOTICE

Notice of this hearing was sent to property owners within 300' on February 1, 2006. No comments regarding this application have been received by staff at the date of this writing.

ALTERNATIVES

1. The City Council may approve the subdivision at 315 Park Avenue as conditioned or amended, or
2. The City Council may deny the subdivision at 315 Park Avenue and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the subdivision at 315 Park Avenue.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this application.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on January 10, 2006, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat Amendment

City Council Staff Report



Author: Ray Milliner
Subject: 315 PARK AVENUE
Date: June 28, 2007
Type of Item: Legislative

PLANNING DEPARTMENT

Summary Recommendation: Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

TOPIC

Owners:	Monique Abbott
Location:	315 Park Avenue
Zoning:	HR-1
Adjacent Land Uses:	Historic Residential
Project Planner:	Ray Milliner

BACKGROUND

On March 16, 2006 the applicant received approval from the City Council to combine to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record. On February 12, 2007 the applicant requested in writing that the City Council approve a one year extension of the approval. The extension was requested because the applicant was working to resolve the existing structure on the property. On June 5, 2007, the Historic Preservation Board found the structure to be historically insignificant, enabling the applicant to move forward with this extension.

The property is currently vacant, and is located within the HR-1 zone. The applicant was unable to record the plat prior to the expiration of the subdivision approval and is therefore requesting that the City Council grant another one year extension to the March 16, 2006 approval.

ANALYSIS

The applicant is seeking a one year extension to an plat amendment that was granted by the City Council in 2006. The applicant is eligible for the extension because she submitted in writing a request for the extension prior to the expiration of the plat. Staff has been working with the applicant to ensure that all issues relating to the home on the property were taken care of prior to scheduling the extension hearing in front of the City Council. Section 15-1-10 (G) of the LMC requires that the applicant demonstrate that no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension. The applicant is requesting that the City Council extend the 2006 approval with a change in condition of approval number 2 that states (new language is underlined):

Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.

The reason for the modification of this condition of approval is based on the June 5, 2007 finding by the Historic Preservation Board that the existing home on the property is historically insignificant. This finding enables the applicant to remove the home from the property, or to move it to a new location on the site.

Staff finds that although this change of the conditions of approval has occurred since the time of the original approval no unmitigated impact on the community will result as of this exception. Additionally, no applicable changes to the LMC have occurred in the time since the application was initially approved.

RECOMMENDATION

Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

EXHIBITS

- Exhibit A – Proposed Ordinance
- Exhibit B – Proposed Plat Amendment
- Exhibit C – March 16, 2006 Approved Ordinance

Ordinance No. 06-09

**AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 4, 27, 28, 29 AND
PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY,
LOCATED AT 315 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 315 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

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

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine four lots and portions of two others into three lots of record; and

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide four platted lots and portions of two others into three lots of record.
4. Lot A is accessed from Park Avenue, Lots B and C are accessed from Woodside Avenue.
5. Proposed Lot A would consist of approximately 3,162 square feet.
6. Proposed Lot B would consist of approximately 1,875 square feet.
7. Proposed Lot C would consist of approximately 3,750 square feet.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. There is an existing historic single family home and an accessory building on the property.
10. In its current location, the historic home and accessory building would not respect the newly created lot lines and could not meet the required HR-1 setbacks for proposed lots.
11. No other applications have been filed with the Planning Department with regard to this application.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

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

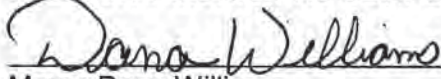
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the recordation of the plat, the historic residence shall be moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. Prior to recordation of the plat, a reciprocal snow shed easement shall be recorded between Lots B and C.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
6. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue and Woodside Avenue frontage of all lots.

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

PASSED AND ADOPTED this 16th day of March 2006.

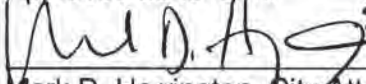
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 07-40

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owners of the property known as 315 Park Avenue have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on March 16, 2006, the City Council approved proposed plat amendment; and

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

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

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

Findings of Fact

1. The property located at 315 Park Avenue is located in the HR-1 zone.
2. Plat amendments expire one year from the date of City Council approval.
3. The applicant received approval for a subdivision plat amendment on March 16, 2006.
4. The applicant is requesting a one year time extension of the plat to subdivide lots 4, 27, 28, 29 and portions of lots 5 and 6 of Block 3 of the Park City survey into 3 lots of record.
5. No changes to the existing approval are proposed that will cause an unmitigated impact on the community.
6. No change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
7. The approval will expire on March 16, 2008.
8. No building permits will be issued for the property until the plat amendment is recorded at the county.

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

Conclusions of Law

1. There is good cause for this extension.

2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the extension.

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

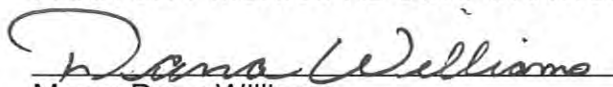
Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on March 16, 2006, with the exception of condition #2 that will be changed to read, "Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 28th day of June 2007.

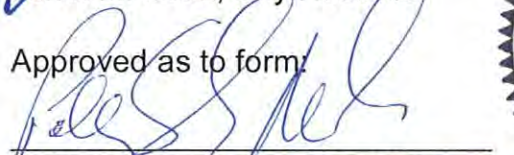
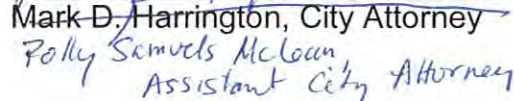
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

Polly Samuels McLean
Assistant City Attorney





May 10, 2007

Scandia Contracting
PO Box 681628
Park City, Utah 84068

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

<u>Project Address:</u>	315 Park Avenue
<u>Project Description:</u>	Determination of Historic Significance
<u>Date of Action:</u>	May 7, 2007

Action Taken By Historic Preservation Board: Building found to be historically insignificant in accordance with the Findings of Fact and Conclusions of Law as written below:

Findings of Fact

1. The residence located at 309 Park Avenue is located in the Historic Residential (HR-1) zone.
2. The property is not included in either the 1995 or 1984 historic surveys of Park City.
3. The buildings contiguous to the featured property are contemporary single-family homes and smaller historic residential homes.
4. The structure is not distinctive in, character, method of construction, or period of construction from other structures in the Historic District.
5. The 309 Park Avenue home is not contributory to the historic district because it is of marginal architectural merit.
6. The building does not form a strong physical relationship with other historic buildings in Park City, and therefore does not contribute to the over all historic district.
7. No evidence has been submitted or found which indicates that the structure on the property is tied to a significant historic event or person from Park City's past.
8. All findings from the Analysis section are incorporated here in.

Conclusions of Law

1. The home located at 309 Park Avenue does not demonstrate any significance in local architecture.
2. The home does not exhibit any features which make it of any worth historically.
3. The home does not substantially comply with the standards of review found in LMC Section 15-11-12(A) and therefore is historically insignificant pursuant to LMC Section 15-11-12.

Any person who submitted written comment on a proposal, the owner of any property within three hundred (300) feet of the boundary of the subject site, or the owner of the subject property may appeal to the Historic Preservation Board any action pertaining to the approval or denial. The petition must be filed in writing with the Planning Department within ten (10) calendar days of an administrative decision.

Respectfully,

Ray Milliner
Planner

















City Council Staff Report



Subject: 1492 Park Avenue Subdivision
Author: Anya Grahn, Planner
Date: 28 February, 2013
Type of Item: Administrative – Subdivision
Project Number: PL-12-01739

Summary Recommendations

Staffs recommends the City Council hold a public hearing and consider approving the 1492 Park Avenue One-Lot Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Synergy Park Avenue, LLC, represented by Steve Urry
Location: 1492 Park Avenue (former Day Spa Salon building)
Zoning: Historic Residential-Medium Density (HRM) District
Adjacent Land Uses: Commercial, residential condominiums, single-family residential, vacation rentals, park & open space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting a one-lot subdivision for the purpose of creating a legal lot or record. In reviewing the applicant's request to remodel the former spa building, Staff noted that the parcel was never recorded as a legal lot of record with the City. The applicant submitted a one-lot subdivision application in order to create a legal lot of record.

Background

The applicant submitted a Historic District Design Review (HDDR) application on November 5, 2012. The applicant is proposing to retain the existing building footprint and renovate the exterior to comply with the applicable Design Guidelines for Historic Districts and Historic Sites. Currently, the overall square footage of the building is 4,544 square feet; however, the proposed alterations will increase the building to 6,694 square feet. The additional square footage will be added by finishing the basement and second floor. In reviewing the HDDR application, Staff discovered that this tax parcel was not a legal lot of record, but a metes and bounds parcel. Staff requested that the applicants submit a plat amendment application for a one (1) lot subdivision on November 13, 2012.

On December 4, 2012, the City received a completed application for the proposed one (1) lot subdivision. Because the property is a metes and bounds parcel, a one (1) lot

subdivision is necessary to create a legal lot of record. The legal lot of record will not increase the size of the property, but rather use the existing property boundaries of the metes and bounds parcel. No additional land will be added or subtracted from the parcel.

On September 26, 2012, Planning Director Thomas Eddington issued a letter regarding the non-conforming use status on the property. The HRM district allows uses of “Office, General” and “Retail and Service Commercial” only in Historic Structures. The building, since its construction, has been utilized for commercial use. The Board of Adjustment (BOA) on June 17, 1997, granted a variance for change of use from a deli to a hair salon. In the September letter, the Planning Director made a determination that, “The site has historically been utilized as service commercial; the site may continue to be utilized for commercial/office use.” (see Exhibit E—Nonconforming Determination Letter)

On February 13, 2013, the Planning Commission held a Public Hearing and voted unanimously to recommend approval of the 1492 Park Avenue One-Lot Subdivision. The Planning Commission asked that Conditions of Approval address snow shedding and encroachment on the north property line. Although the Planning Commission held a Public Hearing, no public input was offered at the meeting. The applicants have an approved HDDR. An at-risk building permit has been issued for this project, and all work completed would have to be remediated if the plat amendment is not approved.

Analysis

Because the building is currently a metes and bounds parcel, it is not recognized as a legal lot of record by the City. To correct this, we have required that the applicant complete a one-lot subdivision in order to create a legal lot of record. This subdivision will not expand or decrease the size of the parcel.

The site currently contains a 4,544 square foot structure built in the late 1970s. The site is roughly 66 feet along the east property boundary, 129.92 feet along the south, 67.95 feet along the west (Park Avenue), and 121.85 feet along the north boundary. The following table shows the current and proposed boundary setbacks:

Property Boundary	LMC Required Setbacks	Existing Setbacks
East (Rear)	10 feet	107.5 feet
South (Side)	5 feet	52.5 feet
West (Front)	15 feet	2.4 feet to 7.5 feet
North (Side)	5 feet	0 feet

The existing structure sits less than fifteen feet (15') from the front property line. The structure is located on the north property line, shared with 7-11, and therefore is less than the five foot (5') required setback. Because the building does not meet current setbacks, it is classified as legally non-complying because it:

(A) Legally existed before its current zoning designation; and

(B) Because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

A letter as to the non-complying status as to the north side yard setback was made on January 16, 2013 (see Exhibit D – Non-complying Status Letter). The applicants also submitted a request for a determination as to the front yard non-compliance, and the Planning Director issued a second letter of determination on February 15, 2013 (see Exhibit H).

Per LMC 15-9-6, any Non-Complying Structure may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure. The proposed renovation shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance because it will not change the footprint of the existing structure. The HDDR was completed and approved on December 17, 2012.

Per LMC 15.2.4-4, in this zone the Minimum Lot Area for non-residential Uses shall be determined by the Planning Commission during Conditional Use review; however, here, because the use has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-residential use. The current lot size of 8,414 square feet is comparable to other commercial sites in the district.

The proposed one-lot subdivision does not increase or change the boundaries of the parcel. Currently, the parcel is 67.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard. These dimensions will be preserved in the proposed plat.

The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces. This configuration will be preserved in the renovation of the site. Eleven (11) parking spaces meet the requirements of LMC 15-3-6 (B) Non-Residential Uses. Currently, traffic using Sullivan Road cuts through the parking lot to connect to Park Avenue; however, this access is unsanctioned. No easement exists for access for this property to access Sullivan Road for ingress or egress. Moreover, the variance dated September 23, 1997 states that Sullivan Road shall not be used as an entrance and all ingress and egress shall be off Park Avenue (See Exhibit G—1997 Variance). If, in the future, the property owners should wish to access Sullivan Road, they will need to apply for a CUP.

Prior to demolition, the building's roof encroached two feet (2') on to the neighboring property to the north. At the time of the HDDR, the Building Department requested that the applicant obtain a snow shed agreement and encroachment agreement with the neighboring property. On January 29, 2013, the Building Department issued a

demolition permit for the removal of the building's stucco exterior and roofing materials. A stop work order was then issued on February 13, 2013, when it was determined that the roof structure had been removed. Because of the inferior construction of the wall structure, the Chief Building Inspector then required the removal of the entire roof system as well as walls on the north, west, and east elevations due to health and safety concerns (Exhibit H). These walls must be reconstructed using 2x6" framing. In addition, the Planning Director issued a second determination letter on February 15, 2013, explaining that this strategy shall not be defined as "razed."

As part of both the HDDR and the one-lot subdivision, the Building Department has requested that Conditions of Approval include language concerning the snow shed agreement and encroachment agreement. The Building Department has requested that all snow shedding and encroachments along the north property line be resolved or Snow Shed and Encroachment Agreements be obtained.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The building permit application will have to comply with all conditions set forth in the HDDR, which was approved on December 17, 2012.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

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 regarding this subdivision.

Alternatives

- The City Council may approve the 1492 Park Avenue One-Lot Subdivision as conditioned or amended; or
- The City Council may deny the 1492 Park Avenue One-Lot Subdivision and direct Staff to make Findings for this decision; or
- The City Council may continue the discussion on 1492 Park Avenue One-Lot Subdivision; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The parcel at 1492 Park Avenue would remain as is (a metes and bounds parcel). An at-risk building permit has been issued for this project, and all work completed would have to be remediated.

Recommendation

Staff recommends the City Council hold a public hearing for the 1492 Park Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph
- Exhibit D – Non-complying Status Determination Letter
- Exhibit E – Nonconforming Determination Letter
- Exhibit F – Approved Plans
- Exhibit G – 1997 Variance
- Exhibit H – Nonconforming Determination Letter addressing demolition

Ordinance No. 13-

**AN ORDINANCE APPROVING THE 1492 PARK AVENUE SUBDIVISION PLAT
LOCATED AT 1492 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1492 Park Avenue, has petitioned the City Council for approval of the Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013, to receive input on the proposed subdivision;

WHEREAS, the on February 13, 2013 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 28, 2013, the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1492 Park Avenue Subdivision.

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 1492 Park Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1492 Park Avenue, Park City.
2. The site is within the Historic Residential-Medium Density (HRM) District.
3. The metes and bounds parcel is approximately 8,414 square feet in size.
4. The proposed one-lot subdivision does not increase the change the boundaries of the parcel. Currently, the parcel is 62.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard.
5. Per LMC 15.2.4-4, the Minimum Lot Area for non-residential Uses shall be determined by the Planning Commission during the Conditional Use review. The use of the property has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-

residential use, therefore the minimum lot size shall be 8,414 square feet. The current lot size is comparable to other commercial sites in the district.

6. The proposed use of the existing building as "Office, General" is not a permitted use in a non-historic building in the HRM District.
7. On September 26, 2012, Planning Director Thomas Eddington made a determination that the use of the building could continue being used for commercial/office use as a legal non-conforming use.
8. The existing structure has a footprint 4,544 square feet; however, the proposed alterations will increase the building's gross floor area to 6,694 square feet; however, the proposed modifications will not increase the existing building footprint.
9. There are minimum required Front, Rear, or Side Yard dimensions in the HRM District of fifteen feet (15'), ten feet (10'), and five feet (5'), respectively. There are setbacks associated with the HRM zone of which the parking lot and north and west sections of the building are located.
10. The existing structure currently has a two to four foot (2' - 4') setback increasing from north to south along the front yard, and a forty-three foot (43') rear yard setback. There is a zero foot (0') setback along the north side yard, and a twenty foot (20') setback on the south side yard.
11. A January 16, 2013 letter from the planning director addressed the non-complying status as to the north side yard setback.
12. According to LMC Section 15-9-6 (A), any Non-Complying Structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
13. The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces.
14. Sullivan Road is a city-owned private driveway for City Park.
15. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
16. The plat must be recorded before the City issues a Certificate of Occupancy.
17. The applicant requests approval of the subdivision application to create a legal lot of record in order to be able to construct the proposed improvements to the exterior, the basement, and the second floor.
18. The property located at 1492 Park Avenue is within the Soils Ordinance Boundary.
19. Prior to its demolition, the roof encroached two feet (2') across the north property line. In the reconstruction of the roof structure, the Building Department has requested that any snow shedding be resolved, or a snow shed agreement be obtained with the neighboring property. Similarly, the encroachment must be resolved or an encroachment agreement must be obtained.
20. On February 15, 2013, the Planning Director issued a second determination letter addressing the non-complying status of the front yard setbacks as well as a definition of razing.
21. According to the LMC Section 15-9-6(C), if a Non-Complying Structure is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located.

