PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 26, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 26, 1998.

AGENDA

Work Session - City Council Chambers - Lower Level

4:15 p.m.	Council questions and comments
4:45 p.m.	Habitat for Humanity
	Review of meeting
5:15 p.m.	Millsite Reservation No. 2 plat amendment
5:45 p.m.	Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Hours of construction - noise ordinance - Rich Miller

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 22, 1998

V CONSENT AGENDA

1. Resolution honoring Parkite Nikki Stone for bringing home the Gold in Aerials in the XVIII Olympic Winter Games

2. Request for extension of expiration date for 1503 Park Avenue Subdivision

3. Acceptance of City Council disclosure statements in Official Minute Book

4. Resolution establishing City Manager's settlement authority

VI OLD BUSINESS

1. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah

2. Findings of fact, conclusions of law, and order of the City Council upholding the Planning Commission's determination of October 22, 1997 that a proposed gate at the northerly end of the Gleneagles Subdivision is not a permitted use, but requires a conditional use process

VII ADJOURNMENT

Posted: 2/23/98

PARK CITY
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PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 26, 1998

Present: Mayor Brad Olch; Council members Hugh Daniels, Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Hope Bleecker, Transportation Director; Jan Scott, City Recorder; Frank Bell, Olympic Planning Director; Meg Ryan, Planner; Jodi Hoffman, City Attorney; Pat Putt, Planning and Zoning Administrator; Eric DeHaan, City Engineer

Rich Miller, Habitat for Humanity

1. **Council questions and comments.** Hugh Daniels reported that the legislative sports advisory committee met last Friday. There are a couple of bills including a public safety command issue which is on its way to the House, changing the name of the chief Olympic "coordinator" to "officer" and reporting authority to the sports committee as well as the Governor. There was a report from Bob Garf, Chairman of the Organizing Committee, after his return from Nagano. He informed staff that the Park City flags need to be replaced on Deer Valley Drive, and the Mayor suggested replacing the Norwegian flag at that location with the Summit County flag. Mr. Ross informed Council that the Chamber/Bureau maintains the flags there, but will follow up.

Paul Sincock relayed that users of the paid parking system do not know what the parking meters are, and mistake them for ATMs. In response to this signage concerns, Hope Bleecker, Transportation Director, replied that she has sample signage in the hallway. Roger Harlan congratulated the Public Works snow removal crews on their quick and expeditious efforts this week. Chuck Klingenstein stated that the Rocky Mountain Land Institute will conduct a fall conference on growth management, the environment, and urban planning. He encouraged the Council and staff to submit any suggestions for topics to him. In response to a question about liaison appointments and board appointments, the Council requested that this be scheduled at an upcoming work session.

Frank Bell, Olympic Planning Director, reported that the City delegation and other community members who visited Nagano will hold a debriefing session on March 9 to list their impressions of the Winter Games. On Monday, March 16, at 11:45 a.m. to 1:30 p.m. the City staff will gather at lunch for a presentation and a panel discussion on the Nagano Games. That evening at the Jim Santy auditorium from 7 p.m. to 9 p.m. there will be a public presentation. A City Council debriefing will be held on Monday, April 13. Mr. Bell added that the Council will receive an Olympic update next week.

2. Habitat for Humanity. Planner Meg Ryan referred to her staff report and turned the discussion over to Rich Miller or the City Manager. Mr. Ross stated that Suzanne Harris contacted him about her interest in having the parcel developed as a park and would chair a program to fund-raise for that purpose. City Council members indicated that they received a similar request from Sally Elliott.

Richard Miller, Habitat for Humanity, explained that when he last met with Council in June about a grant proposal, Ms. Kerr encouraged him to work with Meg Ryan on other ways for Habitat to be assisted by the City. Ms. Ryan was contacted by Council member Harlan to research City-owned parcels that might be available for a building site for Habitat. It was determined that there was only one appropriate single family parcel, which is the property under discussion in Prospector Park. He reminded Council that this request is the result of the direction of Ms. Kerr and Mr. Harlan. Mr. Miller emphasized that Mr. Harlan should not abstain from voting on this issue as he is a member of the community, a member of the Habitat board, and a resident in Prospector. If he feels that this is a good use for the property and is representative of the community's feelings, then he should vote that way. He understood the City's reluctance to give away property after efforts to obtain it, but he doesn't see a better use for the parcel. A park has been suggested, but the intersection is very busy; there is a parking lot on one side and it backs up to three other residential properties. Mr. Miller emphasized that there is a very nice park at the other end of Prospector which receives very little use. He has not contacted the immediate neighbors, but felt that the home would be a good buffer for noise, car lights, and traffic at the intersection to abutting properties. He has spoken to two members of the home owners association who indicated that they will take this into consideration and felt it may be a good rallying point to bring the home owners together, but they also need to hear from members before making a recommendation. The building would meet the guidelines of the Prospector CC&RS, and it is proposed to move the current Prospector Park sign to the finger of land on Sidewinder and it would be landscaped. He understood that the City has received $160,000 dedicated and unused for low income housing and suggested that Habitat be granted $60,000 for the value of the parcel, and they could in turn buy it from the City. The City could earmark this money to buy other usable land or a portion of property. Mr. Miller felt this may relax some of the fears of giving away property, and recommended that the City designate a member on the family selection committee. He emphasized that there are many dedicated people in the County and the City who support Habitat and they have worked very hard to create a solid foundation. The ability to have a highly visible lot to develop would be beneficial to the organization. This would also be a good way to foster community spirit and to provide home ownership to a family that could not otherwise obtain a home, is a great gift.

In response to a question from Paul Sincock, Mr. Miller explained that Habitat has a property in Kames; ground-breaking will take place on March 28. Habitat purchased a lot in Coalville and has completed another home there; the lot in Kames was donated. Ms. Kerr asked if Mr. Miller has contacted private property owners for donations. He responded that they haven't contacted private property owners. Habitat is only about three years old; it been applying for grants to establish itself. Ms. Kerr believed there are land owners willing to donate property and Ms. Elliott's correspondence indicated that she would be willing to work with property owners in the area for donations or write-downs on lots. Ms. Kerr's concern with this particular lot is the location for the same reasons Mr. Miller cited that it wouldn't be good as a park. Roger Harlan explained that this lot is part of a 20 year old subdivision, and was earmarked for a possible fire station. He stated that he supports this proposal as it would be a marvelous humanitarian effort on the part of the City for piece of land that has had no plans for 20 years. Chuck Klingenstein believed that Council's record on obtainable housing has been steadfast for a number of years. He felt that the parcel is more appropriate as a house site than as a park. A community park would be in the middle of nowhere and would create an additional maintenance cost, unless the home owners in Prospector would like to purchase it. Mr. Klingenstein emphasized that the City has significant issues with regard to employee housing and it might make sense for the City to retain a lot for employee housing. Mr. Miller clarified that it is against Habitat's bylaws to be directed by anyone who grants to it. Mr. Klingenstein understood that and asked if the City shouldn't be building that house for employees, as should the School District and other local agencies. Mr. Miller relayed that another unit in the community would be freed up within the City limits, depending on what family is selected by the community. He understood the concern of giving up the land but reiterated the proposal of using the grant funds for low-income housing and allowing Habitat to purchase it. That could occur after the City identified another piece of property that could be purchased for low income housing by the City with those funds or the assistance of that funding.

The Mayor indicated that he felt the same way as Mr. Klingenstein. He pointed out that the City has awarded a grant in the past to Habitat which is working on two other projects in the County. He personally did not see the need for Council to make a decision to dispose of the lot in the near future. Council has completed several housing projects in the last couple of years; it has granted funds to Habitat and probably will continue to do so. He did not feel it is in the City's best interest to dispose of the lot, but agreed with Mr. Klingenstein that it is not appropriate as a park. Hugh Daniels explained that the Council could grant the $60,000 and Habitat could pay it back, but it is a net "no change". He understood Habitat's bylaws and supports the organization, but it is important for the City to be careful with taxpayers' money and make sure that taxpayers receive the highest benefit which often means tailoring proposals to Park City residents or employees. Unlike Mr. Klingenstein, Mr. Daniels felt there is some merit for internal open space, although he is open to housing. The City is not "under the gun" to do something immediately and Habitat has several other projects. He added that the City has significant permit fees and when Habitat builds something here, a waiver in fees in the future might be a consideration. Mr. Daniels stressed that he is having trouble giving up the lot at this time. Mr. Harlan explained that the City never purchased the lot, but rather it was donated to the City as a fire station site and there were no City out-of-pocket expenses. Mr. Daniels countered that there were some City costs relating to the Prospector development which is why the City obtained the lot.

Paul Sincock agreed that there is not a need to give up the lot at this time. The City has already provided some $3 million in obtainable housing and continues to support Mountainlands Community Housing and Habitat for Humanity. He is concerned about the equity of the proposal as it would be a $60,000 grant and it is not clear to him whether there is a need to do this now. Mr. Harlan pointed out that the City leadership, on occasion, should extend its assets for a family that would never have a home otherwise. Governments should step up to the plate and should lead by example. The Mayor felt that Council members undoubtedly agree with him, but this is a timing issue and Council is not prepared to dispose of the property at this time. Chuck Klingenstein recognized that the City has spent over $3 million, created over 226 units, and discussed the importance of employee housing. Ms. Kerr added that this corner may be integral for transportation as it may become important for a bus shelter or turn-around. She believed there are other options and there may be a charitable owner with a lot for a more suitable site for a family dwelling. Ms. Kerr stated that she will help Mr. Miller find that donor. The Mayor thanked Mr. Miller for his comments.

3. Review of regular meeting.

Resolution establishing City Manager's settlement authority. Hugh Daniels recommended that the limit be set at $20,000 as opposed to $25,000, although he believed it makes sense to increase it from $10,000. The City Manager explained that he needs more authority to settle claims than in the past and $25,000 is the amount of the crop loss damage claim. The City Attorney recommended keeping the crop loss settlement at $25,000 and all other claims at $20,000.

Findings of fact/conclusions of law - Gleneagles. Chuck Klingenstein and Shauna Kerr disclosed that they will be recusing themselves from that portion of the meeting. Jodi Hoffman explained that the draft addresses each of the issues presented to Council in a manner that is consistent with Council's ruling and there are citations for each of the findings. A brief was filed on behalf of the Gleneagles Home Owners Association which essentially challenges the substance of the decision, as opposed to the veracity of each finding of fact. She felt that objections have to do with preserving a record for appeal. Ms. Hoffman referred to her brief memo which explains that the objections have more to do with the substance of the decision and not to the veracity of the findings as they relate to the decision. She encouraged Council to make sure that the findings of fact accurately reflect what issues were before Council members and how they resolved them. Council does not need to hear argument about the substance of the decision unless the Council wants to change its mind. Ms. Hoffman added that she has reviewed the Gleneagles' brief in detail and it is her opinion that these are challenges to the decision itself. If Council does not have revisions to the draft before it, she did not feel the need to modify the findings. Ms. Hoffman suggested that a citation to the Land Management Code be added to one findings. Mr. Daniels referred to a statement in the brief that the Council did not review information presented to it and asked if there should be comment on that. Ms. Hoffman explained that the Council is free to review any part of the record it would like and free to rely on whomever it trusts in reporting the record. She didn't feel a need to comment on that statement.

Millsite Reservation No. 2 Subdivision - Paul deGroot. Mr. Putt explained that on January 22, 1998, Council tabled this item for additional time to deliberate on the application and to allow staff the opportunity to formulate options. The first alternative is to approve the proposed plat amendment as recommended by the Planning Commission. The result would be four new single family home building sites with houses ranging in size from about 2,700 square feet to about 4,800 square feet with access primarily off of Ridge Avenue. It would result in the dedication of Ridge Avenue through the project. There would be a parcel set aside for the Niemen property; some utility and snow storage areas dedicated. He suggested to the Council that given the input from adjoining property owners below on Daly that if it supports this type of alternative, that it consider amending the Planing Commission conditions of approval so the access to Lot 4 would be off of Ridge Avenue. There was concern about the height and the length of the retaining wall, the possible impacts of snow removal and the construction of the wall to the houses below. The second alternative would be to approve a revised master plan to reduce the house sizes. He explained that there were concerns from property owners and Council that the overall scale of the houses were not compatible with the existing historic houses in the neighborhood and the impacts of the construction of the houses. The Council could find that it would be reasonable given the terrain and the access to reduce the house sizes beyond what the floor area ratio allows. The third option is to approve a revised plat amendment that would reduce the number of units to reduce the potential impacts on construction and other impacts related to snow release, etc. Number four is approval of an amended application that would include fewer and smaller houses and the fifth alternative is to remand the project back to the Planning Commission to review other development scenarios and design alternatives that may result in discussion this evening. The sixth recommendation is to deny the plat amendment as proposed, resulting in the applicant with the opportunity to develop the parcels individually. Since this is in the HRL zone, it would require an administrative lot line adjustment or a plat amendment to combine lots. Staff estimates the potential for at least six to seven single family homes ranging from 2,600 to 2,700 square feet. The minimum separation between buildings would be anywhere from about six to ten feet.

