PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
February 15, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 15, 2018.

CLOSED SESSION

2:00 p.m. To Discuss Property, Personnel and Litigation

STUDY SESSION

4:00 p.m. – Library Board Joint Meeting and Fiscal Year 2017 Annual Report PAGE 4

WORK SESSION

4:30 p.m. – Council Questions and Comments

4:45 p.m. – Affordable Housing Update and Five-Year Housing Plan PAGE 8

5:45 p.m. – Review Parking Reporting and Data PAGE 12

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. SWEARING IN CEREMONY

Swearing-In Ceremony - Park City Police: Captain Andrew Leatham, Lieutenant Vaifoa Lealaitafea, Sergeant Cameron Thor, and Sergeant Zachary Nakaishi PAGE 20

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

- Community Engagement Update PAGE 25
- Language Capabilities of the Emergency Notification System PAGE 29
- Sundance 2018 Post Event Debrief & Engagement Efforts PAGE 31

- Deer Valley Drive/SR-224 Pedestrian and Bicycle Access Project Update PAGE 34

IV. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

V. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from January 23, and February 1, 2018 PAGE 45

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Ward Engineering, Inc., for Survey and Platting Services in an Amount Not to Exceed $51,000.00 PAGE 71

2. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Zehren and Associates, Inc., for Golf Maintenance Building Architectural Services in an Amount Not to Exceed $255,000.00 PAGE 75

3. Request to Approve a Settlement in the Amount of $100,000.00 in the Carrie King-Vincent Versus Park City Municipal--Personal Injury Litigation PAGE 79

VII. NEW BUSINESS

1. Review Traffic and Transportation Master Plan Annual Report Card for 2016-17 PAGE 83

(A) Public Input

2. Consideration of a Purchase and Sale Agreement ("Agreement"), including a Settlement Agreement, Between Sweeney Land Company, LLC ("SLC"), Park City II, LLC ("PC II") , and Park City Municipal Corporation (The "City"), for the Purchase of the Treasure Hill Creole Gulch and Mid-Station Parcels Within the Sweeney Master Plan in the Amount of $64 Million PAGE 89

(A) Public Hearing (B) Action

3. Consideration to Approve the Sale of 2.5 Acres of Lot 4 of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Amended Subdivision to the Park City Fire District in the Amount of $1,000,000 PAGE 105

(A) Public Hearing (B) Action

4. Consideration of an Appeal of the 277 McHenry Avenue Conditional Use Permit for a New Accessory Apartment PAGE 109

(A) Public Hearing (B) Action

5. Consideration to Continue a Proposed Ordinance Approving the Alice Claim Subdivision and Plat Amendment, Located at the Intersection of King Road, Ridge Avenue,

Sampson Avenue, and Woodside Gulch, Park City, Utah PAGE 235

(A) Public Hearing (B) Continue to March 8, 2018

6. Consideration to Continue a Proposed Ordinance Approving the Ridge Avenue Plat Amendment, Located at 123 Ridge Avenue, Park City, Utah PAGE 239

(A) Public Hearing (B) Continue to March 8, 2018

7. 2018 Legislative Update PAGE 246

VIII. ADJOURNMENT

IX. PARK CITY REDEVELOPMENT AGENCY MEETING

I. ROLL CALL

II. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

III. NEW BUSINESS

1. Consideration to Approve Disposition of City Property Located at 1450 Park Avenue for 8 Affordable Housing Units Ranging in Price from $192,153 to $280,291 PAGE 247

(A) Public Input (B) Action

IV. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m.
Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

The Park City Library Director and the Park City Library Board would like to thank Mayor Beerman and City Council for the opportunity to share in a joint meeting, and to present the library's FY2017 annual report.

Respectfully:

Adriane Juarez, Library Director

City Council
Manager's Report

Subject: Library Board Joint Meeting and FY17 Annual Report
Author: Adriane Herrick Juarez
Department: Library
Date: February 15, 2018

The Park City Library Director and the Park City Library Board would like to thank Mayor Beerman and City Council for the opportunity to share in a joint meeting, and to present the Library's FY17 Annual Report. City Council Member Nann Worel serves as the current City Council Liaison to the Library Board.

The Library Board of Directors

The Current Board can be found at: http://parkcitylibrary.org/about/library-board/library-board-members/

The Park City Library Board of Directors, representing the citizens of Park City, and working in partnership with the Library Executive Director, evaluates library services and community needs, establishes library policies, and helps set goals to be implemented by the director and staff. Board members inform others about library services, needs, and accomplishments to foster a positive public image and build community support.

The Park City Library Board of Directors consists of five to nine voting members appointed by the Park City Council. The Library Executive Director attends Board meetings but is not a voting member. Board members are appointed for three-year terms and may be re-appointed once. Individual Board members contribute personal volunteer time.

Annual Report Highlights

Library usage continued to rise during Fiscal Year 2017, the second year in the new building. More programs, more services, and more use of spaces contributed to high levels of community involvement as Park City embraced the updated building, adding 14,245 visits over year-one. The Library has 117,482 items in its collections. Staff conducted 852 library programs for children, youth, teens, and adults bringing in 18,997 participants.

- 175,460 people visited the library (161,216 in FY16 / 96,594 in old building)
- 113,395 items were checked out (100,018 in FY16 / 56,286 in old building)
- 16, 363 public computer sessions were used (16,483 in FY16 / 9,043 in old building)
- 51,653 Wi-Fi sessions were used (40,089 in FY16 / 7,714 in old building)
- 2,250 times meeting rooms were utilized (1,755 in FY16)
- 5,831 times study rooms were utilized (5,356 in FY16)

Thank you to all who embraced the Park City Library during the second year in the new building. We were astounded to learn that there were over 14,000 additional visits in the second year, over year-one. We hadn't imagined surpassing the numbers from our Grand Opening Year, but, it happened! The community truly made the Park City Library its own. A myriad of partnerships brought in new programs. Resources increased to provide new opportunities for learning and growth. Programs engaged people from all walks of life. And, people came to collaborate and meet, which made the building a vibrant and busy place. This is just what Park City had hoped for when investing in its Library. This place belongs to everyone, now and for generations to come. Thank you for making it possible!

The Library's Annual Report can be found in full at:

http://parkcitylibrary.org/about/library-annual-report/

Successful Library Reaccreditation

In November 2017, the Utah State Library Division sent the Park City Library a congratulatory letter on receiving reaccreditation with *Quality Library Status*, indicating that our library provides a level of service to the community that exceeds the standards developed by Utah public librarians and adopted by the State Library Board. As a Quality Library, our organization is proven as an active, involved, and vital part of the community providing essential resources. Quality Status qualifies the Park City Library to mentor other libraries. State accreditation makes the Library eligible to receive funds from the *Community Library Enhancement Fund* (CLEF) in addition to other support services provided by the State Library.

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah State Library
Division

Donna Jones Morris
Director

November 28, 2016

Director Adriane Juarez
Park City Library
1255 Park Ave
Park City, Utah 84060-0668

Dear Adriane:

Congratulations! Park City Library has achieved Certified Public Library status. In addition, the library has achieved **Quality Library** status! The Quality status indicates that everybody involved has gone the extra mile.

This means that Park City Library provides a level of service to the community that exceeds the standards developed by Utah public librarians and adopted by the State Library Board. As a Quality Library, the institution is an active, involved, and vital part of the community. It provides resources and services beyond the four walls of the library and exemplary outreach to all residents. And it means that the library is eligible to receive funds from the Community Library Enhancement Fund (CLEF) distribution in the spring of 2017, in addition to other support services provided by the State Library. Furthermore, your library will not need to complete the certification process until Spring 2018.

The State of Utah has appropriated $565,000 for certified public libraries for the current

[redacted]

Commitment to excellent library service indicates team work. It takes leadership from the director, funding and support from the city/county government, dedication from all library staff, support from the community, training for the staff and board, planning, and constant attention to community needs.

Please let your State Library consultant or me know if you have any questions and thanks to all of you for your work to deliver the best possible library services.

Warmest regards,

Donna Jones Morris
State Librarian/Division Director

250 N 1950 W, Ste A • Salt Lake City, Utah 84116 • (801) 715-6777 • facsimile (801) 715-6767 • library.utah.gov

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

This report summarizes the progress toward meeting housing goals established at the February 2015 Council Retreat and the subsequent numeric goal that was set in August of 2016. Progress includes:

- 8 single family homes completed at 1450 Park Avenue
- 11 condominiums scheduled for completion this month at Central Park Condominiums
- Completion of housing lottery and identification of qualified buyers for 19 units
- Buy Back & re-sale of two affordable units to update deed restrictions
- Construction agreement for 12 Units at Woodside Park, Phase I
- Hiring of design team for Woodside Park, Phase II and 1875 Homestake
- Completion of five-year housing plan

Respectfully:

Rhoda Stauffer, Housing Specialist

City Council Staff Report

Subject:	**Affordable Housing Update and Five-Year Plan**
Author:	**Rhoda Stauffer and Jason Glidden, Affordable Housing Program**
Department:	**Community Development**
Date:	**February 15, 2018**
Type of Item:	**Informational**

Summary Recommendation

Staff is providing an informational update on progress made on the City's Housing goals of producing 800 additional affordable and attainable housing units by 2026 with an interim goal of 220 units by 2020. Staff is also seeking review of the five-year housing plan. Staff is not seeking adoption at this time and will return to Council at a later date, however as we are nearing the City Council Annual Strategic Planning Retreat and as affordable housing is a critical component of the Social Equity topic, it is important to provide City Council with a housing update.

Executive Summary

This report summarizes the progress toward meeting housing goals established at the February 2015 City Council Retreat and the subsequent numeric goal that was set in August of 2016. Progress includes:

- 8 single family homes completed at 1450 Park Avenue
- 11 condominiums scheduled for completion this month at Central Park Condominiums
- Completion of housing lottery and identification of qualified buyers for the aforementioned 19 units
- Buy Back & re-sale of two affordable units to update deed restrictions
- Construction agreement for 12 Units at Woodside Park, Phase I
- Hiring of design team for Woodside Park, Phase II and 1875 Homestake
- Completion of five-year housing plan

Acronyms

AMI	Area Median Income
CO	Certificates of Occupancy
RDA	Redevelopment Agency

The Problem

A unique mountain town, Park City values its sense of community, a common ground built on diverse social, economic and cultural backgrounds. It is essential that Park City strike a balance between maintaining the local quality of life and cultivating a thriving tourism industry. Evolving and sustaining a Complete Community is critical. Key to this value, is ensuring that a whole range of affordable, quality housing is available for persons at all economic levels.

Today, approximately 80% of Park City's workforce lives outside the city limits; this is true for both Park City Municipal and all other employers located within city limits. High home prices in Park City not only result in the need to import a high percentage of our community's workforce, it causes problems that range from increased traffic to the risk that Park City could lose vibrancy because of lack of full time residents.

Background

Since the early1990's Housing Resolutions have provided 134 units through housing obligations resulting from negotiated development agreements. Over the years, the City has also taken an active role in facilitating the successful completion of 385 additional units. The City has provided land donations, gap construction loans and fee waivers to community partners to help complete affordable and deed restricted units. In more recent years, the City has taken on a direct development role completing 13 single family homes in 2010.

In 2015, the City initiated a multi-year commitment of $40M to build, buy and/or partner with others to add affordable housing units. City Council has committed to adding 800 units by 2026 with an interim goal of 220 by 2020. City Council, reflecting the desires of the community, first established affordable housing as one of two critical priorities in December 2014 and reaffirmed it as one of our communities' three Critical Priorities in 2017. There are more than 35 past reports to Council on affordable housing projects and progress toward goals since the Council retreat in February of 2015. A number of key reports can be found at the following links:

- February 5, 2015, page 5, City Council Retreat
- June 4, 2015, page 47, update
- April 14, 2016, page 45, Report from the Blue Ribbon Housing Commission
- April 28, 2016, page 3, Joint Meeting with Planning Commission
- June 30, 2016, page 4, Joint Meeting with Planning Commission
- November 10, 2016, page 175, Housing Authority meeting to adopt numeric goal
- June 15, 2017, page 11, Guidelines for lottery qualifications and sale of units at 1450 Park Avenue and Central Park Condominiums

Additional progress includes:

- *8 single family homes at 1450 Park Avenue*: Construction of this infill neighborhood is completed and sales contracts are being signed with qualified households. New homeowners are scheduled to move in over the next 30 days.
- *11 condos at Central Park Condominiums:* Staff is scheduled to review Certificates of Occupancy (COs) tomorrow, February 16. With COs in hand, the City will complete the purchase of the building and upon closing will sign sales agreements with qualified households. Staff expects new homeowners to close late February to mid-March.
- *12 Units at Woodside Park, Phase I:* Design is completed and the plat approved for 12 units on the old Fire Station lot. The old fire station has been demolished and removed. Accounting for increases in construction costs, in their January 4, 2018 Council meeting, Council chose to go with Option 2 which including value

engineering out the car port and green roofs, bringing the construction budget more in line with original cost estimates.

- *Buy-back and resale program:* Successfully completed the purchase and resale of two deed restricted units in order to update the deed restrictions.
- *Woodside Park Phase II and 1875 Homestake affordable housing projects:* Council approved a contract with Method Studio, Inc. at their November 16, 2017 meeting (page 71). Work has begun focused on mapping out design options for Council to review.
- *Other municipal and private sector projects in the pipeline:* In addition to the aforementioned projects, housing staff continue to work on longer range plans for affordable housing on municipal property (comprehensive list of City-owned property linked here in the August 31, 2017 staff report, page 152) as well as investigate possible affordable housing partnerships with non-profit organizations and private developers.

Five-Year Housing Plan:

In accordance with Utah state code, a moderate-income housing plan is required to be updated every five years. The plan must contain an estimate of the need as well as provide plans for how the municipality will facilitate a reasonable opportunity for building a variety of housing, "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life." Based on these requirements, staff has prepared a drafted housing plan (linked here) for review by City Council.

Five-Year goals (begins on page 13 of plan):

1. Continue to serve as developer to add units as outlined in the development pipeline (page 17 of report).
2. Identify any barriers to development of affordable housing within the Land Management Code and amend the Housing Resolution to address two outstanding policy issues: employee generation formula for recreation enterprises and analyze cost/benefit of amending the residential formula for calculating housing obligations.
3. Establish a stewardship program for owner-occupied, deed restricted properties to ensure long-term viability and affordability.
4. Update existing deed restrictions through the "buy-back and sale" program as properties become available for sale. In addition, work with existing owners to update older deed restrictions.

Department Review

The following Departments have reviewed this Staff Report: Community Development, City Attorney and Executive.

Funding Source

Funding has been reserved for housing goals and programs. A combination of Resort Sales Tax and RDA funding – both Capital budgets.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Park City's Transportation Demand Management Plan, adopted in 2016, clearly outlines demand-based paid parking as a core disincentive, aimed at reducing peak traffic congestion as does the adopted 2011 Traffic and Transportation Master Plan. The successful launch of parking technologies and solutions has demonstrated that the system is working to change travel behavior and associated parking demand, per the goals of the Transportation Demand Management (TDM) plan and Traffic and Transportation Master Plan (TTM). With added technology, staff has new opportunity to assess data in order to determine the detailed effectiveness of solutions. In this report, staff will introduce initial data and suggests a subsequent comprehensive parking data report in May of 2018, which will ensure adequate time for operational consistency prior to the 2018 summer season.

Respectfully:

Kenzie Coulson,

City Council
Staff Report

Subject: Parking Reporting and Data
Author: Kenzie Coulson, Parking & Fleet Manager
Robbie Smoot, Parking Data Analyst
Department: Parking Services
Date: February 15, 2018
Type of Item: Administrative

Summary Recommendation: Staff recommends that Council receive an update on parking data related to the December 15, 2017 technology launch. This work session will allow opportunity to preview the current dataset and to provide feedback regarding the future reporting of parking-related metrics.

Executive Summary: Park City's Transportation Demand Management Plan, adopted in 2016, clearly outlines demand-based paid parking as a core disincentive, aimed at reducing peak traffic congestion as does the adopted 2011 Traffic and Transportation Master Plan. The successful launch of parking technologies and solutions has demonstrated that the system is working to change travel behavior and associated parking demand, per the goals of the Transportation Demand Management (TDM) plan and Traffic and Transportation Master Plan (TTM). With added technology, staff has new opportunity to assess data in order to determine the detailed effectiveness of solutions. In this report, staff will introduce initial data and suggests a subsequent comprehensive parking data report in May of 2018, which will ensure adequate time for operational consistency prior to the 2018 summer season.

The Opportunity: In December of 2017, staff launched a series of technologies to support demand-based paid parking, real-time space counting, and parking mobile applications. A Parking Data Analyst was hired to support the function of parking. The purpose of this report is to give summary of the launch as it pertains to data analysis.

Background

- On May 25, Council gave direction to launch nightly demand-based paid parking on December 15, 2017. http://parkcityut.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2258&Inline=True
- On June 11, 2017 Park City, Summit County, and Utah Transit Authority jointly implemented increased service on the PC/SLC Connect.
- On June 23, 2017 Park City Transit initiated 10 minute frequency on SR 224 on the Electric Express as well as AM and PM Kamas commuter service .
- On December 15, 2017, parking technologies launched in China Bridge garage and surrounding surface lots. The Homestake Employee Lot began service as a park and ride for Main Street employees.

Analysis

The Launch: Adjusting to the new technology in China Bridge, operationally and for users, has presented anticipated challenges. This has had an impact on the integrity of the data

collected as it may not truly be representative of normal operations due to the initial obstacles faced. However, the garage successfully launched operations and staff is currently experiencing fewer user and equipment related issues as staff and the public have become familiar with best practices and standard operating procedures.

The most significant and unforeseen challenge that has interrupted operational consistency has been the failure of the Verizon LTE network during the December holiday week. For much of December, and during the operationally challenged timeframe, the garage was forced to operate "offline," which altered the nature of the data collected. Shortly after the networking issue was resolved and normal operations resumed, the Sundance Film Festival began. Sundance created another substantial change to operations and a gap in data collection and operational consistency. Additionally, although normal for a new parking program, the exasperating rate of vandalism to the gate arms in the China Bridge Garage has contributed to gaps in data. On average, there has been one gate broken per day since the launch of the project. When a gate arm is broken, entry and exit data may be lost, as well as revenue.

This section of the report aims to present early, significant data points with regards to China Bridge Garage, Main Street, and the Sundance Film Festival parking and transportation plan. For this initial data report staff is providing an outline of basic data related to occupancy, shuttle ridership, and average length of stay.

China Bridge Garage: The parking technology infrastructure in China Bridge introduces the newest element of data collection for staff. At the time of this report there is just over 30 days of data. Due to the intermittent disruptions to operations it is possible that this data may not be representative of typical garage behavior. It will take time for patterns to develop; however, staff hopes to begin the conversation regarding how City Council would like to utilize the valuable data produced from the technology updates to the facility. Data used in the China Bridge analysis covers 12/15/2017 – 1/17/2018 (from project launch to the day before Sundance Film Festival began).

Figure 1.1 shows the total number of garage entries during the data period. The term "transient" is meant to reference parkers who are staying a short period, typically not routine all-day employees. In this case, it's clear that the number of "transients" does include daytime routine parkers. Staff will seek to identify further patterns in the length of stay for those who pull tickets.

Figure 1.1

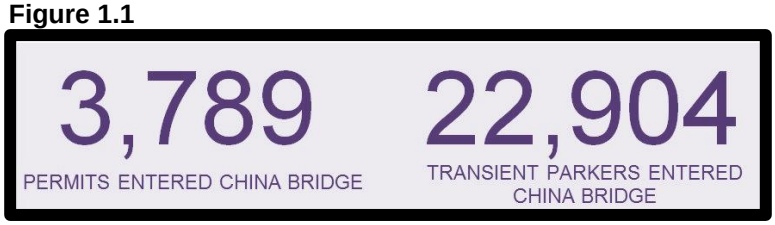


Figure 1.2 demonstrates the total number of permitted entries and exits to China Bridge Garage; permit activity is high during the 3pm hour. This is consistent with the employee survey responses collected during outreach. There is an overlap of shifts ending and beginning during the 3pm hour. Staff will be monitoring afternoon activity in order to assess when the overlap of day and evening guests is most impactful.