22. Per the February 15, 2013 Determination Letter, the applicant will be required to reconstruct walls along the north, west, and east elevations; however, the building will not meet the definition of razed because the foundation and south elevation walls will remain.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. Snow shedding must be resolved to the satisfaction of the Building Department, or a Snow Shed Easement of seven feet (7') will be required along the north property line.
5. Modified 13D sprinklers shall be required for all renovation/reconstruction.
6. Per the Soils Ordinance outlined in LMC 11-15-1 Park City Landscaping and Maintenance of Soil Coverage, a Certificate of Compliance must be obtained if the cap is disturbed. Currently, the approved HDDR application does not require a Certificate of Compliance because no excavation or soil will be disturbed.
7. All conditions of the September 23, 1997 variance apply, including that Sullivan Road is a city-owned private driveway for City Park and that Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The Applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
8. A ten foot (10') public snow storage easement is required along the frontage of the property on Park Avenue and Sullivan Road.
9. All encroachments along the north property line must be resolved to the satisfaction of the Building Department or an Encroachment Agreement must be obtained.

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

PASSED AND ADOPTED this 28th day of February, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

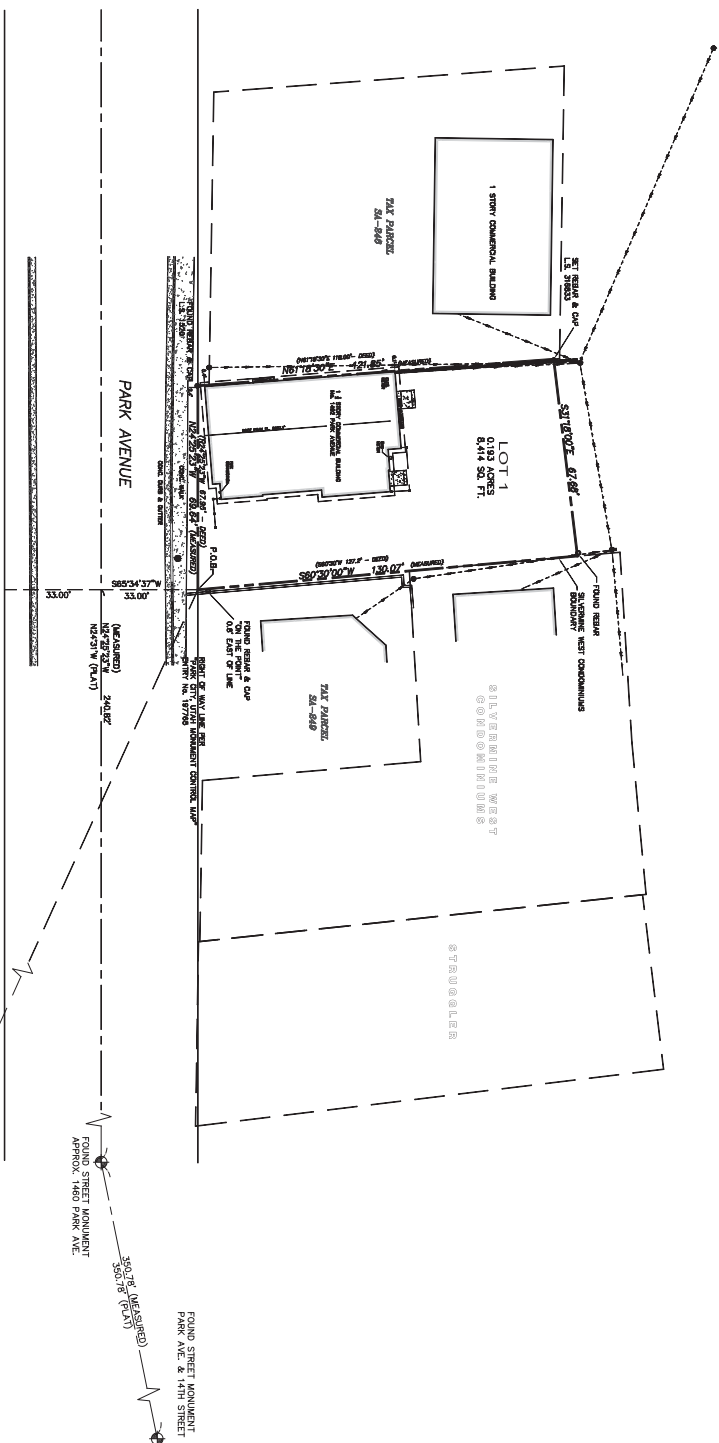
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A

THE SOUTHWEST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



Beginning 155.63 feet East and 415.65 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 24°25'23" West 69.64 feet; thence North 61°18'30" East 121.85 feet; thence South 31°18'00" East 67.68 feet; thence South 60°30'00" West 130.13 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD
Know all men by these presents: That the owners of the herein described Lot 1, heretofore owned by the City of San Francisco, do hereby consent that the same may be recorded as a subdivision, as set forth in this plat, hereafter to be known as:

"1492 PARK AVENUE SUBDIVISION PLAT"

by
Name:
Id:

On this ____ day of _____, 2012, Steven P. Urry, President of Synergy Development, Inc., personally appeared before me and, being duly sworn, did acknowledge to me that he executed the foregoing Consent to Record.

Notary Public _____
Residing at: _____
My commission expires: _____

State of Utah
County of Summit

Notary Public _____
Residing at _____ My commission expires: _____

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that a boundary survey has been made of the land shown on this plat and described hereon and that this plat is a correct representation of land surveyed and has been prepared in conformity with the minimum standards requirements of the law as of the date of survey, July, 2012.

Russell E. Campbell

Date _____

1492 PARK AVENUE
SUBDIVISION PLAT

BASELINE SURVEYING, Inc 1058 East 2100 South Salt Lake City, UT 84106 (801) 209-2152	CERTIFICATE OF ATTEST	CITY PLANNING COMMISSION	COUNCIL APPROVAL AND ACCEPTANCE	CITY ENGINEER	SWEETVILLE BASIN WATER RECLAMATION DISTRICT	APPROVAL AS TO FORM	RECORDED
	I CERTIFY THIS RECORD OF SURVEY CONTAINS THE NAME AND ADDRESS OF THE PERSONS TO WHOM THIS WAS ISSUED BY PARK CITY, 2012. PARK CITY RECORDER	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2012. PLANNING COMMISSION CHAIRMAN	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2012. MAYOR	I AND THIS FIRM TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2012. PARK CITY ENGINEER	REFERRED FOR CONFORMANCE TO SWEETVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS ____ DAY OF ____, 2012. SWEETVILLE	APPROVED AS TO FORM ON THIS ____ DAY OF ____, 2012. PARK CITY ATTORNEY	ENTRY NO. ____ BOOK ____ PAGE ____ STATE OF ____ COUNTY OF ____ RECORDED AND FILED AT THE REQUEST OF ____ COUNTY RECORDER





16 January 2013

Spencer White
Element Design
1308 South 1700 East
Salt Lake City, UT 84108

Re: PL-12-01739. 1492 Park Avenue—One-lot subdivision.

Dear Spencer White:

The existing structure located at 1492 Park Avenue is located on the north property line and is classified as non-complying per our current Land Management Code (LMC). Per the LMC, a non-complying structure is defined as a structure that legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

Per LMC 15-9-6 Non Complying Structures, no non-complying structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law. These exceptions include:

- (A) **Repair, Maintenance, Alteration, and Enlargement.** Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
- (B) **Moving.** A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the zone in which it will be located.
- (C) **Damage or Destruction of Non-Complying Structure.** If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner

that the Structure is uninhabitable and that the Non-Complying Structure of the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six (6) months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

The aforementioned stipulations will be noted as part of your file as well as part of the plat amendment to create a one-lot subdivision and legal lot of record at 1492 Park Avenue. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Th. E. Eddington Jr.', with a stylized flourish at the end.

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

Cc: Anya Grahn, Historic Preservation Planner



26 September 2012

Spencer White
Element Design
1308 South 1700 East
Salt Lake City, UT 84108

Re: 1492 Park Avenue

Dear Spencer White:

Based upon your request regarding an inquiry into the non-conforming status for 1492 Park Avenue, I have researched our files and found the following:

1. Currently, the property is located in the Historic Residential-Medium Density (HRM) zoning District. General Office and Retail and Services commercial are allowed only in Historic Structures upon receipt of a Conditional Use Permit. The building at 1492 Park Avenue is not historic.
2. There is an existing commercial use in the building. The building is currently utilized as a salon.
3. On June 17, 1997, the Board of Adjustment approved a change of use to allow for a commercial use in the structure at 1492 Park Avenue to change from a deli to a salon.
4. This site has historically been utilized as service commercial; the site may continue to be utilized for commercial/office use.
5. A commercial use is defined in the Land Management Code as: "Retail business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services."
6. Parking Requirement must be met in compliance with the LMC Section 15-3-6 (B). A site plan must be verified at time of applying for a business license.
7. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
8. All conditions of approval of the June 17, 1997 Board of Adjustment variance/change of use will continue to apply to the property.

Should you have further questions regarding this site, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Eddington".

Thomas Eddington
PCMC, Planning Director

HISTORIC DISTRICT DESIGN REVIEW
REMODEL/ADDITION
PARK CITY, UTAH 84060

CONSULTANTS

ARCHITECTURAL
JONATHAN DRIGRAY
P.O. BOX 1674
614 MAIN STREET SUITE NO.
FAIRY CITY, UTAH 84060
TEL: (435) 649-7263
FAX: (435) 649-7263
EMAIL: drgrayj@jasonnet.net

LEGEND



CODE ANALYSIS

APPLICABLE CODES 2009 IRC 2009 IPC 2009 IMC 2011 NEC 2009 IFGC 2009 IECC 2009 DPC	BACKFLOW PREVENTORS 1. FIRE SPRINKLER SYSTEM
OCCUPANCY: B CONTRACTOR TYPE: VB REQUIRED TO BE PRE-ENGINEERED CONTRACTOR TO PROVIDE APPROVAL PRIOR TO INSTALLATION.	DEFERRED SUBMITTALS 1. PREPARE FIREPLACES & GAS LOG 2. FIRE SPRINKLER SUBMITTAL 3. HEATING & COOLING EQUIPMENT 4. EVAC LOAD CALCULATIONS 5. EVAC EXIST SYSTEMS

AREA CALCULATIONS			
	EXISTING	NEW	TOTAL
BASIMENT LEVEL	2092	89	2181
MATH LEVEL	3432		3432
UPPER LEVEL		996	996
TOTAL	4544	1075	5619
LOT AREA			8414
FOOTPRINT			3432

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	As	COVER SHEET
2	1a1	BOUNDARY SURVEY
		SURVEY
		ARCHITECTURAL
3	A01	ARCHITECTURAL SITE PLAN
4	A1.01	AS-BUILT PLANS AND ELEVATIONS
5	A1.1	BASEMENT LEVEL PLAN AND MAIN LEVEL PLAN
6	A1.2	UPPER LEVEL PLAN AND ROOF LEVEL PLAN
7	A2.1	SOUTH ELEVATION AND WEST ELEVATION
8	A2.2	NORTH ELEVATION AND EAST ELEVATION
9	A3.1	BUILDING SECTIONS

ABBREVIATIONS

[illegible]

GENERAL NOTES

THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.

THESE MISERIES - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.

ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.

IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.

ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHERABILITY OR APPEARANCE QUALITY SHALL BE PROVIDED AS A REPRESENTATIVE SAMPLE FOR THE ARCHITECT/ENGINEER TO REVIEW AND APPROVE BEFORE PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MEMORANDUM OF THIS TYPE OF WORKING DAYS NOTICE SHALL BE GIVEN.

ALL WORK SHALL BE INSPECTED BY GOVERNMENT AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.

BUILDING DESIGN IS GENERALLY PRECEDENT UPON PROVISIONS OF THE 2009 IBC AND 2009 IEBC AND AMENDMENTS IF ANY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE-SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.

PARK CITY PLANNING DEPT.

APPROVED




SIGNATURE DATE

RECEIVED

NOV 05 2012

PARK CITY
PLANNING DEPT.

Jonathan DeGray
A r c h i t e c t

492 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84060

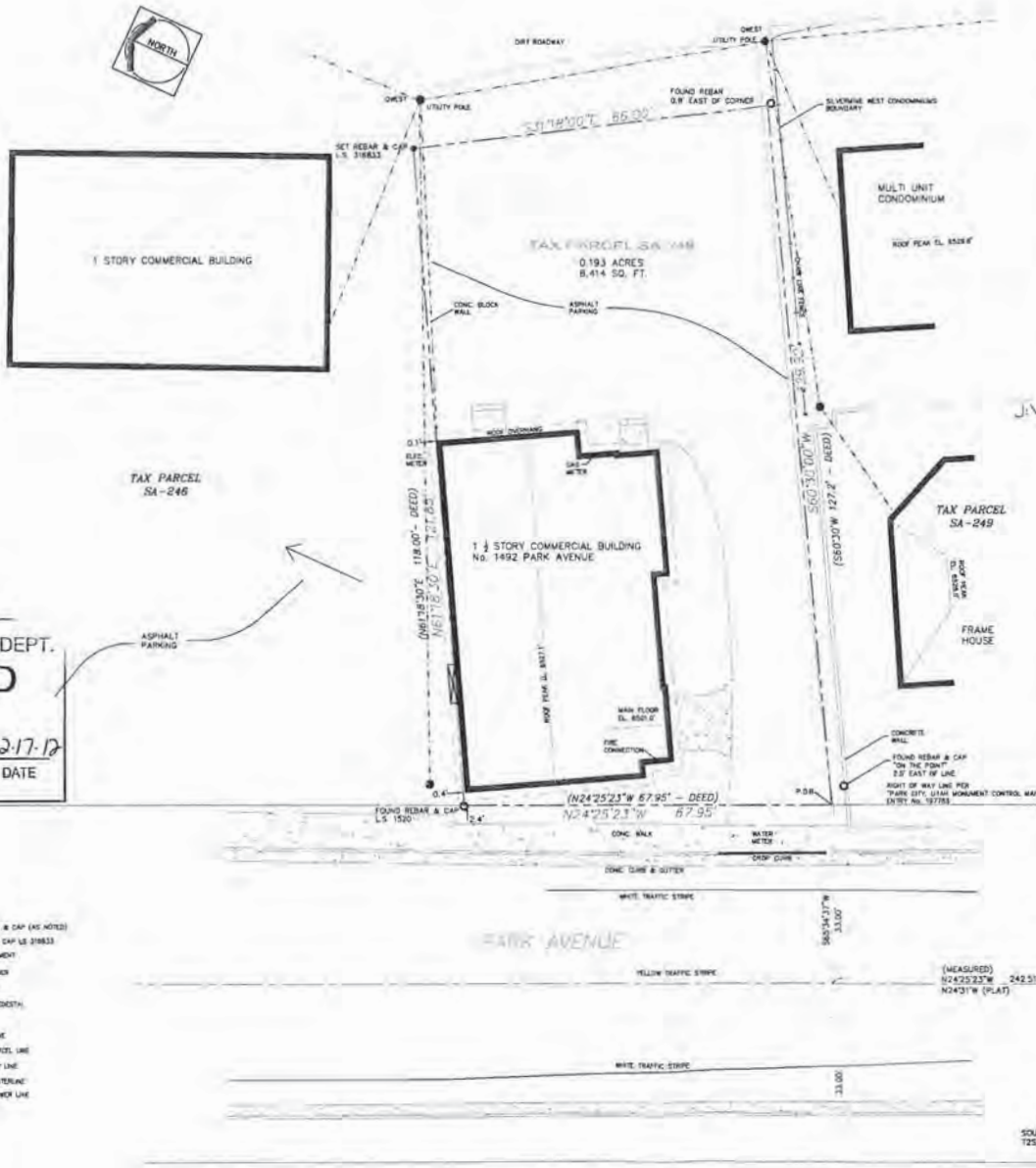
COVER SHEET

DATE
OCTOBER 11, 2012

(2)1-01

1997/1998

Aa



LEGAL DESCRIPTION

Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake River and Meridian; and running thence North 23°30' West 68 feet; thence North 81°18'30" East 118 feet; thence South 21°18' East 68 feet; thence South 60°30' West 127.2 feet to the point of beginning.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

SURVEY DESCRIPTION

Beginning at a point 1549.93 feet East and 420.19 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake River and Meridian; said point being on the northern right of way of Park Avenue and running thence North 24°25'23" West 97.95 feet along said right of way; thence North 81°18'30" East 121.65 feet; thence South 31°18'00" East 68.00 feet; thence South 60°30'00" West 129.92 feet to the point of beginning.

Containing 8,414 square feet or 0.193 acres.

Less and excepting therefrom all sub-surface rights, with all mines and minerals, lodes, veins and deposits found or to be found under or within the line or area of the above granted premises, together with their dips.