Paul Sincock questioned the authority of Council to reduce the number of homes further than four. Ms. Kerr believed it would be a health and safety consideration. Chuck Klingenstein stated that he would feel more comfortable discussing this when the applicant arrives. Ms. Kerr agreed. After the legislative update described below, Paul deGroot arrived. This discussion occurred later in the work session, but is memorialized here for ease of reference.

For Mr. deGroot's benefit, Pat Putt disclosed that he outlined the seven alternatives outlined in the staff report earlier in work session. Mr. deGroot stated that he has met with each of the Council members and doesn't have more to add. The Mayor invited Council for questions or to comment. In response to a question about the footprints of structures, Mr. Putt explained that each lot has a maximum FAR, established by the HRL zone and there is also maximum building pad and building footprint dimensions. The building pad is the larger area created by the setbacks and within the larger pad, there is a smaller footprint. Ms. Kerr understood that houses can not be as large as the footprint, unless the lot was flat. Mr. deGroot agreed that the footprints look quite large but the separations between the houses will be a lot greater than shown on the plat. Ms. Kerr regarded this much like limits of disturbance areas and Pat Putt interjected that this strategy allowed for more flexibility in design. Paul Sincock repeated his question about the authority of Council to further reduce the number houses. The City Attorney explained that it would be a finding of non-compliance with standards for lot combinations which relates to traditional health and safety concerns. This is such an unusual configuration that it is within the realm of possibilities that Council would conclude that it is not safe, but the Planning Commission reached a different conclusion. Mr. Sincock understood that the density was discussed under HR-1 provisions and then changed to HRL. Mr. deGroot stated that he considered this a down-zone, but Anchor Development believes there could be a good product under this zoning. Ms. Kerr asked if Anchor believes that four lots will provide a reasonable return. Mr. deGroot stated that they can live with it; it has been a long process and they began with 11 units. As a developer, he felt it could accommodate seven houses which was negotiated down to five houses with staff, and now at four after the Planning Commission review. Anchor Development would like to have a higher density. Ms. Kerr asked if Mr. deGroot would build the houses or sell the project, and if the project would be phased. Mr. deGroot explained that one of the conditions agreed to is prior to application of a building permit, to construct required improvements involving water, fire hydrants, and widening of the road. This would occur in two stages, and two houses for each phase. In order for the lots to be marketable, they have to qualify for a building permit and half of the infrastructure needs to be completed. Depending on what lot someone would like to buy, all of it may have to be completed. It is his intention at this point to construct the utilities for Lots 1 and 2 this year as they have financing in place and the costs of the improvements are geared to the cost of the homes. It is his intention to build two houses this year, however, they will build at least one. If the house goes well, they will probably build the remainder. If it doesn't go well, Anchor Development will have to reassess the project.

Roger Harlan brought up the difficulties with snow removal and storage. Paul deGroot explained that his project may be better than other areas in Old Town as the building separations vary from 20 to 30 feet, which is the equivalent of a full lot. The actual building will in all likelihood increase the separations even more. The Mayor pointed out that a vehicle like a Suburban could not park in the garage. As a developer, Mr. deGroot felt this was a very developable area and compared it to the rest of the HR-1, Norfolk Avenue, and Sampson Avenue. There are about 80 units on upper Norfolk Avenue. He was asked to widen Ridge Avenue to 40 feet which doesn't relate to the historic aspect of Old Town, which is a special and unique place and has its own appeal for buyers. Part of that appeal is the density and the road widths, which define the Historic District. People who don't like these narrow roads are going to buy in Deer Valley or Park Meadows. In response to a question from Chuck Klingenstein, Eric DeHaan explained that in some areas, the road would be cut into the bank, but the majority of it would be retained by the foundations of the houses, which is why building two houses at a time was discussed in order to budget the cost of the road widening. Mr. DeHaan indicated that Mr. deGroot suggested that he would develop Lots 1 and 2 first which would also provide some staging area. Construction of the retaining wall was discussed. Mr. deGroot added that they would like to be able to design guest parking for these houses at the time of HDC application. With no further questions, the work session was closed.

4. **Legislative update.** Ms. Hoffman reported that the impact fee bill has not yet emerged. However, Senator Poulton has indicated that it is clear to him that the realtors and home builders need impact fees in order to facilitate development. A cap does not make sense to him and a plan to wipe out impact fees was just posturing on his part. The Home Builders Association would like a 2% cap on impact fees, but Poulton is convinced that local jurisdictions can not afford the infrastructure for the low end homes with a 2% cap. He doesn't want to sponsor a bill that would be the catalyst which would prevent the construction of moderate income housing. Poulton wanted significant penalties for non-compliance with the current act, but instead HB 424 has been introduced which allows those challenging impact fees to go to an arbitrator. She continued that Poulton had not read the bill, was intrigued with the idea, but wanted to run his own bill which would add penalties. There was an amendment to the Hickman bill, which would provide upon a showing of bad faith, double damages and hopefully, that will satisfy Poulton. This passed out of the House committee, but if HB242 is not going to buy peace, it is something Park City really doesn't need. SB180, the Unfair Public Competition Act, appears to be dying. SB159, the Government Relations to the Olympics Act, is floundering because it creates a task force that is comprehensive for police representatives, but not for other public safety officials. There is also significant problems with funding and rural Utah is not well represented; Ms. Hoffman felt this has a high likelihood of dying in the House. Other Olympic bills include sales tax on tickets, hotel, and rental accommodations, which passed out of committee unanimously. The bill to promote Ken Bullock to the Executive Committee is sailing though. SB176 which is the jurisdictional transfer of roads passed out of the Senate and likely passed out of the House. It added a few more roads on the state system and there was a commitment to transfer 100% of the UDOT revenues allocated to those roads and an acknowledgment that UDOT is under-funded with regard to capital expenditures. It would have to explore an alternative funding source to supplement the jurisdictional transfer. In the event the formula is daily trips, as opposed the lane miles, the rural communities will be adversely affected with regard to funding.

Prepared by Janet M. Scott

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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 26, 1998

I ROLL CALL

Mayor Brad Olch call the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 26, 1998. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Hope Bleecker, Transportation Director; Pat Putt, Planning and Zoning Administrator; Mark Harrington, Deputy City Attorney; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

Hours of construction - noise ordinance - Richard Miller, upper Norfolk Avenue resident, recommended that construction work be limited from 8 a.m. to 6 p.m. during the week, with no construction activity on Sundays. The current ordinance specifies 7 a.m. to 10 p.m. for weekdays and 9 a.m. to 10 p.m. on Sundays He felt this is too disruptive to neighborhoods and described the in-full development on upper Norfolk and specifically a project that is being constructed 150 feet from his bedroom. He felt mechanical work could be done if it didn't create noise. Mr. Miller recognized that construction projects will take longer, but more employees could be hired. Chuck Klingenstein referred to the objectives in the recently adopted General Plan where addressing construction noise is contemplated in amendments to the Land Management Code with regard to construction mitigation efforts. There was discussion about this ordinance being located in the Municipal Code and the possibility of repeating construction noise provisions in the LMC, as a part of the on-going rewrite. The Mayor appreciated Mr. Miller's comments, and felt this issue would be appropriate to consider in the spring.

Hearing no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Paid parking program update - Transportation Director Hope Bleecker reported that the Schlumberger meters continue to have problems with credit card acceptance. Engineers in

France are working on the problem which is likely to be hardware related; Park City is the only installation to have both redesigned components inside one box. She added that the current inventory of QuickCards is about 4,490. The Department has issued 550 Auto Parqs, and have sold 20 since the last update; there are 410 meters in stock. The current token inventory is 2,900. Ms. Bleecker stated that as of February 27, 1998, coin meter collections total $41,762; card collections $11,810, sales of token, card, and in-car meters $46,649, and citation revenues $60,964 for a total of $161,185. All payments and appeal stays are current in the Cardinal database. A total of 377 appeals have been filed since paid parking inception, of which 150 have been dismissed and 21 upheld. The Transportation Director emphasized that staff and C&S Creative Services, are redesigning the meter face plate to eliminate confusion to new users. New button stickers will be available February 28. Guest permits have been made available to the police dispatchers for issue after hours for impromptu parties in the residential permit areas. Ampco has written 9,697 tickets to date, 6,627 of which are warnings. She stated that signs to enhance the post office 15 minute and the van accessible disabled space are currently under production and should be available next week. Additional signs for the Flagpole Lot are currently being produced.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 22, 1998

Chuck Klingenstein, "I move to approve the Work Session Notes and Minutes of January 22, 1998". Shauna Kerr seconded. Motion carried unanimously.

V CONSENT AGENDA

Hugh Daniels, "I move approval of the Consent Agenda with the correction to Item 4, Resolution establishing the City Manager's settlement authority, to Section 1, *The City Manager is hereby authorized to settle crop loss claims made against the City in an amount not to exceed $25,000, and all other claims in an amount not to exceed $20,000*". Chuck Klingenstein seconded. Motion carried unanimously.

1. Resolution honoring Parkite Nikki Stone for bringing home the Gold in Aerials in the XVIII Olympic Winter Games - See attached resolution.

2. Request for extension of expiration date for 1503 Park Avenue Subdivision - See staff report.

3. Acceptance of City Council disclosure statements in Official Minute Book - The Mayor and City Council members have submitted disclosure statements for 1998 which will be both on file and entered into the Official Minute Book.

4. Resolution establishing City Manager's settlement authority - See staff report, Work Session Notes, and motion above.

VI OLD BUSINESS

1. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah - See staff report and Work Session Notes. Shauna Kerr felt there should be a good faith effort and a bond to preserve the mature trees in the area. Mr. Putt responded that staff will look at the significant vegetation on the project. Ms. Kerr added that it softens the visual impact of the development. The Mayor informed the public that the public hearing was closed on January 22, 1998, but will entertain additional input. He encouraged the public to comment on new information.

Dee Fisher, Daly Avenue resident, stated that there are only two trees, and some of the trees on the rendering aren't there. David Belz, architect, noted that they weren't inserted by montage but understood that these are the trees that were on the original photograph. Ms. Fisher felt it must have been an old photograph. She relayed that she has two historic houses downhill from the project which are about 800 square feet and has spent a lot of money on restoring them. The Planning Commission stated that there is a probability of damage to the downhill properties and she hasn't heard anything about a retaining wall between the construction and adjacent properties, or bonds being posted for damage or loss of life. This should be considered before the project begins. She questioned if this is a proper building site, if we have to worry about property below it. Additionally, the sizes of the houses are out of scale. Discussion ensued regarding the total height, and Pat Putt estimated that from highest ridge to the lowest portion of the building, height totals about 46 feet, which would be stepped. Ms. Fisher felt that a request like this on Daly Avenue would never be approved. She didn't feel the house would be hidden, but is mainly concerned about safety and there is no plan. Mr. Putt clarified that the impacts on the downhill homes was discussed at the Planning Commission; the recommendation and condition is a construction mitigation plan that would consider those potential impacts. There was also discussion at the Council level about the fencing, including the material, how it would be shored, and bonding at the time the CUP was reviewed. Paul deGroot stated that his construction company carries a $2 million liability policy and Anchor Development carries a $2 million aggregate liability policy. They would be willing to name the City and/or individual lot owners as additional insured. He has developed extensive protection measures for the downhill sites. As a builder, he has been attracted to the site because it is flat on the bench, and the machinery will have good footing; this is certainly no worse than other projects in Old Town and perhaps better.

Don Simon, resident above the property, stated that the tree issue is important to him as they are enjoyed by many people. Mr. Simon felt that the height of the houses looks smaller on the renderings and there was discussion about this. It was clarified that it is no longer contemplated that the fourth house have a side access driveway.