Figure 1.2

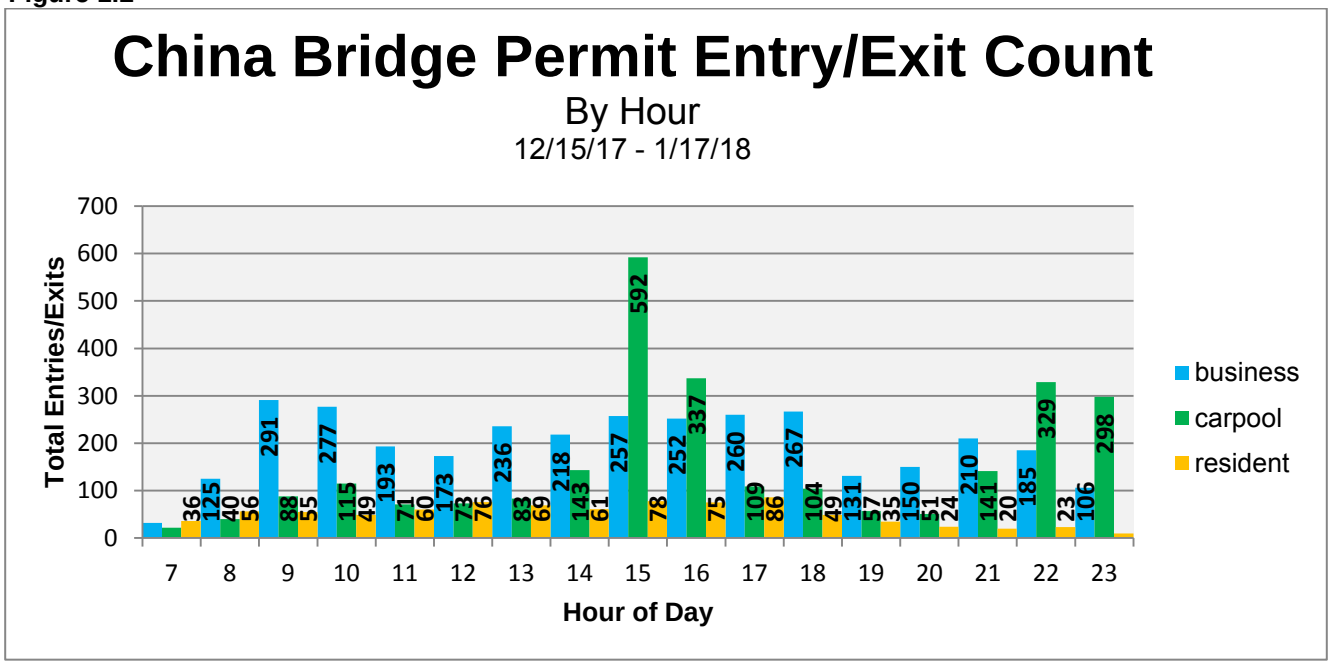
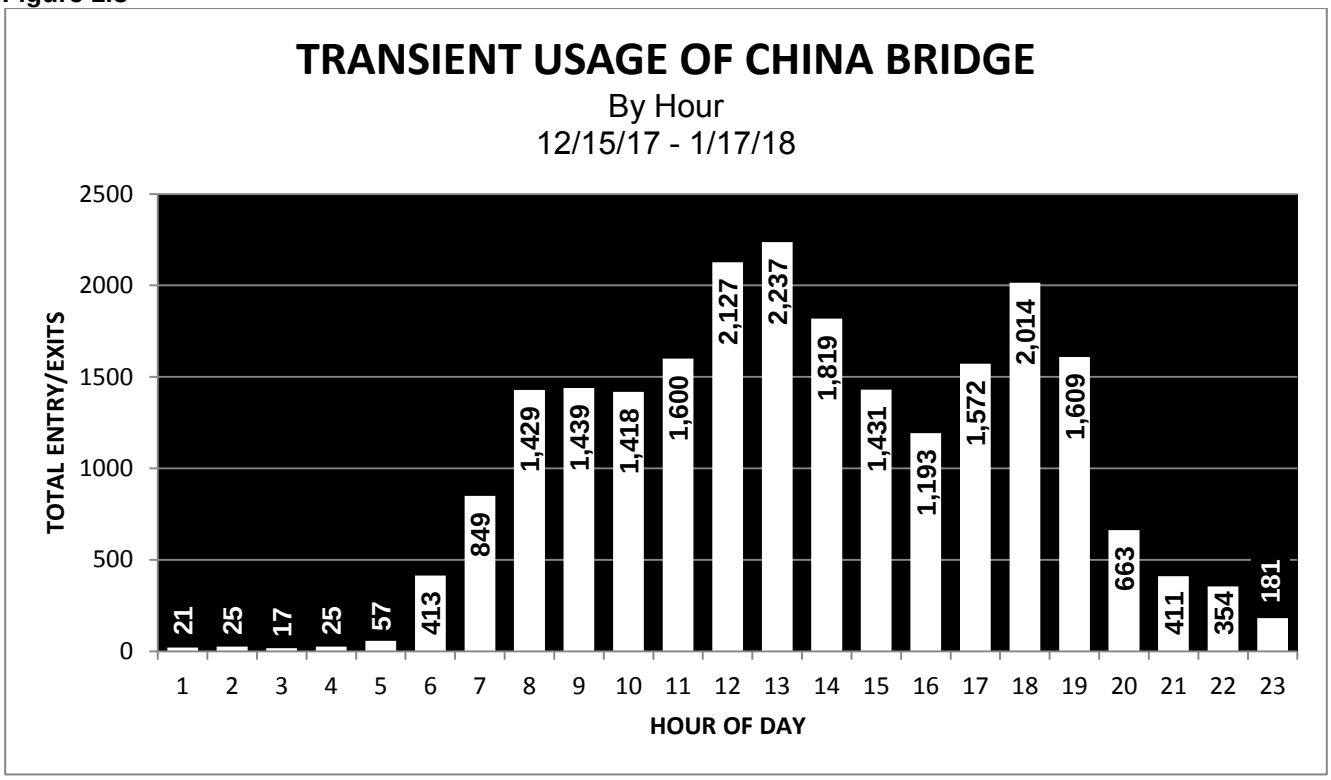


Figure 1.3 demonstrates entry and exit activity for those who pull tickets. Noon and 1pm show the highest activity, which may demonstrate that people are choosing China Bridge as a parking solution while it is free to park.

Figure 1.3



Main Street Meters: On December 15th, hourly parking rates on Main Street increased from $1.50 per hour (11am to midnight) to $2.00 per hour (11am-5pm) and $4.00 per hour (5pm to midnight). Although new meters were installed, parking meter technology and data reporting capabilities have been available for many years. The previous parking vendor has provided staff with transaction data dating back to January 31, 2016. Some cursory analyses on parking behaviors before and after the rate change are feasible; however, the new rate structure has not been in place long enough to establish reliable trends.

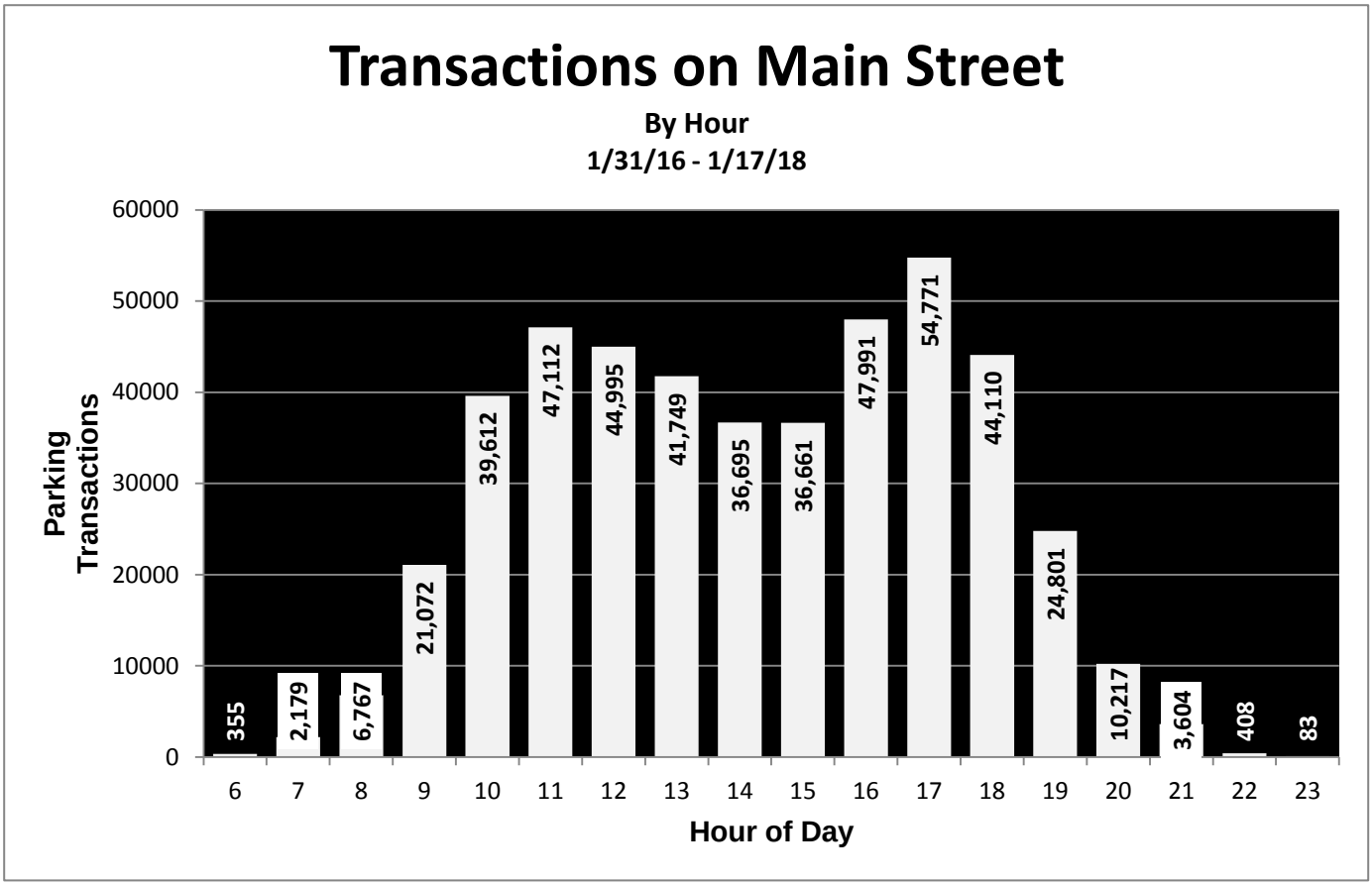
While the meter rate has increased, initial data suggests that the duration of parking sessions has also increased. The only data available that reflects the new Main Street rates is not representative of overall parking activity. New rates came into effect shortly before one of the busiest holidays and have likely inflated the numbers. This data may demonstrate longer durations and a higher concentration of evening parkers, which would put more weight on the $4 per hour rate. The following figures will certainly change as more data is available.

Figure 1.4

Figure 1.5

Combining historical and current transaction data we can see trends in parking occupancy on Main Street (Figure 1.6). The most popular hours for parking sessions are 11am, 4pm, and 5pm. The occupancy trends on Main Street reflect a similar pattern to China Bridge—each has two peaks of activity.

Figure 1.6



<u>Sundance Film Festival Parking:</u> Sundance Film Festival provided an interruption to the normal garage operating pattern and payment was collected upon garage entry, as opposed to upon exit. Anecdotal feedback indicates that there was less congestion during the event than in past years and that transit was more efficiently able to carry guests to the Old Town Transit Center.

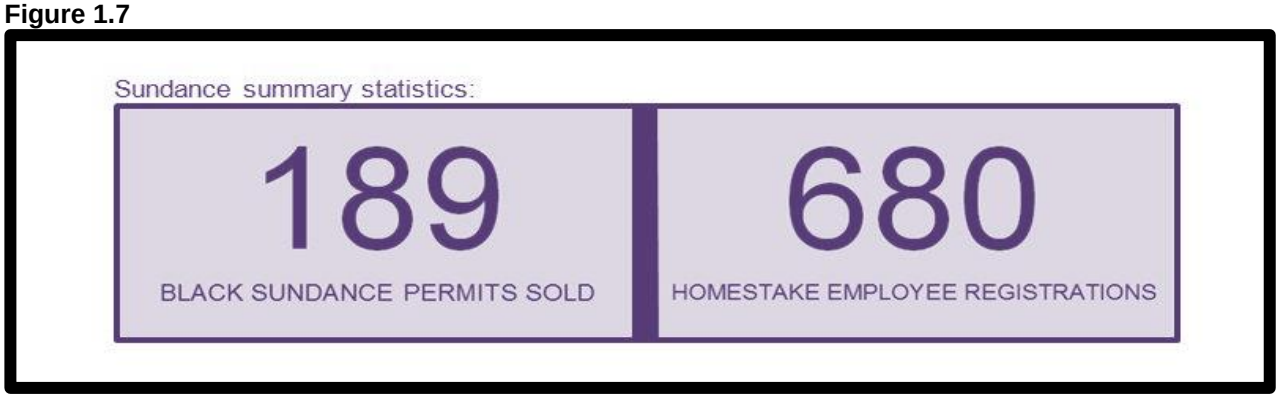
Staff is compiling parking and transportation data to present at a later March meeting, but had three goals during Sundance:

- To create a predictable and consistent transportation plan
- To reduce single occupant vehicles
- To reduce traffic and congestion in Old Town neighborhoods

The reduction in congestion may be related to the following:

- Parking operations were altered to accept payment of $40 per entry
- The garage and Flag Pole Lot were both full during the first weekend, indicating an appropriate rate
- TDM initiatives and transportation-related enhancements included:
    - Consistent and clear Variable Message Sign(VMS) signage
    - Strong communication and outreach before the event
    - Consistent park and ride options at Richardson Flat and Homestake, with 10 minute free transit, running through the entire event. Richardson Flat carried approximately 800 riders per day, and averaged 250 cars parked each afternoon
    - The addition of the electric express and the modification of Sundance supplemental transit routes created efficiencies
    - Parking rates created a necessary disincentive
    - Carpool permitting reduced the number of single occupancy vehicles on the road
    - Lyft worked closely with Sundance and City staff and demonstrated a careful plan to keep drivers from creating congestion near the transit center
    - Police presence was strong throughout town and especially on Main Street
    - Added pedestrian management assisted vehicle flow
    - The residential management plan involved additional contracted enforcement during peak times and signage
    - Continued removal of parking on Main Street to ensure deliveries and traffic flow

Figure 1.7

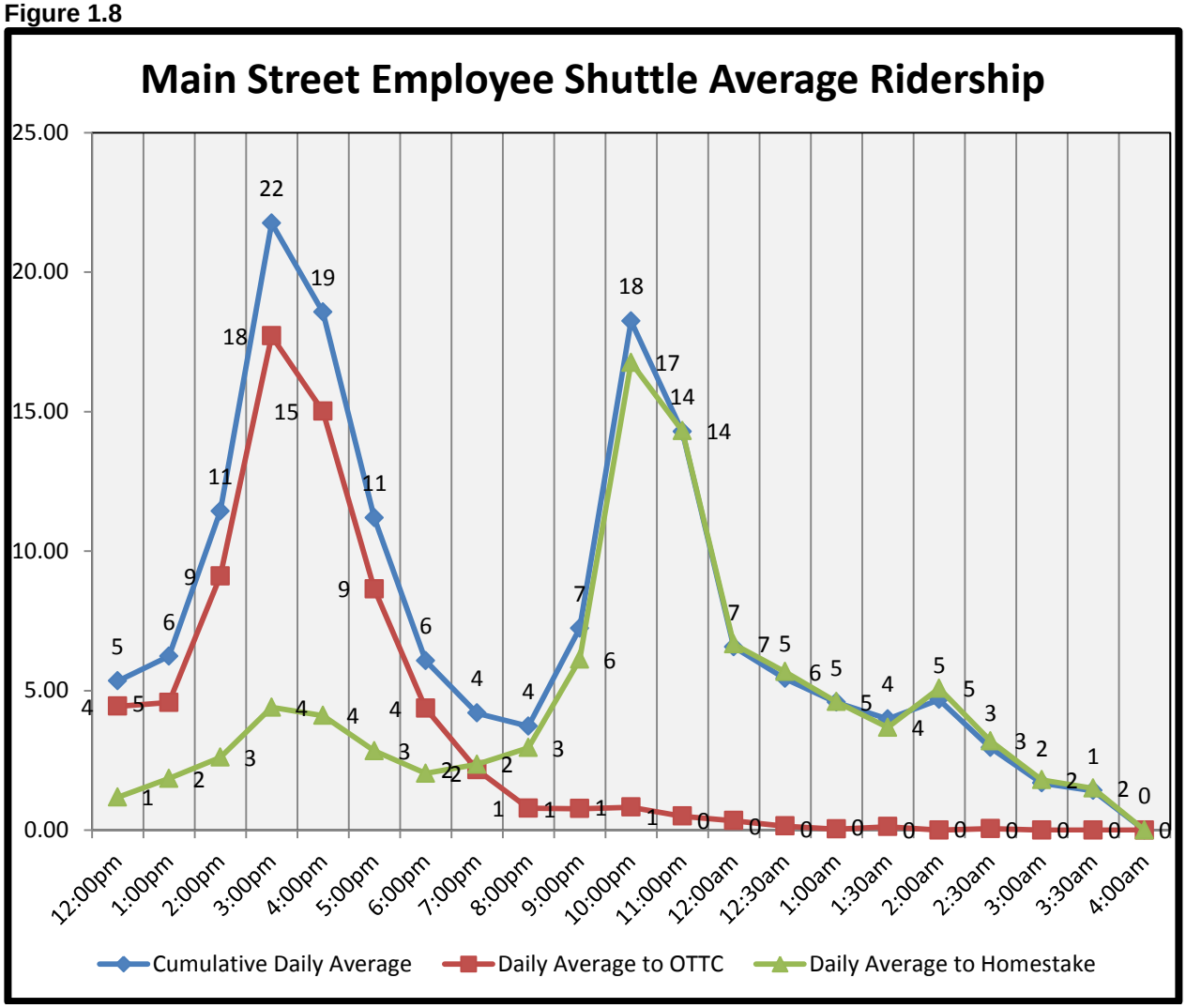


<u>Homestake Employee Lot Ridership (Figure 1.8)</u>

The Homestake Employee Lot has presented strong usage, with clear peaks in ridership at 3pm and 10pm daily.

- Weekend nights attract more riders than weekdays
- The highest usage was seen on Friday January 20, 2018, during Sundance Film Festival, with 313 passengers on the employee shuttle

Figure 1.8



*OTTC = Old Town Transit Center

Department Review

This report was reviewed by Transportation Planning, Public Works, Special Events/ Economic Development, Legal, and Executive.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

The Park City Police Department requests a ceremonial swearing in by the Mayor for the recently promoted police captain, lieutenant and sergeants.

Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

Oath of Office

I, Andrew Leatham, having been appointed to the office of Police Captain at Park City Municipal, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity.

_____
Signature

State of Utah
County of Summit

Subscribed and sworn to before me this 15th day of February, 2018, by Andrew Leatham.

Witness my hand and official seal.

_____
Notary Public Signature

Oath of Office

I, Vaifoa Lealaitafea, having been appointed to the office of Police Lieutenant at Park City Municipal, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity.

_____
Signature

State of Utah
County of Summit

Subscribed and sworn to before me this 15th day of February, 2018, by Vaifoa Lealaitafea.

Witness my hand and official seal.

_____
Notary Public Signature

Oath of Office

I, Cameron Thor, having been appointed to the office of Police Sergeant at Park City Municipal, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity.

_____
Signature

State of Utah
County of Summit

Subscribed and sworn to before me this 15th day of February, 2018, by Cameron Thor.

Witness my hand and official seal.

_____
Notary Public Signature

Oath of Office

I, Zachary Nakaishi, having been appointed to the office of Police Sergeant at Park City Municipal, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity.

_____
Signature

State of Utah
County of Summit

Subscribed and sworn to before me this 15th day of February, 2018, by Zachary Nakaishi.

Witness my hand and official seal.

_____
Notary Public Signature

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Over the past 18-months, City Council has seen the value of a robust community engagement program. To continue and expand the City's outreach efforts, the Community Engagement team offers a diverse menu of outreach and engagement activities to inform and engage our residents and community stakeholders in the local government process. For your review, please find a summary of community engagement activity from September 2017 – January 2018.

Respectfully:

Linda Jager, Community Engagement Manager

City Council Staff Report

Subject: Community Engagement Quarterly Top Priority Update
Author: Linda Jager, Community Engagement Manager
Department: Community Engagement
Date: February 15, 2018
Type of Item: Informational

Summary

Over the past 18-months, City Council has seen the value of a robust community engagement program. To continue and expand the City's outreach efforts, the Community Engagement team offers a diverse menu of outreach and engagement activities to inform and engage our residents and community stakeholders in the local government process. For your review, please find a summary of community engagement activity from September 2017 – January 2018.

Engagement Support for Departments & Initiatives

Staff has developed and implemented a variety of community engagement plans and campaigns for the following departments:

- Budget, Debts & Grants
- Building
- Economic Development
- Engineering
- Environmental Sustainability
- Housing
- Parking
- Planning
- Public Utilities
- Special Events
- Transportation & Transit

Council Community Outreach Series

Staff organized and hosted four council outreach events – Coffee with Council (September); Charlas con el Consejo (October); Seniors Lunch with Council (October); and Après with Council (November) - drawing an average of 25 attendees per event. Staff is evaluating additional formats (Council at the MARC) to augment this series.

Park City Municipal Video Series

Through a continued collaboration with Eclectic Brew Productions, staff produced three videos highlighting the City's initiatives and work on critical and top priorities – Public Art, Engage Park City, and 2017 Year-in-Review. Current videos in production include PCMC Economic Development Grant Program, Open Space and an introduction to the City's Parking Management Program.

Digital Communications
The Community Engagement team continues to use a diverse mix of social media and digital communications to inform and engage our stakeholders. We've seen a continued growth of engaged followers among our platforms (Facebook, Instagram and Twitter).
In addition to our monthly e-newsletter and City Council summaries, staff produced the following since September:

- Event traffic mitigation maps for Howl-O-Ween on Main Street and the 2018 Sundance Film Festival
- Event text alerts – staff worked with the Emergency Management and Special Events departments to create and broadcast text alerts for residents and event attendees to provide traffic, transit, parking and weather impact information during the 2018 Sundance Film Festival and the Respect Rally.
- Sundance Community Guide – staff worked with the Special Events department to publish the annual community guide in English and Spanish.
- 2018 Citizen's Budget – staff worked with the Budget department to produce a digital and printed upgrade of the annual Citizen's Budget.
- Critical Priority Infographics – staff has partnered with C&S Creative to design a template to illustrate the City's Critical and Top Priorities. The first infographic highlighted the work being done on Transportation. Staff is currently working on similar infographics for Energy and Housing.

Outreach Events
The Community Engagement team worked with a variety of departments to produce and host the following events:

- Park City Municipal Projects Open House (September)
- Arts & Culture District Open House (November)
- SR 248 Open House (November)
- City Council Mid-Term Vacancy Information Session (December)
- Rossi Hill Project Open House (December)
- Mayor Jack Thomas and Council Member Cindy Matsumoto Tribute (December)
- Mayoral and City Council Swearing-In (January)

National Citizen Survey
In September 2017, the Community Engagement team launched the fourth edition of the National Citizen Survey. The survey has been conducted biennially (2011, 2013, 2015 and 2017), and benchmarks Park City's performance with over 400 participating communities. The survey was mailed to a random sample of 1500 Park City residents. We received a higher than average response rate (27%). Following the mail-in survey, the City offered an opt-in, online version in both English and Spanish. Approximately 400 participants (residents and non-residents) completed the online survey. Results from the 2017 survey are available here, and the online survey results are available here.

PCMC Communications Workgroup
In November 2017, the Community Engagement team hosted the first meeting of the PCMC Communications Workgroup – a 14-member group comprised of representatives from internal and external-facing departments across the City. The group will meet quarterly to share best practices for communication and community engagement, and to cross-train on community engagement tools (social media, engagement and graphics software, video editing, e-mail marketing, etc…).

Engage Park City
Following an extensive review, the Community Engagement team signed on with Engagement HQ to provide an online community engagement software program to allow the City to connect, inform and engage with a broader group of residents and community stakeholders. Engage Park City was launched in December to provide an online open house for the Park City Arts & Culture District. Subsequent projects have included surveys on Social Equity, Deer Valley Drive Pedestrian/Bike Options, and the Treasure Hill Property Purchase. The project pages on Engage Park City can be offered in English and Spanish. Each project has been promoted via local media, social media and through PCMC's newsletter. Participation has been favorable and robust. We look forward to continuing to grow this platform to augment our traditional channels of community outreach.