SURVEYOR'S CERTIFICATE

I, Russell C. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316633 as prescribed under the laws of the State of Utah. I further certify that the boundary survey shown hereon was derived from direct field observation and represents the existing conditions and boundary as of the date of survey, September 21, 2012.

J:\Projects\2010\Russ Campbell.jpg

Date

NARRATIVE

The survey was prepared for Steve Urry.

The purpose of the survey is to locate the boundary, improvements, and adjacent improvements, and to stake the corners.

The subject parcel deed bearings match with the Silvermine West Condominiums, which in turn match the Strupper Condominium Plat bearings. A "best fit" of found lines on the boundaries of these 2 plots was used to establish the basis of bearings. The Park Avenue centerline monument bearings were rotated to fit the deed and plot bearings used for the basis of bearings. Measured and record (in parentheses) are shown on the certificate.

The rebar and cap at the Southwest Corner of the subject parcel was held, this location did not match the deed line to the section corner so the tie was re-written in the "Survey Description".

The north-south tie lines were extended to the monumented right of way line as shown on "Park City Utah Monument Control Map, prepared for Park City Municipal Corp." and recorded as Entry No. 197765.

Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities.

Site Bench Mark is rebar and cap at the Southwest Corner of the parcel, E. 5495.8, NAVD 88 Datum.

This survey does not show building setbacks, easements, or underground utilities. Locations of which should be verified prior to any construction.

The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report. The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.

PARK CITY PLANNING DEPT.
APPROVED
Russell C. Campbell
SIGNATURE
12-17-12
DATE

- FOUND REBAR & CAP (AS NOTED)
- SET REBAR & CAP US 210833
- STREET MONUMENT
- SECTION CORNER
- UTILITY POLE
- TELEPHONE PEDSTH.
- LIGHT POLE
- BOUNDARY LINE
- ADJOINING PARTY LINE
- RIGHT OF WAY LINE
- ROADWAY CENTERLINE
- OVERHEAD POWER LINE

BASELINE SURVEYING, Inc.
9509 S. 1200 W.
Salt Lake City, UT 84106
(801) 259-2153

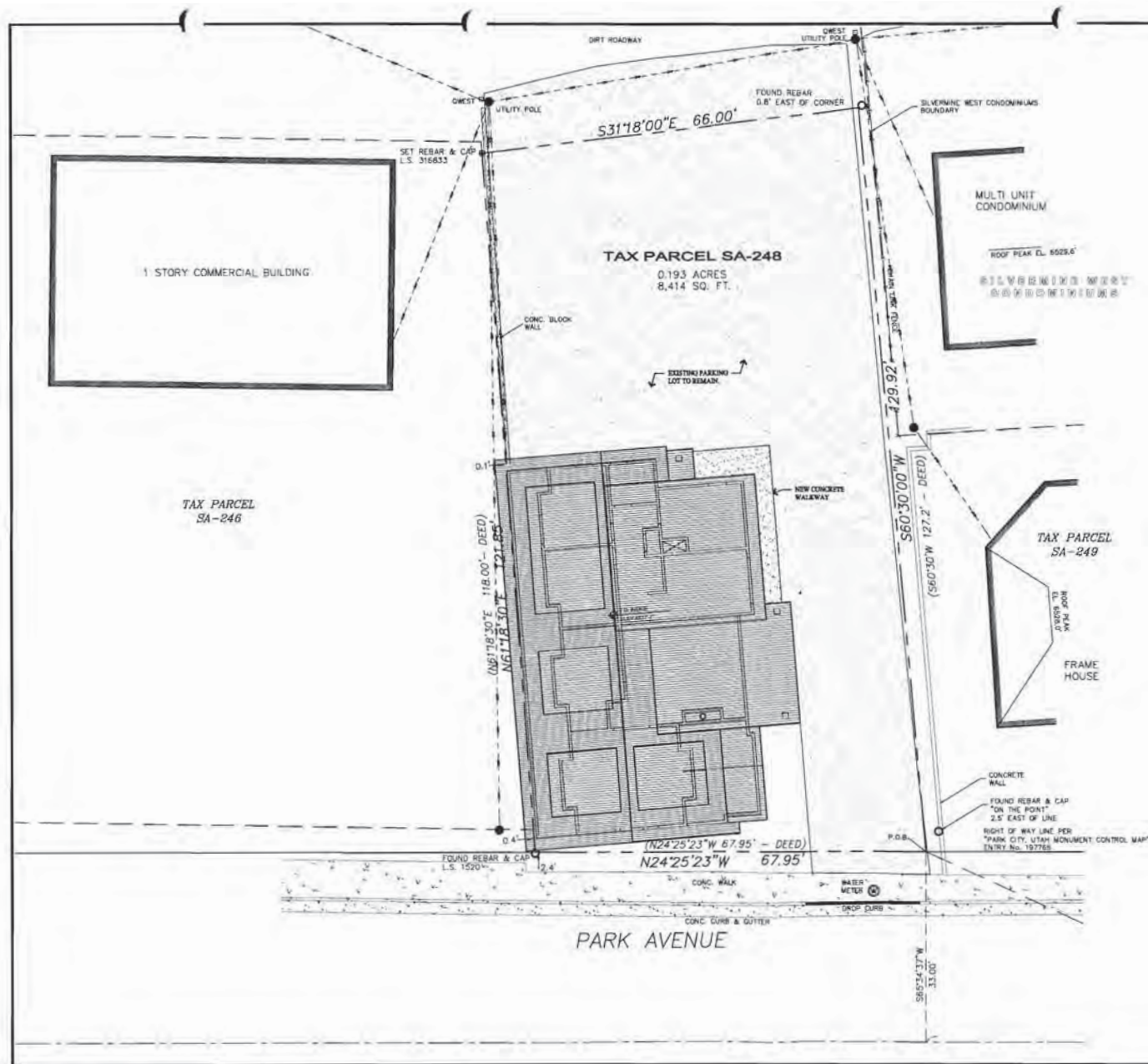
DATE	BY	REVISIONS

ASB NO.	936
SURVEY BY:	RC
DRAWN BY:	RC

BOUNDARY SURVEY
1492 PARK AVENUE
PARK CITY, UTAH
SUMMIT COUNTY, UTAH

RECEIVED
NOV 05 2012
PARK CITY PLANNING DEPT.

SHEET
1 of 1



NOTE PLAN NOTES
 1. ALL EXISTING WATER SHALL DRAIN AWAY FROM THE BUILDING AT ALL POINTS. DRAINAGE SHALL BE TO THE STREET OR AN APPLICABLE DRAINAGE COURSE NOT ON THE UNDERGROUND PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 4\"/>

STABILIZATION/CONSTRUCTION REQUIREMENTS
 FOR A MINIMUM OF 30\"/>

LEGEND
 WATER METER
 FIRE HYDRANT
 FENCE/STAKE W/ CAP
 TELEPHONE/ FIBER OPTIC
 ELECTRIC
 UTILITY POLE
 LIGHT POLE
 ROADWAY CENTERLINE
 OVERHEAD POWER LINE

UTILITY NOTES
 1. SEE UTILITY LINES TO BE UNOCCUPIED.
 2. ADJOYNS GRADE UTILITY BOX TO BE IN RECORDED LOCATION.
 3. BROW REMOVAL
 4. BROW PLANTING FROM CHYRS SHALL NOT BE PLANTED ONTO THIS ESTATE.

PARK CITY PLANNING DEPT.
APPROVED

Angie E. Shahr
 SIGNATURE
 10/17/12
 DATE

RECEIVED
 NOV 05 2012
 PARK CITY PLANNING DEPT.

ARCHITECTURAL SITE PLAN
 SCALE: 1/8" = 1'-0"

Jonathan DeGray
 Architect
 P.O. Box 1434, 444 Main Street, Suite 202, Park City, Utah 84060
 Tel: 435-648-7383, E-mail: jongray@jongrayarchitect.com

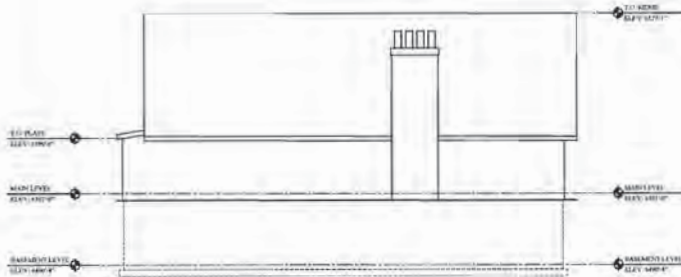
1492 PARK AVENUE OFFICE BUILDING
 HISTORIC DISTRICT DESIGN REVIEW
 REMODEL/RENOVATION
 PARK CITY, UTAH 84060

ARCHITECTURAL SITE PLAN

A0.1



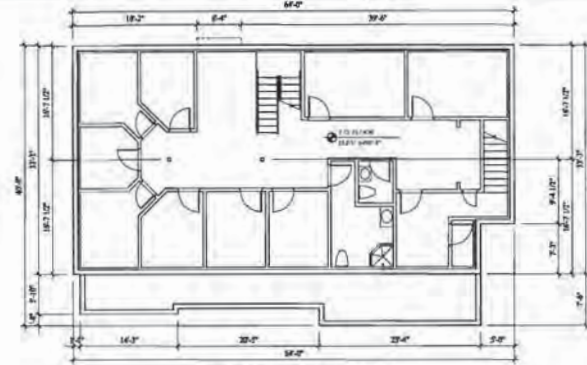
2 WEST ELEVATION
SCALE 1/8" = 1'-0"



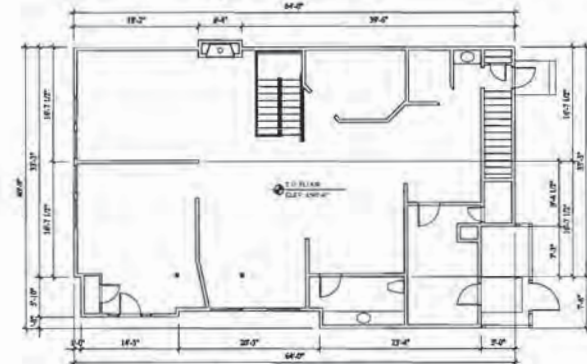
1 NORTH ELEVATION
SCALE 1/8" = 1'-0"



1 EAST ELEVATION
SCALE 1/8" = 1'-0"



BASEMENT LEVEL PLAN
SCALE 1/8" = 1'-0"
AREA 380 SQFT



MAIN LEVEL PLAN
SCALE 1/8" = 1'-0"
AREA 480 SQFT



1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

WALL LEGEND

--- EXISTING CONCRETE WALL
--- EXISTING 12" REINFORCED WALL

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

KEY NOTES

1 NOTE

PARK CITY PLANNING DEPT.
APPROVED

Anya E. O'Hahn 12-17-12
SIGNATURE

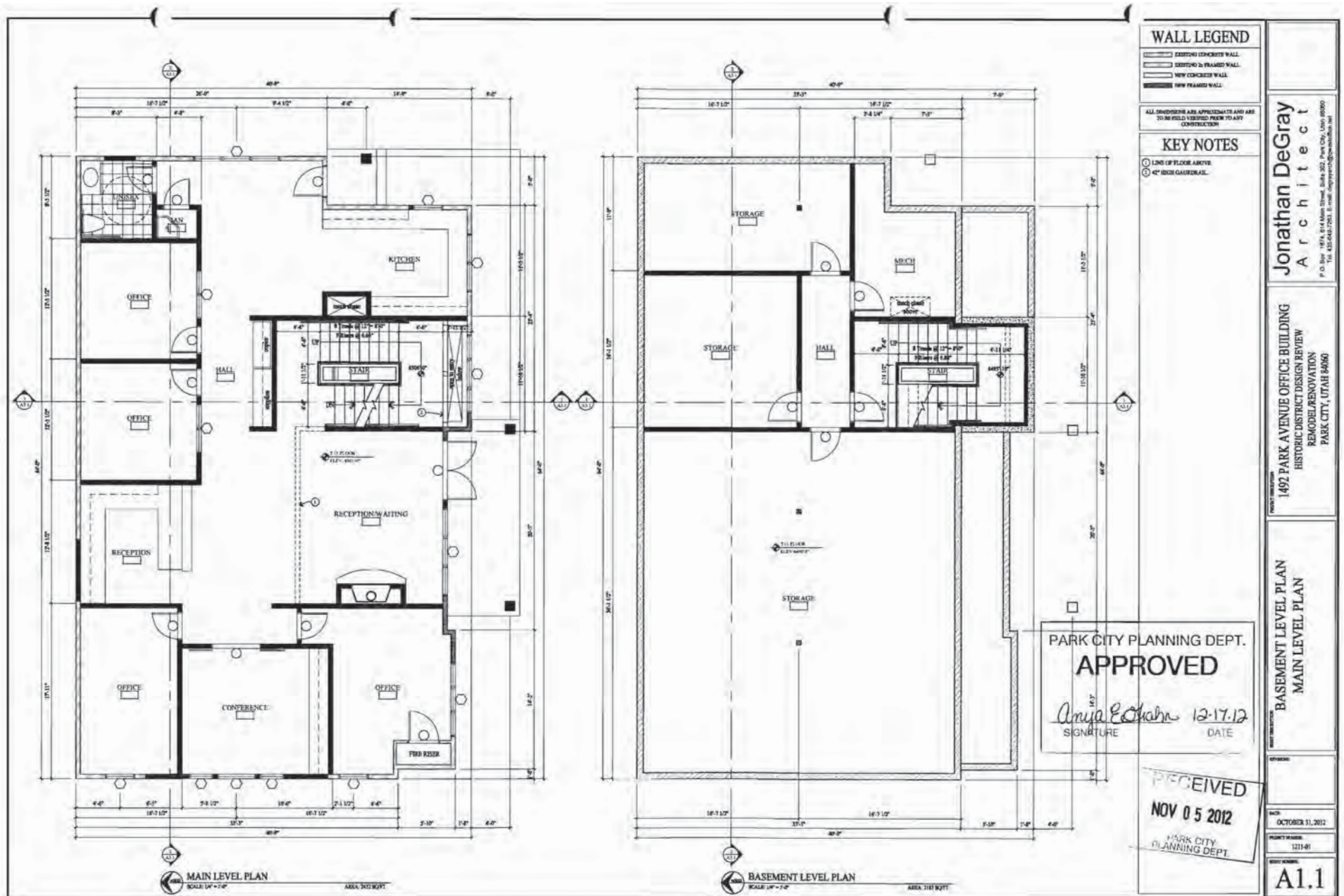
RECEIVED
NOV 05 2012
PARK CITY PLANNING DEPT.