Stephen Elrick, King Road resident, added that the scale of the rendering was also a concern of his as is the Nieman quiet title action as it relates to a determination of the location of snow storage. He also believed that digging on the west side of Ridge Avenue would involve the area in the quiet title action, and felt that decisions on the widening of the road can't be made until there is a court decision. Mark Harrington, Deputy City Attorney, stated that he would have to check the legal description to determine if it is in the disputed area. Mr. Belz clarified that the road is only being widened on the downhill side, and would not affect Mr. Nieman's property. Mr. Elrick continued that the turn-around area should not be used as a staging area or parking for employees as it would be unsightly. He felt that the staging of materials should be on Mr. deGroot's property and the road may have to be widened for all four lots, so there is room for construction.

Debbie Elrick, King Road resident, suggested that the City purchase this property as the proposal is for houses that could possibly be 46 feet high. She didn't see an acquisition as an alternative in the staff report. Chuck Klingenstein responded, that "we can't afford to buy our way out of everything". He admitted that it hasn't been explored this but there are hundreds of undeveloped lots in Old Town. Ms. Elrick felt that this project is setting a precedent for steep lots and invites large homes that aren't typical in Old Town.

Mr. Sincock disclosed that he met with both Messrs. deGroot and Belz and explored the possibility of underground parking along the bench. He reviewed the architectural sections in detail and satisfied himself that it is not possible. The next alternative is one large lot with an underground garage with four to six structure on top of the parking structure. This was discussed by the Planning Commission, but there was concern about the massive structure not being in the best interest of Old Town. There could be six smaller houses or four larger houses. The Planning Commission and staff are recommending four houses, and he personally doesn't have a preference, although four houses produce more open space between the structures. He believes that Mr. Belz's designs are compatible with smaller structures, and it is unfortunate there are "grain elevator" features in the form of garages, but that is provided for in the Code. The Code requires parking, setbacks and garages and there is no creative way to get the cars off of Ridge Avenue short of building a garage which is an onerous option. Mr. Sincock pointed out that there were historic houses downhill from Ridge Avenue and concluded that the site is buildable. After meeting with the developer, he is convinced that the excavation is relative to other lots in town, but agreed that construction mitigation needs to consider downhill lots. He stated that he is in favor of approving the four lots as developing six lots may appear more massive than the four lots.

Ms. Kerr stated that she spent time on Ridge Avenue and met with David Belz who clarified aspects of the project. At the last Council meeting on this, she felt that six lots were a better option than the four lots because she didn't believe developing six lots is possible. She still feels he won't get four houses as the costs on this site are going to be very high and the desirability of these lots is not necessarily what the price will dictate. In her opinion, "steep lots are cheap lots" and that is how they were acquired. On the other hand, the Planning Commission has reviewed the project and Council has deferred it the authority to make planning decisions. She didn't want to substitute her decision for the six lots in lieu of the four lots. However, Ms. Kerr felt there are specific findings that the Council would need to make in the event of approval. There needs to be a finding that one of the reasons the Council is approving this subdivision on this land is because there is an existing street there. It is not a platted street, but a street that is used, which distinguishes it from many other steep, "unbuildable" lots in Old Town. Further this is an in-fill type situation; there are houses above and below it and evidence of some historic use for housing in the past, and this should be a finding. It is her opinion that the house sizes are still too large for this site. She suggested that there be smaller houses with garages or larger houses with no garages and parking pads. This still provides the developer reasonable use of the property; the Code doesn't require garages, but rather off-street parking. The garages are driving the towers and she doesn't believe every site should have a garage if it is going to lead to an incompatible design. Mr. Kerr has concerns about health and safety issues, and there should be some finding about this and the requirement for extraordinary construction mitigation on the site. There should be a very detailed construction mitigation plan, certificates of insurance naming additional insureds of all surrounding property, before any construction begins. She is not sure if the flat area will be adequate to stop something from rolling. Ms. Kerr felt that phasing needs to be required in order to evaluate the construction and results of building the first two homes. She suggested limiting the house size to about 2,700 square feet, plus a 400 square foot garage, or the houses could be larger, without garages but parking pads.

Roger Harlan appreciated Ms. Kerr's comments, but suggested that as opposed to Council deciding on the size of the structure, that staff conduct a survey of the adjacent houses to determine an average size. He felt that the larger the home, the greater the potential material harm because of excavation and added that damage is almost inevitable. Construction mitigation needs to be addressed as early as possible, and he is leaning toward alternative two of approving the revised plat with reduced sizes.

Chuck Klingenstein stated that the Council had extensive discussions at its last meeting about downhill properties. He believes these are the most difficult lots he has seen attempted. These parcels did have homes at one time, but were probably 800 to 1,200 square feet, significantly smaller structures. He recognized that they are platted lots, and something will be built there. The owners have private property rights and the Council has to deal with that issue. Unfortunately, he felt that the mass and scale of these proposed homes is too much for this area of town, and he is not convinced that they will contextually fit. Square footages ranging from 3,120 square feet to 4,785 square feet which would fit well in the Aerie or Park Meadows, but not in Old Town. He is concerned about safety issues both below and above of this property. Reduction in the sizes of the homes results in less excavation as he is worried about slope stability. Mr. Klingenstein felt homes should be about 2,700 to 2,800 square feet with the garage included. The General Plan addresses building height, mass, compatibility, design guidelines, and on-site parking issues in Old Town, and he believes the size needs to be reduced based on that criteria.

Hugh Daniels concurred with Ms. Kerr's findings. This is an extraordinary site, but the value of land escalating in the community is driving construction of buildings on lots that were never intended to be built upon. He described the simple life of miners years ago where 800 square feet was probably sufficient, but the needs of society now dictates what is being built. He feels that at some point, the Council will have to draw the line and declare that it is unsafe or not in the public's best interests to build on certain lots. Mr. Daniels emphasized that tonight might not be the night to do that, but it is in the Council's near future and is probably something that might end up in court. He concurred that the houses seem large to him, but is also concerned that if they are reduced, the result may be a tall vertical structure and he wants to afford the project the opportunity for articulation. He discussed the difficulty in balancing property rights and could support four houses with reasonable square footage. Mr. Daniels pointed out that the Planning Commission was concerned about garages lined up on Ridge Avenue, but this is not the place to take that stand by adding a large retaining wall. On-site guest parking needs attention and extraordinary measures need to be taken to protect health and safety.

Paul Sincock suggested using concrete pillars, like those used on highways, along the bench area. Mr. Klingenstein stated that the Chief Building Official has indicated that during the construction mitigation process, he will assess the site and make the findings for the appropriate retention system. Mr. Klingenstein is not worried as much about rolling debris, as run-away machinery. Ms. Kerr pointed out the possibility of vandalism. Relying on his building experience, Paul Sincock did not share that concern as he felt this is a very buildable site because of the bench area and a concrete barrier could be installed. He would like smaller homes, but there are FAR regulations in place which provide entitlement. Jodi Hoffman explained that this is an extraordinary site and this is a resubdivision, which is a discretionary approval of Council. Mr. Sincock stated that he would like to see smaller houses, whether six or four houses, but was sympathetic to amortizing construction costs. Chuck Klingenstein pointed out the variety of house size in the area, and Paul Sincock found Ms. Kerr's comments interesting about parking pads as opposed to garages. Ms. Kerr reiterated that her proposal is for smaller houses at 2,700 square feet plus 400 square feet for a garage, or a larger house with more design discretion with no garage. Hugh Daniels stated that he has a problem with choosing a number, as he is not an architectural expert. Mr. Sincock added that square footage is not a good indicator of the mass and size of the building as square footage could be hidden in the hillside. It was clarified that this would not be the case with this site. Mr. Sincock again indicated that square footage may not be a good way to determine mass.

Ms. Kerr asked if there could be an approval, with direction to the HDC. Mr. Putt strongly felt that it would be unfair to everyone to have the HDC as the final arbitrator of the house size. Mr. Putt explained that for the plat amendment for 57 King Road, the FAR was not limited, but the above ground mass was, but it would be impossible to bury any of the mass for this project into the hill. Chuck Klingenstein again indicated his concerns with the affect of large excavations and slope stabilization. Jodi Hoffman relayed that staff has noted 15 additional findings tonight that are currently undrafted, and requested the opportunity to present those correctly in writing. She suggested Council providing a total square footage for the four lots, and allowing the developer to decide how they are allocated which may add variety to the subdivision. The Mayor stated that the project is out of scale and agrees with comments made by Council. Council needs to give firm direction and rather than making a decision tonight to approve this, the Mayor suggested there be a motion to continue so staff can return with the proper information. Mr. Klingenstein believed there should be a date certain. The Mayor added that this is a precedent decision for Old Town; he added that the Sensitive Lands Ordinance would not allow building in this situation, but unfortunately it does not apply to this site. He supports smaller house sizes, and less mass, and supported Ms. Kerr's carport idea with no additional height on the street.

David Belz agreed with many of the observations and concerns of the City Council, but if the City Council is considering reducing the size of the houses, the developer can not make it work economically. He stated that Mr. deGroot would then not execute this lot combination application, but would chose to sell off two lots at a time to individual legal entities. This could be done administratively and would result in six or seven units. Ms. Kerr asked who would pay for the infrastructure before the lots are sold; Mr. deGroot responded that it would be the first lot. Mr. Belz pointed out that the deficiency with the survey concept is that residences can be remodeled and expanded. It is unlikely that 800 square foot homes will stay that size. With regard to the assumption that smaller houses would result in less excavation, because of the bench, there is really not that much excavation and the excavation would be the same because of the retaining wall.

Paul deGroot stated that he has always maintained that square footage is a horrible way to measure mass. Mass refers to volume and not something that is flat. He stated that Mr. Belz has spoken correctly on his behalf. He disagreed with some of Council's comments as he believes there is a huge amount of space underneath the potential garages. Shauna Kerr asked Mr. deGroot how he would suggest assessing mass if square footage is not used. Mr. deGroot felt one of the easiest ways would be to make the lots smaller, resulting in more density and explained the one story and two story "expressions" typical in Old Town. Paul Sincock suggested cubic volumetrics above ground. Pat Putt interjected that if the buildings are smaller and there are still garages, there is going to be a vertical element. The Planning Commission forwarded a recommendation for four lots, because it would provide greater setbacks between the structures and would allow enough space to get more architectural articulation in the buildings. Paul deGroot stated that he didn't think he could sell these houses without garages.

Paul Sincock, "<u>I move that we continue this until March 19, 1998</u>". Hugh Daniels seconded. Toby Ross understood that staff would provide revised findings and conditions and suggested alternatives in dealing with the issue of massing. Ms. Kerr requested that Council be provided with the findings earlier than the week of the meeting of March 19, if possible. <u>Motion carried unanimously</u>.

2. <u>Findings of fact, conclusions of law, and order of the City Council upholding the Planning Commission's determination of October 22, 1997 that a proposed gate at the northerly end of the Gleneagles Subdivision is not a permitted use, but requires a conditional use process</u> - At this

point in the meeting, Council members Kerr and Klingenstein left the meeting. Both disclosed earlier in work session that they will recuse themselves from discussion and voting on this matter. The City Attorney explained she attempted to draft the findings and conclusion consistent with the issues that were raised on appeal and the logical inferences from those issues as they relate to the Council's conclusions. Council received a reply memorandum in opposition to the findings with two attached exhibits submitted by the Gleneagles Home Owners Association. She has reviewed those and it is her perception that it relates more in opposition to the decision of the Council as opposed to the findings, and an intention to preserve a record for appeal. Ms. Hoffman stated that there are a couple of corrections in the recitation of facts in the memorandum. First of all, the findings were faxed to the appellants on the date produced which was December 8. They were also mailed. There was a comment that there was no testimony from the Park Ridge Association which is false as Tom Billings provided the Planning Commission with the current status of the Park Ridge Association. Finally, one of the suggestions in the memorandum was a request for a citation to a provision in the 1980 LMC, which is Section 2.9.1. which should be added to the findings. She emphasized that now is not the time to debate the merits of Council's decision -- now is the time to debate whether or not the drafted findings accurately reflect the issues Council perceive were presented to it, the resolution of those issues, and a memorialization of what Council has done.