Background
For additional information on the work of the Community Engagement team, please view our FY 2018 Strategic Plan.

Department Review
Community Engagement, Executive and Legal

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Council recently inquired about the ability to send emergency alerts to the Spanish-speaking community in Park City, using Everbridge, the City's Emergency Mass Notification System (EMNS). This staff communication is an update on our capabilities.

Respectfully:

Hugh Daniels,

City Council
Staff Communication Report

Subject: **Spanish Language Emergency Mass Notification System Alerts**
Author: **Hugh A. Daniels, CEM, UCEM**
Mike McComb
Department: **Emergency Management**
Date: **February 15, 2018**
Type of Item: **Informational**

Background: Council recently inquired about the ability to send emergency alerts to the Spanish-speaking community in Park City, using Everbridge, the City's Emergency Mass Notification System (EMNS).

Update: Upon researching Everbridge's capability to automatically convert emergency notifications into other languages, Emergency Management has reached the following findings:

- Language on the ParkCityAlerts.org website used to register citizen's mobile phones and smart devices for the EMNS can be easily changed to any of more than 110 languages, including Spanish. Users can select their chosen language from a drop-down menu on the main screen, causing all text fields to be automatically translated into that language.

- Inquiries to Everbridge reveal that actual messages must be manually translated into another language, and be separately transmitted to users who opt to receive messages in Spanish or added to the English message.

- In response, the Emergency Management Department has added a data field to ParkCityAlerts.org, requiring registering users to indicate their preferred language when they register for the alerting service. For this list of Spanish-speaking registrants, we will be able to form a separate group of contacts within the Park City Citizens Alert database, and send a separate, manually translated message to them when we release alerts affecting the community. We will additionally amend City policy on emergency messaging to reflect these changes.

- Because Park City and Summit County have recently entered into a service agreement for the same EMNS, these features will also be available to all Summit County residents.

- We have a pool of city and county staff who are able to translate messages from English into Spanish.

- To sign up for emergency alerts, go to ParkCityAlerts.org

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Staff will be coordinating with the Sundance Institute through a series of post event debriefs and community engagement opportunities to gather feedback from this year's Festival. Staff is informing Council of this outreach effort to help direct community members to the numerous ways to provide input during the debrief process in the coming weeks. Staff anticipates presenting a full operational debrief of the 2018 Film Festival at the March 29 City Council meeting.

Respectfully:

Jennifer Diersen,

City Council
Staff Communications Report

Subject:	**Sundance 2018 Post Event Debrief & Engagement Efforts**
Author:	**Jenny Diersen, Special Events & Economic Development Program Manager**
Department:	**Special Events and Economic Development**
Date:	**February 15, 2018**
Type of Item:	**Staff Communications Report**

Summary

Due to the size and scope of the Sundance Film Festival, a large coordinated effort occurs between every City Department, Sundance Institute and many community stakeholders in order to both support opportunities and mitigate challenges during the event. The success and opportunity that Sundance Film Festival brings, also creates challenges and a need to increase community outreach and mitigation efforts to offset adverse impacts during the Festival timeframe. The City had three goals in the transportation plan for the 2018 Sundance Film Festival:

- Reduce single occupant vehicles on roads.
- Decrease traffic and congestion in residential neighborhoods.
- Create a consistent and predictable transportation plan.

From now through March 5th, staff will be coordinating with the Sundance Institute through a series of post event debriefs and community engagement opportunities to gather feedback from this year's Festival. Staff is informing Council of this outreach effort to help direct community members to the numerous ways to provide input during the debrief process in the coming weeks.

While staff has received many positive and constructive comments regarding operational changes during the 2018 Festival, these engagement opportunities will allow staff to evaluate both the opportunities and challenges of this year's festival to make improved plans for future events and the community. After gaining debrief input from these various community members and stakeholders, **staff anticipates presenting a full operational debrief of the 2018 Film Festival at the March 29 City Council meeting.** An economic impact summary of Sundance Film Festival is anticipated later in the Spring/Summer after Sundance has the ability to gather data.

- Community Engagement Opportunities: In addition to outreach already done, Council can ask people to direct feedback to one or more of the following contact points so we can conduct as much information as possible.
    - SEAC Meeting, February 21, (12:00 to 1:00 p.m. Park City Library)
    - Email input to seac@parkcity.org or specialevents@parkcity.org
    - Community Transportation Survey – received 300 responses so far and will be open until the end of the day on February 14. The responses received so far are more than double (+300) what we received for survey responses for 4th of July, Miners Day, Halloween and Arts Festival. The

following link can be used to take the survey through end of day on February 14: https://www.surveymonkey.com/r/ZD2VT5N
    - Stakeholder Engagement: Staff will host formal debrief sessions that include members of the following organizations: Sundance Institute, Internal City Departments, Historic Park City Alliance, Park City Chamber, Park City Lodging Association, Park City Restaurant Association, Park City School District, Summit County, Park City Resort, Deer Valley Resort, and For Hire/Taxi Working Group, Uber, Lyft, Delivery Companies

Engagement and debrief, first with stakeholders and then with City Council, will focus on the following topics:

- Access to Information
    - Rules of the Road (released in September)
    - Community Guide (released in English & Spanish)
    - Communications leading up to the Festival – Social Media, Text Alert System, Local and Regional Media partners
    - Transportation Survey
- Public Property/ Facility Use and Impacts
    - Coordination of set up and facility closures
- Private Facility Use (both for Sundance Film Festival and Local Businesses/ Property Owners)
    - Coordination of Conventional Chain Business Restrictions
    - Vacant Storefront Use and Enforcement
- Transportation Planning
    - Transit Schedule
    - Alternative Modes of Transportation
    - Taxi/ Ride Share/Hotel Shuttle
- Residential Mitigation
    - Efforts to deter traffic in residential neighborhoods
- Parking Plans
    - Create varied parking options and price structures throughout Park City
    - Drop and Load (Delivery Restrictions) on Main Street
    - Parking Removals and Restriction timelines

Background

There is an extensive background regarding the 2018 Sundance Film Festival Supplemental Plan which can be found here.

Department Review

Special Events, Economic Development, Transportation Planning, Parking Services Transit, Public Works, Streets, Parks, Building Maintenance, Police Department, Emergency Management, Community Engagement, Planning, Building, Finance, Budget, Legal and Executive

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

In Fall of 2017, staff started exploring options with Utah Department of Transportation (UDOT) to evaluate potential alternatives to increase pedestrian and bicycle access along the 1.1 mile stretch of Deer Valley Drive/SR-224, between Bonanza Drive and the Marsac roundabout. The study is underway and currently evaluating alternatives through means of gathering public input, evaluating engineering standards and extensive data analysis.

Respectfully:

Julia Collins, Senior Transportation Planner

City Council
Staff Communications Report

Subject: Deer Valley Drive/SR-224 Pedestrian and Bicycle Access Project Update
Author: Julia Collins, Senior Transportation Planner
Logan Jones, Trails and Open Space Coordinator
Alfred Knotts, Transportation Planning Manager
Matt Cassel, City Engineer
Corey Legge, Public Improvements Engineer
Department: Transportation Planning, Engineering and Sustainability
Date: February 15, 2018
Type of Item: Informational

In fall of 2017, staff started exploring options with Utah Department of Transportation (UDOT) to evaluate potential alternatives to increase pedestrian and bicycle access along the 1.1 mile stretch of Deer Valley Drive/SR-224, between Bonanza Drive and the Marsac roundabout. The study is underway and currently evaluating alternatives through means of gathering public input, evaluating engineering standards and extensive data analysis.

The project supports Park City's transportation goals as identified the adopted 2014 General Plan and 2011 Traffic and Transportation Master Plan – to increase access to transit and active modes of travel and to reduce rates of Single-Occupancy-Vehicle (SOV) use and associated Vehicle Miles Traveled (VMT) and air quality impacts. Through recent projects, observations, and community feedback for increased pedestrian and bicycling facilities it was determined by Park City staff that an assessment of facilities and dialogue regarding the corridor with UDOT should commence. The drivers of the project include observations from a Road Safety Assessment led by the Technical Resource Center in the Federal Highways Administration, the introduction of the Summit e-bike share program, the well-worn desire paths on the west side of Deer Valley drive, requests from Aerie drive residents and an increasing number of residents and visitors walking and biking throughout the city. The goal of the study is to evaluate the feasibility of five potential alternatives in terms of overall constructability, safety, and access for users (cyclists, e-bike users, motor vehicles, transit and pedestrians) and determine the need for facilities. This project is evaluating alternatives that are reasonably attainable in the short or long term and not considering a full reconstruction of the roadway as a solution. UDOT owns and operates SR-224/Deer Valley Drive and while local government goals are taken into consideration, ultimately, UDOT controls the design and authority over the roadway. Funding for the selected alternative has not yet been identified by Park City or UDOT.

SR-224/Deer Valley Drive is a 5-lane UDOT arterial, classified as a principal arterial with speed limits that vary from 35MPH on the north end of the corridor to 40MPH in the central corridor, to 25MPH at the southern portion of the corridor. The travel lanes are 12 feet wide and the center turn lane is 11 feet wide. The Deer Valley Drive/SR-224 corridor serves a variety of destinations, including the Deer Valley Resort, City Park, and Park City's Historic Main Street. The Old Town Transit Center is on the southern end of the corridor, which is a major hub for the Park City Transit system, serving 12 of the 13 transit routes. Additionally, the corridor is adjacent to a system of soft-surface

multi-use trails to the east, Poison Creek pathway to the north and west and Bonanza drive has separated bike lanes. Figure 1 is an overview of the study corridor.

Below are the five alternatives that Park City staff developed and are evaluating with UDOT as part of the study:

- **Bicycle Lanes:** On-street bicycle lanes on both sides of SR-224/Deer Valley Drive;
- **Single Bike Lane Hybrid:** One bicycle lane on SR-224/Deer Valley Drive in either the southbound or northbound direction, with appropriate signage to adjacent facilities;
- **Separated Paths:** A soft-surface trail on the west or east side of the corridor;
- **Restripe for Shoulders:** Restriping the SR-224/Deer Valley Drive to include shoulders where space allows; and
- **Poison Creek Pathway Connection:** Enhancing or creating additional connections and improving signage to the existing Poison Creek Pathway which is west of SR-224/Deer Valley Drive.

Based on initial meetings with UDOT there are other important considerations and goals that Park City is recommending as a considered outcome of the process. The recommended alternative should support the Park City General Plan and Park City Traffic and Transportation Master Plan goal of building Complete Streets whenever possible and to increase access to transit and active modes of travel. Maintaining roadway vehicular capacity, on SR-224/Deer Valley Drive while creating a well-marked active transportation facility should be a considered outcome of this study. Lastly, transit operations on SR-224/Deer Valley Drive will be maintained and remained unchanged, especially during special event roadway configuration.

As part of the project development, staff has conducted extensive neighborhood outreach by means of:

- Online engagement with project information and an online survey through EngageParkCity.org that was available from January 15, 2018 – February 6, 2018 and received 61 responses and 173 unique visitors to the project information page.
- Quick KPCW radio interview that aired three times February 2-4, 2018 highlighting the project and asking for feedback through the EngageParkCity website.
- Informational letter and invitation to share the survey to bicycle and pedestrian related local businesses and affiliates which include: Mountain Trails Foundation, all Park City area bicycle shops, and Bike Utah
- Invitation to participate in the survey and project information to Aerie Drive neighborhood.

Staff is currently analyzing the input from the online survey and preparing a summary report that will be incorporated into the overall project development, study report and discussions with UDOT. A snapshot of public comments, feedback and sentiment has been provided in Figure 2, which demonstrates support for improved pedestrian and bicycle facilities along the corridor. Park City staff will continue to keep Council informed on progress as they work with UDOT staff to develop and recommend solutions.

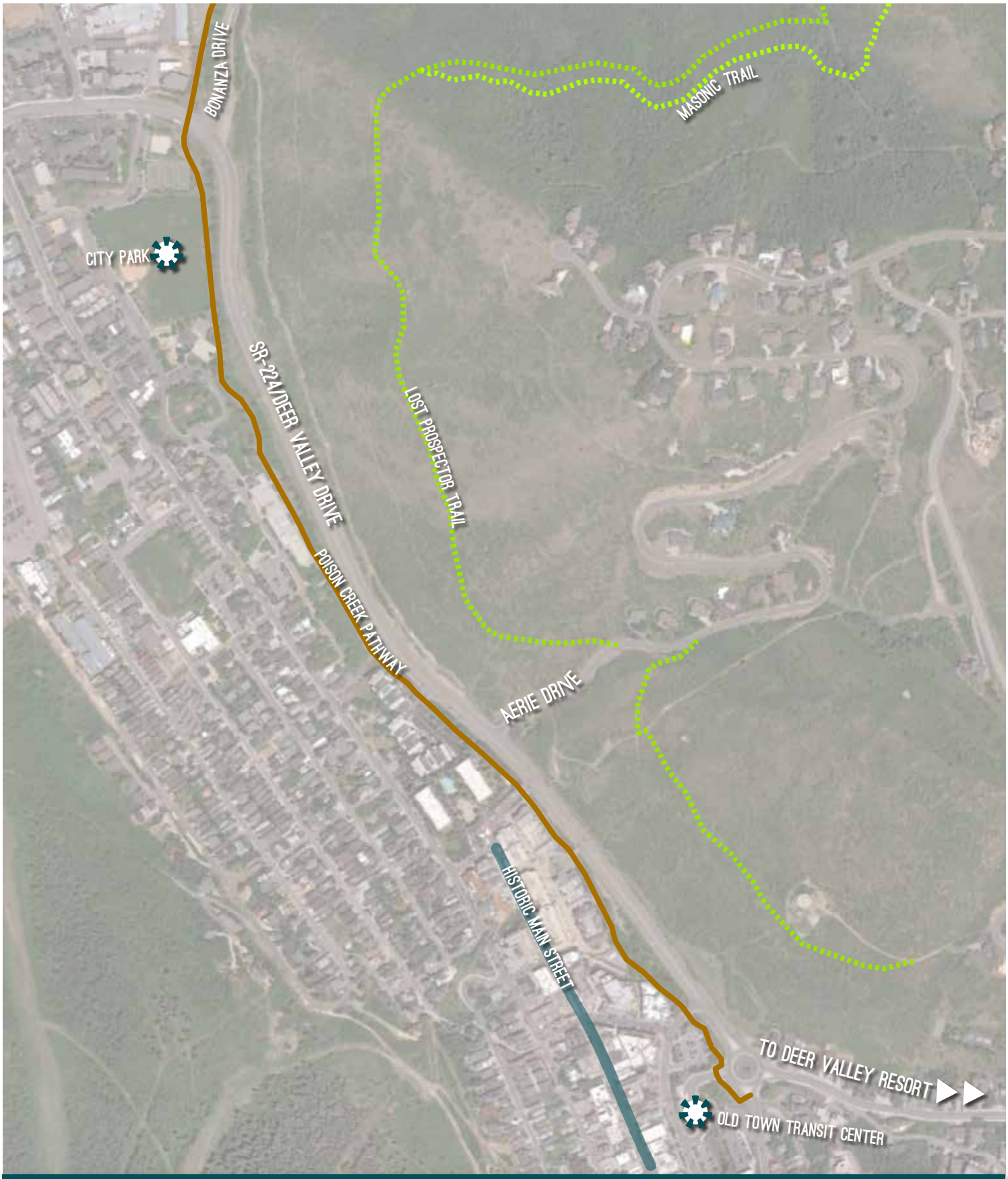


Figure 1

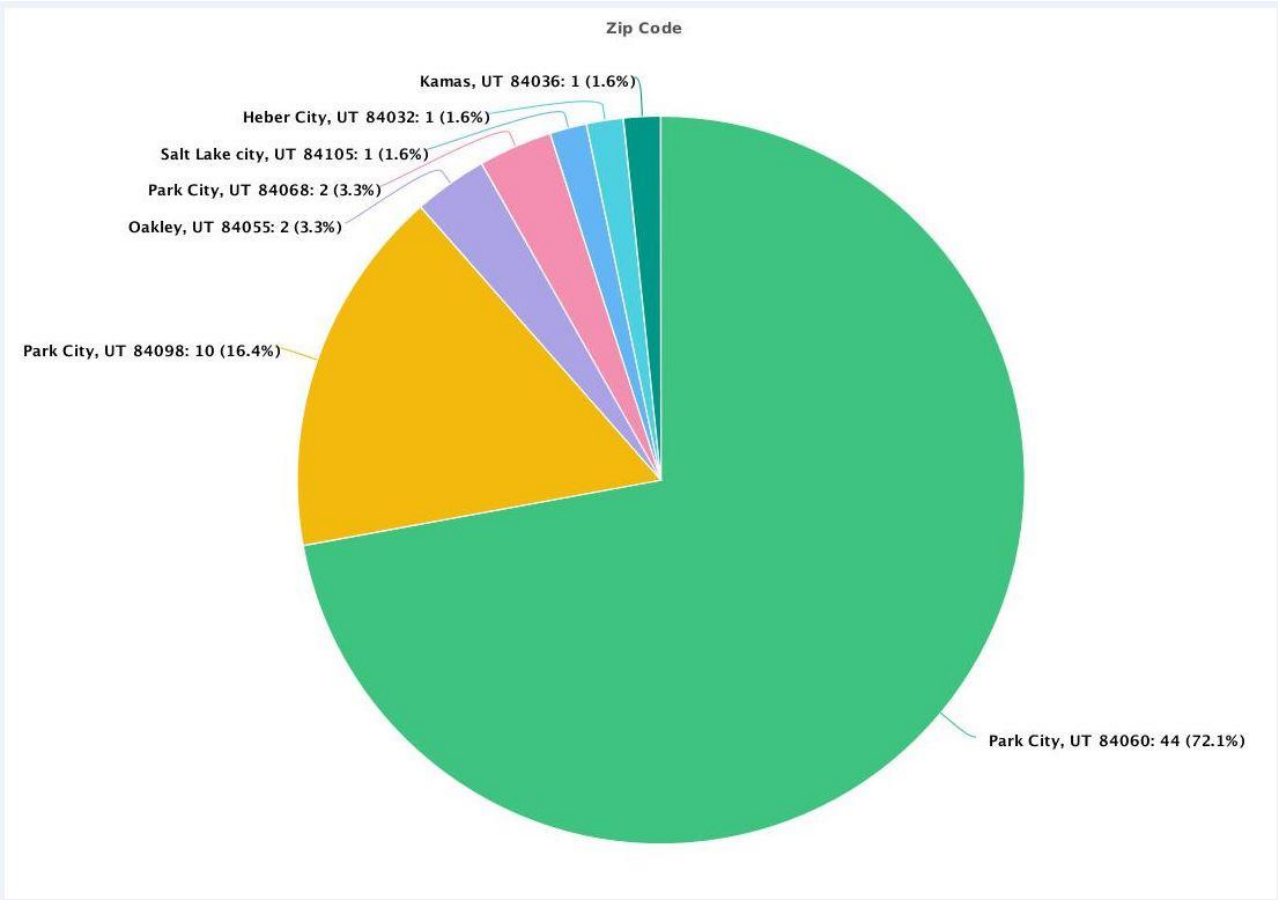
Overview of Study Corridor

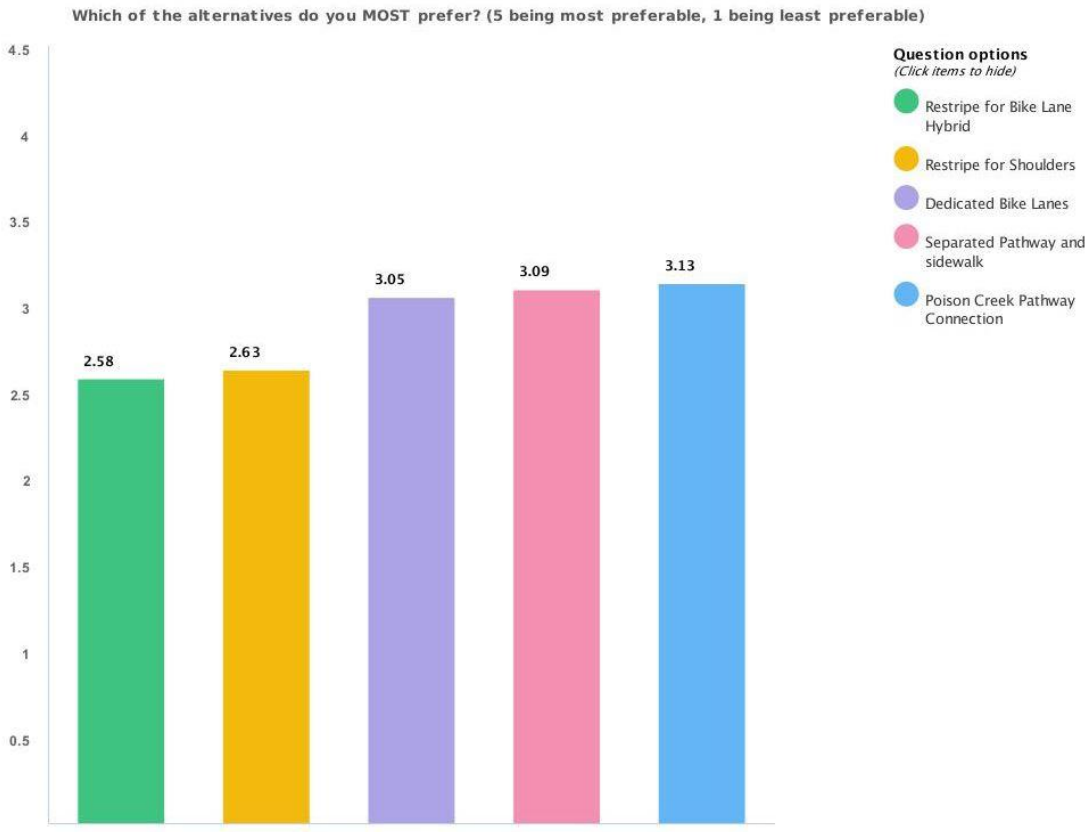
Figure: 2

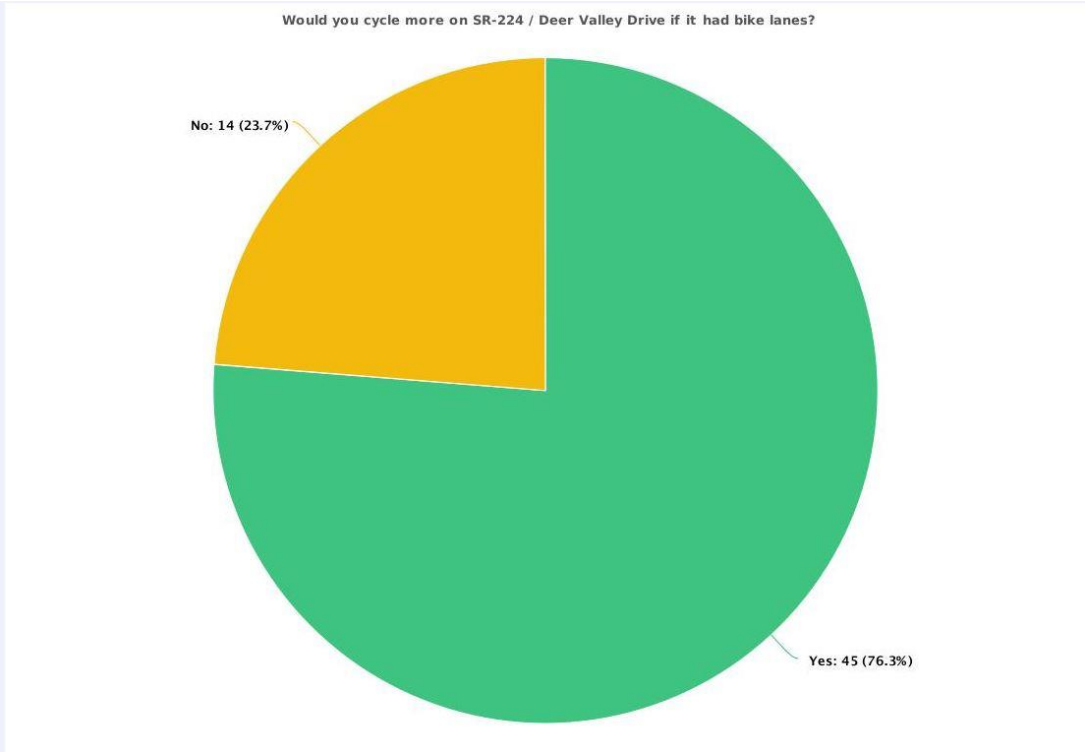
EngageParkCity survey responses and snapshot of comments