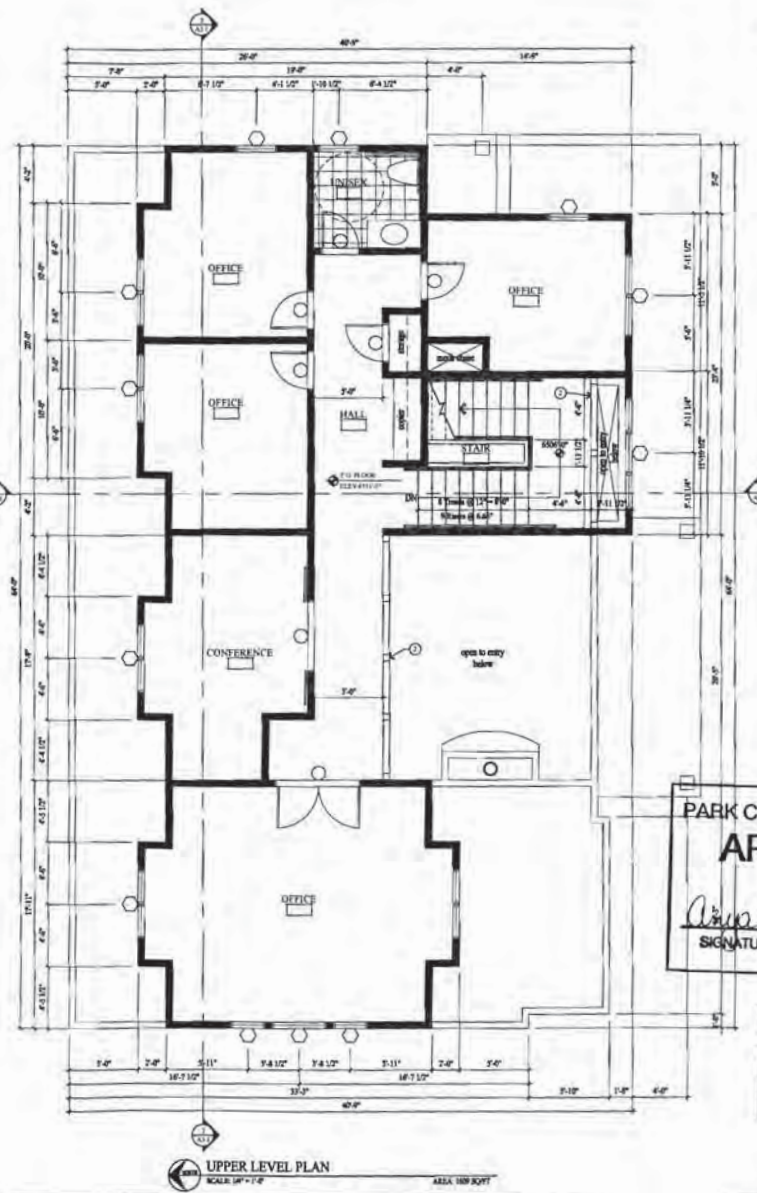
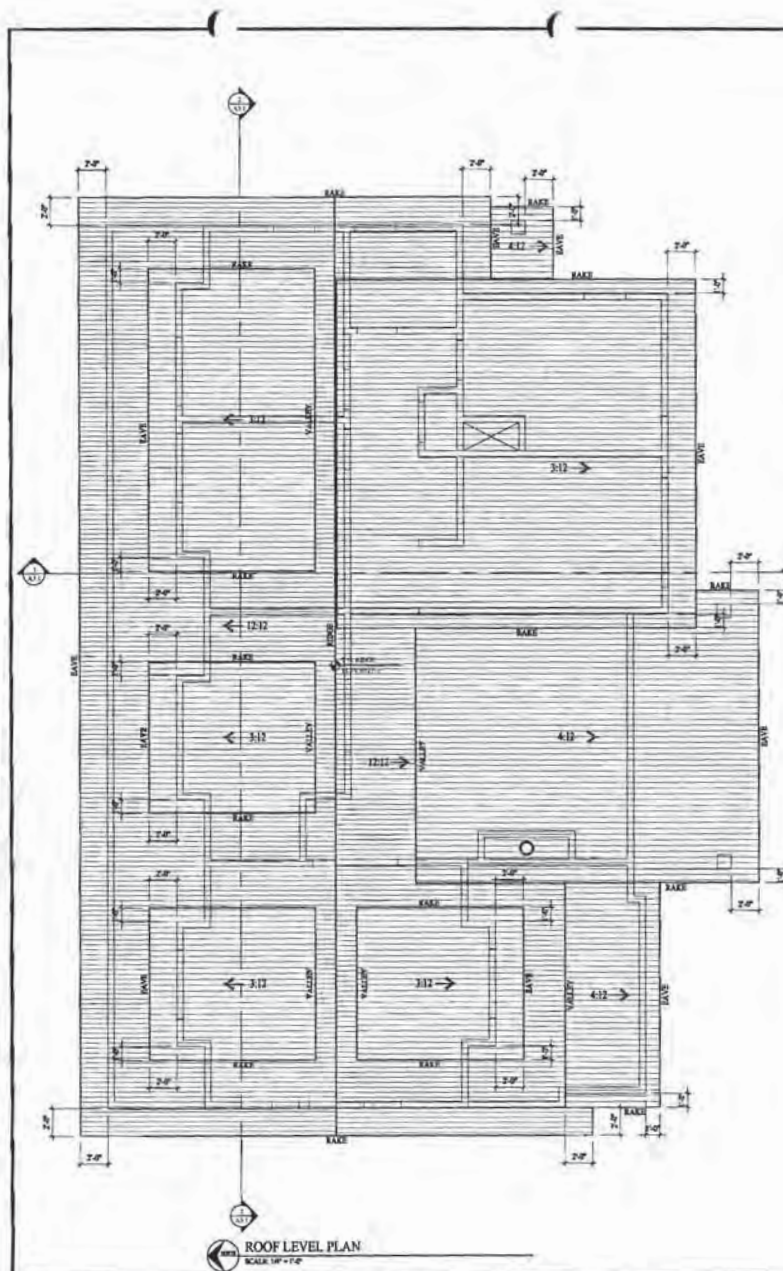
Jonathan DeGray
Architect

1492 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84090

AS-BUILTS
FLOOR PLANS AND ELEVATIONS

NOV 05 2012
PROJECT NUMBER: 121141
SHEET NUMBER: A1.01





WALL LEGEND

- EXISTING CONCRETE WALL
- EXISTING IN FRAMED WALL
- NEW CONCRETE WALL
- NEW FRAMED WALL

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

KEY NOTES

- LINE OF FLOOR FINISH
- 4" RICH GABRIEL

Jonathan DeGray
Architect
P.O. Box 1014, 414 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-648-7200, E-mail: jonathan@jonathandegray.com

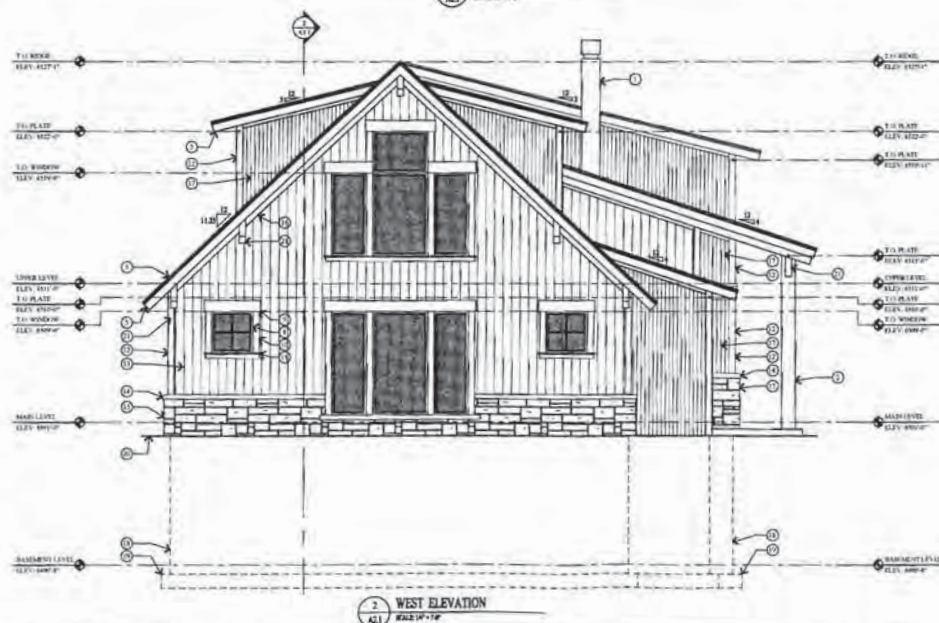
1492 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84060

UPPER LEVEL PLAN
ROOF LEVEL PLAN

PARK CITY PLANNING DEPT
APPROVED
Anna P. O'Hara
SIGNATURE DATE 12-17-12

RECEIVED
NOV 05 2012
PARK CITY PLANNING DEPT.

DATE: OCTOBER 11, 2012
PROJECT NUMBER: 1211-01
SHEET NUMBER: **A1.2**



KEY NOTES

1. GROUND FLOOR
2. 1ST FLOOR CEILING - STAINED
3. WOOD SHAKES BENEATH INSTALLATION TO COMPLY W/ SEC 101.1.23 & WATER RESISTANT OVER BATTING ROOF INSULATION
4. CONCRETE BLOCK VENT - CORNER ON EXTERIOR
5. 2ND FLOOR - STAINED
6. 1 & 2 COTTON ROOF - STAINED W/ CONTINGUOUS ROOF VENT
7. 1 1/2\"/>

Jonathan DeGray
Architect
P.O. Box 1074, 404 Main Street, Suite 202, Park City, Utah 84060
Tel. 435-643-7282, E-mail: jonathandegray@comcast.net

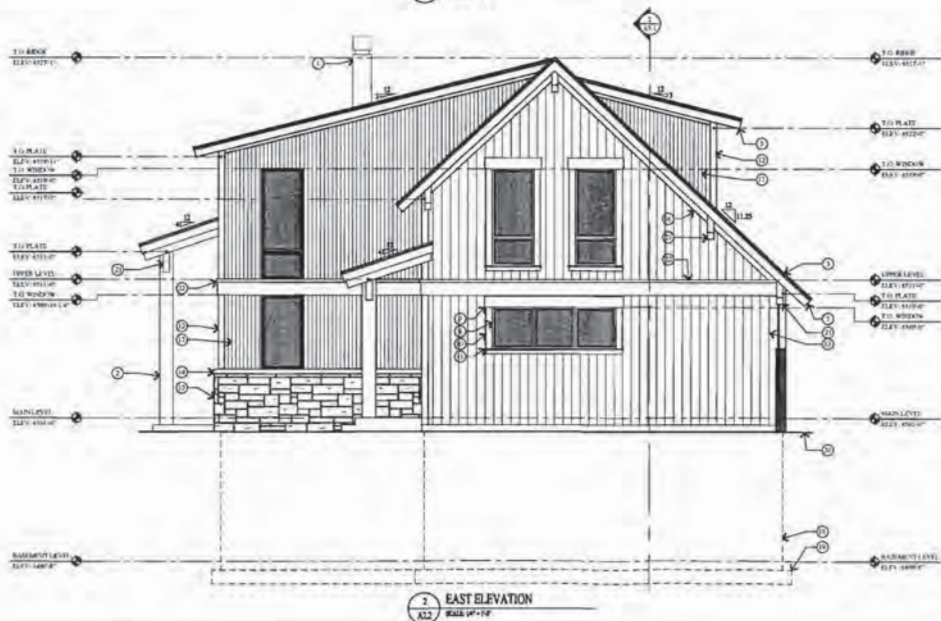
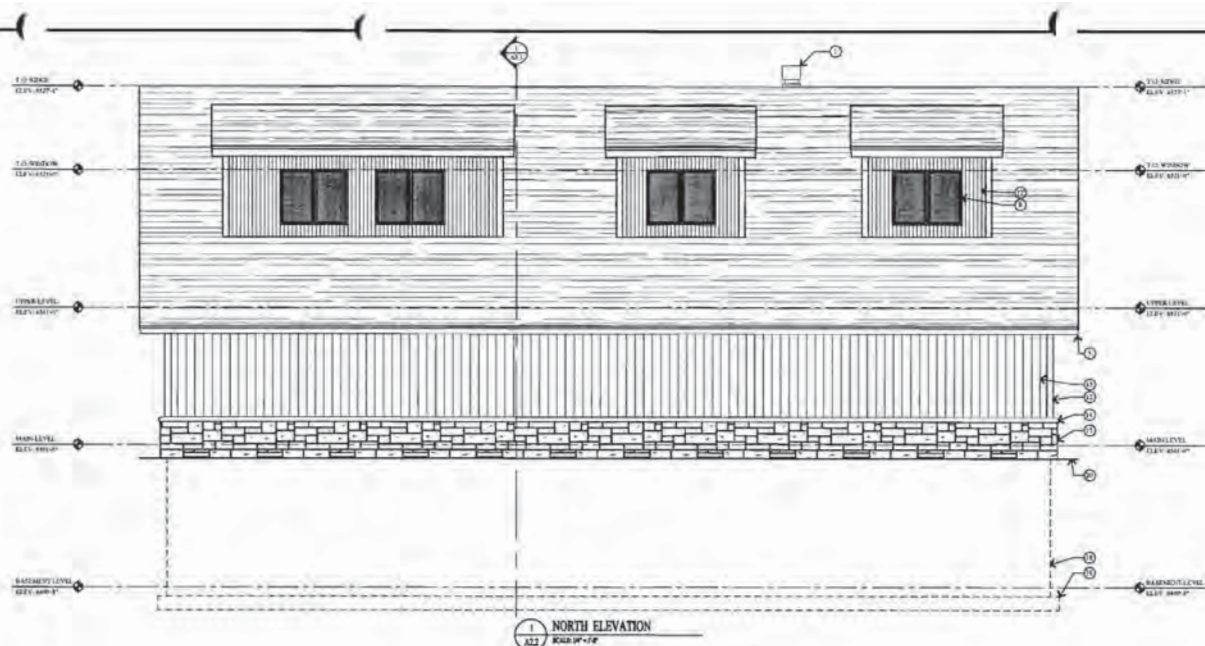
1492 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84060

SOUTH AND WEST
ELEVATIONS

PARK CITY PLANNING DEPT.
APPROVED
Anya E. Johnson 12-17-12
SIGNATURE

RECEIVED
NOV 05 2012
PARK CITY
PLANNING DEPT.

DATE: OCTOBER 31, 2012
PROJECT NUMBER: 1211-01
SHEET NUMBER: A2.1



KEY NOTES

1. CEILING FINS
2. 1/2" TYPICAL COLLAR - STAINED
3. WOOD SHAKES SHOWN IN INSTALLATION TO COMPLY WITH 1/2" X 2" X 2" WATER RESISTANT OVER INSULATION SURFACE
4. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
5. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
6. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
7. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
8. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
9. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
10. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
11. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
12. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
13. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
14. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
15. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
16. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
17. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
18. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
19. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
20. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
21. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
22. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
23. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
24. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
25. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
26. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
27. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
28. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
29. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
30. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
31. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
32. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
33. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
34. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
35. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
36. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
37. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
38. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
39. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
40. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
41. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
42. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
43. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
44. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
45. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
46. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
47. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
48. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
49. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
50. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
51. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
52. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
53. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
54. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
55. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
56. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
57. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
58. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
59. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
60. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
61. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
62. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
63. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
64. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
65. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
66. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
67. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
68. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
69. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
70. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
71. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
72. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
73. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
74. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
75. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
76. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
77. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
78. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
79. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
80. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
81. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
82. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
83. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
84. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
85. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
86. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
87. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
88. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
89. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
90. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
91. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
92. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
93. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
94. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
95. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
96. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
97. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
98. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
99. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL
100. 1/2" TYPICAL CEILING FINS - CEILING OR EQUAL

PARK CITY PLANNING DEPT.
APPROVED

Anya P. Stahler 12-17-12
SIGNATURE DATE

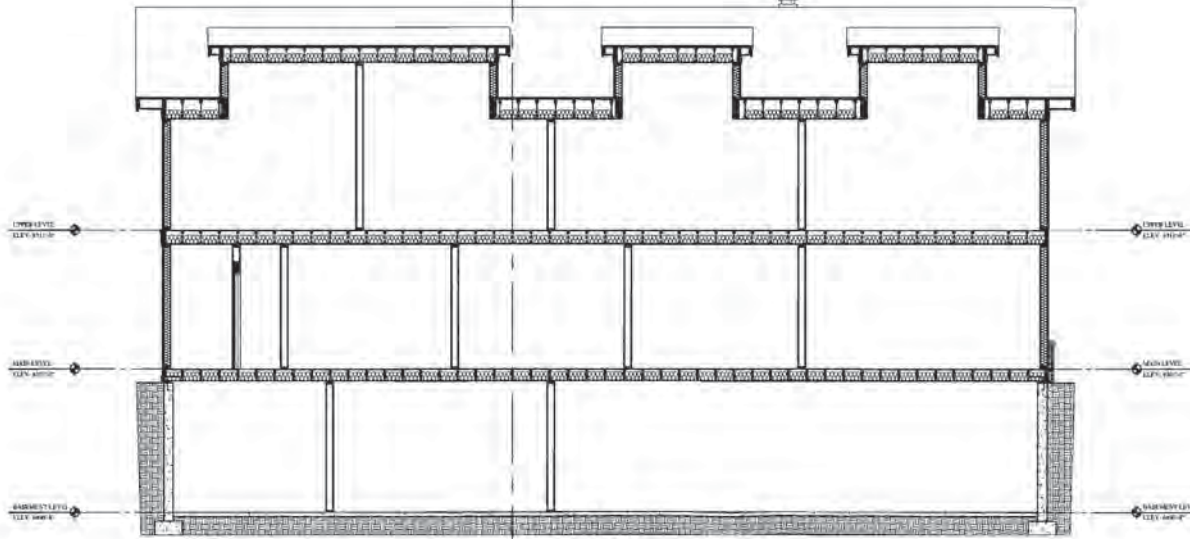
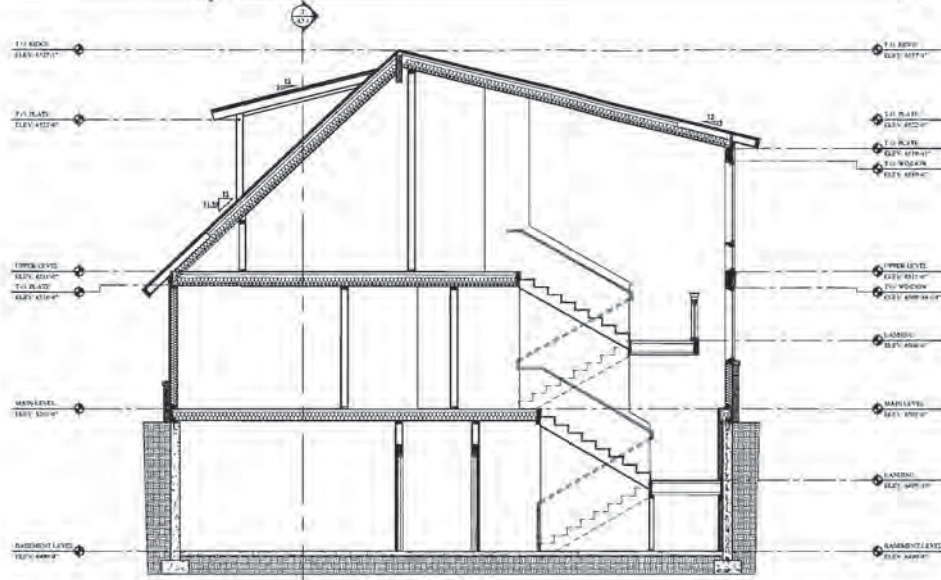
RECEIVED
NOV 05 2012
PARK CITY PLANNING DEPT.