The Mayor asked if Council has any questions of legal counsel and Council members indicated that they are satisfied with the draft. Jim Roberts, appellant of Gleneagles Subdivision, requested that he receive a copy of the tape of this evening's proceedings. He wants to preserve Mr. Klingenstein's comments about private property rights. In response to a question from Mr. Roberts, Ms. Hoffman stated that she faxed the findings to Jack Shin on December 8. Mr. Roberts indicated that he believes Mr. Billings did not testify but will argue that at another time. There was clarification about inserting the LMC citation. Mr. Roberts asked if this week's memorandum from the City Attorney was shared with them. Ms. Hoffman thought it was faxed the day it was published; Mr. Roberts didn't believe it was and requested a copy. Mr. Roberts stated that they object to these findings and the ruling and reserve all of their rights.

Paul Sincock, "I move approval of Item 2 under Old Business, Findings of Facts and Conclusions of Law and the Order of the City Council upholding the Planning Commission's determination of October 22, 1997 that a proposed gate at the northerly end of the Gleneagles Subdivision is not a permitted use but requires a conditional use process with the following amendment to Paragraph 4(f), insert after the word "Land Management Code", "Section 2.9.1". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention
Chuck Klingenstein	Abstention
Paul Sincock	Aye

VII ADJOURNMENT

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

* * * * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: February 23, 1998
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: Habitat for Humanity
TYPE OF ITEM: Discussion

SUMMARY RECOMMENDATIONS: Discuss request and possible alternatives.

DESCRIPTION:

Potential development of a single family home on a city-owned Prospector Square lot.

Topic:

Applicant: Rich Miller for Habitat for Humanity
Location: 2336 Sidewinder Drive
Zoning: SF - Single Family
Adjacent Land Uses: Residential
Date of Application: December 1997

A. Background

Habitat for Humanity is interested in obtaining a lot, either donated or below market, on which to build a single family home. The home would be built by volunteers and a low to moderate income family would be located in the home.

In June of 1997, Habitat for Humanity (Habitat) requested a $5,000 grant from the City. The Grant Subcommittee consisting of Council member Daniels, Council member Harlan, and a City staff representative (Tom Bakaly) recommended denial of the grant. The subcommittee did suggest that the City explore the possibility of working with

Habitat for Humanity to construct/acquire a house in Park City. If these efforts prove to not be feasible, the subcommittee suggested that Habitat for Humanity return with another grant request during next year's budget process.

The City Council elected to award the $5,000 grant to Habitat in June of 1997, and the check has been written and cashed. In addition to receiving the $5,000 grant, Habitat is also taking the City up on its property/house research offer that was originally made in the context of denying the $5,000 grant request. Habitat for Humanity approached the staff earlier this fall to see what single-family lots the City owned. The one single-family lot the city owns is located in Prospector Square at 2336 Sidewinder Drive.

The Council previously considered this proposal and informally determined not to make the property available (sale or gift). Rich Miller requested an opportunity to review the concept with the Council.

B. Analysis

The lot in Prospector is approximately 65' x 119' and is located in the SF (Single Family) zone. The setbacks are 20' front, 10' rear and side. A 45' x 89' footprint is left.
The lot has currently has a monument sign located on it that says "Prospector Square". The monument sign was erected by the Homeowners Association with the permission of the City. Landscaping improvements have also been made to the property by the Homeowners Association.

If the Council chose to make the property available to Habitat for Humanity, it could lease the land, sell it below market, or donate it outright. Provisions for preference and resale parameters could be negotiated. Habitat for Humanity has indicated that they would agree to use the local preference criteria established in Park City. Should Habitat for Humanity ever sell the home they would be willing to offer first right of refusal to Park City Municipal.

Issues for discussion:

The homeowners' association may not be receptive to a) losing their entry sign and b) what may be perceived as "low income housing". Possible solutions include a provision that the sign be relocated to the edge of the site. The recipients are families that people may know and are not "outside people".

Why should the Council entertain this? The Council has relayed to staff that they would be willing to entertain housing options per Resolution 8-95. There are no housing projects in the pipeline or on the table for the community at large at this time. Besides the recently acquired Wortley parcel there are no large tracts of land within the City limits.

What other uses could the City make of the property? The property zoning allows only single-family dwellings by right and a few other uses including public or institutional uses with CUP. The City has not had the property appraised, but $50-$60,000 may be an indication of value.

Why Habitat for Humanity rather than any other charitable organization?

What is the status of the City's housing expenditures? Currently, the City has over $300,000 in the Capital Improvements Housing Fund (Fund 31-49058) and over $60,000 in the Housing Authority Fund (Fund 36 -49048).

Expected expenditures are :
1. Acquisition of an employee unit at 1465 Park Ave. ($175,000),
2. the employee mortgage assistance program ($20,000);
3. contract work with Mountainlands ($20,000); and
4. management costs for employee units, professional contracts, memberships and small program grants ($10,000).

If all these expenditures are made the fund would have approximately $160,000 remaining.

D. Department Review

The Community Development Department, Finance Department and City Manager's Office have reviewed this proposal. Staff noted that this request is outside the usual grant process and the usual process for disposing of surplus property.

RECOMMENDATION: Discuss alternatives. If the Council wishes to consider making the property available, staff would return at a regular meeting with a full analysis of approaches and alternatives.

EXHIBITS
Exhibit A - Location Map

PROSPECTOR PARK #1

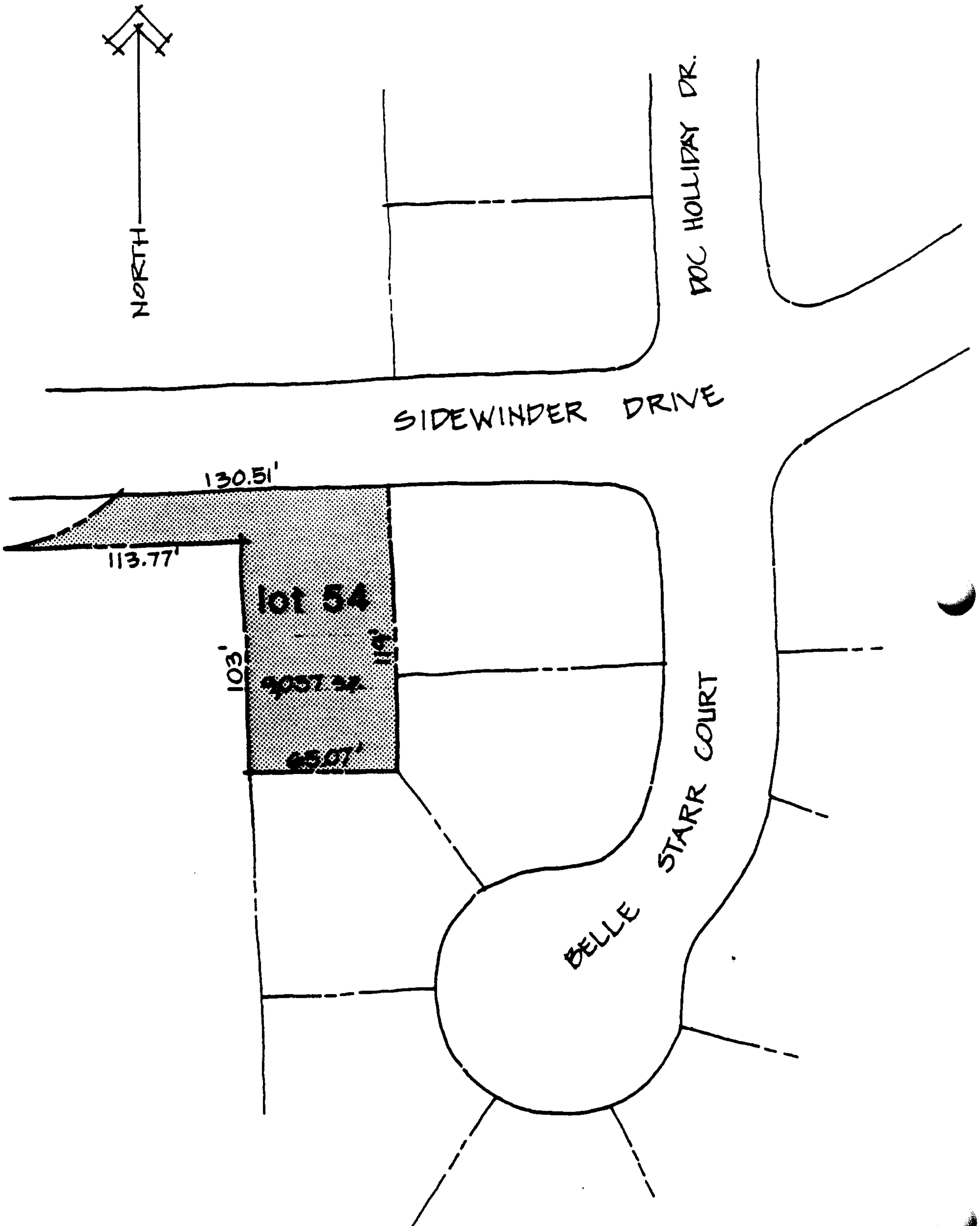

Exhibit A

Habitat for Humanity

for Summit County, Utah

December 19, 1997

"Building Partnerships for a Better Tomorrow"

To: Mayor Olch, Toby Ross and the City Council

Re: Habitat for Humanity for Summit County Land Request

Dear Mayor and Council Members,

The recent preliminary discussions concerning our proposal for a land donation to our organization have been brought to my attention. I am writing this letter to point out the benefits to the City in my proposal.

The type of deed restrictions that I would propose would include those currently in place at Silver Meadows. While Habitat requires a right of first refusal on any of its properties, we would be willing to give the City the second right of refusal to purchase the property and subtract the current value of the land from that price. I have had preliminary discussions on the legality of this with Jodi Hoffman and she feels it is something that could be worked out. This scenario would guarantee that this land would never be used for any purpose other than low income housing.

If the City would wish, we can restrict the applicants for this home to a Park City resident or worker as long as that family fits within the income, credit and need guidelines of our organization. Our guidelines are not so strict as to eliminate a City employee from consideration. As you know our first home is now owned by a Park City employee.

As far as sponsorship to fund and build this home, I have had preliminary discussions with the Park City Board of Realtors and the greater Park City real estate community. They are seriously considering this, but are waiting to see the outcome of my discussions with you.

The City has done a lot for low income housing in this community. What we are proposing is one more unit to be built that will not cost the City any money at all to be erected. It will create one more taxpaying household to further repay the City for a piece of ground that has stood vacant for more than nine years.

There was a lot of discussion in the recent election about the need for low income housing. This is an opportunity for the City to add one more unit at no cost. Than you for your consideration of our proposal.

Sincerely yours,

Richard J. Miller
President, Board of Directors, 649-6660 Office

RESOLUTION HONORING PARKITE NIKKI STONE
FOR BRINGING HOME THE GOLD IN AERIALS
IN THE XVIII OLYMPIC WINTER GAMES

WHEREAS, millions of freestyle skiing enthusiasts intently watched the Women's Aerials Competition held on Wednesday, February 18, 1998 in Iizuna Kogen, Japan; and

WHEREAS, Nikki Stone nailed both her back somersaults in windy, snowy conditions to top the twelve-woman field with 193.00 points and secured America's fourth gold medal of the Nagano Games; and

WHEREAS, Nikki, the 1995 World Champion and current World Cup leader, nearly retired from the sport because of a series of back injuries, but was steadfast and followed her dream; the dream since she was five years old -- to bring home the Gold; and

WHEREAS, Nikki had the highest score of the women on the first jump, earning 98.15 points for near perfect execution of the challenging back full double full -- a triple twisting double somersault; and

WHEREAS, she was just as brilliant on her second jump, a lay tuck full, or single twisting triple somersault, totaling 94.85 points; and

WHEREAS, Nikki was the only woman to attempt a triple somersault, a maneuver that only men were performing a few years ago;

NOW, THEREFORE, BE IT RESOLVED that the entire community warmly welcomes Nikki Stone on her return home from the Winter Games. The Park City Mayor, City Council, and citizens congratulate her on her exceptional talent and more importantly her determination to meet her aspirations, no matter how impossible or challenging they appeared over the years. Nikki is truly an inspiration to all of us, and we wish her every success in her future endeavors. **WAY TO GO, NIKKI!**

PASSED AND ADOPTED this 26th day of February, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**February 13, 1998 (February 26, 1998 meeting)**
DEPARTMENT:	**Planning Department**
TITLE:	**1503 Park Avenue Hulbert-Holler Subdivision extension request**
TYPE OF ITEM:	**Administrative**

SUMMARY RECOMMENDATIONS: Approve as conditioned.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Applicant:	Dennis Hulbert
Location:	1503 Park Avenue
Proposal:	Subdivision approval extension
Zoning:	RM, Residential Medium Density
Adjacent Land Uses:	Condominiums, Texaco service station, 7-11
Project Planner:	Kirsten A. Whetstone, AICP

B. Background

On January 9, 1997, the City Council approved with conditions a request for a two lot subdivision of a 16,074 sq. ft. parcel located at 1503 Park Avenue. Part of this parcel (6,010 sq. ft.) is unplatted, paved 15th Street. The approved subdivision plat dedicates to the City that portion of 15th Street. The applicant intends to construct an addition to the historic structure and a duplex on the second lot. The property is located in the RM, Medium Density, zoning district.