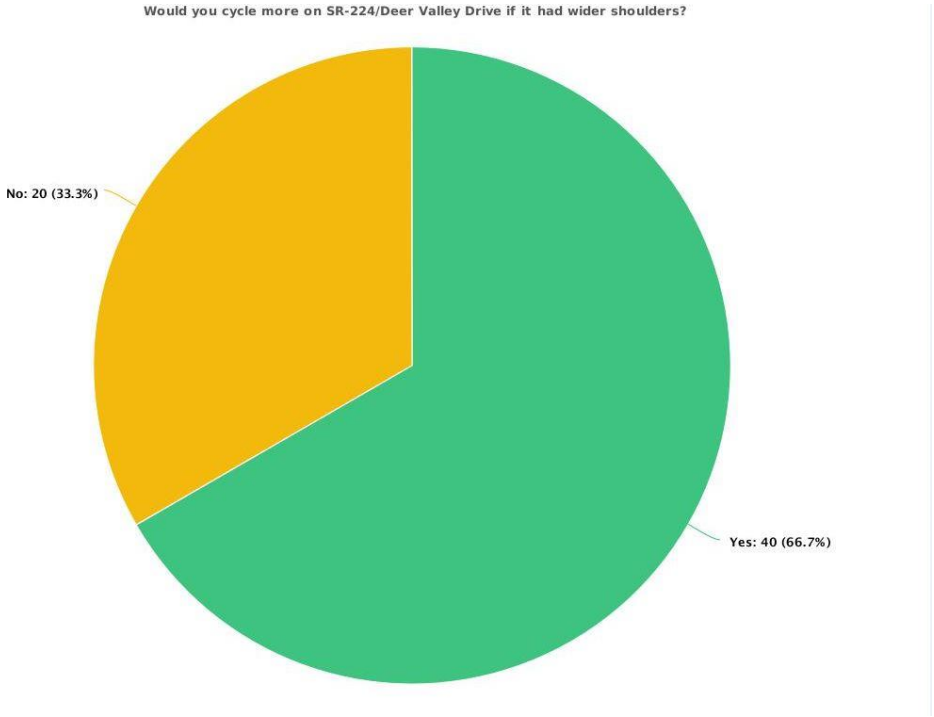
Survey: Do we need bike and pedestrian access on SR-224/DV Drive

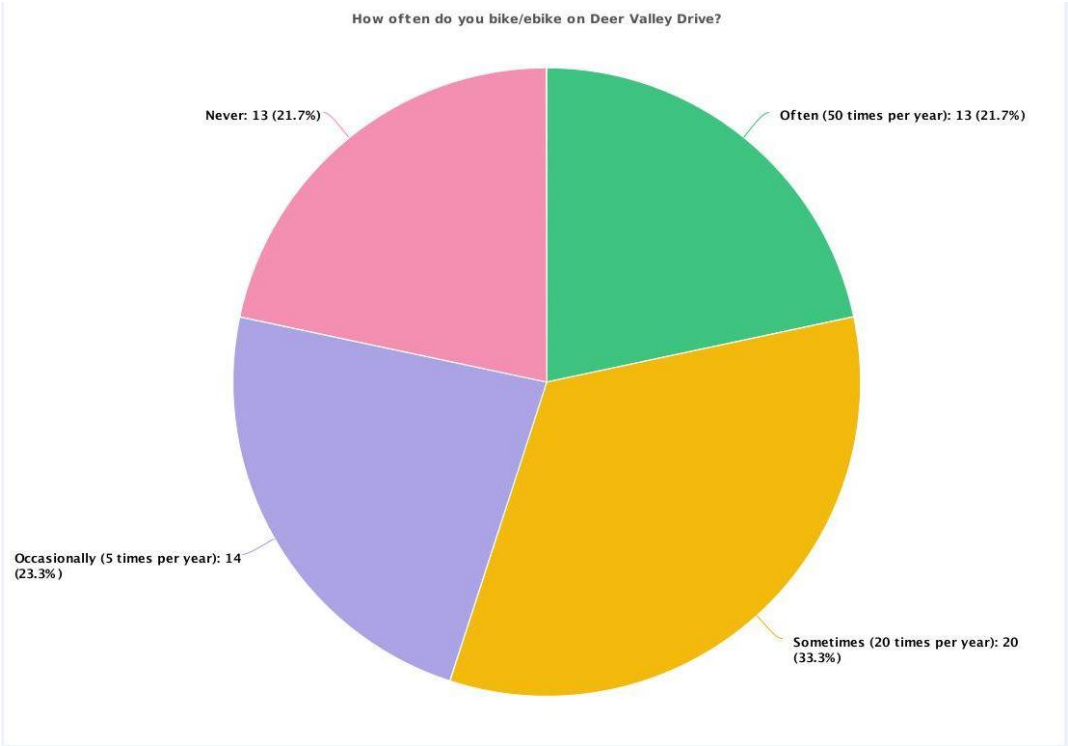
VISITORS		
173		
CONTRIBUTORS	CONTRIBUTIONS	
61	61	
61 Registered	0 Unverified	0 Anonymous

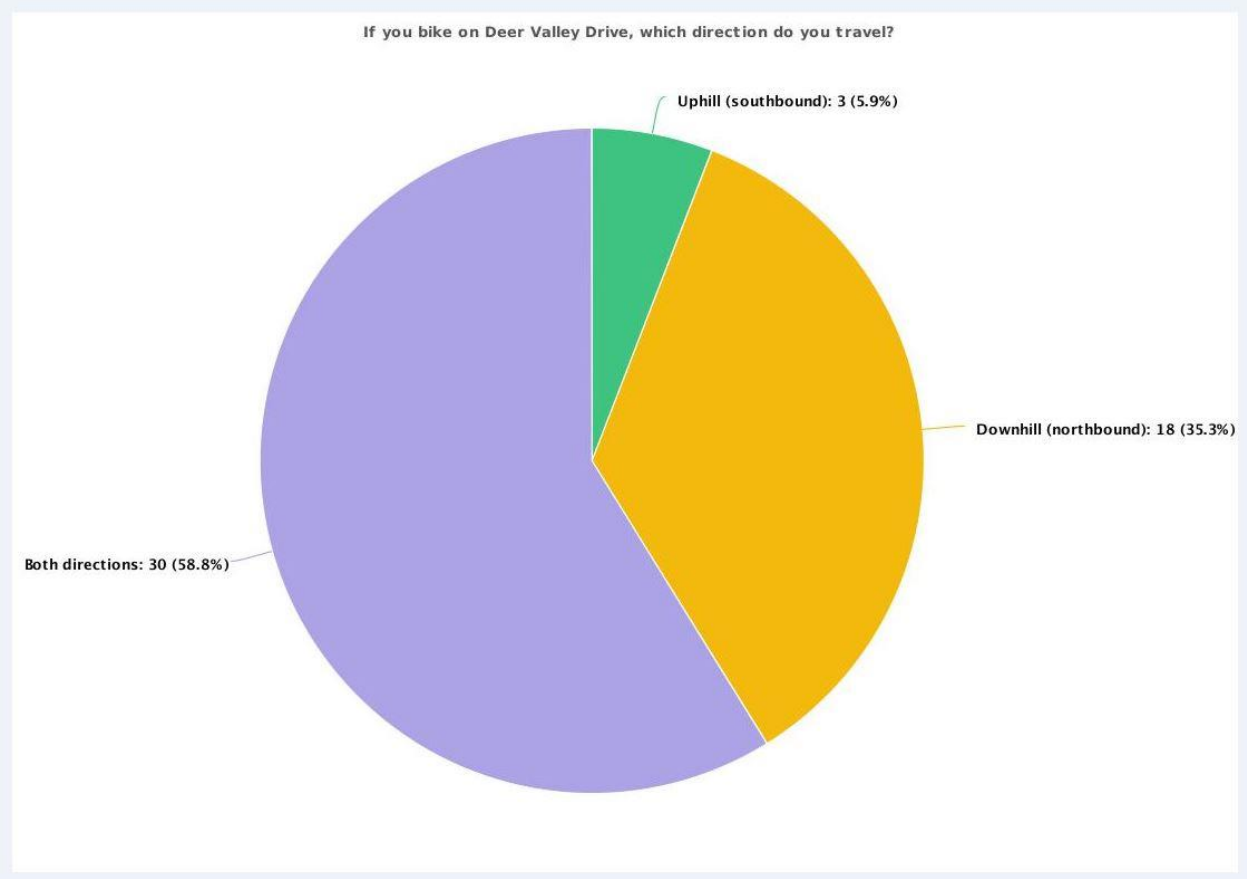


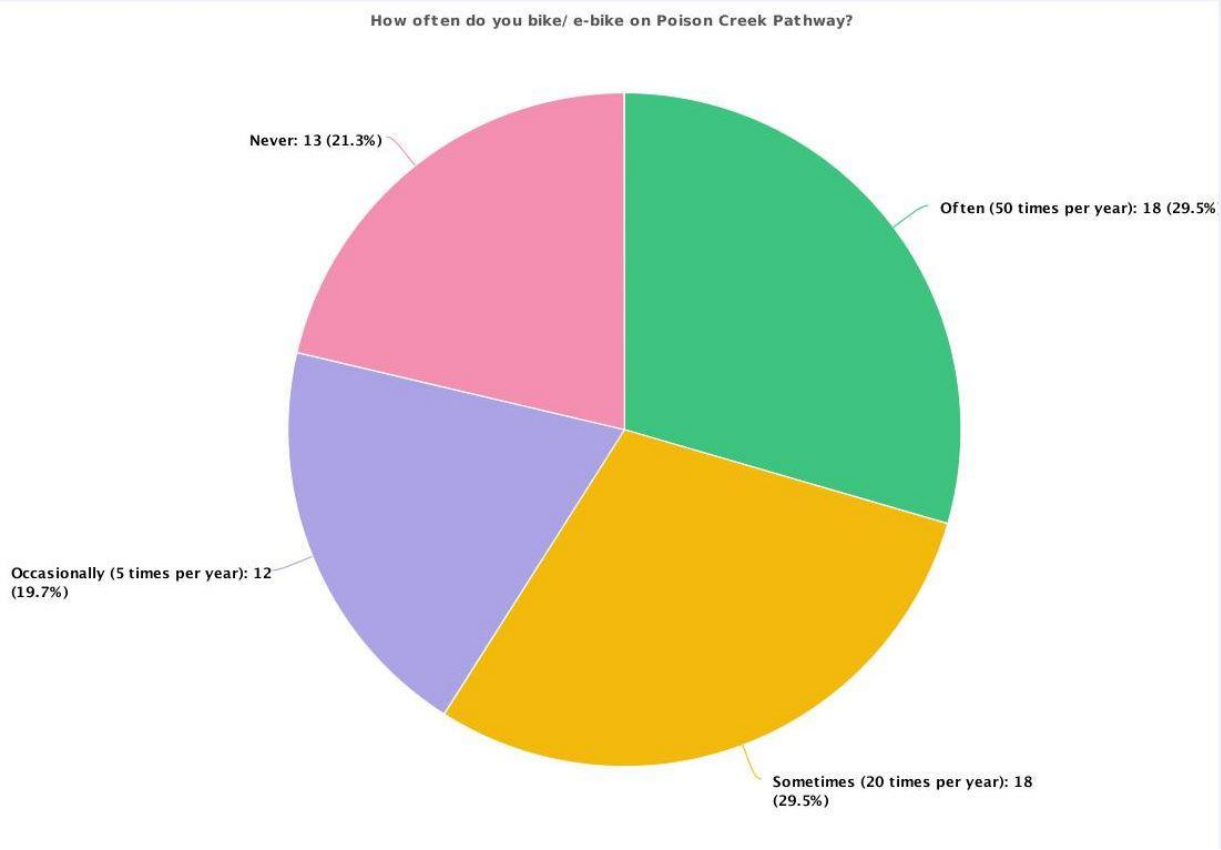

Which of the alternatives do you MOST prefer? (5 being most preferable, 1 being least preferable)
4.5
4
3.5
3
2.5
2
1.5
1
0.5
2.58
2.63
3.05
3.09
3.13
Question options
(Click items to hide)
Restripe for Bike Lane Hybrid
Restripe for Shoulders
Dedicated Bike Lanes
Separated Pathway and sidewalk
Poison Creek Pathway Connection

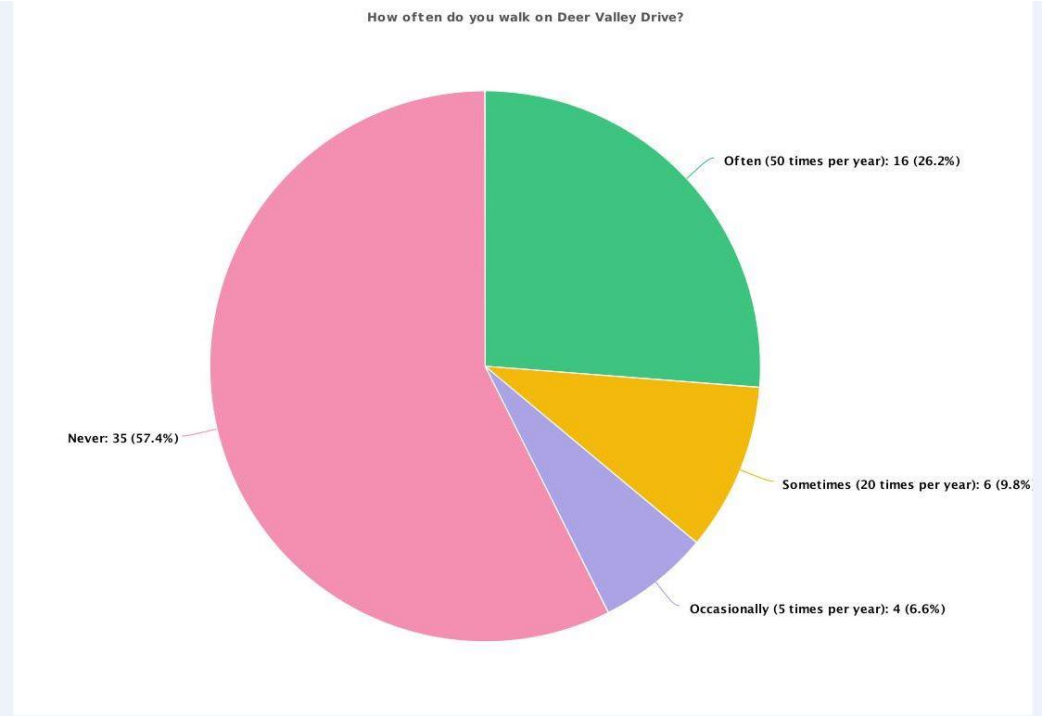

Would you cycle more on SR-224 / Deer Valley Drive if it had bike lanes?
No: 14 (23.7%)
Yes: 45 (76.3%)

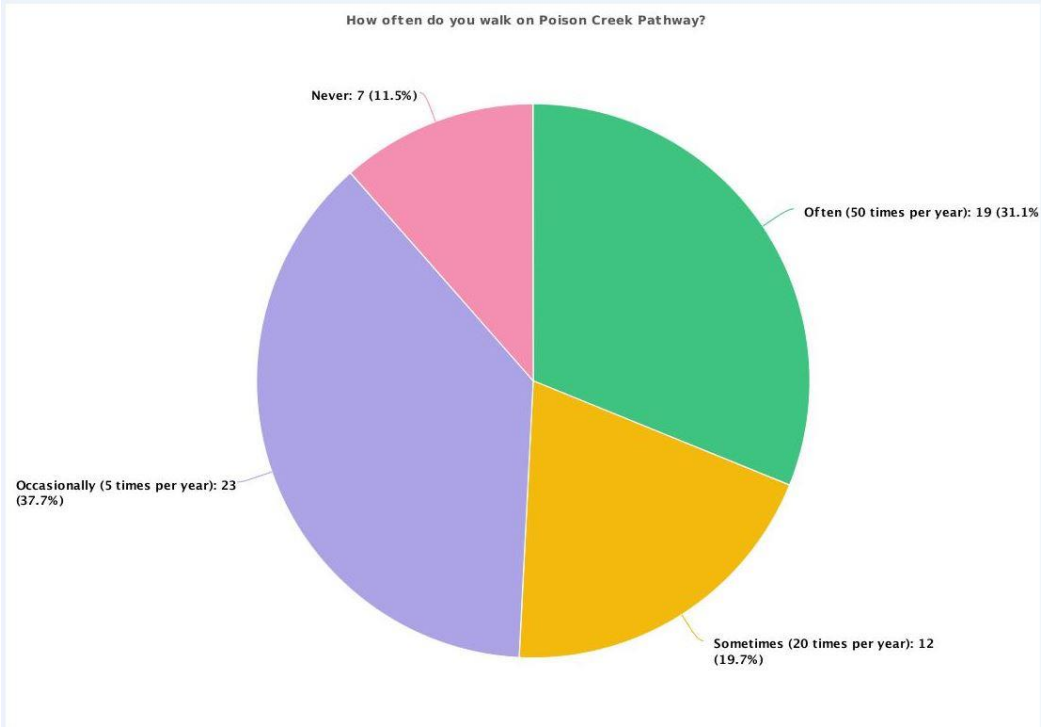

Would you cycle more on SR-224/Deer Valley Drive if it had wider shoulders?
No: 20 (33.3%)
Yes: 40 (66.7%)


How often do you bike/ebike on Deer Valley Drive?
Never: 13 (21.7%)
Often (50 times per year): 13 (21.7%)
Occasionally (5 times per year): 14 (23.3%)
Sometimes (20 times per year): 20 (33.3%)


If you bike on Deer Valley Drive, which direction do you travel?
Uphill (southbound): 3 (5.9%)
Downhill (northbound): 18 (35.3%)
Both directions: 30 (58.8%)


How often do you bike/ e-bike on Poison Creek Pathway?
Never: 13 (21.3%)
Often (50 times per year): 18 (29.5%
Occasionally (5 times per year): 12 (19.7%)
Sometimes (20 times per year): 18 (29.5%)


How often do you walk on Deer Valley Drive?
Often (50 times per year): 16 (26.2%)
Sometimes (20 times per year): 6 (9.8%
Occasionally (5 times per year): 4 (6.6%)
Never: 35 (57.4%)


How often do you walk on Poison Creek Pathway?
Never: 7 (11.5%)
Often (50 times per year): 19 (31.1%
Occasionally (5 times per year): 23 (37.7%)
Sometimes (20 times per year): 12 (19.7%)

2/04/2018 10:20 AM

Thank you for addressing this issue! I live on Aerie Drive and am forced to use Deer Valley Drive in order to get anywhere on my bike. It's frightening and dangerous. The traffic is endless and the speeds are high. It's an incredibly dangerous area for cars, pedestrians, and bikers. There will be a death soon if nothing is done. It's getting worse every year. I live within walking/biking distance of Main Street but have to drive to town or ride on DV.

1/12/2018 07:45 PM

I've often thought this was the worst "connection" in our trail system, no safe way to ride from Deer Valley Drive to the rest of town. I don't think it has to be complicated, just need a safe way to get to the existing trail on the other side of Deer Valley Drive, at the roundabout.

1/12/2018 06:01 PM

Riding uphill is a problem as vehicles pass at much faster speeds and there is no shoulder. Downhill slightly safer as it is possible to “take the lane” at high speed and cars move to left lane (not happily however). FYI, I live on Rossie Hil Dr and use DV Drive to access roads and paths in Old Ranch Synderville Basin area (The DV Loop popular with road cyclists)

1/13/2018 02:37 PM

Bike riding on DV Dr, as it is currently configured, is dangerous and terrifying! Getting to the current pathway is difficult and confusing. Also, the path is loaded with walkers, strollers and dogs. Dedicated bike lanes, in both directions, on DV Dr would be ideal. However, I understand the logistical challenge. A wide shoulder in both directions would be an acceptable solution to me

1/16/2018 07:59 PM

When I ride my bike through the Deer Valley Drive corridor I take the bike path or (on mtn bike) Lost Prospector trails. Two additional comments: - Sometimes people ride/skateboard/etc. pretty fast downhill on the bike path, and now e-bikes can go pretty quickly up the path. Collisions are my main concern about using the pathway. - If I lived in the Aerie/Mellow Mtn Road areas I would want a safe way to get to the bike path.

1/22/2018 03:07 PM

I am a very experienced cyclists and I NEVER ride up Deer Valley Drive, it's an uncomfortable death trap, which forces everyone to use poison creek trail.