Jonathan DeGray
Architect
P.O. Box 1078, 81400 Main Street, Suite 202, Park City, Utah 84002
Tel: 435-641-7265, E-mail: jonathan@jonathandegray.com

1492 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84000

NORTH AND EAST
ELEVATIONS

DATE: OCTOBER 31, 2012
PROJECT NUMBER: 1211-01
SHEET NUMBER: A2.2



KEY NOTES

- 1 CHIMNEY PIPE
- 2 12\"/>

Jonathan DeGray
Architect
P.O. Box 1874, 444 Main Street, Suite 101, Park City, Utah 84002
Tel: 435-644-7203 E-mail: jon@jonathandegray.com

1992 PARK AVENUE OFFICE BUILDING
HISTORIC DISTRICT DESIGN REVIEW
REMODEL/RENOVATION
PARK CITY, UTAH 84002

BUILDING SECTIONS

PARK CITY PLANNING DEPT.
APPROVED
Anya Padgett
SIGNATURE DATE 12-7-12

RECEIVED
NOV 05 2012
PARK CITY PLANNING DEPT.

DATE: OCTOBER 11, 2012
PROJECT NUMBER: 131141
SHEET NUMBER: **A3.1**

When recorded mail to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

THE BOARD OF ADJUSTMENT
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Request to allow a change of use in an existing commercial building at 1492 Park Avenue (VIE Retreat) - Francois D. Pujol

Petition #P97-VAR588) Findings of Fact
) and Conclusions of Law

Legal Description:

Beginning 1553 feet East and 420 feet North of the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 23° and 30' West 68.7 feet; thence North 61°18' and 30" East 118 feet; thence South 31°18' East 66 feet; thence South 60°30' West 127.2 feet to the point of beginning.

The Board of Adjustment of Park City, Utah met on Tuesday, June 17, 1997, for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on April 30, 1997.

After hearing all interested parties, the Board made the following findings of fact:

1. The existing structure currently exists and was built originally to house commercial uses.
2. The proposed use is a non-conforming use within the Residential-Medium Density District.
3. The proposed change in use requires that the parking be brought up to current standards.
4. The intent of the zoning ordinance would be achieved due to the allowance of a commercial use in the RM zone.
5. The salon requires 11 parking spaces under the parking requirements and provides 11 parking spaces.
6. Limiting the use of the building to a deli only would be unreasonable given the past two businesses have been unsuccessful.
7. Sullivan Road is a city-owned private driveway for City Park.

Considering all relevant facts, the Board of Adjustment concluded that a variance should be **GRANTED** under the provisions of the Land Management Code because:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

findings & order

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

The following conditions were placed on the approval of said variance request:

1. The applicant shall meet all Uniform Building Code and other city requirements as determined by the Chief Building Official during building permit review.
2. Parking lot design shall be reviewed and approved by the Community Development Department prior to the issuance of a Business License.
3. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
4. Any changes or modification to the building, including lighting, painting, signs, shall be reviewed by the Community Development Department prior to issuance of building permits.
5. All Standard Project Conditions shall apply.

Dated this 23rd day of Sept, 1997



Chairperson, Board of Adjustment



February 15, 2013

Synergy Park Avenue, LLC
P.O. Box 982500
Park City, UT 84098

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 1492 Park Avenue
Project Description: Determination of Legal Non-complying Structure Status
for the existing structure
Project Number: HDDR: PL-12-01685; Plat: PL-12-01739; Determination:
PL-13-01834
Date of Action: February 20, 2013

Action Taken by Planning Director:

The Planning Director has made a determination that the existing structure located at 1492 Park Avenue is a legal non-complying structure due to the non-complying front and side yard setbacks and the evidence on record related to this property.

According to Land Management Code Section 15-9-6(A) Non-Complying Structures - *any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance (setbacks and footprint) of all or any part of such structure.*

Increasing the structure's square footage from 4,544 to 6,694 has been achieved by refinishing basement and upper level space. Because this improvement has not expanded the existing footprint, additional interior space will not create a new non-compliance nor increase the degree of the existing non-compliance(s) with regards to the footprint and setbacks.

Moreover, per Land Management Code Section 15-9-6(C) Damage or Destruction of Non-Complying Structure – *If...a Non-Complying Structure or the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is location.*

Upon inspection of the structure, the Chief Building Official has determined that structural aspects of the existing building do not meet current building codes. The Chief Building Official has requested that the stud walls along the south elevation be preserved, and the remaining walls be reconstructed using 2x6" studs to replace the existing 2x4" stud wall construction. The Planning Director has determined that this approach shall not be defined as "razed."

The Planning Director has made this determination based on the following findings of fact and conditions of approval:

Findings of Fact

1. The structure at 1492 Park Avenue is non-historic and was constructed in the late-1970s.
2. On September 23, 1997, the Board of Adjustment granted a variance permitting the commercial use of the property.
3. On September 16, 2012, the Planning Director issued a determination letter to Spencer White stating the site could be utilized for commercial/office use consistent with the variance granted to the property.
4. The property is located in the HRM District and is subject to the Land Management Code Section 15-2.4 as well as to the Design Guidelines for Historic Districts and Historic Sites.
5. The setback requirements for the lot are 5' on the sides and 10' in the front and rear. The existing structure does not meet the setback requirements.
6. The structure's original roof encroached approximately two feet (2') into the adjacent property to the north at 1500 Park Avenue. In remodeling the structure, the Building Department has requested that the applicants obtain an Encroachment Agreement with the owners of 1500 Park Avenue, or resolve the encroachment.
7. On December 17, 2012, a Historic District Design Review (HDDR) application was approved by the Planning Staff for the exterior remodel of the structure.
8. On January 29, 2013 a demolition permit was issued by the Building Department for the removal of roofing and cladding materials only.
9. On February 13, 2013, a one-lot subdivision of this parcel was forwarded to City Council with a positive recommendation from the Planning Commission. City Council will review the subdivision on February 28, 2013.
10. Per the conditions of the one-lot subdivision, the building encroachment along the north side must be resolved to the satisfaction of the Building Department or an encroachment agreement with the neighbor to the north must be obtained. Snow shedding must also be resolved to the satisfaction of the Building Department or a seven foot (7') snow shed easement must be obtained.
11. The structure complies with the 27' building height limits.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and drainage plans, and construction within the ROW, for compliance with City standards is a condition precedent to building permit issuance.
4. No building permits shall be issued for this project until the final plans for the building remodel are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Review and the conditions as approved on December 17, 2012.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a certificate of occupancy for the structure.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



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



City Council Staff Report

Subject: Liquor License Amendments
Author: Rebecca Gillis and Shelley Hatch
Department: Finance Department
Date: February 28, 2012
Type of Item: Legislative

Summary Recommendations:

Staff recommends Council hold a public hearing and consider amending the municipal code as proposed in the attached ordinances. The attached ordinances amend Sections 4-4-1 thru 4-6-6 of the Municipal Code and adopt Chapter 4A for special event temporary alcoholic beverages licenses. The amendments and adoption clarify Park City's Special Event temporary alcoholic beverage licensing process, allow the Finance Department to simplify the liquor licensing application process, and provide clarity and ensure internal consistency within the Municipal Code.

Topic/Description:

Amending the Municipal Code for Beer and Liquor licenses and updating Park City Liquor License application to comport with those changes.

Background:

Throughout the years, Municipal Code sections 4-4-1 thru 4-6-6 were amended to ensure the Municipal Code remained consistent with changes made to State alcoholic beverage control laws. Staff feels the changes made over the years have made the Municipal Beer and Liquor Licensing ordinances difficult to read and understand. The last changes made to the Municipal Code occurred on May 20, 2010.

On December 20, 2012 the City Council held a Work Session to discuss amending the liquor licensing provisions in the Park City Municipal Code in preparation for Sundance 2014. The proposed changes were divided into two sections. The first section, Section A, proposed certain changes to clean up the Code and proposed a few substantive changes to the Temporary Special Event Permitting process that parallel the State Code. The second section, Section B, proposed broader policy changes such as requiring that the City Council review all Sundance special event liquor license applications. After review, the City Council decided to revisit Section B at a later date, but instructed staff to move forward with Section A.

The amendments herein constitute the changes in Section A brought before the City Council during the December 20, 2012 Work Session. In addition, following the Work Session, the Police requested the following additional changes:

- Stricter criminal background restrictions on applicants (see point 1(C) below) and
- The ability to reject applications where an applicant's previous conduct indicates future violations of liquor laws are likely (see point 5 below).

Analysis:

General Liquor License Code Amendments

Staff has reviewed the current Municipal Beer and Liquor Licensing ordinances and recommends that changes to the existing ordinance be made. The proposed changes to the Municipal Code fall into the following categories:

1. Delineate a new process for reviewing applications for Special Event Temporary Beer Licenses and Special Event Liquor Licenses. Under the current Municipal Code applicants for Special Event Temporary Beer Licenses and Special Event Liquor Licenses must comply with the same requirements as applicants for full beer or liquor licenses. The Department of Alcoholic Beverage Control (DABC) has very different requirements for Single Event Permits as compared to regular licenses. The existing Municipal Code treats Special Event Temporary Beer and Liquor licenses the same as regular liquor licenses which is much more intensive than even the DABC requires. Accordingly, the proposed changes (Exhibit A) would:
 - A. Replace the current Special Event Temporary Beer Licenses and Special Event Liquor Licenses with a single Special Event Temporary Alcoholic Beverage License. The privileges granted under this new license will be dependent upon the type of license an applicant secures at the state level.
 - B. Replace the current procedure that requires applicants to obtain a criminal background check for all officers, board of directors, and partners. Instead, Staff feels it more appropriate to mirror the State's policy and have applicants sign a statement under oath attesting to their criminal background.
 - C. Make the Criminal Background requirements stricter. Restrict liquor licenses for individuals who have had a felony within the past five (5) years, as opposed to the previous two (2) years. Restrict liquor licenses for individuals who have had a violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who have plead guilty to or forfeited bail on a charge of having violated any such law to five (5) years instead of the previous three (3) years. Restrict liquor licenses for anyone with a misdemeanor(s) involving alcohol or controlled substances during a period of two (2) years instead of the previous one (1) year.
 - D. Clarify that a license can be revoked immediately if the licensee is not in compliance.
 - E. Only bona fide corporations will be permitted to apply for a license. A bona fide corporation is one that has been in existence for at least one year prior to application.
 - F. Prohibit all Special Event Temporary Alcoholic Beverage License holders from holding an event unless they secure liquor liability insurance or a liquor liability insurance rider. Staff is recommending matching the State regular liquor license dram shop liability amounts of \$1/2M. In reviewing this added provision, Staff contacted two agencies in Utah and one in Colorado and

- reviewed statutory liability limitations determined that at the \$2/4M insurance coverage level, hosted service (giving away alcohol for no charge) coverage is available without additional fees. Selling alcohol requires an additional fee based on number of event attendees. The rider could cost anywhere from \$100.00 to over \$1000.00 depending on the event.
- G. Require servers under special event temporary alcoholic beverage licenses to have taken the Alcohol Training and Education Seminar (“TIP certified”).
2. Modifying the construction and the order of Municipal Code sections 4-4-1 thru 4-6-6. Staff felt the construction and order of Municipal Code sections 4-4-1 through 4-6-6 is cumbersome and fails to account for important variations between temporary and regular alcoholic beverage licenses. Proposed changes address this by establishing separate chapters for General licensing policies (Chapter 4), Special Event Temporary Alcoholic Beverage Licenses (Chapter 4A), Beer Licenses (Chapter 5), and Liquor Licenses (Chapter 6); reorganizing portions of the code; and proposing new sections.
- A. Chapter 4 General licensing policies describes general licensing policies in Park City applicable to all beer and liquor licenses.
- B. Chapter 4A Special Event Temporary Alcoholic Beverage Licenses details the changes described above and would replace current references to Special Event Temporary Beer Licenses and Special Event Liquor Licenses to a single Special Event Temporary Alcoholic Beverage License. This section also provides for situations in which individuals are required to obtain a license from Park City but not from the state.
- C. Chapter 5 Beer Licenses continues to detail Park City’s beer licenses. For organizational purposes the application process for beer licenses has been moved from Chapter 4 into this section and modified as necessary to pertain only to beer licenses.
- D. Chapter 6 Liquor Licenses continues to detail Park City’s liquor licenses. For organizational purposes the application process for liquor licenses has been moved from Chapter 4 into this section and modified as necessary to pertain only to liquor licenses.
- E. Where applicable, the phrase “this Chapter” would be replaced with “this Title” to ensure that unchanged code provisions remain applicable under the new organization.
3. Change the assigned department or designee charged with administering or having authority under the Code to reflect more accurately who actually has those responsibilities.
4. Clarify that all applications may take up to 10 working days to process.
- A. Before an application can be approved or denied it must be reviewed by Police, Planning, and Building. This interdepartmental review takes time and staff feels it would be helpful to give applicants a clear understanding of how long it may take to process an application so applicants may plan accordingly.

5. Modifying Municipal Code section 4-4-5 to grant the Police a greater ability to deny liquor licenses for applicants that have shown through previous conduct that they are unlikely to comply with the provisions of the liquor license and/or state and local liquor laws.
6. Modifying the text as necessary to correct grammatical errors and to reflect gender neutrality

In addition to the proposed changes to the Municipal Code, for informational purposes, Staff has provided a revised application for the Special Event Temporary Alcoholic Beverage License. (Exhibit B). This application reflects the proposed changes, is easier to read and understand, and more closely resembles the DABC application for Single Event Permits.

Department Review:

The Interim City Manager, Legal Department, Sustainability Department, Building Department, Police Department, Planning Department, and Finance Department reviewed this report.

Alternatives:

A. Approve:

The recommended action would enact the changes to the City's Municipal Code as shown in the attached documents. **This is staff's recommendation.**

B. Deny:

Council could deny the request to move forward with the amendments to Municipal Code 4-4-1 thru 4-6-6.

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the ordinance would require staff to return at a future Council meeting with an amended ordinance incorporating the Council's changes.

D. Continue the Item:

Council could ask for this ordinance change to be continued for further discussion. Council should provide additional policy clarity and describe what additional information the Council would like to move forward.

E. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Unique and diverse businesses + Balance between tourism and local quality of life + Varied and extensive event offerings ~ Internationally recognized & respected brand	~ Reduced municipal, business and community carbon footprints	+ Shared use of Main Street by locals and visitors + Vibrant arts and culture offerings + Shared use of Main Street by locals and visitors ~ Primarily locally owned businesses	+ Fiscally and legally sound + Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Very Positive 
Comments:				

The primary impacts of the proposed changes will be to applicants for special event alcoholic beverage licenses. The proposed changes will be more in line with the State requirements (DABC) for special event temporary license.

Consequences of not taking the recommended action:

If no action is taken at this time the current ordinance will remain hard to follow and understand. Moreover, applicants for single events will continued to be required to submit to application requirements more suited to applications for full licenses and well above what the State requires of temporary licensees.

Recommendation:

Staff recommends Council hold a public hearing and consider amending the Municipal Code as proposed in the attached ordinances. The attached ordinances amend Sections 4-4-1 thru 4-6-6 of the Municipal Code. The amendments clarify Park City's Special Event liquor licensing process, allow the Finance Department to simplify the liquor licensing application process, and provide clarity and ensure internal consistency within the Municipal Code.

Exhibits:

Exhibit A – Draft Ordinance

Exhibit B – Redline of Code

Exhibit C – Minutes from the December 20, 2012 work session

Exhibit D – Updated liquor license application based upon proposed amendments

Exhibit A

Ordinance No. 13-

AN ORDINANCE ADOPTING TITLE 4, CHAPTER 4A – SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSES DESCRIBED IN THE MUNICIPAL CODE OF PARK CITY AND AMENDING TITLE 4, CHAPTER 4, BEER AND LIQUOR LICENSING; TITLE 4, CHAPTER 5, BEER LICENSES DESCRIBED; TITLE 4, CHAPTER 6, LIQUOR LICENSE DESCRIBED OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, there is a need to clarify Park City's Special Event temporary alcoholic beverage licensing process; and

WHEREAS, the Finance Department wishes to simplify the liquor licensing application process; and

WHEREAS, the Park City's temporary special event liquor license was more cumbersome than the State Code; and

WHEREAS, in order to be more effective, the Criminal Background requirements preventing those who have committed felonies or other criminal activity are increased; and

WHEREAS, Police need greater ability to deny liquor licenses for applicants that have shown through previous conduct that they are unlikely to comply with the provisions of the liquor license and/or state and local liquor laws; and

WHEREAS, before an application can be approved or denied it must be reviewed by interdepartmentally, therefore, all applications may take up to 10 working days to process; and,

WHEREAS, dram shop insurance shall be required for all special event temporary alcoholic beverage licenses and all servers shall be TIP certified; and

WHEREAS, these amendments and adoption provide clarity and ensure internal consistency within the Municipal Code and consistency with the State Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5 Beer Licenses Described; and Title 4, Chapter 6, Liquor Licenses Described of the Municipal Code are amended to read as outlined in Exhibit A.