Conditions of Council's approval included, among other items, a requirement for a facade easement agreement for the historic structure to be recorded at the time of plat recordation. Council's approval also included a one year expiration date of the approval and plat. The original approval expired on January 6, 1998. The applicant submitted an extension request on January 9, 1998. The applicant is working with a designer on plans for both an addition to the historic structure and the proposed duplex. Before signing the facade easement agreement the applicant requested of the Planning Commission and staff that a description of allowed modifications to the structure be included in the agreement.

C. Analysis

Staff reviewed the proposed extension request for compliance with the Land Management Code, Sections 7.8 (RM Zoning District), Section 15 (Subdivision regulations), and Section 1.22 (Plat approval). There have been no amendments to applicable Chapters of the Land Management Code since the January 6, 1997 approval date which would render the previous approval invalid. Staff believes the extension request is reasonable and recordation of the 1503 Park Avenue Subdivision plat is in the best interest of the City, for two primary reasons.

1. The structure at 1503 Park Avenue is historically significant and additions to the structure require careful review to ensure that the historic value of the existing house is not diminished. The applicant needs additional time to perfect the design of proposed additions and to incorporate the Historic District Commission's input, prior to finalizing the facade easement agreement.
2. The approved plat includes dedication of 15th Street to the City.

D. Noticing

Notice of the petition for an extension was advertised in the **Park Record** on February 21, 1998 as a consent agenda item.

ALTERNATIVES:

A. Approve the extension request, thereby extending the expiration date for twelve additional months, to January 6, 1999.

B. Deny the extension request, thereby, causing the Hulbert-Holler Subdivision plat of January 6, 1997 to expire.

SIGNIFICANT IMPACTS:

The extension allows City Staff additional time to work with the applicant on acceptable designs for an addition to the historic structure at 1503 Park Avenue and to incorporate those designs into a written facade easement agreement. The additional time will allow Staff to bring the designs before the Historic District Commission for input. Working out an acceptable facade easement agreement is in the City's best interest in that the design and extent of additions to 1503 can be clearly articulated and recorded. It is also of interest to the City to record this subdivision plat due to the dedication of 15th Street and the provision for Historic District Design review of the new structure.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the extension is not granted, development under the requirements of the RM zoning district may be proposed for this site as a single parcel. Developments with up to 8 dwelling units are a permitted use, provided all requirements of the LMC are complied with, including a provision of a minimum of 60% open space for developments proposing 3 or more dwelling units. Historic District design review is not required for new structures in the RM zone, unless specifically conditioned as part of a CUP, MPD, or plat as was the case with this approved subdivision plat.

RECOMMENDATION:

Staff recommends the Planning Commission approve this extension request based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The proposed extension request was reviewed for compliance with the Land Management Code, Sections 7.8 (RM Zoning District), Section 15 (Subdivision regulations), and Section 1.22 (Plat approval).
2. The original approval expired on January 6, 1998. The applicant submitted an extension request on January 9, 1998. The February 25, 1998 meeting was the earliest meeting date for this item to appear before the Council.
3. The applicant stipulates to all conditions of approval.
4. There have been no amendments to applicable Chapters of the Land Management Code since the January 6, 1997 approval date which render the previous subdivision approval invalid.
5. The structure at 1503 Park Avenue is historically significant and additions to the structure require careful review to ensure that the historic value of the existing house is not diminished.
6. The approved plat includes dedication of 15th Street to the City.

Conclusions of Law:

1. The plans as submitted and reviewed by the Planning Commission on November 20, 1996 comply with the Land Management Code, Sections 1.22- Plat Approval, Section 7.8- RM, Residential Medium Density District, and Section 15- Subdivision Regulations.
2. The extension request is reasonable.
3. It is in the best interest of the City to approve the extension request to facilitate recordation of a plat which includes beneficial dedication of right-of-way and provisions for preservation of an historic structure.

Conditions of Approval:

1. The City Council conditions of approval for the 1503 Park Avenue, Hulbert-Holler Subdivision, dated January 6, 1997, are in full force and effect.
2. All Standard Project Conditions shall apply.
3. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, temporary lighting, and any other construction-related details to the satisfaction of the Community Development Department.
4. Any changes or modifications affecting the original plat approval shall require Planning Commission review and approval and final approval by the City Council.
5. The new expiration date for the 1503 Park Avenue Hulbert-Holler Subdivision is January 6, 1999.

EXHIBITS:

Exhibit A - Location map
Exhibit B - Subdivision Plat
Exhibit C - Conditions of City Council's January 6, 1997 approval.
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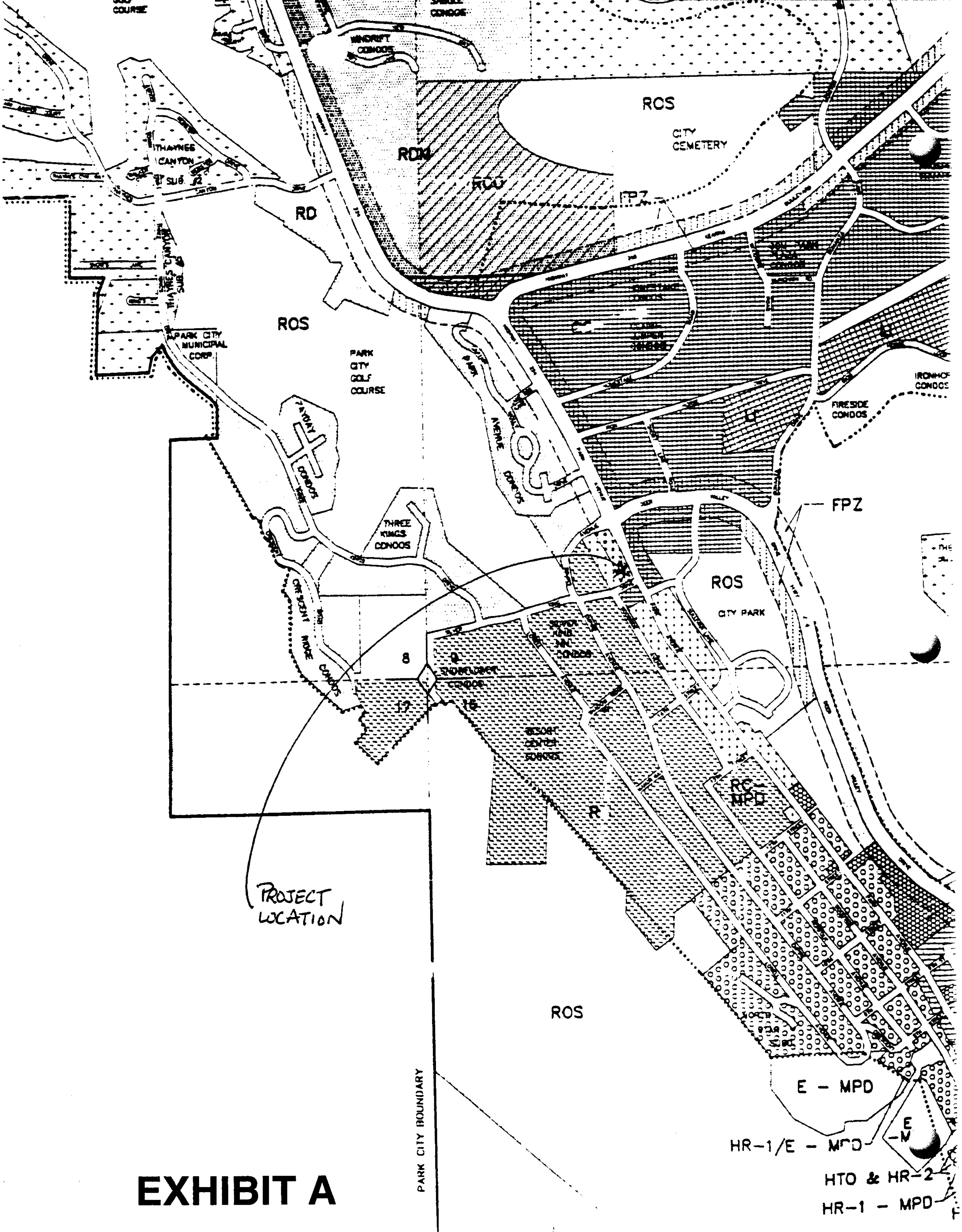
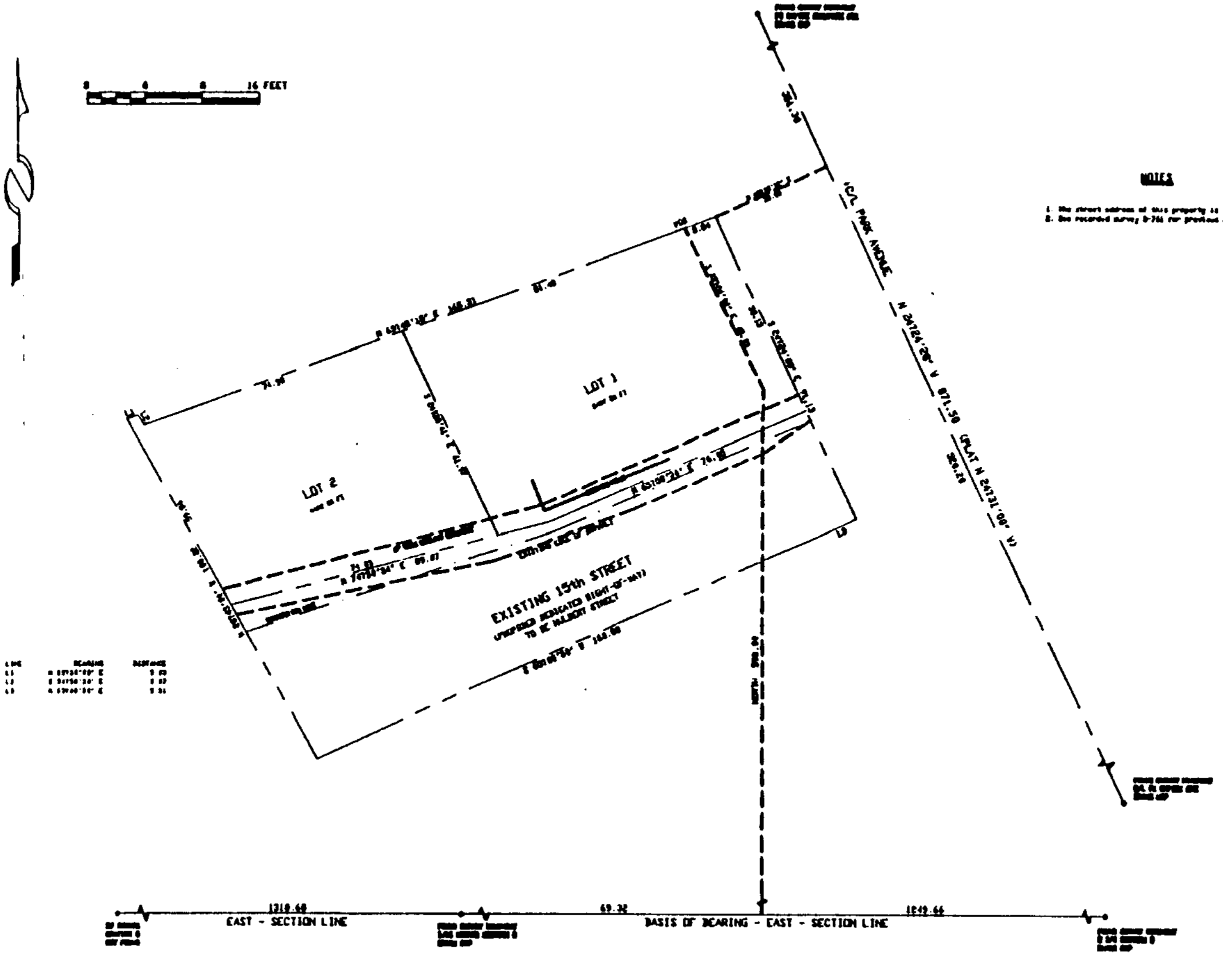

ROS
CITY CEMETERY
RD
ROS
PARK CITY MUNICIPAL CORP.
PARK CITY GOLF COURSE
THAYNES CANYON SUB #2
THREE KINGS CONDOS
FPZ
ROS
CITY PARK
8
17
16
RC-MPD
R
PROJECT LOCATION
ROS
E - MPD
HR-1/E - MPD
HTO & HR-2
HR-1 - MPD
PARK CITY BOUNDARY
IRONHORSE CONDOS
FIRESIDE CONDOS

EXHIBIT A



NOTES

SURVEYORS CERTIFICATE

LEGAL DESCRIPTION

OWNERS DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGEMENT

RECORD OF SURVEY MAP

HULBERT HOLLER SUBDIVISION

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

RECEIVED
DEC 12 1996
PARK CITY
PLANNING DEPT.