2/04/2018 10:20 AM

I go both directions -- both ways are frightening. Cars and cyclists can be caught in blind spots at the bottom of Aerie. The left turns off Main Street make maneuvering at the bottom of Aerie very difficult (car, bike, and walking). The busses hide bikers and cars on the side, so when trying for a fast turn in an open traffic space, a biker could easily be hit (I almost hit one 4 days ago) by a hidden car on the side of a bus. Please please please don't ignore the Aerie/DV intersection -- lots of resident walkers and mountain bikers tear across their daily. We need to center turn lanes in order to run halfway across in hopes of living to make it to the other side. I am dumbfounded at the fact that the Aerie residents are being ignored and put in extreme danger. This supposed to be a community that cares about its residents. I'm not feeling the love. I am very frustrated and angry about our difficulty in getting to and from Main Street on foot, in car, or on bike. I'm stressing the Aerie Drive /DV Drive intersection because that is where the problems are occurring.

1/22/2018 03:07 PM

I probably ride my electric, mountain and road bike 100 times up and down Poison Creek Trail, because there's no other safe option. There's WAAAAAY too many downhill and electric bikers bombing down the poison creek trail at high speeds. The trail should be a few feet wider, but I know the terrain and tunnels are very restrictive. If there hasn't been a serious bike to bike or bike to person collision on Poison Creek Trail, then there will be soon, especially considering the growth of gravity bikes and electric bikes.

1/22/2018 03:07 PM

I'm not really comfortable walking up or down poison creek trail because of so many bikes traveling at high speeds down the trail.

1/12/2018 06:01 PM

While I do ride down DVD often, I find it worrisome and would do it more and more comfortably with a shoulder (bike lane would be even better). I would also ride up DV Drive rather than using the Poison Creek trail which is multi-use or Park Avenue, which has park cars and buses to avoid.

1/16/2018 03:17 PM

Since everyone driving on 224 is exceeding 50mph...walking next to that would be like hiking on I-80

1/12/2018 06:00 PM

I LOVE the idea of a sidewalk on the west side of DV Drive (along with at-grade crossing to access Old Town) but again, I’m not sure it is worth the expense/disruption. It took MONTHS to rebuild the existing sidewalks alongside 224 between the intersection with Park Avenue and the golf course. I cannot imagine DV Drive being disrupted for any significant period of time to build new sidewalks.

2/05/2018 11:13 AM

Seems better to have pedestrians walk on Poison Creek pathway and dedicate available space on DV Dr to an uphill bike path. For cyclists, it’s a pain to use Poison creek, but dangerous to ride up DV Dr at slow speed. In my opinion, it’s the uphill side that is in greatest need of bike path due to the slower speed and longer time on this section of road.

1/24/2018 01:05 PM

Especially during events and Silly Market Sundays, Poison Creek often is clogged with strollers and (not always leashed) dogs, making the pathway no faster than a car-clogged Park Ave. Many pedestrians seem startled by bike bells or calls of 'on your left', and a couple of the curvy parts are ripe for cyclist/pedestrian conflict.

1/12/2018 06:00 PM

I NEVER walk on DV Drive - it is far too dangerous. There are times, however, when I try to cross DV Drive at Aerie, which scares the bejeesus out of me because downhill traffic moves quickly and uphill traffic is often juggling for a way to move faster, going in and out of traffic lanes

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the January 23 and February 1, 2018, City Council meetings. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder

PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

January 23, 2018

The Council of Park City, Summit County, Utah, met in open meeting on January 23, 2018, at 2:30 p.m. in the City Council Chambers.

Council Member Joyce moved to close the meeting to discuss property, personnel and litigation at 2:36 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel

CLOSED SESSION

Council Member Joyce moved to adjourn from Closed Meeting at 3:40 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel

STUDY SESSION

Social Equity Update:
Jed Briggs, Budget Operations Manager, explained that social equity was being focused on not as a separate concept, but as something we could apply to every decision we made. He said we were not calling it social equality because equality was treating everyone the same; whereas, equity was helping those who had started behind others.

Council Member Gerber asked if the funding for social equity would come from a surplus of funds or if it would be taken from other areas of the budget. Briggs responded that it would not be coming from surplus funds but would need to be found in other places.

Council Member Gerber said she would like social equity to become a part of the culture just like sustainability had become a part of the culture. She would like the community

as a whole to be educated on social equity and for social equity to become a part of how we thought and talked about issues.

Council Member Joyce said he did not think we could continue to add priorities and ideas without taking others off staff's plate. He thought whether we were discussing time or money if we add anything we should take something else away. Council Member Joyce mentioned that issuing an RFP seemed like it was further down the process than the other potential action items.

Council Member Henney said he thought the decision to put out an RFP would be made at the retreat.

Diane Foster, City Manager, said they were thinking of putting out an RFP sooner because Council had seemed urgent regarding this issue.

Council Member Henney thought the time for the community and Council to organize around new ideas, rather than organizing around a resort, was coming. He thought social equity was a great topic to be organizing around.

Council Member Gerber suggested that our current critical priorities were expensive and took a lot of resources, but she felt that social equity could be focused on without allocating too much money toward it.

Council Member Worel said we needed to define what the heart and soul of our community was, look at what we wanted to become, and then decide how social equity played into that and what we specifically could do to get there. She stated we would need to be clear on what our expectations were before a social equity coordinator was hired.

Foster said she had talked with staff about focusing on our community vision and including social equity on it.

Council Member Gerber asked if they could drill down on the living wage piece of the study. She would like to include numbers for available rent and where that put someone on the living wage scale.

Briggs said the initial study was based on an MIT study for Summit County, but it was not specific to Park City.

Mayor Beerman indicated the innovation challenges had been very fun and the ideas had been so good that most of them had received funding later even if not chosen at the time. He suggested bringing in stakeholders to talk about possibilities.

Council Member Joyce suggested we should focus on broad ideas and not narrow down the possibilities too soon.

Council Members Worel and Joyce volunteered to find the stakeholder group that would focus on the innovation challenge.

Foster noted Council had not spent any of the Council Contingency Fund yet and they could use it for social equity.

Council Member Henney said they should define the community when talking about funding the social equity position. He asked if the taxpayers in the City only would be paying for the position or of it would extend to the County.

Council Member Worel thought it should include a broader group. Council Member Joyce said that extending out into the larger community would make it hard to define what the soul of Park City was and some of the equity questions might be broader than others.

Lynn Ware Peek, Community Engagement Liaison, indicated a group would be traveling to Moab to look at what they were doing at the multicultural center and learn some things we could implement. Foster asked if Council wanted them to issue an RFP, and said they could issue it at various times. Mayor Beerman suggested issuing the RFP after the multicultural center visit. Ware Peek suggested looking at fair wage practices in town. This could include benefits, training, and other things besides just pay.

Mayor Beerman asked if Council direction was to look at the City staff to make sure they were getting a living wage and to also start the conversation in the community.

Council Member Gerber commented that she was not interested in delving into part time employee pay, but would like to look into full time pay. Council Members agreed that keeping it high level for now was the direction they wanted to go.

Council Member Joyce requested some kind of metrics to see if they were making any progress on social equity. Foster agreed that we would need some baseline metrics in order to see if we were making a difference. Council Member Worel thought going through the process of creating a strategic plan would help identify the goals and metrics.

Council Member Gerber said that the services may change and the vulnerable population may change, but if the City focused on social equity it would make a difference and we would be going in the right direction.

Council Member Henney said some people felt vulnerable and some felt marginalized. Instead of defining every way people felt marginalized, it would be better to define how

we would want people to feel. For example, we would want them to feel safe and valued.

WORK SESSION

Council Questions and Comments:

Council Member Worel attended the Library Board meeting. They discussed their joint session in February. She attended the PC Tots Board meeting and they were looking for new board members if anyone was interested. She also attended the Leadership Day at the Legislature and said there were great speakers.

Council Member Joyce attended the Planning Commission meeting regarding Treasure. He said they made progress and had some questions answered. As a part of Sundance he went out on Saturday night and rode along with the police officers. He learned that with the advent of Uber and Lyft, the number of DUIs had dropped significantly. He also attended the Leadership Day at the Capitol.

Council Member Gerber thanked Matt Dias, Myles Rademan, and Minda Stockdale for the day at the legislature. She also noticed the new vans for the Homestake lot and was impressed with them. She wanted to commend all the safety people on Main Street who were directing everyone.

Council Member Henney attended a Joint Transportation Advisory Board (JTAB) meeting and he said a highlight was that we had surpassed 2 million riders on our public transportation system again. He talked about the number of riders on the buses during Sundance and said there were a lot of people riding the Electric Express to and from Kimball Junction which was phenomenal. He rode the Proterra bus up to the Montage and it was able to keep the speed limit the whole way, which the diesel buses could not. He attended a Recycle Utah board meeting and they were making progress on their strategic plan.

Mayor Beerman attended the Planning Commission and said they were still working hard on Treasure. He attended the Leadership Day at the Legislature. The Governor, Representative Quinn, the Attorney General, and others were there. He went to an Olympic Exploratory Committee meeting and he thought there were a lot of good reasons for bringing the Olympics back to Utah. Mayor Beerman said he was getting positive feedback from residents and business owners about the traffic and parking during Sundance and said it had been better than in the past. He thanked staff for their hard work on the traffic and parking.

Critical Priority Update – State Route 248 Corridor Improvement Project Scoping Summary Report and Purpose and Need Update:

Alfred Knotts, Transportation Planning Manager, gave an update of the SR 248 Corridor Improvement Project.

Steve Quinn, UDOT Project Manager, said they had completed the scoping part of the project and now they could develop alternatives. When they had decided on a preferred alternative they would send it to the public for comment.

Knotts explained they would try and come up with a plan that fit the needs of the community now and in the future. He said the study would look at the impacts of the possibilities which would help decide what the best solution would be. He said it would also focus on air quality improvements and carbon reduction. The corridor would also be designed to keep the feel of Park City.

Council Member Joyce asked about the schedule for the plan. Quinn said the conceptual alternative and primary screening would be completed in the spring around April. The build alternative would be completed through the summer months and the alternative would be selected around October.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Andy Beerman	Mayor	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Steve Joyce	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Katie Madsen	Deputy City Recorder	Present

II. APPOINTMENTS

Appointment of Council Member to fill open Council seat vacated by Mayor Andy Beerman for the remainder of his term expiring January 2, 2020:

Mayor Beerman stated he wanted to talk about the process of appointing a Council Member and how the Council made a mistake in talking about the candidates in a closed meeting. He explained that in 2012, there was a change to the Open Meetings Act that they did not catch, so they met in a closed session to discuss the candidates. Mayor Beerman apologized on behalf of Council and said they did not mean to mislead the public.

Mayor Beerman talked about the process of applying for the open Council seat and how the interviews were open to the public and broadcasted.

Council Member Worel said in Park City we had a broad range of talented people. Mayor Beerman and Council Member Worel met with an executive recruiter to talk about the kinds of questions they could ask to find the best candidate. He suggested finding someone who had perspectives and/or talents that were not currently on the Council. She said it would be challenging to choose one candidate among those who had applied.

Mayor Beerman commended the applicants for coming and being in the audience. He thanked them for putting themselves out there.

Mayor Beerman opened the meeting for public input.

Liza Simpson thanked Council and KPCW for how they had handled the application process. She said that she had visited a community where the Latino population was significant and a council member had learned Spanish and that had made a very big difference for the Latino community there. She thought having a Council member who was fluent in Spanish would send a strong message to the community.

Mayor Beerman closed the public input portion of the meeting.

Mayor Beerman asked that each of the Council Members discuss three of the candidates who had applied.

Council Member Henney said that all of the applicants were qualified. He said that one of the strong applicants was Alex Butwinski. He said Butwinski was currently very involved with the community and had a lot of experience. Ron Butkovich was also a strong applicant. Butkovich was an artisan and understood the historic preservation issues. Council Member Henney said that Eric Hermann was also a strong contestant with a strong background in finance. He had an interest with the current social equity conversation.

Council Member Gerber talked about Diane Bernhardt and said she was a great advocate for Rossi Hill. She had brought the neighbors together to create a better project. Diane had a child in the school system. She also spoke Spanish. Michael Kaplan had experience with resort communities and the HPCA. Barbara Maw had been involved with the off-leash dog committee. Maw had worked with environmental and social equity issues as well.

Council Member Joyce thanked everyone who had come out and applied. He talked about Jennifer Malherbe who had a lot of experience on different boards and charities. She had a child in the high school and was currently on SEAC. Sebastian Ziesler also had children in the school system. Ziesler did not have the best understanding of the current critical priorities, but he would bring good general skills to the Council. Fern

Baird had great ideas for the community, but she had not been to a lot of Council meetings.

Council Member Worel discussed Josh Hobson and said he had good experience because of his recent Council campaign. He had also been attending meetings and had been involved with the community. She highlighted Ed Parigian's role in the community and his connection to Old Town. Another candidate was Abby McNulty, who was raised in a family that engaged in a lot of community activism. She had been successful in her professional community life. Lynn Ware Peek stood out for her role engaging in outreach for the City. She had been a reporter for KPCW and had paid attention to the issues in the City. Ware Peek also spoke Spanish and worked with PC Unidos.

Mayor Beerman said it was a hard decision to make because of the quality of the candidates. He said the Council remarks regarding each of the candidates had come from the notes taken during the interviews. He said they had narrowed it down to three candidates.

Council Member Joyce announced that the three applicants that stood out the most to them were Abby McNulty, Lynn Ware Peek, and Diane Bernhardt. He said that the Council would have been happy to work with any of those three candidates.

Council Member Gerber wanted to thank Josh Hobson for applying and running a campaign. She also wanted to add that bringing yourself up to speed took a lot of time and she wanted to choose someone who could step in and be up to speed.

Council Member Henney stated we were fortunate to have so many candidates who met and exceeded the minimum expectations.

Mayor Beerman asked if a Council Member would like to forward a name.

Council Member Worel moved to appoint Lynn Ware Peek to fill the open Council seat vacated by Mayor Andy Beerman for the remainder of his term expiring January 2, 2020. Council Member Henney abstained from the vote for personal and professional reasons. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Joyce, and Worel
ABSTAIN: Council Member Henney

Lynn Ware Peek wanted to recognize Josh Hobson and said she had seen him grow a lot in the process. She said she had watched everyone on the Council campaign and wanted to recognize them for that. She thanked the other applicants as well.

Mayor Beerman indicated Ware Peek would be an excellent addition and he wanted to thank all the applicants for their efforts. He announced the swearing in would take place at the next meeting on February 1.

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF:

Staff Communications Reports:

- **Budget Report FY2018 - Second Quarter:**

- **Courchevel, France Sister-City 2018 Update:**

Matt Dias, Assistant City Manager, talked about our Sister City relationship with Courchevel, France. He said a private exchange of community members in Park City were going to Courchevel. He explained that Mayor Beerman would not be able to attend, but that other community and staff members would be going.

IV. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Mayor Beerman opened the meeting for for those who wished to address the Council on items not listed on the agenda.

John Stafsholt, Park City resident, talked about the Historic District Commission and how they used to have more power. He also talked about Planning Commission and the time commitment it took to be a part of it. He thought $100 for each meeting was not enough. He suggested the pay of the Planning Commissioners be raised to reflect the time they put in.

Mayor Beerman thought it would be a great item to look at.

Mayor Beerman closed the public input portion of the meeting.

V. CONSENT AGENDA

1. Consideration to authorize the City Manager to enter into a Professional Service Agreement with Utah Open Lands for work associated with the Bonanza Flat Resource Inventory, Baseline Documentation and Conservation Easement in the amount of $51,300 in a form approved by the City Attorney:

Council Member Gerber moved to approve the Consent Agenda. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel

VI. NEW BUSINESS

1. Consideration to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney's Office, with Sensus Inc. for In-Pipe Leak Detection in an Amount not to Exceed $109,600.00:

Jason Christensen, Water Resources Manager, talked about the high water loss in our system and the steps that would be taken to minimize water loss. He said that Upper Deer Valley had more water loss than expected; therefore, they would like to hire a firm to add meters which would help find water leaks.

Kyle MacArthur, Water Distribution Manager, said they would like to move forward with other areas and establish possibilities for fixing the problem. The possibilities would be finding leaks in the pipes or old meters that would need to be replaced.

Council Member Worel said she was fascinated with the technology and asked if the other contracts would be a similar cost.

Council Member Henney asked if the City was losing 25% of its water to which Christensen responded in the affirmative. Council Member Henney said that he was supportive of focusing time and money on the issue.

Council Member Joyce asked if they could have numbers that show the cost savings for preserving that water. Christensen noted he could come back with a staff communications report in the fall with those numbers.

Mayor Beerman opened the meeting for public input. No public input was given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to authorize the City Manager to enter into a contract, in a form approved by the City Attorney's Office, with Sensus Inc. for in-pipe leak detection in an amount not to exceed $109,600.00. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel

2. 2018 Legislative Platform:

Matt Dias, Assistant City Manager, explained that yesterday the Leadership class attended the opening day of the Legislature. They met with the Governor and the City's

Representative, Tim Quinn. He said that they heard from all kinds of groups and were able to see many perspectives in our State.

Dias explained that once the session started, it would be hard to get consensus on every issue at the Legislature. So we had a system that lets those involved engage with the ongoing issues. Some of the bills that might affect us included a plastic bag bill that precludes cities from banning plastic bags, nightly rentals, and increased square footage in buildings in order to sell alcohol, which our historic structures had a hard time meeting. Historic districts were always on the radar and we would keep our attention on them. Another bill that may appear this year would be one that keeps city officials and staff from lobbying on issues at the capitol.

Council Member Joyce suggested that we focus on social equity issues at the Legislature. Dias said he would add that topic to the platform.

VII. OLD BUSINESS

1. Joint Discussion with Planning Commission Members -Treasure Hill Conditional Use Permit: Creole Gulch and Town Lift Mid-Station Sites — PL-08-00370:

Matt Dias, Assistant City Manager, thanked everyone for the work they had done on Treasure Hill and the public for sticking with them.

Craig Call, representative of the owner of Park City II, said he appreciated the extra effort the City Staff had put forth in the process.

Dias said they had produced a staff report that outlined the remaining issues. Dias wanted to talk about the overarching goals. He explained that their goal had been to reduce the scope of the project and create something that would be better for the community. Some had asked why not buy the whole project, but Dias explained that buying the whole project was not an option on the table. He also explained that the deadline had been extended and we were working to meet the deadline.

Dias explained the project scale was reduced by half and then by half again when they changed commercial to residential. He also emphasized there would still be impacts. He said we had tentatively negotiated to use the 2017 Land Management Code, a more restrictive code than previous codes, so the proposed plan followed that code.

Anne Laurent, Community Development Director, introduced those who would be presenting. She started by talking about the access road. Council Member Joyce asked if the model was the City's or if it was one that everyone had agreed upon. Call said it was a plan they were also okay with. Laurent explained the size and massing possibilities for the hotel.

Council Member Gerber asked if one home could be 11,000 square feet. Laurent said they were not specifying what each house could be, but they thought any one home should not be over 11,000 square feet.

Council Member Joyce asked if the mid-station was conditional depending on lift changes. He asked that mid-station being conditional on lift changes be included in the agreement.

Laurent explained that the square footage on the charts did not represent the total mass of the project. She also said that the current square footage was less than half of previous proposals. She said she would not want residential spaces to become commercial.

Mayor Beerman asked if all the numbers had been agreed upon. Call said all the numbers besides the parking had been agreed upon.

Alfred Knotts, Transportation Planning Manager, talked about the effects of the development on transportation. He felt we were taking steps in the right direction with the current plan.

Laurent talked about ways to mitigate construction activities. She suggested there should be separate mitigation plans for the hotel than for the single family homes.

Dias discussed the financial responsibility this would put on the taxpayer. He explained that Park City was not close to its threshold on the maximum debt set by the State or the more conservative threshold set by the City. Council Member Henney asked for a timeline of our debt. Dias said we could get that timeline for them.

Mayor Beerman opened the public hearing.

Tom Peek, a homeowner that was adjacent to the development, said he was excited about the direction the development was going, but he had concerns about the road. Maps on page 55 and 56 show turns that concerned him. He would like to be in the loop regarding the decisions being made.

Mayor Beerman suggested Peek get in touch with Anne Laurent and Matt Cassel to discuss specifics.

John Stafsholt, said the staff report was great. He said in the staff report it did not specify which LMC was being used. He talked about different parts of the staff report that he was concerned with. He would like to put forth the idea of taking the $6 million and putting it in a legal defense fund.

Rich Wyman, Park City resident, thanked staff for the work they had done. He wanted everyone involved to take the time to do their best. He suggested they could bring the hotel down lower on the hill and make the development denser. He would like to make the road smaller. He suggested the meeting room had potential to hold a lot of people and cars, which would impact Old Town.

Alex Butwinski, Park City resident, said we should support this project because it was much smaller than the previous one. He thought this plan was great. He suggested we needed a gross number that included everything.

Mayor Beerman closed the public hearing.

Mayor Beerman addressed the questions posed by the public.

Laurent explained that there was a bucket to pull from with the total square footage allowed for single family housing. 11,000 square feet was the total any single home could be.

Laurent said the road would be private and gated. Mark Harrington, City Attorney, said it was not a new MPD. The expiration would be tied to a phasing plan. There would not be a CUP with the development. Harrington explained that entitlement was not the correct vocabulary. He said that we had picked different codes for various areas so we would know what the cap on the gross square footage would be. Council Member Joyce indicated the meeting space had been reduced by a third. Call said the extra structures were likely to be housing and not commercial space.

Mayor Beerman suggested a five minute break. After the break, the meeting continued as follows:

John Phillips, Planning Commission, suggested the City provide an outline of what would be happening between now and November. He would also like a description of the future processes and the bigger picture. He thought we were getting in the weeds now and that the discussion would happen in the subdivision planning process later.

Mayor Beerman asked Council to decide whether to move forward in the current direction.

Council Member Worel said she was overall comfortable with how we were moving forward, but she would also like to see a timeline.

Council Member Joyce said he liked it and wanted to encourage everyone to remember that we were buying down 50% of the density and changing a big portion from commercial to residential, which would have a lot less impact. He said that traffic had gone down and the boundaries we had been putting on the development were on the

right track. He said he was happy with the direction they were heading. He would like to see more visualization on the mass and what it would look like.

Council Member Gerber thought the overall project was going in the right direction. She said there would be many more decisions, but we had come a long way. She thanked staff for their work in coming up with the numbers.