Section II. Adoption. Title 4, Chapter 4A, Special Event Temporary Alcoholic Beverage Licenses is adopted and reads as outlined in Exhibit A.

Section III. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 28th day of February, 2013.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

CHAPTER 4 - BEER AND LIQUOR LICENSING

4- 4- 1. POLICY.

It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the Alcoholic Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

~~4- 4- 2. LICENSE APPLICATION.~~

~~Applications for new beer or liquor licenses shall be made in writing to the City Council or its designee upon a form furnished by the Finance Manager to be filed with the Finance Manager and include the information set forth in (A) through (E) below:~~

~~Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the Licensee qualifications set out in Section 4-4-3;~~

~~A copy of the applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;~~

~~The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or City Council;~~

~~The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true; and~~

~~If the applicant is a partnership, association, corporation, or limited liability company the applicant shall include a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.~~

~~(Amended by Ord. Nos. 01-32, 10-21)~~

~~4- 4A- 2. LOCAL CONSENT.~~

The issuance of a Park City beer or liquor license may pursuant to Section 4-4-10 below shall constitute local consent for the purpose of any license issued by the state of Utah under the Alcoholic Beverage Control Act.

(Amended by Ord. No. 10-21)

4- 4- 3. LICENSEE QUALIFICATIONS.

No beer or liquor license shall be granted to any individual, retailer, partnership, corporation, limited liability company, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (A) through ~~(C)~~, below:

(A) The licensee shall be over the age of twenty-one (21) years;

(B) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to 1) a felony within ~~two~~ five (5) years of date of the application; 2) any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding five (5) years of the date of application; or, 3) or of a misdemeanor(s) involving alcohol or controlled substances during a period of ~~one~~ two (2) year prior to the application;

~~(C) — No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three (3) years of the date of application; or~~

~~(D)~~ Any person whose beer or liquor license was revoked pursuant to this Title is ineligible to reapply for a beer or liquor license until the expiration of three (3) years from the date such license is revoked.

(Amended by Ord. Nos. 01-32, 01-21)

4- 4- 4. APPLICATION FEE.

Each beer and liquor license application shall be accompanied by the regulatory license fee required by ~~Section 4-5-2 or Section 4-4-6~~ this Title. If the license is denied, fifty percent (50%) of the license fee will be retained to pay the costs of processing the application.

4- 4- 5. REFERRAL OF LICENSE APPLICATION TO CHIEF OF POLICE.

All applications filed in accordance with this ~~Chapter Title~~ shall be referred to the Chief of Police or designee for inspection and report. The ~~Chief of~~ Police shall, within ten (10) business days after receiving such application, conduct an investigation of any criminal violations or charges against the applicant, or partners, officers, or directors if the application is not an individual; the nature and kind of business to be conducted at such place by the applicant; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Chief of Police or designee shall, upon completion of such investigation, submit his/her recommendation as to whether the license should be granted. In making his/her recommendation, the Chief of Police or designee may refer base a decision upon factors

including, but not limited to: 1) ~~to~~ the character of other licensed premises owned in full or in part by the applicant; 2) outstanding judgments against the applicant; 3) previous crimes of moral turpitude; 4) previous fraudulent behavior; 5) previous activities conducted by the applicant constituting a breach of the peace or a menace to the health, safety, or general welfare of the public; 6) an applicant's history of utilizing deceptive or fraudulent business practices; or 7) other factors that, according to the Chief of Police or designee's discretion, indicate the applicant is unlikely to comply with the provisions of the license and/or state and local liquor laws.

If recommending denial of a special event temporary alcoholic beverage, beer or liquor license application, the Chief of Police or designee shall submit a detailed report of ~~his/her~~the investigation, record the recommendation on the application, and sign the application. If recommending approval of a beer or liquor license application, the Chief of Police or designee shall record such recommendation on the application, sign the application, and may, at his/her sole discretion, submit a detailed report of the investigation.

(Amended by Ord. No. 01-32)

4- 4- 6. REFERRAL OF APPLICATION TO BUILDING DEPARTMENT AND PLANNING DEPARTMENT.

The Finance Manager or designee shall refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes; determination of the maximum number of occupants the premises may safely accommodate at one time, given the location and number of emergency exits; and compliance with the Park City Land Management Code, Title 15. The Building and Planning Departments shall, within ten (10) businesses days after receiving such application, submit to the Finance Manager or designee a recommendation to approve or deny the application.

(Amended by Ord. No. 01-32)

4- 4- 7. REFERRAL OF LICENSE APPLICATION TO HEALTH DEPARTMENT.

The Building Department may refer any application filed in accordance with this ~~Chapter~~Title to the County Health Department which may inspect all premises to be licensed to assure compliance with all laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City governing the sanitary preparation, storage, distribution, or sale of beer and food.

(Amended by Ord. No. 01-32)

4- 4- 8. PERIODIC INSPECTION OF PREMISES BY CHIEF OF POLICE.

The Chief of Police or ~~his/her~~ designee shall be permitted to have access to all premises licensed or applying for license under this ~~Chapter~~Title, and may make periodic inspections of said premises and may report his/her findings to the ~~City Council~~Finance Manager or designee.

(Amended by Ord. No. 01-32)

4-4-9. GROUND FOR LICENSE DENIAL, SUSPENSION OR REVOCATION.

The City ~~Council or its designee~~ may deny suspend, or revoke a beer, ~~or~~ liquor or special event temporary alcoholic beverage license ~~if for any of the following reasons:~~

~~(A) The license application does not contain all of the information required by Section 4-4-2;~~

~~(B) The application fee is not paid;~~

~~(C) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;~~

~~(D) The applicant does not meet the licensee qualifications set out in Section 4-4-3;~~

~~(E) The applicant intentionally misrepresented or concealed information required by Section 4-4-2 in an application for the license;~~

~~(F) The proposed premises do not meet all applicable health and building codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;~~

~~(G) The applicant holds other licenses under this Title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated; or~~

~~(H) Applicant does not hold a current Park City business license.~~

(A) Incomplete Application: The license application does not contain all of the information required by this Title.

(B) Failure To Meet Qualifications: If at any time the applicant, licensee, or any other person subject to this Title fails to meet the qualifications required under this Title and the statutes of the state;

(C) Nonpayment Of Fees: The application or renewal fee is not paid;

(D) Noncompliant Premises: The premises to be licensed do not comply with the applicable zoning regulations and building codes;

(E) Disapproval of Reviewing Department: One of the reviewing departments or divisions of the City provided for in this Title has disapproved the application pursuant to any applicable provision of this code;

(F) False Information: Applicant or licensee provides or has provided false, incomplete, or

otherwise misleading information;

(G) Violation Of Applicable Laws: If at any time the applicant or licensee, agents or employees of the applicant or licensee, or the licensed premises are found to be in violation of applicable laws. This may include such things as:

- i. the applicant or licensee has violated or is violating any provisions of this Title or code, state or federal provision of this tile or provisions of this code, state or federal statutes or regulations governing applicant's activities,
- ii. the applicant holds other licenses under this Title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated,
- iii. the proposed premises do not meet all applicable health and building codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license,
- iv. the agents or employees of a licensee violate this Title or any other laws while acting as an agent or employee of the licensee, or
- v. any violation of a provision of this Title or code or any other applicable ordinance or law relating to alcoholic beverages occurs on the licensed premises, whether an infraction or a misdemeanor;

(H) Nuisance: If the licensed premises are not conducted and kept in a quiet, peaceable and orderly manner. If any nuisance is suffered to be committed or to be maintained upon the licensed premises;

(I) Illegal Activities: The licensed premises are used for the commission of any illegal act or activity for any reason;

(J) Failure To Obtain Or Maintain A Business License: If at any time the applicant or licensee does not hold a required Park City business license and a required state license; or

(K) Other: Any other reason expressly provided for in this Title.

Emergency Suspension by Police is applicable for violation of any of the provisions listed above pursuant to Section 4-4-15.

(Amended by Ord. No. 01-32)

4-4-10. ISSUANCE OF LICENSE CERTIFICATE.

All beer and liquor license certificates shall be signed by the City Manager and Finance

Manager, attested by the City Recorder under the seal of the City, and shall contain the following information:

- (A) The street address of the licensed premises and mailing address if different;
- (B) A detailed description of the portion of the building designated as the licensed premises;
- (C) The maximum occupancy of the licensed premises;
- (D) The beer or liquor license classification;
- (E) The name of the person to whom such certificate has been issued and the name of a local contact person;
- (F) The name of the business;
- (G) The term of the license, including commencement and expiration dates; and
- (H) That the license is subject to revocation by the City for violation of this Title or the Alcoholic Beverage Control Act.

(Amended by Ord. No. 01-32)

4- 4-11. CITY LICENSE PERIOD.

Unless otherwise provided under this Title, tThe license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this Title or unless the licensee's required State license is suspended, revoked or denied.

4- 4-12. CITY RENEWAL PROCEDURE.

On or before December 1 of each year, the City shall send via first class mail, notice to each beer, restaurant liquor or Club Licensee within the City that the regulatory license fee required by ~~Section 4-5-2 or 4-6-6~~this Title is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper pursuant to the criteria set forth herein at Subsections (A) through (E), the ~~City Council~~Finance Manager or ~~its~~ designee shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his/her renewal license is issued by the ~~City Council~~Finance Manager or ~~its~~ designee. In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. The Finance Manager or designee shall prepare a list or lists of all licenses to be renewed, and the ~~City Council~~Finance Manager or ~~its~~ designee may approve all renewals on that list or lists.

Licenses shall be renewed unless the ~~Council-Finance Manager~~ or ~~its~~-designee shall find ~~that~~:

(A) The licensee has attempted to transfer or assign the license to others in violation of this Title;

(B) The licensee no longer holds the qualifications required of licensee under the provisions of ~~Section 4-4-3 of~~ this Title;

(C) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls;

(D) The licensee or his/~~her~~ employees or agents have been convicted of or plead guilty to more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons; or

(E) Licensee does not hold a current valid Park City business license or has not been exempted under Chapter 2 of this Title.

In the event the ~~Council-Finance Manager~~ or ~~its~~ designee finds any of the foregoing conditions (A) through (E) to exist with respect to a license renewal application, the ~~Council-Finance Manager~~ or ~~its~~-designee may waive the violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

(Amended by Ord. Nos. 01-32, 10-21)

4- 4-13. LICENSES NON-TRANSFERABLE.

No license issued under this ~~Chapter-Title~~ is transferable from the original licensee to any other person, partnership, corporation or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership.

(Amended by Ord. No. 01-32)

4- 4-14. TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSE PREMISES.

No ~~person-applicant~~ shall be granted a special event temporary alcoholic beverage, ~~new~~-beer or liquor license, unless that ~~person-applicant~~ shall show by certificate(s) granted by the DABC or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the

Alcohol Training and Education Seminar, as required in U.C.A. Section 62A-15-401.

Every new employee of a licensee who is required to complete this seminar shall complete the seminar within thirty (30) days of commencing employment. Violation of this Section will result in revocation of the license granted unless the licensee provides to the Finance Manager or designee proof of compliance within thirty (30) days of the time that licensee is first notified that such violation occurred.

(Amended by Ord. Nos. 01-32, 10-21)

4- 4-15. EMERGENCY SUSPENSIONS BY POLICE.

Licenses under this Chapter-Title may be suspended by the Chief of Police or ~~his/her~~ designee without prior hearing provided ~~that~~ there is probable cause to believe ~~that~~ violations of this Chapter-Title or state law are occurring, and the conditions are such that the public health and safety are endangered. Such temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police or ~~his/her~~ designee that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. No emergency suspension by the Chief of Police or ~~his/her~~ designee shall extend beyond the ordinary close of business on the day on which the suspension was given.

(Amended by Ord. No. 01-32)

4- 4-16. OFFENSES OF LICENSEE.

It shall be unlawful for the holder of any license issued under this Chapter-Title or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(A) **SALE DURING REVOCATIONS.** To sell any beer or liquor during any period of a license revocation or suspension.

(B) **FAILURE TO DISPLAY LICENSE.** To fail to have the license issued under this Chapter-Title on display in the licensed premises.

(C) **EXCESS HOURS OF OPERATION.** Beer may not be sold or offered for sale by any on-premise Beer retailer after 1:00 a.m. and before 10:00 a.m.

(1) Liquor may not be sold or offered for sale at a duly licensed restaurant during the following days or hours:

(a) on any day after 12 midnight and before 12 noon.

(2) Liquor may not be sold or offered by a Club Licensee ~~during~~ the following days or hours:

(a) all days after 1:00 a.m. and before 10:00 a.m.

Holders of off-premise beer licenses may sell beer for consumption off the premises at any time of day.

(D) **MINORS ON THE PREMISES.** To permit a minor to be in or enter into a licensed premises which holds an on-premise tavern beer license. There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

- (1) Off-Premise Beer License
- (2) On-Premise Beer License, except taverns
- (3) Restaurant Liquor Licenses
- (4) Temporary Licenses of these classifications

| It shall not be a violation of this ~~Chapter-Title~~ for minors to enter a licensed club, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. It shall be unlawful for any Club Licensee to permit minors to be within the license premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted inside.

| Except as otherwise provided herein, it shall not be a violation of this ~~Chapter-Title~~ to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages. Minors may not work on or otherwise be on the premises of an On-Premise Retail Tavern.

(E) **SALE OR SERVICE TO MINORS.** To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one (21) years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one (21) years on the licensed premises.

| (F) **NUISANCE.** To keep or permit a nuisance on the premises as defined by ~~Section 4-1-1~~ of this Title.

(G) **UNTAXED LIQUOR.** To possess or sell on the licensed premises any liquor which was not purchased from a Utah State Liquor Store or a package agency of that store, except as provided by State law.

(H) **ADULTERATED ALCOHOLIC BEVERAGES.** To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.

- (I) **FAILURE TO CONTROL NOISE**. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
- (J) **OUTDOOR SPEAKERS**. To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.
- (K) **EXCESS HOURS OUTSIDE**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m. except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12 a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.
- (L) **GAMBLING**. To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.
- (M) **CONTROLLED SUBSTANCES**. To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.
- (N) **OVERLOADING**. To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official [or Fire Marshall](#) under the ~~Uniform~~-[applicable](#) Building [and Fire](#) Code [regulations](#).
- (O) **LICENSE VIOLATION**. To permit the consumption of alcohol on any premises licensed with an off-premise beer license, or to open any container for consumption on the premises by the holder of any off-premise beer license or his/[her](#) agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.
- (P) **SERVICE OF INTOXICATED PERSONS**. To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.
- (Q) **OPERATING WITHOUT REQUIRED STATE LICENSES**. To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under the Alcoholic Beverage Control Act has been denied, suspended or revoked.

(Amended by Ord. Nos. 01-32; 06-62; 07-38; 10-21)

4- 4-17. OFFENSES BY PATRONS.

It shall be unlawful for any person within a licensed premise under this ~~Chapter~~Title, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

(A) To enter or remain in any licensed premises holding an on-premise tavern license while under the age of twenty-one (21) years.

(B) To enter or remain in any premises licensed as a private club while under the age of twenty-one (21) years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.

(C) To be in or around the portion of any licensed premise holding a private club license which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food when under the age of twenty-one (21) years.

(D) To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one (21) years, or to possess or consume alcoholic beverages while under the age of twenty-one (21) years.

(E) To enter or remain in any licensed premises after being ordered to leave the premises by the licensee or the agent or employees of the licensee.

(F) To enter or remain in any licensed premises while intoxicated.

(Amended by Ord. No. 10-21)

4- 4-18. CITATIONS/ VIOLATIONS.

The commission of any act or offense listed in Section 4-4-16 or 4-4-17 above shall be a Class "B" misdemeanor, except violations of Section 4-4-16(E) and (Q) shall be Class A misdemeanors. Both the license holder ~~and~~and/or his-an employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City

4- 4-19. WHOLESALE AND RETAILER NOT TO HAVE COMMON INTERESTS.

It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially

interested either directly or indirectly in the conduct, operation, or ownership of any premises with a beer license, "club" liquor license or "seasonal" license for any of these license classes.

(Amended by Ord. No. 20-21)

4- 4-20. BUILDING REQUIREMENTS.

It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this ~~Chapter-Title~~ to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(A) During business hours, adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

(B) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main entrance.

Persons who have obtained beer or liquor licenses from the City before adoption of this ~~Chapter-Title~~ and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

4- 4-21. CLOSED STALLS AND BOOTHS PROHIBITED.

It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

4- 4-22. OCCUPANCY LOAD.