EXHIBIT B

35

Ordinance No. 97-2

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE HULBERT HOLLER SUBDIVISION LOCATED AT 1503 PARK AVENUE IN THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN PARK CITY, UTAH

WHEREAS, the owners of property at 1503 Park Avenue, known as the Hulbert Holler Subdivision, have petitioned the City Council for approval of a subdivision plat for two lots;

WHEREAS, the property was properly noticed and posted according to requirements of the State Law and Park City's Land Management Code; and

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

WHEREAS, on December 18, 1996 the Planning Commission held a public hearing to receive public input on the subdivision plat; and

WHEREAS, on December 18, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on January 9, 1997 the City Council reviewed the proposed plat; and

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

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

SECTION 1. FINDINGS OF FACT.

1. The above recitals are hereby incorporated as findings of fact.
2. In order to serve the site and surrounding lots with adequate utilities, a 5' non-exclusive utility easement is required along the 15th Street frontage.
3. The location of this proposal is in an area of heavy winter snow fall. In order to provide adequate and efficient snow removal from public streets, a 10' non-exclusive snow storage easement is required along the Park Avenue and 15th Street frontages.

EXHIBIT C

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

6. The 15th Street roadway has historically been used and enjoyed by vehicles and pedestrians for many decades. Without dedication of this roadway as a public right-of-way Lot 2 does not have required frontage on a public street.

7. The eastern portion of this property is located within the Park City Frontage Protection Zone and is subject to all conditions and restrictions stated in the Frontage Protection Ordinance and LMC, Section 8.8.

8. The existing structure at 1503 Park Avenue is an historically significant house which contributes to the historic street scape along Park Avenue.

9. Historic buildings are a valuable asset which contribute to the distinct character of the community. It is therefore desirable to encourage new construction of residential structures which are compatible with the mass and scale of the historic context.

10. The Hulbert Holler Subdivision is a two lot subdivision of a 16,074 square foot parcel located at the northwest corner of Park Avenue and unplatted 15th Street. The property is in the RM, Medium Density Residential, zoning district.

11. Lot one is 5,505 square feet and Lot two is 4,559 square feet in area. The remainder of the parcel (6,010 square feet) is dedicated as public right-of-way for 15th Street.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned Hulbert Holler Subdivision and that neither the public nor any person will be materially injured by the proposed plat. Approval of the plat does not adversely affect the health, safety, and welfare of the citizens of Park City. The plat is consistent with Utah state subdivision law, the Park City Land Management Code, and the Park City Comprehensive Plan. No non-conforming uses or lots are created with this subdivision plat.

SECTION 3. PLAT APPROVAL. The Hulbert Holler subdivision plat is hereby approved as shown on Exhibit A , with the following conditions:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat and the dedication language for 15th Street, for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. All standard project conditions shall apply.

3. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed

according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. There shall be a note on the plat, and a Grant of Easement in a form approved by the City Attorney, granting a facade easement for the Park Avenue and 15th Street facades of the historic structure at 1503 Park Avenue. The facade easement agreement shall allow the owner flexibility to propose an historically sensitive and compatible addition to this structure, including dormers in the existing roof to utilize the attic area.

5. Any construction within the Frontage Protection Zone shall be regulated and restricted by the Frontage Protection Ordinance and Section 8.8 of the LMC.

6. Any future addition to the existing historic structure, and any structure constructed on Lot 2, shall be reviewed and approved by the Historic District Commission and shall be sensitive to and compatible with the design and character of the existing structure.

7. A 10' snow storage and a 5' non-exclusive utility easement, along the frontage of Park Avenue and 15th Street, shall be dedicated to the City and indicated on the plat.

8. The final subdivision plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 9th day of January, 1997.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch

Mayor Bradley A. Olch

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

K:\LEGAL\ORD\97\97-2.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Hugh A. Daniels and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

615 Woodside Avenue

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

The Old Miners' Lodge, Inc.	President/General Mgr.
Utah Inns Company	Vice President/General Mgr.
Silver-King, L.L.C.	General Mgr.
Jupiter Property Management of Park City, Inc.	Secretary/Director of Special Projects

4. That I have the following investments and personal interest which could cause a conflict of interest:

Part ownership of Property at 222 Grant Avenue

5. That I do not represent and do not intend to represent or assist any persons or business entities in transactions which involve Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure statement at my earliest opportunity.

FURTHER Affiant sayeth naught.

AMENDED this ___ day of February, 1998.

____
Hugh A. Daniels

Subscribed and sworn before me this ___ day of February, 1998.

____
Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Roger Harlan and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2558 Geronimo Court

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or which do, or intend to do business with Park City Municipal Corporation):

N/A.

4. That I have the following investments and personal interest which could cause a conflict of interest:

Board member of a Sports Life
Home at 2558 Geronimo Court, Park City
Board member of Habitat for Humanity

5. That I do not represent or intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this ___ day of February, 1998.

____
Roger Harlan

Subscribed and sworn before me this ___ day of February, 1998.

____
Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Shauna L. Kerr, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

3130 American Saddler Drive
Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Owner of law practice:
Ross & Kerr L.L.C.
1741 Sidewinder Drive, Suite 200
Park City, Utah 84060

Part-time ski host and seasonal employee - Deer Valley ski areaDecember 1997 to April 1998.

Husband Lewis G. Dragolovich, President/Owner
Wasatch Employee Benefit Service, Inc.
102 West Fifth South, Suite 205
Salt Lake City, Utah 84101

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

I have a legal practice within Park City (see above address). I will update this disclosure as needed if even appearance or conflicts occur.

My husband's company, Wasatch Employee Benefit Service, Inc., has contracts for benefit services with the following companies doing business in Park City : Royal Street Land Company and Deer Valley Resort, Jupiter Property Management, Valley Mental Health, Swiss Mt. Enterprise, and Planned Parenthood of Utah

Own home at 3130 American Saddler Drive

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the natu[illegible] or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this ___ day of February, 1998.

____
Shauna L. Kerr

Subscribed and sworn before me this ___ day of February, 1998.

____
Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now C. P. Klingenstein, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2131 Lucky John Drive
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

C. P. Klingenstein Planning Services, Inc., Owner/President
Contract employee of University of Utah

4. That I have the following investments and personal interest which could cause a conflict of interest:

Property Owner 2131 Lucky John in Park Meadows
Glenwood Cemetery Assoc. - Board member

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure statement at my earliest opportunity.

FURTHER Affiant sayeth naught.

DATED this ___ day of February, 1998.

C. P. Klingenstein

Subscribed and sworn before me this ___ day of February, 1998.

Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Bradley A. Olch and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2571 Lucky John Drive, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation):

None.

4. That I have the following investments and personal interest which could cause a conflict of interest:

Home at 2571 Lucky John Drive

5. That I do not represent nor do I intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increases the potential to conflict with my duties as a city Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this ___ day of February, 1998.

____
Bradley A. Olch

Subscribed and sworn before me this _____ day of February, 1998.

____
Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Paul Sincock and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at

2925 Estates Circle.

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

P. F. Sincock & Co., Owner
Uniglobe Peregrine Travel, Vice-President, Director

4. That I have the following investments and personal interest which could cause a conflict of interest:

Same as No. 3

5. That I do not represent nor do I intend to represent or assist any persons or business entities in a transaction which involve Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this _____ day of February, 1998.

____
Paul Sincock

Subscribed and sworn before me this _____ day of February, 1998.

____
Notary Public

PARK CITY
1884

DATE: February 20, 1998
DEPARTMENT: Legal
AUTHOR: Tom Daley
TITLE: Adoption of Resolution 2-98
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

1) Adopt Resolution 2-98. Repeal Resolution 96-9.

DESCRIPTION:

A. Topic: City Manager's Settlement Authority.

B. Background: Resolution 9-96 gave the City Manager authority to settle crop damage claims up to $25,000.00 and claims arising under tort or contract up to $10,000.00. Proposed Resolution 2-98 (copy attached) would give the City Manager authority up to $25,000.00 to settle all claims, including Worker's Compensation claims and other claims that may arise under either state or federal law.

C. Analysis: The new resolution would give the City Manager greater flexibility in settling claims without burdening the Council. This would help facilitate effective settlement negotiations by decreasing the time it takes to receive authority for payment.

D. Department Review: The Legal Department has reviewed the proposed resolution and discussed it with Finance Manager Tom Bakaly.

ALTERNATIVES:

A. Approve the request. This is the recommended action.

B. Deny the request. This is not recommended.

C. Continue the item. This is not recommended as this change is something we could benefit from in the near future.

D. Do nothing.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The City Manager continues to have the authority to settle claims up to $25,000.00 for crop loss damages and up to $10,000.00 for claims arising under tort or contract.

RECOMMENDATION: Adopt Resolution 2-98. Repeal Resolution 9-96.

Resolution No. 2-98

RESOLUTION ESTABLISHING CITY MANAGER'S SETTLEMENT AUTHORITY

WHEREAS, from time to time claims are made against the City based on contract or tort, pursuant to UCA §63-30-2 et seq; or under the Worker's Compensation statute, UCA § 35-1-1 et seq; or other state and federal laws;

WHEREAS, it is in the best interest of the City to efficiently investigate, evaluate, negotiate, and process such claims;

WHEREAS, it is not efficient or prudent to involve the Council in every decision to settle small, routine, claims made against the City;

WHEREAS, to effect the efficient evaluation, negotiation, and processing of such claims, it is in the best interest of the City to authorize the City Manager to process and settle certain claims as he/she deems prudent;

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

SECTION 1. SETTLEMENT AUTHORITY. The City Manager is hereby authorized to settle claims made against the City in an amount not to exceed $25,000.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect immediately.

SECTION 3. REPEAL OF RESOLUTION 9-94.

PASSED AND ADOPTED this 26th day of February, 1998.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Jodi Hoffman, City Attorney

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**February 23, 1998** **(February 26, 1998 Meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Patrick Putt**
SUBJECT:	**A combined preliminary/final plat application for a plat amendment known as the Millsite Reservation Subdivision No. 2. The project is generally described as replat of Block 75, including all or portions of Lots 27-34 and 72-89 of the Millsite Reservation To Park City.**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Anchor Street Development
Location:	The downhill side of Ridge Avenue between Daly Avenue and the Ridge Avenue switchback.
Zoning:	HRL
Adjacent Land Uses:	Residential
Project Planner:	Patrick Putt

B. Proposal: The applicant's current combined preliminary/final plat amendment application consists of replatting approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single family home sites. Ridge Avenue *(a narrow one-lane prescriptive right-of-way which is adjacent to and/or running through the property)* is to be improved to a width of 20 feet and dedicated to the City. The proposed new lots are located on the downhill side of Ridge Avenue between Daly Avenue and the Sampson Avenue/King Road switchback.

The Mike Nyman residence *(an historic house at 147 Ridge Avenue located uphill from existing Ridge Avenue and the proposed new building sites)*, shed and driveway are located on portions of Lots 28-32 of the applicant's property and platted Ridge Avenue. Under this application, the four (4) partial lots containing the Nyman residence/improvements are to be combined into a 4027 square foot parcel.