Council Member Henney said there was nothing that was a deal breaker to him with the plan. He wanted to make it clear that this was one alternative that would be considered against other alternatives. It was a negotiated alternative that would be weighed against others.

Mayor Beerman said in the last week they had answered many questions. He said he would rather have open space, but the development was now something we could work with. He was supportive of moving forward and he trusted the Planning Commission.

Council Member Gerber moved to continue the joint discussion with Planning Commission Members -Treasure Hill Conditional Use Permit: Creole Gulch and Town Lift Mid-Station Sites — PL-08-00370 to February 1, 2018. Council Member Worel seconded the motion.

RESULT: CONTINUED TO FEBRUARY 1, 2018
AYES: Council Members Gerber, Henney, Joyce, and Worel

VIII. ADJOURNMENT

IX. PARK CITY WATER SERVICE DISTRICT MEETING

I. ROLL CALL

Attendee Name	Title	Status
Andy Beerman	Chairman	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Steve Joyce	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Katie Madsen	Deputy Secretary	Present

II. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Chairman Beerman opened the meeting for public input. No comments were given. Chairman Beerman closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Authorize the City Manager to Enter into an Agreement, in a Form Approved by the City Attorney's Office, with Mountain Regional Water Special Service District and Weber Basin Water Conservancy District for the Replacement of the Lost Canyon Substation with Park City's Annual Payment of $19,158.00 for a Term of 20 years.

Clint McAffee, Public Utilities Manager, explained the water transformer replacement.

Chairman Beerman asked why we were making payments with high interest rather than paying it off with a lump sum.McAffee said he did not know the answer and would look into it to see if the parties were supportive of paying a lump sum.

Chairman Beerman requested that the Committee members modify the motion to account for looking into paying a lump sum.

Chairman Beerman opened the meeting for public input. No public input was given. Chairman Beerman closed the public input portion of the meeting.

Committee Member Worel moved to authorize the City Manager to enter into an agreement, in a form approved by the City Attorney's Office, with Mountain Regional Water Special Service District and Weber Basin Water Conservancy District for the replacement of the Lost Canyon Substation with Park City's annual payment of $19,158.00 for a term of 20 years with the possibility of restructuring the payment. Committee Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Committee Members Gerber, Henney, Joyce, and Worel

X. ADJOURNMENT

With no further business, the meeting was adjourned.

Katie Madsen, Deputy City Recorder

PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

February 1, 2018

The Council of Park City, Summit County, Utah, met in open meeting on February 1, 2018, at 2:30 p.m. in the City Council Chambers.

Council Member Joyce moved to close the meeting to discuss property and litigation at 2:30 p.m. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 5:55 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

STUDY SESSION

Discuss Cemetery Space Needs:
This item was continued to the March 15, 2018 meeting.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Andy Beerman	Mayor	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Steve Joyce	Council Member	Present

Lynn Ware Peek	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

II. SWEARING IN CEREMONY[1]

Swearing in Ceremony for Council Member Lynn Council Member Ware Peek:
Mayor Beerman indicated there were many good applicants and it was a difficult decision, but he and the Council knew Council Member Ware Peek was the right choice and they were happy she was onboard. He proceeded to swear in Council Member Ware Peek.

Council Member Ware Peek thanked those who were here to support her. She was excited to participate on the Council and still looked forward to listening to the community.

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:
Council Member Worel reminded all to get their flu shot. Council Member Gerber indicated tomorrow was the last day to apply for the open Planning Commission seats.

Staff Communications Report:

- **Wayfinding and Open Space Signage Update**

IV. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Mayor Beerman opened the meeting for those who wished to address the Council on items not listed on the agenda.

Ken Davis, Java Cow shop owner, said he was a Sundance expert and ran three snack bars at the movie venues. He reported sales were up the first weekend and were very high the following weekend as well. The street sales were high the first weekend but lower the second week due to restricted parking. He suggested lowering the $40 parking fee the second week to the standard parking fees. The merchants would be grateful for any help during the second week of Sundance.

[1] Ms. Ware Peek was officially sworn in earlier in the day by the City Recorder to enable her to participate in closed and work sessions.

Mayor Beerman stated a full Sundance debrief would be given on March 15th and more discussion on parking would take place at that time.

Mayor Beerman closed the public input portion of the meeting.

NEW BUSINESS

4. Consideration to Authorize the City Manager to Execute a One Year Lease, with Two, One Year Automatic Renewals, with Lucky Ones to Provide a Coffee Concessionaire in the Park City Library:

Jonathan Weidenhamer, Economic Development Manager, and Adriane Juarez, Library Director, presented this item. Weidenhamer stated the coffee shop would not have a utility cost or rent cost the first year and $10,000 in improvements were made to the facility. In the agreement, Lucky Ones would provide coffee beans to the Marsac and Public Works buildings for $10.50/lb. He stated there would be quarterly check-ins to make sure the business was sustainable. Currently, not having a coffee shop in the library had been a huge loss.

Juarez thought working with Katie Holyfield and Taylor Matkins, the young business owners, was amazing and she was excited to have them. Holyfield asserted the mission was to have a coffee shop and employ those with disabilities. She and Matkins worked at the National Ability Center (NAC) and saw the need for people with different abilities to work and have positive interactions with the public. Matkins said the name Lucky Ones referred to the owners because they got to work with these special people.

Council Member Ware Peek asked if the shop could open earlier than 8:00 a.m. Holyfield indicated they hoped to expand hours over time. Weidenhamer stated these hours were best for the business plan. Council Member Ware Peek stated several community members were helping this business so it could succeed. Matkins added that they would add color to the space and seat cushions so the customers would feel comfortable being there. Juarez stated the original hours were 8:00 a.m.-3:00 p.m., but they extended their hours to 5:00 p.m. to accommodate the high school students who would come after school.

Mayor Beerman opened the meeting for public input.

Roger Strand expressed his support for this shop and the opportunities it would provide the individuals who worked there. He said of all the projects in the City, this one was for the community. He thanked the owners for letting him be involved in this project.

Dean Faulkner indicated that it was a challenge for youth to find employment as they transitioned into adulthood. He supported this business. Julia Faulkner stated she was a

barista before and was excited to be one again. Dean said Julia had lived and worked in Park City for three years and took the mobility bus around town.
Ben Nitka supported this and suggested that there needed to be more signage to promote the business.

Dan Gallery, special educator in the Park City School District, indicated his class had a coffee cart which was successful, and he commended these ladies for their desire to do this.

Mayor Beerman closed the public input portion of the meeting.

Council Member Henney stated this business aligned with community values and it showcased the inclusive community. He supported this business.

Council Member Gerber stated she was excited to get this business going. She worked with the Youth City Council, and she knew they liked going to the library and would like the coffee shop. She knew that the seniors would be there in the mornings as well.

Council Member Worel was excited for the coffee shop to open. She was also impressed with the mentoring that would come with the business. She supported this endeavor.

Council Member Ware Peek stated she was impressed with what went on at the NAC and noted the owners worked there as well.

Council Member Joyce agreed that the signage needed to be improved, not just for the coffee shop, but for the library and film series as well.

Council Member Ware Peek moved to authorize the City Manager to execute a one year lease, with two, one year automatic renewals, with Lucky Ones to provide a coffee concessionaire in the Park City Library. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

V. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from January 4, 11, and 16, 2018:

Council Member Henney moved to approve the City Council Meeting minutes from January 4, 11, and 16, 2018. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel
ABSTAINED: Council Member Ware Peek

VI. OLD BUSINESS

1. Consideration of a Purchase and Sale Agreement ("Agreement") between Sweeney Land Company, LLC ("SLC"), Park City II, LLC ("PC II") , and Park City Municipal Corporation (the "City"), for the Purchase of the Treasure Hill Creole Gulch and Mid-Station Parcels Within the Sweeney Master Plan in the Amount of $64 Million:
Mayor Beerman explained the City had been in negotiations to buy down 50% of the density on the Treasure Hill Development. The Treasure Hill owners called 10 days ago and offered to sell the property to the City. The City wanted to keep the hill for skiing, biking and open space. The price was 15 years in the making, but the value was hard to establish. He felt the neighborhoods would never recover if the property was built out. The agreed upon price for the parcels was $64 million with a $6 million down payment. The City would be cutting projects, and would bond for $50 million if the voters approved the bond in November.

Francisco Astorga, Senior Planner, displayed a side-by-side comparison of the property with the proposed development and as it was now with no development. He stated the parcel would include 104 acres. If the land was developed, there would be 948,730 square feet of development.

Harrington stated there was a two agreement deal with this sale. First, the City would acquire the land, not just the development rights. Second, a settlement agreement would be contingent in case the bond failed. The $6 million would be non-refundable. The bond amount would be set after the budget process determined what resources the City could put towards the purchase price. Another part of the agreement would be to restrict the property as open space. There would also be an access easement and limited assignments of the Town Lift/Tram in the agreement. The owners would like a contract by February 15th. Other easements would reserve dirt roads as secondary access points for deliveries during construction in those areas.

The settlement agreement would become effective if the bond was rejected by the voters. The $6 million would provide a 10% density reduction, and those provisions were still being negotiated. Some people questioned the transfer of development rights (TDR). This provision was put in the Land Management Code (LMC) in 2011 for another development. This would need to go through an extensive process, but nothing was being proposed on that front.

Mayor Beerman reviewed the history of this project. He noted that if the development proceeded, the density would be compressed into 11 acres. He explained that the

property owners had been vilified by the community because of their desire to develop, but as property owners, they had the right to build on their property.

Mayor Beerman opened the public hearing.

Josh Hobson was happy to hear that the property would be designated as open space. He suggested using part of it for affordable housing.

Ben Nitka commended the Council for doing this, but thought the bond would be a hard sell to the community. He asked Council to make it simple for the community to understand. He noted the School District would also have a bond on the ballot, so a good argument to preserve this open space needed to be made.

Council Member Henney stated it would be helpful to know if the community wanted options open or options taken away. Council was looking for that definition on the agreement.

Brian Van Heche with Thinc agreed the agreement should be simple and clearly defined as a conservation easement. He requested that the City protect that parcel as open space and prevent the planned development. He had questions on total density reduction. He knew there was a need for affordable housing in the community, but it was important to keep this opportunity separate from affordable housing. He thanked Jack Thomas, Andy Beerman, and City staff, for their involvement in this process. He thanked the Sweeneys and Liz Radd for this opportunity. He respected their rights as property owners and didn't want to make this personal. He felt this would benefit generations to come. He showed Council an old flyer that had the goal of defeating the development and said that now it was defeated and it was amazing.

Rich Wyman was excited for this purchase. He had been an affordable housing advocate, but felt this purchase for open space should be separate from affordable housing. He noted the outstanding City bonds were on the City website and he felt comfortable that the City could manage this proposed debt. He asked if the bond would be reduced if the City developed a portion of the property.

Niels Vandegaard stated the simpler the agreement, the better the City's chance would be to pass the bond.

Alex Butwinski - Mayor Beerman thanked Butwinski for the work he did on this when he was on Council. Butwinski congratulated Council Member Ware Peek for her appointment. He supported the purchase. He suggested that the earnest money wording "would buy density," should be changed to "shall buy density." He hoped the transaction could be a fee simple purchase rather than just the buy down. He also noted a TDR would allow the City to recoup some of the cost. He congratulated the Council on their work to make this happen.

Mayor Beerman closed the public hearing.

Harrington answered the questions presented during the public hearing. He clarified that the City was contemplating purchasing the property fee simple. The TDRs were not contemplated in the agreement, but part of the code enabled the City to do that. He wanted to disclose the provision so the public didn't think the City was taking away that right. The Council was able to forego that right if the public so desired. Also, there was information in the staff report with regard to the bonding capacity of community.

Nate Rockwood, Debt Manager, referred to Page 52 of the Council packet. Currently, the City had $59 million in outstanding bonds. Two bonds would retire in two years and three in the next eight years. The debt capacity was well under the 2% limit. The bonding capacity was there if the community approved this proposed bond. Mayor Beerman stated the City was economically healthy and could support the debt of this bond.

Council Member Henney stated a lot of information had been given to the community so they could make an informed decision. He heard support from everyone he talked to, even though some had concerns.

Council Member Joyce indicated he preferred keeping this purchase clean and simple. He hoped to find some alternatives to reduce the total bond amount. He noted if the bond failed, the development would go back to the Planning Commission for approval.

Council Member Worel stated she heard cautious support, speculation, and misinformation being spread throughout the community. She was grateful for the information given tonight and she supported keeping the purchase simple.

Council Member Gerber appreciated the feedback from the community as well as the information presented on the outstanding bonds. She wanted to keep it simple but she was a proponent for affordable housing. She asked for suggestions on alternatives for affordable housing because she wanted to be open minded to the future needs of the community.

Council Member Ware Peek stated when she heard about the massive excavation for this development, she knew it was not the project for this little town. This was steep property and she felt the area should be kept open for skiing and hiking. She asked how it was decided that 10% density rights could be transferred. She also asked how the City could recoup some of the purchase price if affordable housing would not be built here. Harrington stated that the Planning Commission went through extensive processes with Bonanza Park and a sub plan for Prospector and Bonanza. They weren't convinced that the receiving zones had the need or capacity to have a tremendous amount of units add to them. But they didn't want to preclude moving

density off Treasure Hill or other Old Town sending areas. The proposal was to set a cap at 10% and limit the receiving zones to areas that could accept that cap. Council Member Ware Peek asked what the value of the TDRs would be and what 22 Unit Equivalents (UE) would bring the City. Harrington stated he didn't know for sure, but each UE was approximately $300,000 so it could total $6.6 million. Council Member Ware Peek stated the City needed to find things to cut in order to make this bond favorable.

Brian Van Heche asked if it would be a tax benefit to the sellers to create a conservation easement. With regard to the TDR, there would be concern if it's not kept simple. Council Member Henney said the TDR was not applicable because it would exist separate from this agreement. But a transfer to the seller could be considered to recoup some of the cost.

Mayor Beerman stated an overwhelming majority of the community thought the proposed purchase of Treasure Hill was expensive but very necessary. The City would consider TDRs, disposing of some City property, cutting projects, etc. to help offset the cost. With regard to affordable housing, the Council committed that every property purchased would be considered as potential affordable housing. He thought the terrain would make it costly so it might not be the best place to build.

Council Member Gerber moved to continue the consideration of a Purchase and Sale Agreement between Sweeney Land Company, LLC, Park City II, LLC, and Park City Municipal Corporation, for the purchase of the Treasure Hill Creole Gulch and Mid-Station Parcels within the Sweeney Master Plan in the amount of $64 million to February 15, 2018. Council Member Worel seconded the motion.

RESULT: CONTINUED TO FEBRUARY 15, 2018
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VII. NEW BUSINESS (CONTINUED)

1. Consideration to Approve Ordinance 2018-05, an Ordinance Approving the Kings Crown Re-Subdivision Located at 1201-1299 Lowell Avenue, Park City, Utah, Based on the Findings of Facts, Conclusions of Law, and Conditions of Approval:

Francisco Astorga, Senior Planner, presented this item and indicated the plat would have 32 lots with three lots dedicated for multifamily units. He noted three fourths of the property would be open space. The proposed square footage would be 150,000 square feet. An affordable housing lot was also included in the plat.

Council Member Worel asked if there was a historic rail line that ran through the property. Murphy affirmed the rail line was on the property and was located in the open

space portion. Council Member Worel asked if lot combinations would be allowed and could those be prohibited. Harrington stated Planning would have to see what the requirements for that zone would be. Astorga stated this was Residential Commercial Zone which mimicked the HR-1 Zone. Council Member Worel indicated her concern was that lots could be combined in order to build bigger homes.

Council Member Henney asked why one Planning Commissioner did not vote for the subdivision. It was indicated that the Planning Commissioner was not present for the previous discussion on this subdivision and felt uncomfortable voting on the item.

Council Member Ware Peek agreed with Council Member Worel's hesitancy for the larger homes on combined lots. Murphy stated the home would get correspondingly smaller and would not be double the size because they had two lots.

Council Member Ware Peek asked if the ridge line would be preserved. Murphy stated it would, that the open area behind the Marriott was the location for the development.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce stated this development was simple and clean for a big project. The developer talked to neighbors and moved buildings and driveways to accommodate sight lines. They designated open space, and went out of their way to be a good neighbor. It looked like the HR-1 Zone, which was the surrounding zone. He stated he could not support restricting lot combinations, and felt projects should stay consistent.

Council Member Gerber thanked the applicant for going above and beyond with affordable housing, outreach efforts, and the low impact for such a big project. Council Member Henney liked the Rockwell Road. Council Member Ware Peek thanked Council Member Joyce for his comments and expressed appreciation for the care that was taken on this development. Mayor Beerman stated this was a model for developments and he supported it. He also felt it should stay consistent with the surrounding area.

Council Member Worel moved to approve Ordinance 2018-05, an ordinance approving the Kings Crown Re-Subdivision located at 1201-1299 Lowell Avenue, Park City, Utah, based on the findings of facts, conclusions of law, and conditions of approval. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

2. Consideration to Approve Ordinance 2018-06, an Ordinance Approving the Empire Residences Condominium Plat Located at 7695 Village Way Pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval:
Kirsten Whetstone, Senior Planner, presented this item. She stated this project would have 21 residences, a unit for ADA and one deed restricted employee housing unit. It would also have underground parking.

Council Member Worel asked why the ADA unit was platted as common area. Whetstone indicated if the project was private, the unit would be included in the density. Since the unit would be located in the common area, it could only be rented, and would never be sold.

Council Member Gerber asked if there would be a limit on HOA fees for the affordable housing unit. Lynn Padan noted the HOA would own the affordable unit so it wouldn't be assessed any HOA fees. Whetstone said the unit would be deed restricted so it would need to comply with the City's Affordable Housing Plan. The affordable unit would have to be occupied. The Affordable Housing department would be reviewing this unit.

Council Member Henney stated the location was a concern and requested a discussion on building affordable units versus having the developer pay an in-lieu fee so an affordable subdivision could be built.

Mayor Beerman opened the public hearing.

Fern Baird asked what the rent would be and if the affordable unit would be a long term rental. It was indicated the rent would be income restricted.

Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance 2018-06, an ordinance approving the Empire Residences Condominium Plat located at 7695 Village Way pursuant to the findings of fact, conclusions of law and conditions of approval. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

3. Consideration to Approve Ordinance 2018-07, an Ordinance Adopting Chapter 3, Stormwater, of Title 13, Water and Stormwater Code, of Park City Municipal Code:
Jason Christensen, Water Resources Manager, stated the City was obligated to adopt this code to be in compliance with the MS4 and the Federal Government laws:

Council Member Worel asked if this was consistent with Summit County. Christensen stated the proposed code was consistent with the Wasatch Front. Summit County hasn't implemented the MS4 program yet, so he was unsure if this language was in the County code.

Council Member Ware Peek asked how the City could get the word out so residents and businesses could be informed. Christensen stated there was a posted phone number that the City had for information and the County Health Department answered the calls after business hours. It was indicated that under this code, residents could wash their cars but couldn't have a business come to their homes to wash/detail the residents' cars. Council Member Gerber asked if mailers or notices could be sent out notifying water customers of the new law. Christensen stated mailers had been sent with the water bill.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce moved to approve Ordinance 2018-07, an ordinance adopting Chapter 3, Stormwater, of Title 13, Water and Stormwater Code, of Park City Municipal Code. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VIII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

To meet the Master Planned Development (MPD) and Conditional Use Permit (CUP) planning process requirements for the planned 3Kings Water Treatment Plant (3KWTP) and associated golf maintenance building, Staff has identified the need for platting services support. This staff report recommends authorization of a Professional Services Agreement with Ward Engineering for related platting and survey services.

Respectfully:

Roger McCLain, Water Engineer

City Council Staff Report

Subject:	**Survey and Platting Services – Ward Engineering, Inc. Professional Services Agreement**
Author:	**Roger McClain, Public Utilities Engineering Manager**
Department:	**Public Utilities**
Date:	**February 15, 2018**
Type of Item:	**Administrative**

Summary Recommendation

Staff recommends Council authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Ward Engineering, Inc., for Survey and Platting Services in an amount not to exceed $51,000.00.

Executive Summary

To meet the Master Planned Development (MPD) and Conditional Use Permit (CUP) planning process requirements for the planned 3Kings Water Treatment Plant (3KWTP) and associated golf maintenance building, Staff has identified the need for platting services support. This staff report recommends authorization of a Professional Services Agreement with Ward Engineering for related platting and survey services.

Acronyms and Abbreviations in this Report

The following acronyms and abbreviations have been used in this report:

3KWTP	3Kings Water Treatment Plant
CUP	Conditional Use Permit
MPD	Master Planned Development
RFQ	Request for Qualifications
SOQ	Statement of Qualifications

The Issue

The Park City Land Management Code MPD/CUP process requires new buildings to be located within a platted parcel. The planned 3KWTP and associated golf maintenance building is not within an existing plat.

Background

- During Staff's review of development requirements for the planned 3KWTP and associated Golf Maintenance Building relocation, it was identified that the Park City Land Management Code requires proposed developments to be within a platted parcel. Staff met with and confirmed this requirement with the Planning Director and the City Engineer.
- Staff reviewed existing property records and determined that the planned building sites are on city-owned Park City Golf Course property which is a parcel but not platted property.

- Consequently, staff issued, in conformance with the City procurement policy, a Request for Qualifications (RFQ) for consultant services on December 18, 2017. The RFQ was advertised on the City website, online at utahlegals.com, and in the Park Record during the period of December 18, 2017 through January 15, 2018.

Analysis

- Statements of Qualifications (SOQ) in response to the issued RFQ were received by January 15, 2018. Only one consultant, Ward Engineering, submitted a SOQ.
- Following receipt of SOQ, the selection committee met, reviewed the submittal, and based on the evaluation criteria determined Ward Engineering to be qualified to provide the requested services.
- Subsequently, staff and Ward Engineering developed a scope of services and subsequently negotiated the associated fees.
- A full boundary survey of the 65.01 acres of the previously un-platted back nine portion of the golf course property is required to prepare a plat. Therefore, Staff feels that the rate structure for required personnel and the associated proposed fee, in an amount not-to-exceed of $51,000.00, are usual and customary for services of this nature, scope, and expertise.

Proposed Consultant Services

Services. Ward Engineering will provide a subdivision plat for the city-owned property that consists of the "back nine" portion of the Park City Golf Course. Included in the services are field surveys necessary to support the preparation of the plat.

Schedule. It is anticipated that the services will begin immediately to meet the schematic design activities with the final subdivision plat to be completed in 2018.