On any premises licensed after the date of this ~~Chapter-Title~~, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform International Building Code, and it shall be unlawful and a Class "B" misdemeanor for any license with an assigned occupancy load to permit more than that number of persons to be within the licensed premises. Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as off-premise beer licenses.

4- 4-23. APPLICABILITY.

The provisions of this ~~Chapter-Title~~ shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this ~~Chapter-Title~~. Amendments to this ~~Chapter-Title~~ may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the

amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structures are sold, remodeled, or re-licensed, but not on renewal of existing licenses, however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

4- 4- 24. APPEALS OF LICENSE DENIAL.

Denial or revocation may be appealed within five (5) days to the City Manager or the City Manager's designee by written notice of appeal. The notice of appeal shall be filed with the City Recorder. The City Manager or his/her designee may consider the appeal based upon the written submissions. However, for good cause shown, the City Manager or his/her designee may also hear oral evidence and argument. The City Manager or his/her designee shall consider the matter using an error of law standard of review.

CHAPTER 4A – SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSES DESCRIBED

4- 4A- 1. SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE REQUIRED.

It shall be unlawful for any person to sell beer or liquor at any event within the City without first procuring a Special Event Temporary Beer License or Special Event Liquor License as required by this Title. No alcoholic beverages may be served at any event(s) at which natural person(s) or entities (including, but not limited to corporations, partnerships, unincorporated associations or joint ventures) will be engaging in business unless a Special Event Temporary Beer License or Special Event Liquor License is secured prior to the event. A City Special Event Temporary Beer License or Special Event Liquor License is required if engaging in business, even if a State Department of Alcoholic Beverage Control (DABC) license is not required.

In addition to the City license, a State Temporary Beer Event Permit or Single Event Permit shall be required for all sales of beer or liquor at any event. No license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act and this Title.

4- 4A- 2. LICENSE APPLICATION.

Applications for a Special Event Temporary Alcoholic Beverage License shall be made on behalf of a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit, in writing, to the Finance Manager or designee and include the information set forth in (A) through (G) below:

- (A) Each application shall list the street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' local agent for service of process; and any other information required by the Finance Manager or designee;

- (B) The name, street address, mailing address, date of birth, and driver's license of the party responsible for completing the application and supervising the event at which the license will be used;
- (C) A statement detailing applicant's criminal history and certified and signed by the applicant;
- (D) The application must be subscribed by the applicant who shall state under oath that the facts contained therein are true;
- (E) A certificate of existence and a copy of the articles of incorporation, the written partnership agreement, or other applicable documentation showing entity has been in existence for at least one (1) calendar year prior to the date of application;
- (F) The name, contact information, and/or any other information needed by the City to verify each officer, partner, or director meets the requirements set forth in the statutes of Utah and this Title; and
- (G) Affirmation indicating each officer, partner, or director meets the Licensee qualifications set forth in the statutes of Utah and this Title;

Applications may take up to ten (10) business days to process. As provided by this Title, applicants may not store, sell, serve or otherwise facilitate the consumption of alcoholic beverages by others until applicant has procured a license as required by this Title and, if required, a sState issued license.

4- 4A- 3. REGULATORY SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all Special Event Temporary Beer License and Special Event Liquor License licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the Finance Manager or designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 4A- 4. SPECIAL EVENT TEMPORARY ALCOHOLIC BEVERAGE LICENSE.

A Special Event Temporary Alcoholic Beverage License shall grant a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise the privilege to store, sell, service and consume alcoholic beverages in accordance with (i) an applicant's State liquor license or (ii) in case of commercial activity where a State liquor license is not required, as outlined below.

- (A) The privileges granted by this license shall be limited by the type of temporary license or permit the applicant obtains from the State as follows:
- i. Where an applicant obtains a State Temporary Beer Event Permit, this license shall carry the privileges and responsibilities granted State Temporary Beer Event Permit holders and shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) days. No person, individual, or association shall in any one (1) calendar year operate under a Special Event Temporary Alcoholic Beverage License for more than a total of ninety (90) days; or
 - ii. Where an applicant obtains a State Single Event Permit this license shall carry the privileges and responsibilities granted State Single Event Permit holders and shall authorize for a period not to exceed one-hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, service and consumption of liquor. In any one (1) calendar year an applicant may obtain up to twelve (12) licenses provided that all such licenses in the calendar year are for seventy-two (72) hours or fewer. If any license issued to an applicant within one (1) calendar year exceeds seventy-two (72) hours, applicant may obtain no more than four (4) special event liquor licenses for that one (1) calendar year.
- (B) Special Event Temporary Alcoholic Beverage Licensees must provide the Finance Manager or designee with proof of State licensure, if required, not less than ten (10) business days prior to the master festival, special event, or other convention, civic or community event for which the City license has been issued. Unless otherwise provided for in this Title, Special Event Temporary Alcoholic Beverage Licenses shall be valid only if a licensee has received a State liquor license from the Utah Alcoholic Beverage Control Commission for the same event. All licensees must notify the Finance Manager or designee immediately if their State license is denied, revoked, or suspended for any reason.
- (C) Subject to the limitations set forth in (A)(i) and (ii), a Special Event Temporary Alcoholic Beverage License shall authorize the storage, sale, service and consumption of alcoholic beverages in conjunction with a master festival, special event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission rules and regulations, and the ordinances of Park City.
- (D) No person under the age of twenty-one (21) shall sell or serve alcohol under a Special Event Temporary Alcoholic Beverage License.
- (E) In the event an applicant is not required to obtain a State Temporary Beer Event Permit or State Single Event Permit, the privileges granted by a Special Event Temporary Alcoholic Beverage License shall be contingent upon the type of alcoholic beverages to be served at the event as established by the Special Event Temporary Alcoholic Beverage License application. Applicants serving only beer at an event shall receive the privileges and shall be subject to the limitations described in (A)(i) above. Applicants serving any liquor at an event shall receive the privileges and shall be subject to the limitations

described in (A)(ii) above.

4- 4A- 5. INSURANCE REQUIREMENTS.

Applicants shall provide upon application for a Special Event Temporary Alcoholic Beverage License proof of dram shop insurance in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate or more as may be required by the Finance Manager or designee based on factors such as the nature, size and location of an event.

CHAPTER 5 - BEER LICENSES DESCRIBED

4- 5- 1. BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this ~~Chapter~~Title. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. No Beer License shall be issued for any club or bar in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

(Amended by Ord. Nos. 07-28; 07-69; 10-21)

4- 5- 2. LICENSE APPLICATION.

Applications for new beer licenses shall be made in writing to the Finance Manager or designee and include the information set forth in (A) through (E) below:

- (A) Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the Licensee qualifications set out in this Title;
- (B) The applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;
- (C) The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or designee;
- (D) The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true; and
- (E) If the applicant is a partnership, association, corporation, or limited liability company the applicant shall include a certificate of existence, a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.

4- 5- ~~23~~. REGULATORY BEER LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all beer licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the ~~City~~ Council Finance Manager or ~~its~~ designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 5- ~~43~~. RETAIL BEER LICENSE CATEGORIES.

Retail beer licenses issued under the provisions of this ~~Chapter Title~~ shall be classified and carry the privileges and responsibilities hereinafter set forth in this ~~Chapter Title~~:

(A) **OFF-PREMISE BEER LICENSE**. An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the Alcoholic Beverage Control Act and the ordinances of Park City.

(1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than two (2) liters.

(2) A minor may not sell beer for off-premises consumption except under the supervision of a person twenty-one (21) years of age or older who is on the premises.

(3) A beer retailer shall display beer sold by the retailer in an area that is visibly separate and distinct from the area where nonalcoholic beverages are displayed except that nonalcoholic beer may be displayed with alcoholic beer.

(4) The beer retailer shall post a sign that reads, "These beverages contain alcohol. Please read the label carefully."

(5) No consumption of beer or alcoholic beverage shall be permitted on the premises of an off-premise licensee.

(B) **ON-PREMISE RETAIL BEER LICENSE**. Any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under U.C.A. Section 32A-10-201. An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises.

All State-issued on-premise beer retail licenses expire on the last day of February of each year. Accordingly, applicants must submit a renewal application to the DABC no later than January 31st of each year. City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to December 15th. All licensees must notify

the City immediately if the State license is denied or revoked for any reason. On-premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders may sell beer in open containers, in any size not exceeding two (2) liters, and on draft. Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. Beer sold in sealed containers smaller than two (2) liters by the on-premise Licensee may be removed from the premises.

There are two types of licenses to be issued under this Section:

(1) **ON-PREMISE RETAIL TAVERN LICENSE.** An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. No person under the age of twenty-one (21) years shall be employed or otherwise be on the premises licensed as an on-premise retail tavern.

(2) **ON-PREMISE RETAIL BEER LICENSE - ALL OTHERS.** An on-premise retail beer license restaurant shall entitle the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. No person under the age of twenty-one (21) years shall serve or sell beer under this license.

~~(C) **SPECIAL EVENT TEMPORARY BEER LICENSES.** A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of beer in conjunction with a master festival, special event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic Beverage Control Commission rules and regulations, and the ordinance of Park City. No person under the age of twenty-one (21) shall sell or serve beer under this license. Special event temporary beer licenses shall be valid only if the licensee has been granted a temporary special event beer permit by the Utah Alcoholic Beverage Control Commission pursuant to U.C.A. Sections 32A-10-301 to 306, as amended, for the same master festival, special event, or other convention, civic or community event. Special event temporary beer licenses must provide the City with proof of State licensure not less than ten (10) business days prior to the master festival, special event, or other convention, civic or community event for which the City license has been issued. All licensees must notify the City immediately if their State license is denied, revoked, or suspended for any reason. A temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) days. No person, individual, or association shall in any one (1) calendar year be licensed for more than a total of ninety (90) days.~~

~~A special event temporary beer license may authorize multiple sales outlets on different properties under one special event temporary beer license.~~

~~(CD)~~ **BEER CLUB LICENSE.** A Beer club Licensee shall carry the privileges of a tavern beer license provided that such license shall be issued only to bona fide clubs which are

organized, incorporated, bonded, regulated, and operated in compliance with the Alcoholic Beverage Control Act, and the Utah Alcoholic Beverage Control Commission Rules and Regulations.

(Amended by Ord. Nos. 04-19; 08-14; 10-21)

CHAPTER 6 - LIQUOR LICENSE DESCRIBED

4- 6- 1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business; which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. —All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission rules and regulations, and this ~~Chapter~~Title. No Liquor License shall be issued for any club, bar or restaurant in the HCB District or HRC District that is regulated as a Storefront Property pursuant to LMC Chapter 15-15, as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as an annual member or a temporary visitor, and the cost of that annual membership or temporary visitor card is not more than \$50.00.

(Amended by Ord. Nos. 07-28; 07-6; 10-21)

4- 6- 2. LICENSE APPLICATION.

Applications for a new liquor license shall be made in writing to the Financial Manager or designee and include the information set forth in (A) through (E) below:

- (A) Each application shall state the name, street address, mailing address, age and citizenship of the applicant; and contain an indication as to whether the applicant meets the licensee qualifications set out in this Title;
- (B) The applicant's criminal history obtained from the Utah Bureau of Criminal Identification completed within three years of application;
- (C) The Street address of the business; whether the applicant has complied with requirements specified in the Alcoholic Beverage Control Act; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the Finance Manager or designee;
- (D) The application must be subscribed by the applicant who shall state under oath that the

facts therein contained are true; and

- (E) If the applicant is a partnership, association, corporation, or limited liability company the applicant shall include a certificate of existence, a copy of the articles of incorporation or the written partnership agreement; and the information set forth in (A) and (B) for each officer, partner, or director.

(Amended by Ord. Nos. 01-32, 10-21)

4- 6- 3. REGULATORY LIQUOR LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the Finance Manager or designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the Finance Manager or designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 6- ~~42~~. RESTAURANT LIQUOR LICENSE.

A restaurant liquor license shall only be issued to persons licensed by the Utah Alcoholic Beverage Control Commission under U.C.A. Section 32A-4-101 to 106, as amended. A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food, which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Alcoholic Beverage Control Commission rules and regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one (21) years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

A restaurant liquor licensee may sell or provide a primary spirituous liquor only in a quantity not to exceed 1.5 ounces per beverage dispensed through a calibrated metered dispensing system approved by the Commission, except that:

- (A) A spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(1) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary spirituous liquor.

(B) Spirituous liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on a dessert; and in the preparation of a flaming food dish, drink, or dessert;

(C) A restaurant patron may have no more than 2.5 ounces of spirituous liquor at a time; and a restaurant patron may have no more than one spirituous liquor drink at a time before the patron.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or off the premises. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the ~~Director~~Finance Manager -or ~~his or her~~ designee at any time following the close of the semi-annual period and for one (1) year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

Each restaurant liquor licensee shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, which does not include mix for alcoholic beverages or service charges. If any audit or inspection discloses that the sales of food on the licensed premises are below seventy percent (70%) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the ~~City Council~~Finance Manager or ~~its~~ designee that in the future, the sales of food on the licensed premises will not fall below seventy percent (70%) of the gross dollar volume of business.

All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31st of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

(Amended by Ord. No. 10-21)

4- 6- ~~53~~. PRIVATE CLUB LIQUOR LICENSE.

A liquor club Licensee shall be entitled to serve, sell, and store liquor, pursuant to Utah Alcoholic Beverage Control Commission rules and regulations, and the ordinances of Park City. No person under the age of twenty-one (21) years shall serve or sell liquor. All State-issued club licenses shall expire December 31st of each year. All State-issued club liquor licenses expire on June 30 of each year. All licensees must notify the City immediately if the State-issued club liquor license is denied, suspended or revoked for any reason. Club liquor license applicants

must provide the City Finance Manager or designee with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

(Amended by Ord. Nos. 10-21)

4- 6- ~~64~~. SEASONAL LIQUOR LICENSE.

A seasonal liquor license shall carry the privileges of a restaurant liquor license for a period of less than one (1) year to be determined by the City Council Finance Manager or ~~its~~ designee. No person under the age of twenty-one (21) years shall sell or serve liquor under this license.

~~4- 6- 5. SPECIAL EVENT LIQUOR LICENSE.~~

~~A special event liquor license shall authorize for a period not to exceed one hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than four (4) special event liquor licenses in any one (1) calendar year to the same association, church, or political organization, chapter, lodge or unit thereof, if any special event liquor license issued in any one (1) calendar year to said association, church, or political organization, chapter, lodge or unit thereof exceeds seventy two (72) hours. If no special event liquor license exceeding seventy two (72) hours has been granted to said association, church, or political organization, chapter, lodge, or unit thereof in any one (1) calendar year, the City may issue up to twelve (12) single event liquor licenses provided that all such licenses in the calendar year are seventy two (72) hours or fewer.~~

~~A special event liquor license may authorize multiple sales outlets on different properties under one special event liquor license.~~

~~(Amended by Ord. Nos. 04-19; 08-14; 10-21)~~

~~4- 6- 6 REGULATORY LIQUOR LICENSE FEE.~~

~~The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the City Council or its designee for special event temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.~~

**PARK CITY COUNCIL WORK SESSION MINUTES EXCERPT
SUMMIT COUNTY, UTAH
DECEMBER 20, 2012**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Phyllis Robinson, Public Affairs Manager; Joan Card, Environmental Regulatory Manager; Jim Blankenau, Environmental Regulatory Program Manager; Jonathan Weidenhamer, Economic Development Manager; Shelly Hatch, Business Licensing Analyst; Nate Rockwood, Grants and Capital Budget Manager; Polly Samuels McLean, Assistant City Attorney; Jason Christensen, Water Conservation Coordinator; and Matt Cassel, City Engineer

Alison Butz, HPCA Director and Mike Sweeney, property owner

5. Liquor License Amendments and Amendments for Sundance Film Festival Special Event Liquor Licenses effective 2014. Mark Harrington pointed out that the staff report outlines two different types of amendments that staff is recommending regarding general liquor licensing amendments and licensing specific Sundance Film Festival temporary events starting in 2014. Section A of the report outlines a number of administrative clean-up items and a few substantive changes in terms of general licensing. The effective date is February 1 because the City is already in the middle of licensing for the bulk of Sundance this year and almost through the process for renewals for 2013 for general licensing. This schedule will provide a sufficient notice period for Sundance 2014.

He referred to Section B in the staff report. The City Council had asked staff to look at a broad spectrum of things and some are on-going. The broader policy discussions deal with the ease of temporary licensing, swapping out premises, carrying capacity, and broader impacts to the community and events. There was a request to increase the lead in time for all licenses and make everyone come in at the end of December or early January to stop the crunch that happens in the last ten days and during the Festival. Mark Harrington continued to explain that staff was also looking at the ability to regulate additional business activity both in the downtown core and residential areas.

In looking at the long term, staff came up with an interim first step recommendation in terms of addressing the temporary liquor licenses. He felt one reason is pragmatic in terms of making the City's regulations more consistent with the state process. The DABC primarily requires most licensees make the December meeting but there is an administrative exception period. The cohesiveness between the City's and the state's processes will greatly aid both the lead time problem and the ability for both agencies to better coordinate in terms of analyzing the magnitude of all of the licenses in the

community. For example, over half of the temporary liquor licenses are currently issued during or within the ten day period as opposed to the front end and this would shift over 50% to the front end. He continued to explain that because these temporary licenses cover many activities at the same premise, the convention sale and business swap out licenses will also be done a little bit earlier in order for the liquor license to go forward.