C. January 22, 1998 Meeting Council Discussion

At its January 22, 1998 meeting, Council continued this item for further discussion and deliberation. The Council asked that the applicant provide substantive financial guarantees that the residences located below the site on Daly Avenue would be protected during and after construction of the project. The Council also directed the applicant make provisions for additional guest parking on each site. The applicant will discuss his proposal for financial guarantees and construction mitigation at Thursday night's meeting. The applicant has informed Staff that he agrees to a condition of approval that additional guest parking will be designed into the project at the time of the Historic District design review for the development of each lot. The applicant has requested an opportunity to briefly explain the design evolution of this project to the Council at Thursday afternoon's work session. For a more detailed project history, please refer to the January 22, 1998 staff report.

D. Alternatives

The Planning Department has prepared a list of Council alternatives to help focus the Thursday's discussion. Among the possible alternatives for Council Action are the following.

1. **Approve the proposed plat amendment.** Approval of the proposed plat amendment will result in approximately 25 full and/or partial HRL-zoned lots along the downhill side of Ridge Avenue being combined into four (4) new single family home sites, a 4027 square foot parcel for the Nyman residence, and dedicated utility parcels. Four (4) new residences ranging in size from 2700 square to 4400 square feet (not including garages) will eventually be constructed along the Ridge Avenue hillside. Ridge Avenue will also be improved to a width of 20 feet and dedicated to the City.

Should Council elect to move forward with this alternative, Staff recommends that findings of fact and conditions of approval be added requiring:

* access to all the proposed units directly off of Ridge Avenue (i.e. no side-garage access/ 135 ft. Retaining wall on Lot 4);

* additional on-site guest parking in conjunction with development on each lot; and

* City-approved substantive financial guarantees that the residences located below the site on Daly Avenue would be protected during and after construction of the project.

2. **Approve a revised plat amendment with reduced house sizes.** The maximum size of the proposed residences is a function of the HRL District Floor Area Ratio and the proposed square-footage limitations for the building area within the HRL height exception for downhill lots. The Council may elect to place further limitations on the overall building size if it finds that such a reduction will mitigate potential impacts on adjacent properties and result in building scale that is more consistent with the neighborhood character.

3. **Approve a revised plat amendment with a reduction in the number of proposed units.** The applicant's project will result in the creation of four (4) new residential units. The Council may approve this application with fewer units if it determines that a reduction in the number of new units will result in the opportunities for better site plans and building designs, as well as minimizes the potential impacts on adjacent properties.

4. **Approve a revised plat amendment with a reduction in units and further limitations on overall house size.** The Council may approve this application with fewer and smaller units if it determines that such modifications will result in a better plan and minimizes the potential impacts on adjacent properties.

5. **Remand the project back to the Planning Commission with specific direction.** Should the Council seek modifications to the proposed plan and additional neighborhood/public input on the revised plan, the Council may remand the application back to Planning Commission for review. In the event that the application is sent back to the Planning Commission, Staff recommends that the Council communicate specific direction and/or design concerns it may have on the project.

6. **Deny the plat amendment application and retain the current lot configuration.** If this application is denied, the applicant will retain the existing platted lots. Under current conditions, up to six (6) single-family residences could be constructed on the subject property. Development of the individual lots would require the City's approval of individual lot line adjustment or plat amendment applications. Ridge Avenue through the project site would not be improved or dedicated to the City; however, it would remain a prescriptive right-of-way.

7. **<u>Continue the item and request further information from the applicant and/or Staff.</u>** Council may table action on this matter should additional analysis or information be required of the applicant or Staff.

E. <u>RECOMMENDATION</u>

The Planning Department recommends that Council review the proposed project and allow for additional input from the applicant regarding the project design and proposed mitigation measures. Following a review and discussion, Staff recommends that the Council give direction on its preferred alternative for action. Staff will return this application for Council action at the earliest meeting date available.

Exhibits:

Exhibit A: Proposed Plat
Exhibit B: Vicinity Map
Exhibit C: Existing Plat
Exhibit D: Plat Exhibit (Conceptual Building Footprint Layout)

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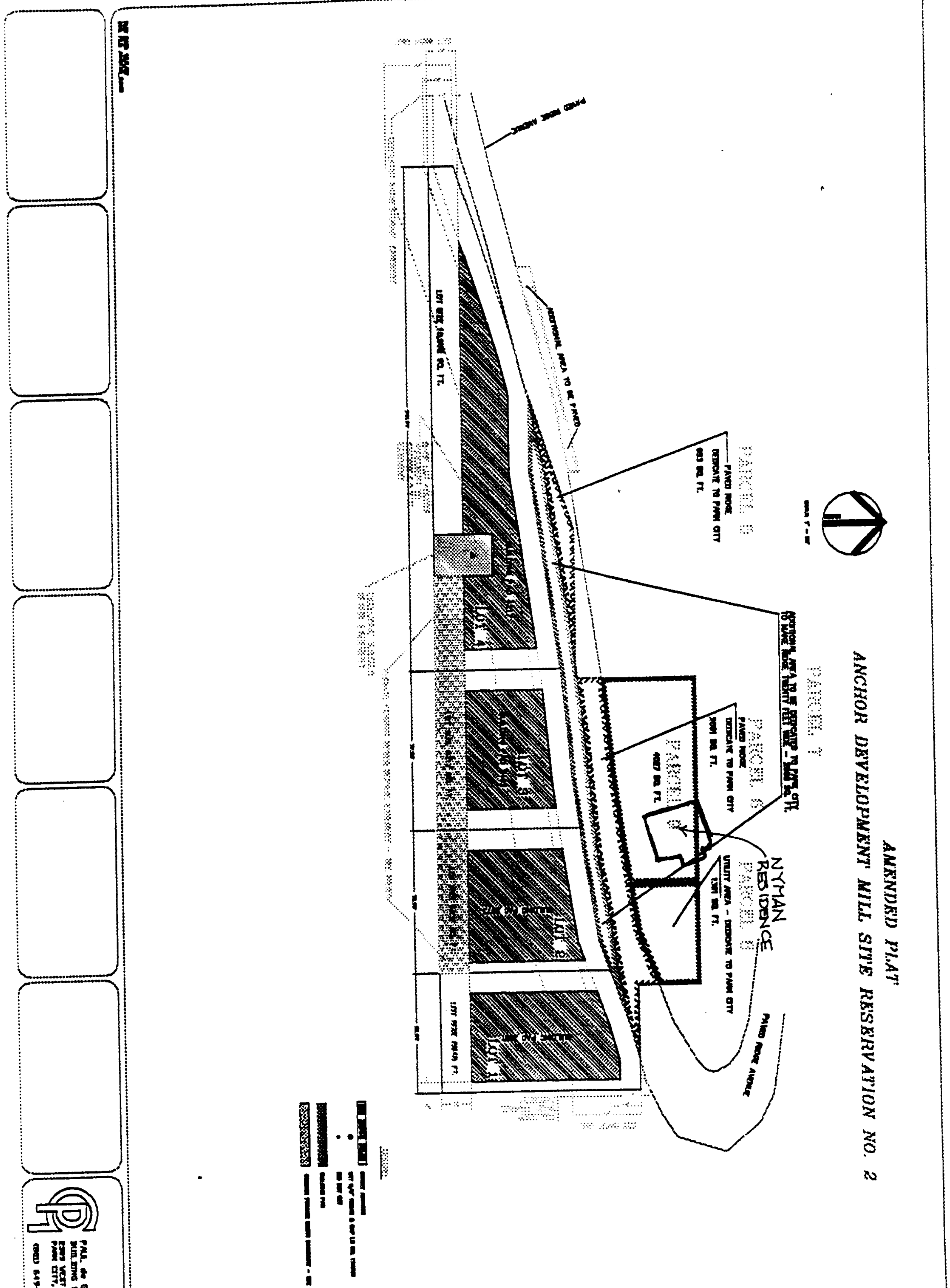
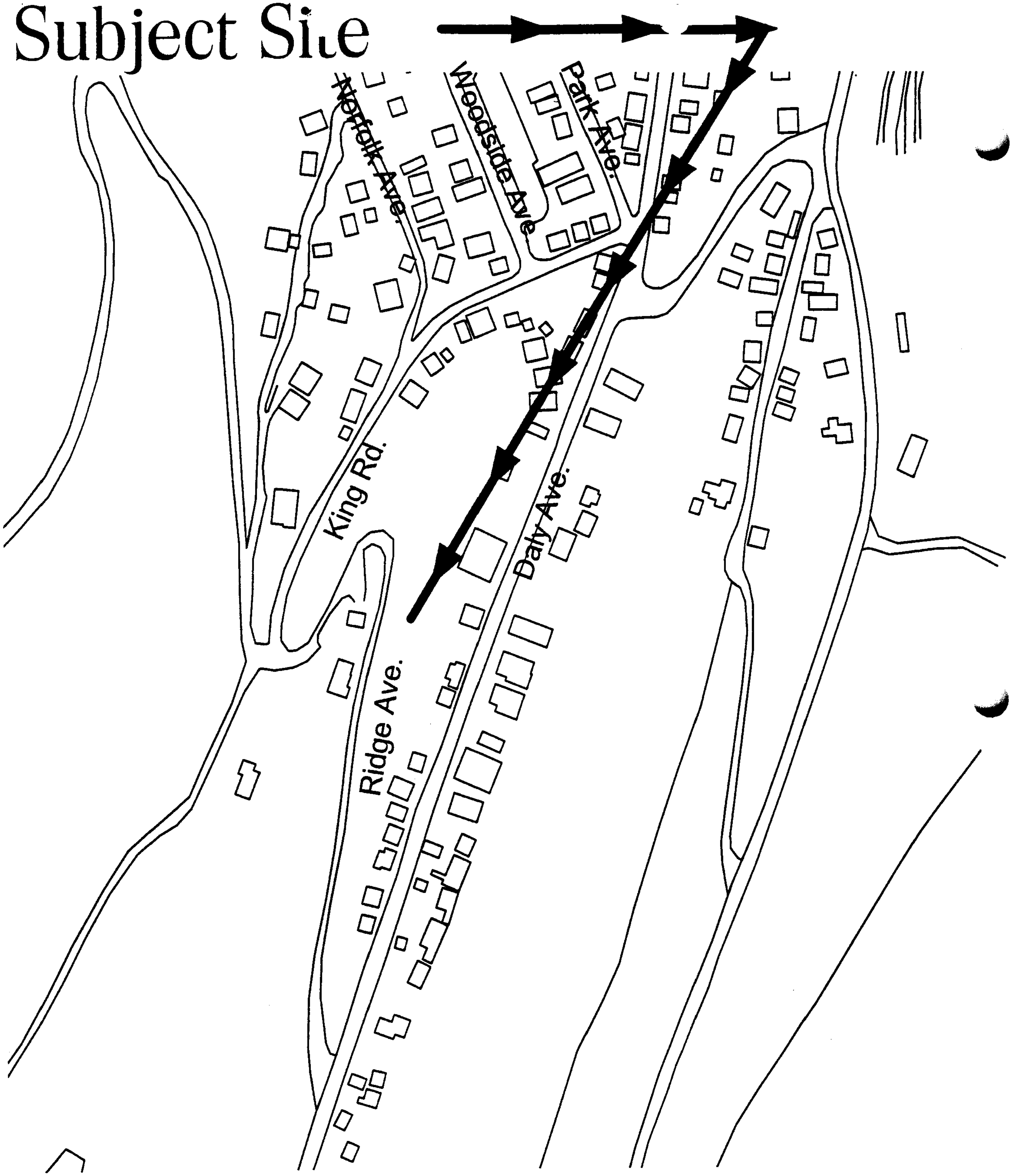