Alternatives for City Council to Consider

This section provides pros and cons and next steps associated with the recommended survey and platting services and fees.

Pros

Provides a component required for the 3KWTF and Golf Maintenance Building MPD/CUP submittal application to the Planning Department

Cons

Allocates capital improvement funding that could be utilized for other purposes

Consequences of not authorizing services

Could delay submittal of the CUP/MPD application to the Planning Department which would delay the 3KWTP project and expose the City to not meeting the Stipulated Compliance Order for the Judge and Spiro UPDES permits

Department Review

This report has been reviewed by representatives of Public Utilities, Public Works (Golf and Parks), Budget, City Attorney's Office, and the City Manager's Office. Comments have been integrated into this report.

Funding Source

The funding for the work is from water service fees. This funding is part of the approved FY 2018 capital improvement budget.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

The concept design for the relocation of the Park City golf maintenance building associated with the planned 3Kings Water Treatment Plant (3KWTP) has been presented to City Council. Staff is now prepared to proceed with the design process for the golf maintenance building. This staff report recommends authorization of a Professional Services Agreement (PSA) with Zehren and Associates for the architectural services.

Respectfully:

Roger McCLain, Water Engineer

City Council Staff Report

Subject:	**Golf Maintenance Building Architectural Services, Zehren and Associates, Inc.–Professional Services Agreement**
Author:	**Roger McClain, Public Utilities Engineering Manager**
Department:	**Public Utilities**
Date:	**February 15, 2018**
Type of Item:	**Administrative**

Summary Recommendation

Staff recommends Council authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Zehren and Associates, Inc., for Golf Maintenance Building Architectural Services in an amount not to exceed $255,000.00.

Executive Summary

The concept design for the relocation of the Park City golf maintenance building associated with the planned 3Kings Water Treatment Plant (3KWTP) has been presented to City Council. Staff is now prepared to proceed with the design process for the golf maintenance building. This staff report recommends authorization of a Professional Services Agreement (PSA) with Zehren and Associates for the architectural services.

Acronyms and Abbreviations in this Report

The following acronyms and abbreviations have been used in this report:

3KWTP	3Kings Water Treatment Plant
MIW	Mining Influenced Water
RFQ	Request for Qualifications
SOQ	Statement of Qualifications

The Issue

The planned 3KWTF improvements require the relocation and construction of new golf maintenance building improvements. Design services for the golf facility are required.

Background

- Design services for the new 3KWTF and the associated displaced existing facilities, including golf maintenance, were, in conformance with the City procurement policy, solicited through a Request for Qualifications (RFQ) for consultant services on March 6, 2017. The RFQ was advertised on the City website, online at utahlegals.com, and in the Park Record during the period of March 6 through April 3, 2017.
- Statements of Qualifications (SOQ) were received April 3, 2017 in response to the issued RFQ.

- CH2M Engineering, together with Zehren and Associates, was selected by the Selection Committee to be the design and construction services team.
- Staff presented a concept plan for the proposed golf maintenance building relocation to City Council in a Work Session on November 16, 2017 and Council subsequently provided direction to Staff to progress with the schematic design process.

Analysis

- Subsequent to Council direction to progress into the Schematic Design phase of the project, staff has developed and negotiated a scope of services and fees with Zehren as included in the Professional Services Agreement.
- Staff feels that the rate structure and the proposed fee, in an amount not-to-exceed of $255,000.00, are usual and customary for services of this nature, scope, and expertise. A breakdown of the fee estimate, by phase, follows:
    - Schematic Design - $41,623
    - Design Development - $51,404
    - Construction Drawings - $101,809
    - Construction Support Services - $51,404
- The contract has been phased to meet the Schematic Design, Design Development, Construction Drawings, and Construction Support to align with the City's project management approach. Staff will issue a Notice to Proceed for each phase in accordance with Council direction.

Proposed Consultant Services

Services. Zehren will provide building architectural services, including: full Architecture; Structural Engineering; Mechanical, Electrical, Plumbing (MEP); Landscape Architecture; Costing; and Support Services During Construction for the golf maintenance building improvements. Site civil, off-site civil, survey and platting, geotechnical, energy modeling, building envelope commissioning, and building commissioning consulting services will be provided by third parties under separate contracts.

Staff will request Council direction to proceed with each design phase, beyond Schematic Design, prior to progressing. Zehren will be issued subsequent notices to proceed.

Schedule. It is anticipated that, to meet the proposed construction completion schedule of spring 2019, the architectural services will begin immediately upon PSA approval and be coordinated with the design phase deliverables.

Alternatives for City Council to Consider

This section provides pros and cons associated with the recommended architectural services and fees.

Pros

Enables the 3KWTP project to progress without scheduling impacts

Cons

Allocates capital improvement costs that could be utilized for other purposes

Consequences of not authorizing services

Could delay start of construction of the 3KWTF which could:

- delay the 3KWTP project and expose the City to not meeting the Stipulated Compliance Order; or
- require alternative solutions for golf equipment and personnel relocation to be pursued

Department Review

This report has been reviewed by representatives of Public Utilities, Public Works (Parks and Golf), Budget, City Attorney's Office, and the City Manager's Office. Comments have been integrated into this report.

Funding Source

The funding for this contract is from water service fees. Partial funding has been approved as part the 5 year CIP. Once cost estimates have been completed, additional funding for construction will be requested as part of the FY 19 budget process.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

This case involves an automobile accident at the intersection of Deer Valley Drive and Bonanza Drive. On November 21, 2013, Ms. King-Vincent was driving North on Deer Valley Drive intending to make a right hand turn onto Bonanza Drive. Frank Nuneviller, Park City Public Works Department, was operating a Park City snow plow and was driving South on Deer Valley Drive intending to make a left hand turn onto Bonanza Drive. As Mr. Nuneviller made his left hand turn onto Bonanza Drive, Plaintiff impacted the bumper of the snow plow. Roads were heavily snow covered at the time of the accident. Plaintiff claims that she executed her turn pursuant to a green arrow and consequently possessed the right of way. Plaintiff claims Mr. Nuneviller made an illegal turn by turning in front of her against a red light and she could not avoid Mr. Nuneviller due to road conditions. Mr. Nuneviller claims that he executed his turn pursuant to a green light and that Plaintiff collided with the back of his snow plow. There were no independent witnesses to verify either account, and Mr. Nuneviller is now deceased. Plaintiff was subsequently transported to the Park City Medical Center. Neither driver was cited at the time of the accident.
Pursuant to mediation on January 29, 2018, the proposed settlement was reached by the parties subject to City Council approval. Should the matter proceed to jury trial, Park City is looking at an estimated exposure in excess of $150,000.00, not including attorney's fees, costs, or the costs associated with an appeal. In preparation for and through jury trial, Park City will incur expert witness fees estimated at a minimum of $45,000.00 and lay witness fees estimated at a minimum of $10,000.00. Utah jury verdicts for similar cases range from verdicts as low as $25,000.00 to as high as $715,000.00.

Respectfully:

Tricia Lake, Assistant City Attorney/Prosecutor

City Council Staff Report

Subject: Carrie King-Vincent v. PCMC – Personal Injury Litigation
Author: Tricia S. Lake, Assistant City Attorney/Prosecutor
Department: City Attorney's Office
Date: February 15, 2018
Type of Item: Litigation

Summary Recommendation
Staff recommends approving the settlement in the amount of $100,000.00.

Executive Summary
This case involves an automobile accident at the intersection of Deer Valley Drive and Bonanza Drive. On November 21, 2013, Ms. King-Vincent was driving North on Deer Valley Drive intending to make a right hand turn onto Bonanza Drive. Frank Nuneviller, Park City Public Works Department, was operating a Park City snow plow and was driving South on Deer Valley Drive intending to make a left hand turn onto Bonanza Drive. As Mr. Nuneviller made his left hand turn onto Bonanza Drive, Plaintiff impacted the bumper of the snow plow. Roads were heavily snow covered at the time of the accident. Plaintiff claims that she executed her turn pursuant to a green arrow and consequently possessed the right of way. Plaintiff claims Mr. Nuneviller made an illegal turn by turning in front of her against a red light and she could not avoid Mr. Nuneviller due to road conditions. Mr. Nuneviller claims that he executed his turn pursuant to a green light and that Plaintiff collided with the back of his snow plow. There were no independent witnesses to verify either account, and Mr. Nuneviller is now deceased. Plaintiff was subsequently transported to the Park City Medical Center. Neither driver was cited at the time of the accident.

Pursuant to mediation on January 29, 2018, the proposed settlement was reached by the parties subject to City Council approval. Should the matter proceed to jury trial, Park City is looking at an estimated exposure in excess of $150,000.00, not including attorney's fees, costs, or the costs associated with an appeal. In preparation for and through jury trial, Park City will incur expert witness fees estimated at a minimum of $45,000.00 and lay witness fees estimated at a minimum of $10,000.00. Utah jury verdicts for similar cases range from verdicts as low as $25,000.00 to as high as $715,000.00.

The Problem
Under the Governmental Immunity Act of Utah (GIAU), immunity from suit is waived by governmental entities as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.

For a plaintiff to prevail on a claim of negligence, the plaintiff must establish: 1) that the defendant owed the plaintiff a duty; 2) that the defendant breached that duty; 3) that the

breach of duty was the proximate cause of the plaintiff's injury; and 4) that the plaintiff in fact suffered injuries or damages.

In the present case, Plaintiff argues that Mr. Nuneviller breached this duty by failing to yield to Plaintiff—who Plaintiff argues had the right of way—while making an improper and illegal left hand turn.

Background

- On November 18, 2014, Plaintiff filed a Notice of Claim alleging that Park City was negligent as a result of Mr. Nuneviller failing to operate his vehicle in a safe and reasonable manner thereby causing Plaintiff's injuries.

- On November 18, 2015, Plaintiff filed a formal Complaint in the Third District Court alleging: 1) that Park City owed Plaintiff a duty to use reasonable care while operating a motor vehicle; 2) that Park City breached this duty by inter alia failing to maintain a proper lookout, failing to yield, and failing to operate a vehicle in a safe manner; 3) that Park City's conduct was the proximate cause of the injuries sustained by Plaintiff; and 4) that Plaintiff suffered damages as a result.

- Discovery was completed in October 2017. As of the current date, no jury trial date has been scheduled.

- On January 29, 2018, the parties participated in mediation in an effort to resolve the matter short of jury trial. The proposed settlement was reached subject to City Council approval.

Alternatives for City Council to Consider

1. **Recommended Alternative:** Approve the settlement in the amount of $100,000.00 as reached in voluntary mediation.

   Pros

   If the settlement is approved, this matter will be resolved with finality. Proceeding to jury trial is a last resort, as it is the most risky and provides the most unpredictable outcome which is subject to appeal.

2. **Null Alternative:** Do not approve the settlement.

   Cons

   If the settlement is not approved, this matter will proceed to jury trial, wherein Park City is looking at an estimated exposure in excess of $150,000.00, not including attorney's fees, costs, or the costs associated with an appeal. Park City will incur expert witness fees estimated at a minimum of $45,000.00 and lay witness fees estimated at a minimum of $10,000.00. Utah jury verdicts for similar cases range from verdicts as low as $25,000.00 to as high as $715,000.00.

Department Review
The City Attorney's Office and the City Manager have reviewed this proposed settlement.

Funding Source
Settlement funds would be drawn from Park City's Risk Management Fund.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

This report presents the TTMP Report Card for 2016-2017 (attached as Exhibit A) and summarizes key information contained within. This Report Card was established in the 2011 TTMP and is intended as a tool to identify progress toward goals for multi-modal transportation in Park City with a 2040 planning horizon.

As is demonstrated in this report and the attached Report Card, the City must adopt an improved approach to accomplish many of the transportation goals identified in the TTMP. While the Report Card can begin to help Council and staff identify how to adjust priorities in order to meet these goals, it should be noted that the metrics found in the Report Card should be interpreted carefully. In this report, staff provides contextual interpretation of the most critical information contained in the Report Card.

In previous reports to Council, staff has noted shortcomings of the Report Card in its current form and recommended a number of improvements to the Report Card in order to communicate and evaluate progress toward City transportation goals in a way that is both more representative and readily understandable. Staff has included its recommended changes to the Report Card in the scope of work for a Long Range Transportation Plan (LRTP) for the Park City area which will represent an update to the 2011 TTMP. The Request for Qualifications for this new plan was released on January 31, 2018. Staff will work with the selected consultant to establish a new annual reporting methodology that is appropriately integrated with the goals and data methodologies identified in the updated LRTP. In the interim, staff has worked to develop a document - titled here "The 2017 Report on Progress" - that more closely matches this vision. The 2017 Report on Progress can be found here http://www.parkcity.org/Home/ShowDocument?id=49922.

In addition to this staff report, on February 15, City staff is also reporting to Council on the parking demand management program implemented on December 15, 2017. As a new comprehensive reporting methodology is formalized, these efforts will be consolidated into one reporting document/dashboard.

Respectfully:

Michelle Kellogg, City Recorder

City Council
Staff Report

Subject:	**Traffic and Transportation Master Plan Annual Report Card**
Author:	**Alfred Knotts, Transportation Planning Manager** **Julia Collins, Senior Transportation Planner** **Matthew Hartnett, Associate Transportation Planner**
Department:	**Transportation Planning**
Date:	**February 15, 2018**
Type of Item:	**Informational/Request for Feedback**

Summary Recommendation

Council should review the Traffic and Transportation Master Plan (TTMP) Report Card for 2016-2017 accompanying this report.

Executive Summary

This report presents the TTMP Report Card for 2016-2017 (attached as Exhibit A) and summarizes key information contained within. This Report Card was established in the 2011 TTMP and is intended as a tool to identify progress toward goals for multi-modal transportation in Park City with a 2040 planning horizon.

As is demonstrated in this report and the attached Report Card, the City must adopt an improved approach to accomplish many of the transportation goals identified in the TTMP. While the Report Card can begin to help Council and staff identify how to adjust priorities in order to meet these goals, it should be noted that the metrics found in the Report Card should be interpreted carefully. In this report, staff provides contextual interpretation of the most critical information contained in the Report Card.

In previous reports to Council, staff has noted shortcomings of the Report Card in its current form and recommended a number of improvements to the Report Card in order to communicate and evaluate progress toward City transportation goals in a way that is both more representative and readily understandable. Staff has included its recommended changes to the Report Card in the scope of work for a Long Range Transportation Plan (LRTP) for the Park City area which will represent an update to the 2011 TTMP. The Request for Proposals for this new plan was released on January 31, 2018. Staff will work with the selected consultant to establish a new annual reporting methodology that is appropriately integrated with the goals and data methodologies identified in the updated LRTP. In the interim, staff has worked to develop a document – titled here "The 2017 Report on Progress" – that more closely matches this vision. The 2017 Report on Progress can be found at the following link: http://www.parkcity.org/Home/ShowDocument?id=49922

In addition to this staff report, on February 15, City staff is also reporting to Council on the parking demand management program implemented on December 15, 2017. As a

new comprehensive reporting methodology is formalized, these efforts will be consolidated into one reporting document/dashboard.

Acronyms Used in This Report

LRTP	Long Range Transportation Plan
TTMP	Traffic and Transportation Master Plan
VMT	Vehicle Miles Traveled

The Problem

The Report Card suggests that, while the City is making progress in some areas, an improved approach is required in other areas if we are to accomplish the transportation goals identified in the TTMP. See the *Analysis* section for more details.

Background

- In October 2011, City Council adopted the TTMP, found here. A complete description of how the measures in the Report Card are collected can be found on page APP-19 of this document.
- In February 2017, City staff reported to Council on the TTMP Report Card for 2015-2016, found here starting on Page 9.
- In August 2017, staff reported to Council on recommendations for improvements to the Report Card, found here starting on Page 37.

Analysis

There are a number of areas where measures in the Report Card are trending negatively. These negative trends can likely be attributed to inefficiencies – namely, low average vehicle occupancy levels – characterizing the use of transportation infrastructure in our community. The consequences of low vehicle occupancy levels include:

- *Traffic:* increased roadway congestion and travel times
- *Environment:* increased levels of emissions of greenhouse gases
- *Air and Water Quality:* increased levels of emissions of harmful particulate and pollutants

A significant shift in behavior toward ridesharing, transit, and active travel is essential in reversing these trends. The City's Old Town parking demand management project and Electric Xpress and Kamas Commuter transit service implementations create incentives that should help drive this behavior change, and staff will monitor the impacts of these programs.

While these implementations represent positive steps, the Report Card suggests that drive alone journey times still significantly outperform those by transit and bicycle. Therefore, a great deal of additional effort will be necessary to realize such a significant shift in behavior.

Next Steps

Here, staff is reporting to Council based on the currently adopted TTMP as well as providing a new monitoring document requested by Council, the Transportation Report on Progress, that is more digestible to Council as well as to the community. As staff work to update the TTMP through the LRTP project, it is a priority of staff to update the City's transportation goals – a process that is expected to incorporate significant public and stakeholder input.

There are many variables that describe and impact the use and performance of Park City's transportation system as well as its role in achieving community objectives. As such, it is staff's recommendation that the City establish performance metrics relating to these established goals in parallel as part of the LRTP project. With this project, staff and the consultant will establish a formal strategic framework with which to select metrics that are illustrative of those areas which are most crucial to Park City, as identified by the newly established transportation goals. It is anticipated this will result in a handful of metrics aimed at evaluating Park City's progress toward reducing VMT per capita, single occupancy vehicles, and increasing mode share to alternative modes of transportation while maintaining Park City's economic vitality. This is consistent with the previous request of Council which sought to limit the metrics to 6 – 10 indicators.

Attachments

Exhibit A TTMP Report Card for 2016-2017
Exhibit B http://www.parkcity.org/Home/ShowDocument?id=49922

Metric (By Goal)	2040 Target	2015-2016	2016-2017	Goal Action
Complete Streets (Goal One)				
SR-224 Single Occupancy Vehicle Share[1]	50%	80%	86%	
SR-248 Single Occupancy Vehicle Share[1]	50%	85%	87%	
Percent households within 1/4 mile of transit stop (Density > 4 units/acre)	100%	94% of HHs with density > 4 units/acre	No significant change	
Percent households within 1/4 mile of primary bike corridor (Density > 4 units/acre)	100%	84% of HHs with density > 4 units/acre	No significant change	
Convenient Transit (Goal Two)				
Daily bus hours (local service)	450 hrs	195 hrs	205 hrs (5% YOY increase)	
Transit Spine Frequency (Fresh Market to OTTC)	10 min	10 min	< 10 min	
Regional Spine (Fresh Market to Kimball Junction)	10 min	15 min	10 min	
PCMR to PCHS (Bus Travel Time minus Drive Time)	10 min	5 min	5 min	
Transit Center to PC MARC (Bus - Drive Time)	10 min	16 min	16 min	
DV to Snow Creek Liquor Store (Bus - Drive Time)	10 min	13 min	13 min	
Regional Transit (Goal Three)				
Daily Bus Hours (Regional Service)	350 hrs	115 hrs	190 hrs (65% YOY increase)	
Communities Served	5	SLC, Basin	SLC, Basin, Kamas	
Connected Out-of-the-car (Goal Four)				
Primary bike corridor completion (expected by 2020)	100%	Added path upgrades on east side of 224	No change	
Secondary bike corridor completion (expected by 2020)	75%	No change	No change	
Increase Mobility & Reduce Car Travel (Goal Five)				
Drive time PCMR to PCHS (6 minute baseline (BL))[2]	< 10% increase	8 min	7 min	
Drive time Transit Center > PC MARC (7 min BL)[2]	< 10% increase	6 min	7 min	
Drive time DV > Snow Creek Liquor Store (7 min BL)[2]	< 10% increase	7 min	8 min	
Ratios of Car to Bike and Bus Travel (Goal Five)				
Drive time/bike time (PCMR to PCHS)	More than 1	0.7	0.9	
Drive time/bike time (Transit Center to PC MARC)	More than 1	0.7	0.9	
Drive time/bike time (DV to Snow Creek Liquor Store)	More than 1	0.5	0.7	
Drive time/transit time (PCMR to PCHS)	More than 1	0.8	0.6	
Drive time/transit time (Transit Center to PC MARC)	More than 1	0.3	0.3	
Drive time/transit time (DV to Snow Creek Liquor)	More than 1	0.2	0.4	
No New Milage (Goal Six)				
Total lane miles	Less than 250	202	202	
Promote Safety & Active Living (Goal Seven)				
Crash Rate	Decreasing from 7.9	5.2	3.1	
Transportation Fatalities	0	1	0	
Poison Creek Trail Usage per day[3]	10% increase	721	310	
Rail Trail Usage per day[3]	10% increase	788	324	
Transportation Adds to Community (Goal Eight)				
Change in Gateway AADT/Housing Units	Less than 1	1.05	0.98	
Change in Gateway AADT/Jobs	Less than 1	1.04	1.01	
Estimated Petrolem Consumption Equivalent (kBTU)	Decreasing from 570 M	725 M	731 M	
Estimated Annual Greenhouse Gas Emissions (short tons)	Decreasing from 50.2 K	64.0 K	64.5 K	
Convenient Multi-Modal Access (Goal Nine)				
Major new land developments with infrastructure to meet goals	N/A	Affordable housing developments - PC Heights, 1450/1460 Park Avenue, 1440 Empire, Mark Fischer project, purchase of	Additional park and ride spaces at Kimball Junction Transit Center; exploration of park and ride projects at Ecker and US-40/SR	
System & Demand Management (Goal Ten)				
New ITS implementation	N/A	4 new Variable Message Signs, phase Blyncsy installation, SCATs signal upgrades	Implementing transit signal priority project; VMS agreement	
New TDM implementation	N/A	Established the TMA w/ monthly participation, adopted TDM plan in October 2016	Implemented Old Town parking demand management project on 12/15; Electric Xpress and Kamas Commuter Routes; Summit Bike Share; increased TDM measures during special events; transit lane	

KEY	
On target	
Requires additional monitoring	
Not on target. Improved approach required	

Notes

A complete description of how the measures in the Report Card are collected can be found on page APP-19 of the 2011 Traffic and Transportation Master Plan (TTMP).

[1]TTMP specifies that Single Occupancy Vehicle counts for each SR-224 and SR-248 should be collected over a single weekday from 9 - 10 AM.

[2]TTMP specifies that the above drive time measures should be caluculated by taking the average of three runs during the peak hour. For this report card, staff has elected to instead monitor travel times as estimated by Google Maps over two weeks in December 2017, totaling to dozens of data points for each origin/destination pair described above.