Mr. Harrington commented that it is helpful to be able to measure the impacts of special events in advance and for this reason, staff believes this is a good first step. He encouraged proactively issuing liquor licenses in a more cohesive manner with the state process, providing staff more time to analyze and coordinate applications. In response to a question from Liza Simpson, Mr. Harrington explained that staff is still working through an exception process which will likely parallel the state's practice. Licensing with the City could be at risk if there are any problems with the state. The City will look to do something and January 10 may be the hard cut-off. The DABC currently has a pretty flexible policy. There is no hardship component but an enhanced fee if a special meeting is required and an administrative process with a subcommittee.

Andy Beerman asked why Council would approve Sundance licenses, which seems to encumber the process as opposed to the City Manager. Mark Harrington explained that the power starts with the Council which is currently delegated. From a scheduling perspective, it enables the City more time by retaining it at the Council level because if it is delegated to staff, it is a little harder in terms of the state regulations on processing permits what limitations we can have at the staff level or how many days in advance we can require some of that information. By retaining the Council authority, it can be tied to Council's schedule providing a concrete objective reason why the City has to have the information in advance. Without that, there is a risk of meddling with the soft dates and the burden shifts to the Police and Business Licensing Departments.

Dick Peek understood that current liquor license holders, like restaurants and bars, wouldn't have to go through this process. Mark Harrington confirmed and clarified that this would only be applicable for temporary applications, not a regular business license. Mr. Peek felt this would create a robust market for existing license holders to lease their properties but Mr. Harrington disagreed. He would be surprised if there is a direct impact on a reduction of permits issued but it may be attractive in a last minute situation.

Shelly Hatch explained that the change is distinguishing between a regular and a single event license. At this time, there is no distinct process. Ms. Matsumoto felt that some of this is being driven by the number of temporary license applications in January. Alex Butwinski stated that he is still struggling with the time line and Mark Harrington explained that anything submitted within ten days of the event is at risk because the City needs a minimum of ten days to process. Last minute developments associated with Sundance were discussed. Andy Beerman commented that Sundance will not have the ability to make last minute changes. Mark Harrington explained that the City will have

the ability to do some things beyond the last meeting in December as the state does but that is not fully defined. There may be some flexibility up to the January 10th date.

Andy Beerman asked staff about workload and the typical turn-around. Ms. Hatch explained that some are permanent liquor licenses and about 50 are single event liquor licenses. The office gets backlogged. Staff tries to accommodate applicants but she doesn't know how much more can be handled especially when inspections are needed. Liza Simpson pointed out that at the same time, business licensing staff is handling taxis. She is very much in favor of the City setting a schedule aligned with the DABC and ramifications with being late. Shelley Hatch stated that staff is already busy and a part-time person is hired in the Finance Department to help out at the front desk during this time.

Mark Harrington stated that staff is charting how this will work with the DABC process and making sure our dates align including the exception process. The Park City Council is the only city council in the state that delegates liquor license approvals to the licensing staff. He asked that delegation be pulled back for the purposes of this ten day period. Every state license requires a local consent. Alex Butwinski commented on providing people with enough notice on procedures and Mark Harrington stated that the *Rules of the Road* have been circulated this year and an early outreach on the change on occupancy. The Mayor invited public input.

Alison Butz, HPCA, thanked Mr. Harrington for speaking at a board meeting. The most important thing is being proactive for 2014. She referred to the discussion last year and this is the first opportunity to begin addressing these issues again. The HPCA notified all of its members about the change in over-crowding. She asked that this be put back on the table with all of the business licenses because the unintended consequences are unknown. She requested that all issues be opened up again all at once so some outreach can be done with the merchants.

Mike Sweeney, property owner, stated that the staff is doing a good job of trying to move forward into the future. He is permitting 20 sites on Main Street. Sundance does not permit each individual site but permits its locations where its activities are held. Of the 22 or so, 19 are only holding licenses with the City and not pulling any DABC permits. The way the ordinance is being structured will have some repercussions on how establishments can conduct business and be competitive. The Sundance Film Festival is extremely important to Park City but it is a different world from 15 years ago. There is tough competition in the world film business and it is going to impact Park City if we're not competitive and make it so difficult for people to try to do business here in town. His biggest concern is the ability to be competitive and the County has a competitive advantage. The HPCA is correct in asking for time to sit back and educate everybody and to really understand this process. Mr. Sweeney stated that deals do not happen until the last minute but the liquor license is essentially used to be able to throw a private party which the Liquor Commission does not govern. If we are matching the state's process, we wouldn't be worried about the private party aspect of the liquor law.

Shelley Hatch asked Mr. Sweeney about the problem of not getting a liquor license for The Yard. He stated that he is not having a problem with it because he is not permitting it. He is the facilitator and manager of The Yard and is helping Sundance out. There was going to be a bar there but now there isn't. The Mayor noted that he is still trying to figure out what Mr. Sweeney is asking for or explaining. He understood that there are a number of licenses that don't go through the DABC. Mr. Sweeney clarified his point to be that putting those people on the schedule for the DABC is unnecessary. The DABC does not require a permit for a private party where the alcohol is given away and most of the activities on Main Street fall in that category. The City should update its liquor license ordinance and the Police Department should be notified but the Building and Planning Departments don't need to worry about it. There needs to be some thorough thought on this so Park City remains competitive in the market place.

Mark Harrington asked Mr. Sweeney if an additional two or three weeks would hinder the market place, particularly for someone that would likely stand to benefit from sending someone here in December to do the grunt work. Mr. Sweeney noted that the way the money flows in making all of these activities possible for corporations is based on budgets and time schedules. Mr. Harrington argued that they are always going to apply at the last minute. When Sundance was moved back, they had the same problems initially because sponsors like to do things that way. Mike Sweeney stated that the real world works a little differently than that and these corporations are not doling out the money until the last minute. If the cut-off date is the end of December, the City will lose business and make it tougher for people to compete. The Mayor understood that the drop dead date is not being changed. Shelley Hatch felt it will get applications in sooner at the front end so the City can be more proactive. Mark Harrington clarified that there will be a new application deadline with this scenario. The Mayor stated that he is not sure that it is the City's obligation to make sure that someone who did not bother to get things done months ahead of time and decides he wants to do something 24 hours before the Festival starts, be accommodated. He doesn't understand why this proposal is considered anti-business; it is being proposed a year out.

Cindy Matsumoto felt it is the nature of the beast and feared that the venues in Park City might be hurt with a deadline. Andy Beerman agreed and pointed out the large number of licenses pulled at the last minute. Sundance is a scramble and it may be difficult to retrain people. We're either going to lose a lot of business or there's going to be a ton of pressure put on the exceptions which is not really a goal. He continued to state that more importantly a year ago November, he was on the other side of the dais, talking about business licenses not liquor licenses, and it was agreed to get the business community and Sundance together and come up with a reasonable way to handle this. That has not been done and it is still incumbent upon us to do that before moving forward.

Alex Butwinski felt that having a clear time frame is beneficial and corporations have these types of events budgeted. Just because they are entertainment people doesn't mean they can't make up their minds. They are in business the same as anyone else and a dead line should work. No one wants to be at Kimball Junction during Sundance. Dick Peek suggested that licensing taxis be moved. Mr. Harrington stated that taxi renewals alone are not contributing to the backlog; the taxis, convention/sales licenses and the temporary licenses for Sundance are the three categories that are really impacting the window of time. Mr. Peek asked if those can be moved to a different cycle. Mr. Harrington responded no; those three are all essentially affected by Sundance. Instead of moving to a different time of year, the smallest segment of those three, temporary liquor licenses, is being shifted back a couple of weeks. Staff feels this is the least impactful and a way to better plan with the state. The Mayor pointed out that there is still another year to get information out to people.

Liza Simpson commented that she would like a better understanding of just how many licenses would fall under the exception provision and how many are private parties. She is sensitive about the larger venues and agreed with Mr. Butwinski's comments. The HPCA should remain involved. The Mayor questioned using the same dead line for applications not requiring DABC approval. Shelley Hatch explained that the Police Department is called to private parties and without a license, no one is accountable. Mark Harrington added that the City does not know to what degree either further additional enforcement or regulations are going to make processes more closely aligned. The DABC exemption was written for true private events and not a commercial activity. The Sundance private parties are more of a hybrid with huge numbers and impacts and to treat them the same seems fair.

Liza Simpson asked if the first Council meeting in January would work rather than the last meeting in December. Mark Harrington explained that it might not work because the DABC deadline has passed, if applicable. She asked if there is a way to regulate based on size. The City Attorney spoke about evolving attendance. Andy Beerman stated that he is okay with mirroring the DABC processes but questioned why it needs to come before Council because it seems like there is more flexibility with staff approval. Scheduling action at a Council meeting adds another week for the applicant. He asked if Part A is inclusive of the date changes. Mr. Harrington suggested that if discussion is delayed on Part B, to move forward with Part A. Cindy Matsumoto read language on bona fide businesses which must be in business for one year and asked about non-profits. Polly McLean explained that the wording mirrors state code and applies to both non-profits and for-profits.

The Mayor summarized consensus to be to move ahead with Part A and discuss Part B at a later date.

Park City Municipal
APPLICATION FOR SPECIAL EVENT TEMPORARY
ALCOHOLIC BEVERAGE LICENSE

1. Organizational Information.

Name of organization: _____

Address: _____
Street Suite # City State Zip

Business License Number: _____ Date Organization Founded: _____

Mailing address if different: _____

Type of organization: (check one)

- ☐ Incorporated association ☐ Religious Organization ☐ Corporation ☐ Partnership
☐ Non-Profit Corporation ☐ Political organization ☐ Limited Liability Company
☐ **Check if a local chapter or sub-unit of any of the above.**
☐ Utah state agency or a political subdivision of the state including a county or a municipality

Please attach a Certificate of Existence and one additional document verifying the existence of business (check all that apply)

- ☐ Certificate of Existence (*Required*) ☐ Articles of Incorporation
☐ Partnership Agreement ☐ Other: _____

Utah Sales Tax Number: _____

Names of all Owners, Officers, and Directors that have power to make decisions for the entity.
(attach additional page if necessary).

Name	Home Address	City, State, Zip	Date of Birth & Driver's License #

2. **Liquor Liability Insurance Information.**

Insurance Company Name and Address: _____

Policy Number: _____ Effective Date: _____

3. **Responsible Party.** Please list the name of the person responsible for completing, signing, and submitting this application.

Name: _____ Date of Birth: _____

Mailing Address: _____ , _____ , _____
(Street Address) (City) (State) (Zip Code)

Phone number: _____ Fax: _____

E-mail: _____

Driver's License Number: _____ Issuing State: _____

4. **Local Agent.** Please list the name and Utah mailing address of a local agent authorized to receive service of process.

Name: _____

Utah Mailing Address: _____ , _____ , UT _____
(Street Address) (City) (Zip Code)

Phone number: _____ Fax: _____

E-mail: _____

5. **Event Information.**

Name of event: _____

Location of event: _____ Unit # _____

Years at this location: _____ Date(s) and hours of event: _____

Description of event: _____

Type of alcohol being served: _____

Number of people at event: _____

Admission policy (Admission Charge; Guest List, etc.): _____

6. **Insurance.** Attach insurance certificate for dram shop insurance in the amount of \$1 million per occurrence, \$2Million aggregate.

7. **Liquor License Information.**

Please list existing or prior beer or liquor licenses held (include special events licenses): _____

Have you or anyone claiming ownership or directorship had any beer or liquor licenses revoked by a government agency within the past 3 years? ☐ YES ☐ NO

8. **Criminal History.** Please list all criminal offenses other than minor traffic offenses of which you or any officers, partners, managers, managing agents, directors, stockholders who hold at least 20% of the total issued and outstanding stock of an applicant corporation, members who own at least 20% of an applicant limited liability company and to any person employed to act in a supervisory or managerial capacity have ever been convicted (also include any pending criminal charges). If none, the undersigned applicant attests that the above persons have not been convicted of any disqualifying criminal offense (attach additional page if necessary).

Name	Criminal Offense	Date of Conviction

By signing below, the above listed Responsible Party attests that:

- That the Responsible Party is authorized to act on behalf of the applicant;
- The Responsible Party is responsible to ensure that all actions taken under a license derived from this application comply with state and local laws;
- The Responsible Party may be held liable for any actions taken under a license derived from this application, including, but not limited to, any criminal or civil penalties arising from the misuse of a liquor license or the violation of state and/or local liquor laws;
- The Responsible Party's acceptance of responsibility, including liability for any criminal or civil penalties stemming from the violation of state and/or local liquor laws, is separate from and in no way limits the duties and liabilities born by directors, officers, managers, or other agents of the above named organization to ensure compliance with state and local liquor laws;
- No one under the age of 21 is a partner or managing agent of the applicant partnership; a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant; or a manager or member who owns at least 20% of the applicant limited liability company;

- The Applicant and all officers, partners, and/or directors meet the Licensee qualifications set forth under the Utah Code Annotated and the Park City Municipal Code;
- No person in the alcoholic beverage industry (winery, brewery, distillery, importer, supplier, wholesaler, bottler, or warehouser) holds a partial interest in the ownership of the retail business or in the real or personal property owned, occupied, or used by the applicant in the conduct of the applicant's business.
- No gambling or any other violation of law or ordinance will be allowed on the premises serviced by the single event permittee;
- The applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin at the event;
- He/she has read and abides by the provisions of the relevant parts of Utah Code 32B-9 & 32B-15, all Rules of the Commission and directives of the Department of Alcoholic Beverage Control; and understands that failure to comply with these provisions, including any ongoing eligibility requirements, may result in immediate suspension and/or revocation of the license;
- The applicant gives consent that authorized representatives of the commission, department, or any law enforcement officers will have unrestricted right to enter the premises during the event;
- Responsible Party authorizes the Local Agent listed in this application to accept service of process; and,
- The Responsible Party attests under penalty of perjury that the information contained in this application is true and correct.

Dated this _____ day of _____, _____.

State of _____

County of _____

Subscribed & sworn to before me this _____

day of _____, _____.

Responsible Party's Signature

Notary Public

SEAL:

Name/title



City Council Staff Report

Subject: State Lobbyist Services Contract Amendment
Author: Diane Foster, Interim City Manager
Department: Executive
Date: February 28, 2012
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council amend the contract for state lobbying services with Legislative Executive Consulting, LLC (David Stewart) for an additional \$80,000 until December 31, 2013 to include lobby efforts regarding economic development and infrastructure opportunities, in a form approved by the City Attorney.

Background:

The City's legislative agenda is primarily defensive in regards to stability of existing sources of revenue (property, sales and utility/energy taxes) and impacts on our citizens resulting from redistributed resources or eliminated local powers. Our proactive issues range from positive environmental initiatives to a number of issues of collective interest to cities and towns around Utah. This contract amendment is to lobby actively for economic development and infrastructure funding opportunities.

The City rehired Mr. Stewart's firm December 2011 in a competitive proposal process to serve us for one year, with two automatic one year term renewals to represent the City's interest before the Utah Legislature, Governor's Office and regulatory bodies at the state or local level. Although the contract with Mr. Stewart includes economic development and infrastructure funding opportunities, staff believes that with additional lobbying support, we may be able to realize incremental benefit.

Analysis:

Mr. Stewart has been critical to our success in recent years both "playing defense", for example, helping to defeat the legislature's efforts to spot zone a movie studio at Quinns Junction, as well as "playing offense", helping to make the SR248 road widening project a priority in the 2012 session's transportation budget.

Amended Scope of Services. . This amendment will specifically expand the scope of services to include assisting the City with economic development and infrastructure funding opportunities. The term of this amendment to the scope of services will only be until December 31, 2013.

Department Review:

This report was reviewed by the Executive and Legal departments.

Alternatives:

A. Approve:

Approve the contract amendment for added lobbying services with Legislative Executive Consulting (recommended).

B. Deny:

Do not approve the contract.

C. Modify:

Propose a different solution.

D. Continue the Item:

Take up the matter at the next possible meeting.

E. Do Nothing:

Provide other direction to staff.

Significant Impact Matric

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able			+ Fiscally and legally sound + Well-maintained assets and infrastructure (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 			Positive 
Comments:				

Funding Source:

The City can utilize Fund 61, the Risk Management Fund. In FY2012 this fund was used to support projects related to hazardous soils. Because hazardous soils are now budgeted expenses within the Environmental Regulatory budget, the Risk Management Fund can sufficiently support this expense.

Consequences of not taking the recommended action:

The City may miss an opportunity for incremental funding to support economic development and infrastructure.

Recommendation:

Staff recommends Council amend the contract for state lobbying services with Legislative Executive Consulting, LLC (David Stewart) for an additional \$80,000 until December 31, 2013 to include lobby efforts regarding economic development and infrastructure opportunities, in a form approved by the City Attorney.