EXHIBIT A:
PROPOSED PLAT



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PARK CITY
1884

EXHIBIT B:
VICINITY MAP

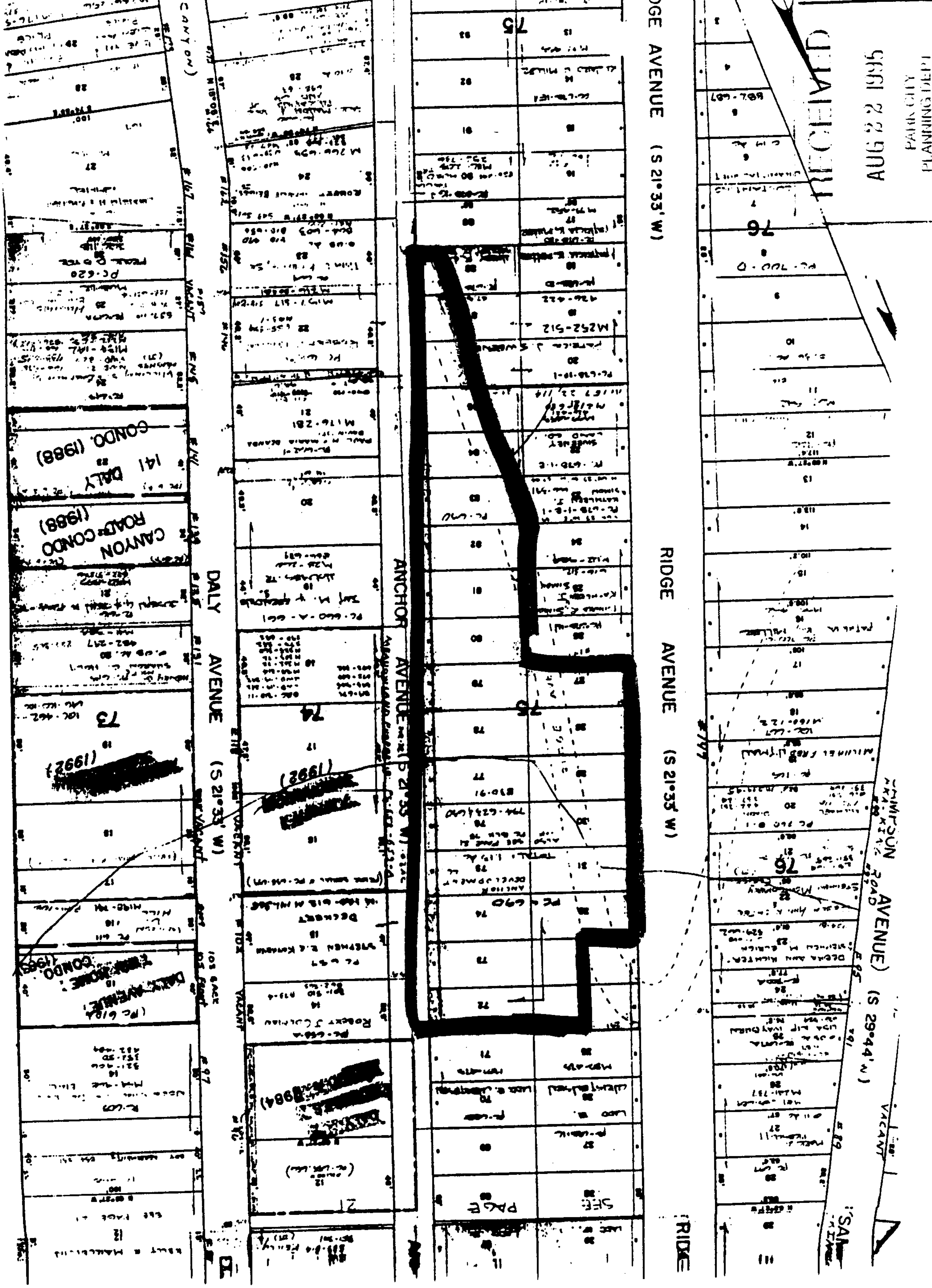

EXHIBIT C:
EXISTING PLAT

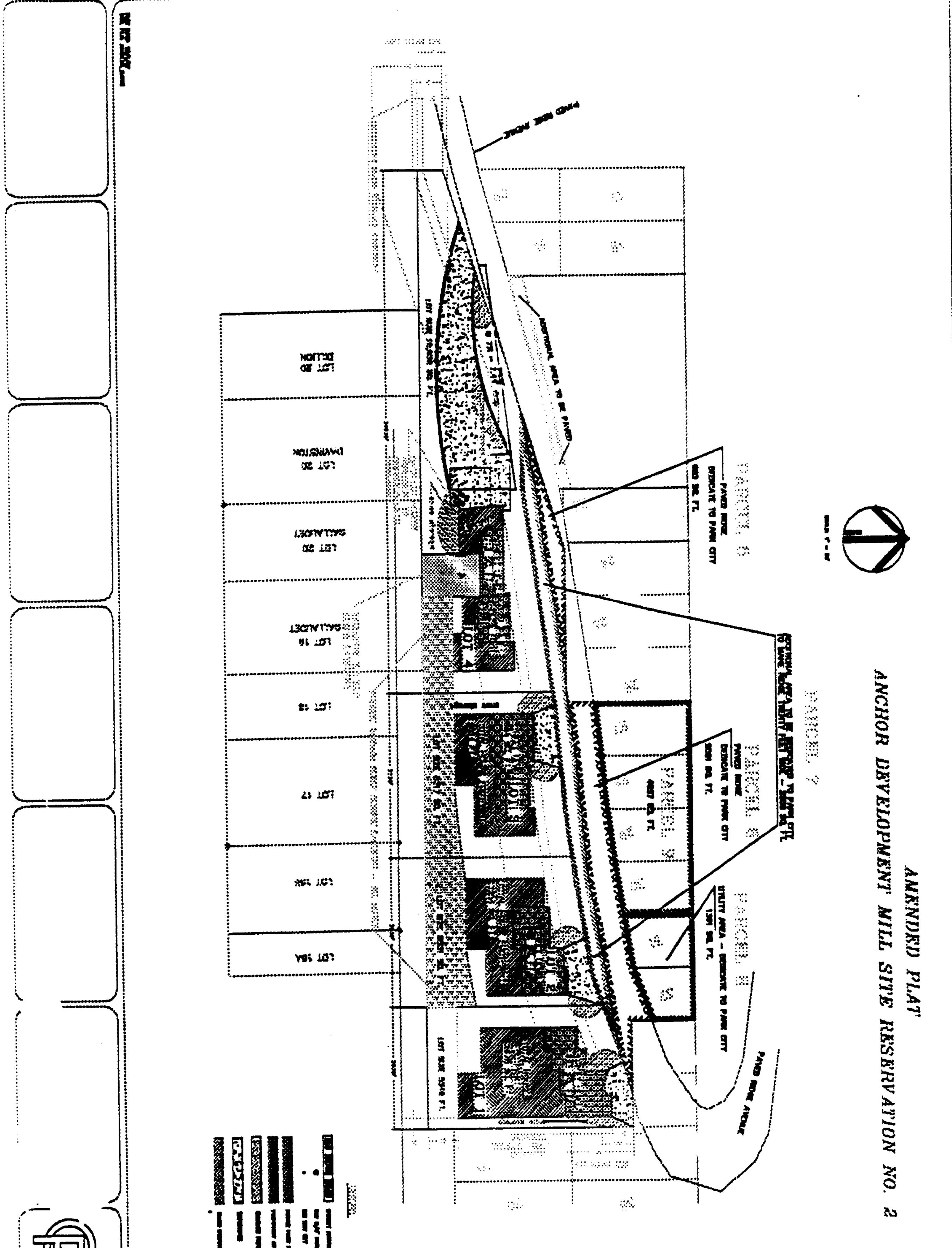

EXHIBIT D:
PLAT EXHIBIT
(CONCEPTUAL BUILDING FOOTPRINT LAYOUT)

interoffice
MEMORANDUM

to: Mayor/Members of City Council

from: Janet M. Scott

subject: GLENEAGLES FINDINGS

date: February 23, 1998

Jodi prepared a memo on this Old Business item, but unfortunately, encountered some computer problems and had to leave the office because of pending legislation business in Salt Lake. As soon as the two-page memo is generated again, probably tomorrow, it will be faxed to Council. Enclosed are the draft findings from the January 8, 1998 meeting. Council has already received the brief submitted by Mr. Roberts.

DRAFT

BEFORE THE CITY COUNCIL OF PARK CITY

Gleneagles HOA, Appellants V. Park City Planning Commission Appellee	)))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER UPHOLDING PLANNING COMMISION

This matter, having come on regularly for hearing upon appeal, with appellants appearing without representation, and with the City Council advised by the Office of the City Attorney; and having reviewed the files and records herein, and having heard argument from ~~of~~ all concerned parties on December 11, 1997 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT:

1. The appellant timely filed an appeal challenging the Planning Commission's determination that the Community Development Director correctly advised the appellants that a controlled access gate is not a permitted use in Park City and that the appellants would need to apply for a conditional use permit if they desired to construct a gate within their subdivision.
2. The City Council is the proper body to review appeals from decisions of the Planning Commission.
3. The Planning Commission's findings of fact and conclusions of law are supported by substantial evidence in the record before the Planning Commission.
4. In addition to the evidence presented to the Planning Commission, the appellants further supplemented the record on appeal. Council has reviewed the additional evidence and the records and files of the City and in addition to the findings of the Planning Commission, further finds as follows:

A. Sunny Slopes Drive was Master Planned as an unobstructed sub-collector street in the Park Meadows Master Plan. Other sub-collector streets within the Park Meadows Master Plan include American Saddler, Evening Star, and portions of Lucky John Drive. The Park Meadows Master Plan defines a sub-collector street as one which "Provides access between higher classified streets and lower classified streets (lanes and places). Also it may loop connecting to a collector or arterial street at two points. Usual ADT is between 200-1000 ADT."

B. There have been no revisions to the Park Meadows Master Plan to authorize a controlled access gate in the Gleneagles subdivision.

C. The Gleneagles CC&Rs do not amend the Park Meadows Master Planned Development.

D. The Gleneagles subdivision was processed pursuant to the 1980 Land Management Code.

E. The 1980 Land Management Code provides that "Planned Unit Developments shall be considered a [sic] subdivision and shall comply with all applicable provisions of the subdivision ordinance." 1980 LMC §6.12. The Gleneagles plat was processed as a Planned Unit Development/subdivision, and not as a conditional use.

F. The 1980 Land Management Code further provides that the maximum time for development of a PUD is five years. Even if the Gleneagles PUD in 1983 included approval for a controlled access gate, the developer would have had five years from the date of the PUD approval to construct a gate. Almost fifteen years have passed since the PUD approval, and no gate has been constructed.

G. Pursuant to the 1980 Land Management Code Planned Unit Developments "shall provide direct access to the existing street system (or street facilities scheduled for completion)." 1980 LMC §6.5.2. Sunny Slopes Drive directly accesses Meadows Drive from the northern boundary of the Gleneagles subdivision.

H. This Council has not expressed a policy with regard to controlled access gates within subdivisions. Requiring appellants to apply for a conditional use permit in no way expresses Council or Planning Commission predetermination of the merits of the application.

I. The Planning Commission has directed the applicant to apply to amend the Park Meadows Master Plan to include a gate within the Gleneagles subdivision. That process allows all affected parties to identify adverse impacts of the proposal. It further requires the Planning Commission to investigate if and how identified impacts can be mitigated.

J. Appellants presented no evidence that they were the only rightful users of Sunny Slopes Drive. It is likely that certain lot owners within Park Meadows have acquired prescriptive rights in Sunny Slopes Drive.

CONCLUSIONS OF LAW:

1. CC&Rs do not amend master planned developments.
2. Pursuant to the 1980 Land Management Code, planned unit developments are not conditional uses and are not part of the master planning process.
3. Pursuant to the 1980 Land Management Code, any undeveloped portions of a 1983 PUD (i.e. entitlement to a gate) would have expired in 1988.
4. Subdivision is not a substitute for conditional use review.
5. The Planning Commission did not err in entering its finding of facts and conclusions of law.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a conditional use permit is a condition precedent to an entitlement for a controlled access gate within the Gleneagles subdivision.

VI. TRAFFIC STUDY

The master traffic plan is illustrated on the master traffic drawing of the Park Meadows Master Plan. The objective here is to illustrate how the completed Park Meadows traffic system would handle the predicted traffic loads for this development when completed. Also, a phasing of the traffic system installation must occur to correspond to the phasing of the individual parcels.

Each street is designated as either an arterial, collector, subcollector, lane or place. Streets have been classified from the following definitions and the average daily trip (ADT) volumes:

Arterial: The major street in the hierarchy. An arterial provides connections to major state and interstate roadways and is not intended to be a residential street. Usual ADT range is greater than 3,000.

Collector: Conducts traffic between major arterial streets and is a principal traffic artery within residential areas. Usual ADT range is between 800-3,000.

Subcollector: Provides access between higher classified streets and lower classified streets (lanes or places). Also, it may be a loop connecting to a collector or arterial street at two points. Usual ADT range is between 200-1,000.

Lane: A short street, cul-de-sac, court or a street with branching places or lanes. The primary purpose of a lane is to conduct traffic to and from residences to other streets within the hierarchy. Usual ADT range is between 75-350.