[3]2015-2016 values correspond to single day counts from August 2016. 2016-2017 values correspond to a weekday average from counts collected over the course of a full week in September 2017.

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

An agreement has been reached to purchase the entire Treasure Hill parcel from Sweeney Land Company, LLC and Park City II, LLC.

Respectfully:

Michelle Kellogg, City Recorder

City Council
Mayor/Staff Report

Author:	**Mayor Andy Beerman**
	Matt Dias, Asst. City Manager
	Mark Harrington, City Attorney
	Nate Rockwood, Capital Budget, Debt, & Grants Manager
Subject:	**Treasure Hill Purchase and Sale/Settlement Agreements**
Date:	**February 12, 2018**
Type of Item:	**Property Acquisition and Settlement**

Summary Recommendations

The Mayor and staff recommend that the City Council: a) evaluate the proposed terms of the potential 100% property acquisition and settlement of the Treasure Hill/Sweeney Master Plan Creole Gulch and Mid-Station parcels; b) discuss bond funding parameters and timing; c) conduct a public hearing; and d) approve the Purchase and Sale Agreement in the amount of $64 Million dollars, including a Settlement Agreement.

Background

A visual of the massing of the current Creole Gulch and Mid-Station 17.2 proposal, which exceeds over 900k of gross building area, is below:

The Sweeney Properties Master Plan (SPMP) was approved in 1986. The first phases of the project are approved and nearly built out. The final phase is the Creole Gulch and Mid-Station parcels. The Conditional Use Permit application for the Treasure Hill/SPMP Creole Gulch and Mid-Station parcels has been pending since 2004.

Within the current approved Sweeney Properties Master Plan, the maximum allowed unit equivalents (UE) for Creole Gulch and Mid-Station parcels included residential 197 UEs (1 residential UE = 2,000 square feet) and 19 commercial UEs at 1,000 square feet per UE, for a total of 216 UE's. All parking, affordable housing, accessory, meeting, or mechanical/gross square feet is additional and would have to be evaluated under the SMP and other applicable Land Management Code criteria. As summarized by staff analysis in the June 6, 2016 staff report linked below, the CUP proposal evolved and upon re-start of the review consisted of the following:

Hotel/Residential (net): 393,911 square feet
Commons space & circulation (gross) 145,655 square feet
Allotted Commercial (MPD UE's, gross) 18,863 square feet
Support Commercial (gross) 33,412 square feet
Meeting Space (gross) 16,127 square feet
Accessory Space (gross) 70,372 square feet
Parking (gross) 3,661 square feet
Subtotal 682,001 square feet

Underground/basement areas:
Parking (gross) 241,402 square feet
Common Space & Circulation (gross) 27,555 square feet
Accessory Space (gross) 65,929 square feet
Subtotal 334,886 square feet

Total 1,016,887 square feet

The proposal included approximately 424 parking spaces.

2010-2014: Prior Negotiations- Pending Conditional Use Permit (CUP) Application

On April 22, 2010, the City Council elected to appoint a hearing appeal panel as the appeal body for the pending Treasure Hill CUP application. This enabled the Council to explore other roles beyond the traditional regulatory/appeal role, including negotiating project goals beyond the framework of regulatory criteria, consideration and negotiation of sale and the purchase and/or transfer of density rights. Several public open houses and Planning Commission progress meetings were held as the City negotiated project alternatives, led by the Mayor and a Councilmember.

No agreement was reached and the owners re-initiated the review of their application. The Planning Commission began their most recent review of the project proposal in June 2016.

Staff Report June 8, 2016

The history, presentations and all documents regarding the pending CUP application may be found on the City website:

The City's Treasure Conditional Use Project Webpage

After over 18 months of revisions, the applicants submitted their final plan revisions (link below) which was nearing final review and action by the Planning Commission. The project gross total was reduced by applicant revisions but still exceeded 900k square feet.

Treasure Final 17.2 Proposal

December 2017: Mayors' Request to Consider 50% Option Project Alternative

In December 2017, at the request of Mayor Jack Thomas and Mayor-Elect Andy Beerman, the Planning Commission voted to postpone final deliberations and a vote on the pending Conditional Use Permit for the final phase of the Sweeney Master Plan Creole Gulch and Mid-Station parcels in order to again allow the City Council and owners an opportunity to explore a project alternative.

Several meetings were held to evaluate the possibility of a re-designed project with 18 single family lots and a hotel utilizing 50% of the approved SPMP density and the City acquiring the other 50% of the density for $30 Million. The purchase would be made with two payments: $6M and $24M, with the $24M being subject to voter approval of a general obligation bond in November 2018. A deadline in mid-January was agreed to, but road re-design proved challenging and a new timeline for final action on a settlement proposal for the end of January was identified.

For the last staff analysis of the 50% option, see the staff presentation for January 24, 2018 by following the link below and click the first document titled "2018.01.24 PC Staff Presentation":

1/24/18 Staff Report for 50% Option- Alternative C

January 2018: 100% Buy-Out Break Through

Last Wednesday, Mayor Andy Beerman and the owners of the "Treasure Hill Properties" discussed the status and timing deadline of the 50% option, as recently modified by final road alignment proposal. The parties acknowledged that while great progress had been accomplished, the re-design was not going to be completed within the timeline established to enable the 50% buyout and settlement to proceed.

Using the information obtained in the course of the prior negotiations and the 14 years of project review, the parties engaged in substantive discussion regarding a 100% buyout. As stated in last week's press release dated 1/14/18, this change is attributed to a dramatic shift in the willingness of the Sweeneys and their partner:

"Despite the best efforts of City staff, Planning Commission, and our technical experts, we were unable to meet the specificity and certainty that the public and City were requesting of our partnership," said property owner Elizabeth Rad. "Though we remain committed to returning to our project proposal if this 100-percent buyout attempt fails, we have reluctantly come to the table with something the community has long sought and, to be fair, we have resisted – a full buyout of our development."

Analysis

Purchase Price
Total Purchase and Settlement price: **$64 Million Dollars**

Payment Terms: $6 million non-refundable earnest money deposit/settlement payment upon execution of the Purchase and Settlement Agreements. $58 million would be payable no later than April 1, 2019, contingent upon bond approval and issuance. The property is being sold "as is." If the general obligation bond is not issued and sold, the Settlement Agreement would govern and provide for City acquisition of 10% of the project density. As requested by both the Planning Commission and the sellers, if the project returns for a vote by the Planning Commission the process would re-commence where it left off in December as the Planning Commission was preparing for a vote by the end of the month. Accordingly, the City is agreeing to a maximum three meeting return for a decision by March, 2019. The City is also agreeing that any appeal will be heard and voted on within 6 months of the Planning Commission decision. The City will risk forfeiting the 10% density if those deadlines for decisions are not met. Since the applicant can already pull the 45 day rip cord for a decision under state law, the City does not feel the deadlines pose any additional burden but ensure continued good faith by both sides to expedite a decision on the longstanding project. The closing of the 10% density acquired by the City is timed with an approval of a 90% option with a deed restriction eliminating the 10% from the SMPD consistent with the LMC transfer of density rights ordinance. Nothing in the agreements limits the Planning Commission's authority or decision-making authority.

Town Lift/Tram Agreements; PCMR & Sweeney Agreements

The parties have certain confidential agreements stemming back to the early 1980's which at a high level include commitments of linking Main Street to the PCMR resort base. The agreements address the cost-sharing of providing continued direct lift access to on-mountain bed base resulting from the Treasure Hill potential build-out; and relate back to ski improvements such as the Town Lift and Town Bridge. **The City and sellers have agreed to limit the assignment of those agreements narrowly as they apply to the Property for the ski access, PCMR ski run easements, and related changes Vail may elect to make on the Town Lift.** The agreements address the termination of what is referred to as the Section 6 Amendment which specified responsibilities regarding future lift improvements as such related to a minimum density build on the Treasure Hill Property, which will now be open space.

Deed Restriction- Open Space; No Affordable Housing

While affordable housing options or reserving a parcel of the Property for future consideration of affordable housing was considered by Council previously, the purchase is now 100% open space, subject to rights of record, and a deed restriction.

Easements

Secondary access easements for the benefit of Lots 3 and 4, Treasure Hill Subdivision Phase 1, and Lot 8, Treasure Hill Subdivision Phase 3 are proposed for the purpose of allowing limited construction and maintenance access. The impact of the new easements should be minimal but is still being reviewed. Such limited, seasonal use in conjunction with otherwise

permitted construction allows deliveries in a manner that minimizes impacts and is consistent with other old town streets.

Settlement of All Claims

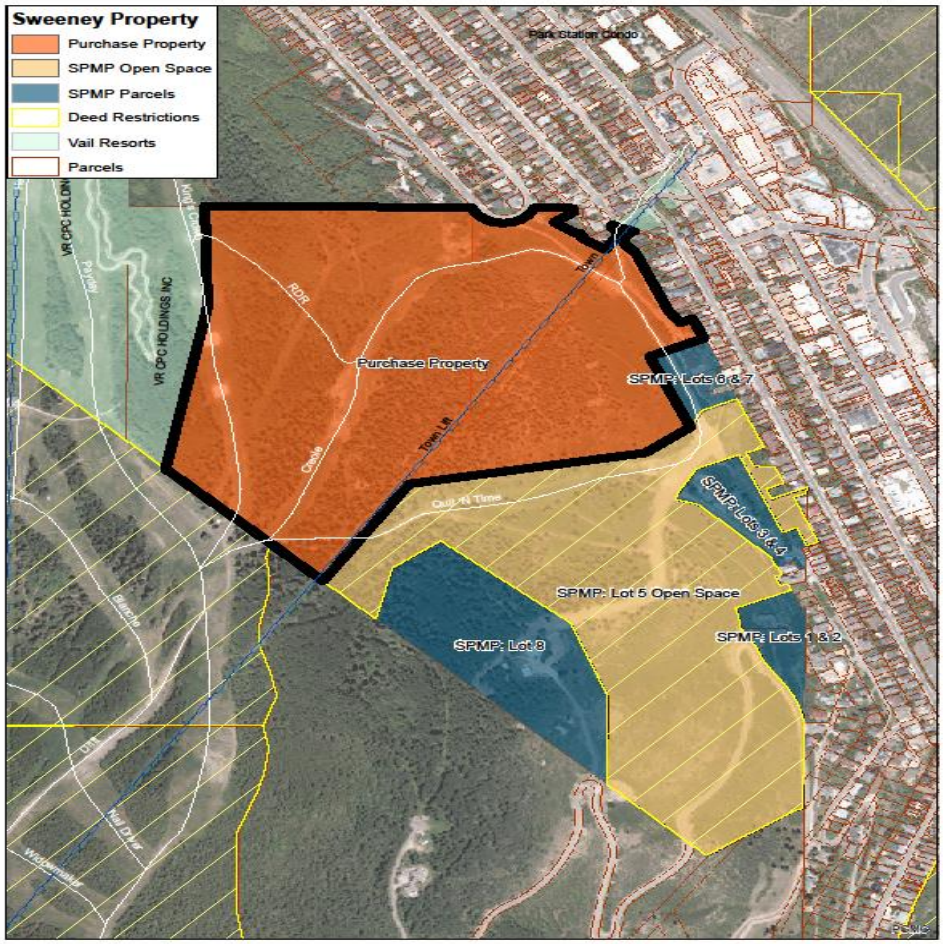
Both the Purchase Agreement and the Settlement Agreement include a release of all claims between the parties related to the Treasure Hill Properties and the pending CUP application. The release terms are in the draft Purchase Agreement and Settlement Agreement- the latter of which becomes operative only if the bond is not issued or sold.

Transfer of Density Rights (TDR)

No TDR has been considered in conjunction with this purchase. The City reserves the right to sell or transfer density in accordance with existing provisions and public processes as required by the Land Management Code. No changes to the SPMP are proposed and all conditions of approval from previous approved CUP and subdivisions remain in effect.

Property

The Treasure Hill Properties, inclusive of the remaining Phase 4 SPMP development parcel (@11acres) and hillside open space parcel (@52 acres), proposed for acquisition by the City are as shown below (42.7 acres previously deeded to PCMC as open space; 62.18 potential additional acreage for open space acquisition; total = 104.88 acres):



Current City General Obligation (GO) Bonds – (Voter Approved Property Tax Initiatives) (updated 2/11/2018 – J. N. Rockwood)

The City currently has seven bond issuances outstanding (see table below). All bonds have been issued for 15-year terms and have differing expiration dates. The 2013 and 2014 GO Bonds are refunding bonds (refinanced) from 2003 and 2004 open space bonds. The 2013 bonds will be retired (paid off) in 2018 and the 2014 bond will be retired in 2019.

The total principal and interest outstanding on all City GO bonds is approximately $59 million. The full amount will be retired in 2032 with the last payment of the Bonanza Flat Bonds. Based on the current debt schedule, **approximately half of the City's GO debt ($28 million) will be retired in the next 5 years.**

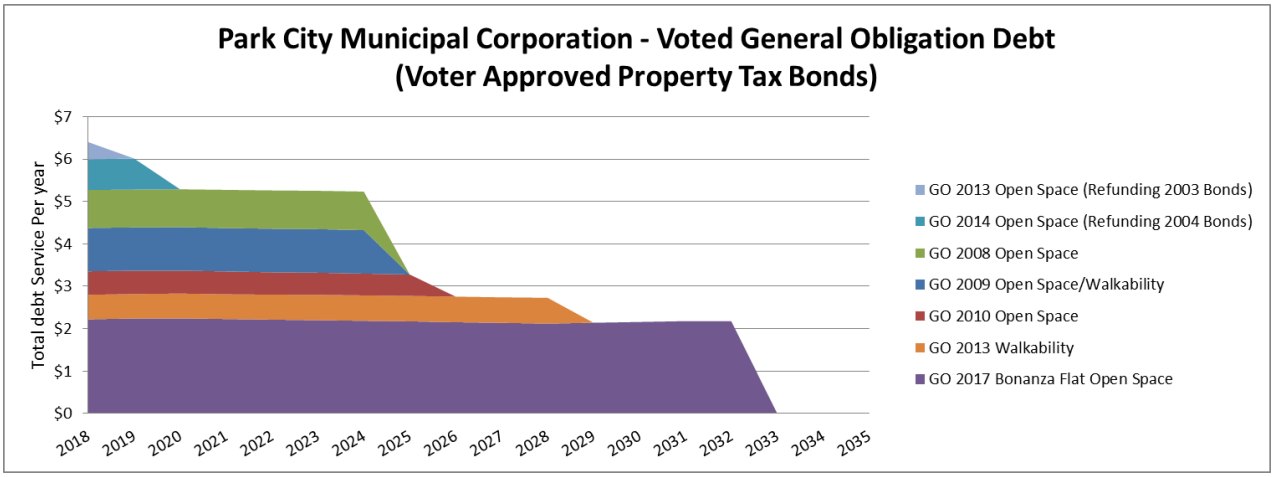
The total principal and interest payment due in 2018 is $6.4 million. Based on the 2017 City wide Taxable Value this payment would be estimated at $77.15 per $100,000 of Taxable Value.

The Average Assessed Value for a primary resident in Park City is $768,000. Taxable Value is 55% of the Assessed Value for a primary residence and 100% of the Assessed Value for a second home or business. For example, for the average primary residential Assessed Value of $768,000 is Taxable Value is $422,400. The average assessed value for a second home or business is $923,524, which is also its taxable value.

The City's 2017 total Taxable Value is approximately $8.2 billion. Primary residences make up just over 15 percent of the total taxable value. This means that primary residents are responsible for about $8.8 million of the total $59 million in outstanding debt. This will equate to about $950,000 of the $6.4 million debt service payment in 2018.

The State of Utah sets the maximum allowable General Obligation debt limit for a city at 4% of the total taxable value in any one year. Based on the 2017 Taxable Value the State limit for Park City debt is $312 million or $253 million in remaining debt capacity.

Park City Municipal Corporation - General Obligation Debt Service (Voter Approved Property Tax Bonds)										
Year	Series							Grand Total Current Debt	Estimated Tax on Primary Resident	Estimated Tax Per $100k
	GO 2013 Open Space (Refunding 2003 Bonds)	GO 2014 Open Space (Refunding 2004 Bonds)	GO 2008 Open Space	GO 2009 Open Space/Walkability	GO 2010 Open Space	GO 2013 Walkability	GO 2017 Bonanza Flat Open Space	Total GO Debt Payment Per Year	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value
2018	$ 408,000	$ 723,400	$ 894,200	$ 1,021,810	$ 554,735	$ 576,813	$ 2,223,326	$ 6,402,284	$ 327	$ 77
2019		732,250	892,400	1,020,576	549,135	578,213	2,241,550	$ 6,014,124	$ 307	$ 73
2020			894,600	1,023,516	541,335	584,413	2,245,350	$ 5,289,214	$ 270	$ 64
2021			900,600	1,023,340	537,475	585,313	2,228,600	$ 5,275,328	$ 269	$ 64
2022			904,250	1,026,220	527,288	589,850	2,214,350	$ 5,261,958	$ 269	$ 64
2023			905,463	1,026,450	521,190	597,850	2,202,350	$ 5,253,303	$ 268	$ 64
2024			909,150	1,024,400	513,915	599,100	2,187,350	$ 5,233,915	$ 267	$ 63
2025					505,200	599,938	2,174,350	$ 3,279,488	$ 167	$ 40
2026						604,038	2,153,100	$ 2,757,138	$ 141	$ 33
2027						602,538	2,138,850	$ 2,741,388	$ 140	$ 33
2028						609,175	2,121,100	$ 2,730,275	$ 139	$ 33
2029							2,141,350	$ 2,141,350	$ 109	$ 26
2030							2,159,350	$ 2,159,350	$ 110	$ 26
2031							2,180,100	$ 2,180,100	$ 111	$ 26
2032							2,178,450	$ 2,178,450	$ 111	$ 26
2033										
2034										
2035										
Total Debt (P&I)	$ 408,000	$ 1,455,650	$ 6,300,663	$ 7,166,312	$ 4,250,273	$ 6,527,241	$ 32,789,526	**$ 58,897,665**	**$ 3,006**	**$ 712**



History of Voter Approved General Obligation (GO) Property Tax Bond Initiatives:

1998 Open Space Bond Initiative

Amount:	$10,000,000
Approval Rate:	78%
Related Bond Issuance:	Bonds Retired

2001 Ice Facility and Park Improvement Initiative

Amount:	$4,000,000
Approval Rate:	52%
Related Bond Issuance:	2003 Bond Issuance

2002 Open Space Initiative

Amount:	$10,000,000
Approval Rate:	79%
Related Bond Issuance:	2003 Bond Issuance, 2004 Bond Issuance

2006 Open Space Initiative

Amount:	$20,000,000
Approval Rate:	82%
Related Bond Issuance:	2008 Bond Issuance, 2009 Bond Issuance, 2010 Bond Issuance

2007 Walkability Bond Initiative

Amount:	$15,000,000
Approval Rate:	55%
Related Bond Issuance:	2009 Bond Issuance, 2013 Bond Issuance

2016 Bonanza Flats Open Space Bond Initiative

Amount:	$25,000,000
Approval Rate:	71%
Related Bond Issuance:	2017 Bond Issuance

Other Related Voter Approved Initiatives:

2012 .5% Additional Resort Community Sales Tax Initiative

Amount:	$0.50 Sales Tax (Public Capital Improvements and Open Space)
Approval Rate:	59%
Related Bond Issuance:	2013 Sales Rev., 2014 Sales Rev., & 2017 Sales Rev. Bonds

Park City Property Tax Base

Park City Property Tax Base (Summit and Wasatch County)						
Classification	**Parcel Count**	**Assessed Value**	**Taxable Value**	**Percentage of Taxable Value**	**Average Assessed Value Per Classification**	**Average Taxable Value Per Classification**
Primary Residential	3,024	$ 2,321,259,062	$ 1,276,692,484	15.4%	$ 767,612	$ 422,187
Secondary Residential	6,321	$ 5,835,889,982	$ 5,835,889,982	70.6%	$ 923,254	$ 923,254
Commercial/Industrial	627	$ 739,074,106	$ 739,074,106	8.9%	$ 1,178,747	$ 1,178,747
Other (agricultural, etc.)	759	$ 298,843,668	$ 298,843,668	3.6%	$ 393,733	$ 393,733
Personal Property	1,031	$ 77,332,858	$ 77,332,858	0.9%	$ 75,008	$ 75,008
Centrally Assessed	N/A	$ 39,624,113	$ 39,624,113	0.5%	N/A	N/A
Total	**11,762**	**$ 9,312,023,789**	**8,267,457,211**	**100%**	**$ 791,704**	**$ 702,896**

*All values are for the last tax year (Jan-Dec. 2017). Tax bill paid on December 15, 2017

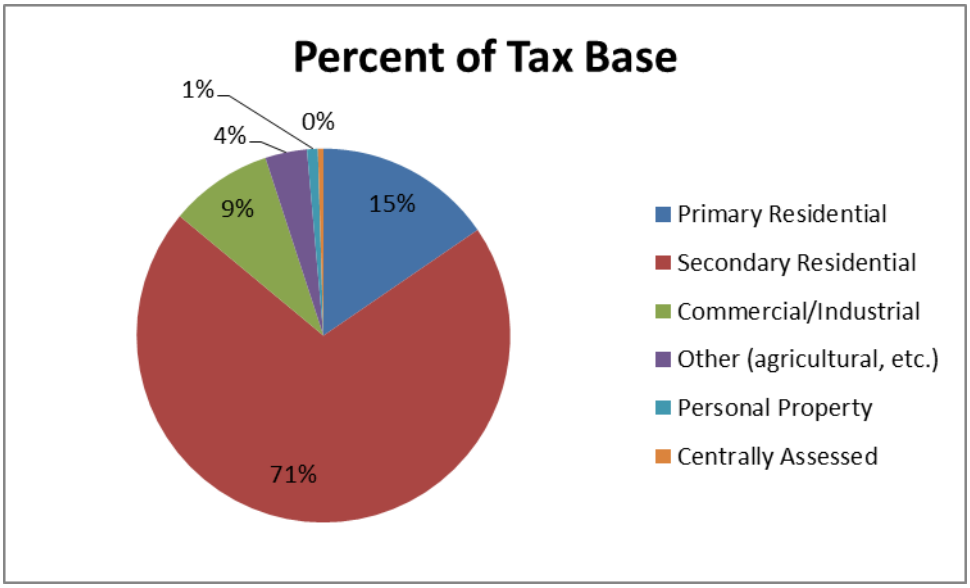
Key Points:

Average Primary Residential Assessed Value: $768,000

Average Primary Residential Taxable Value: $422,000

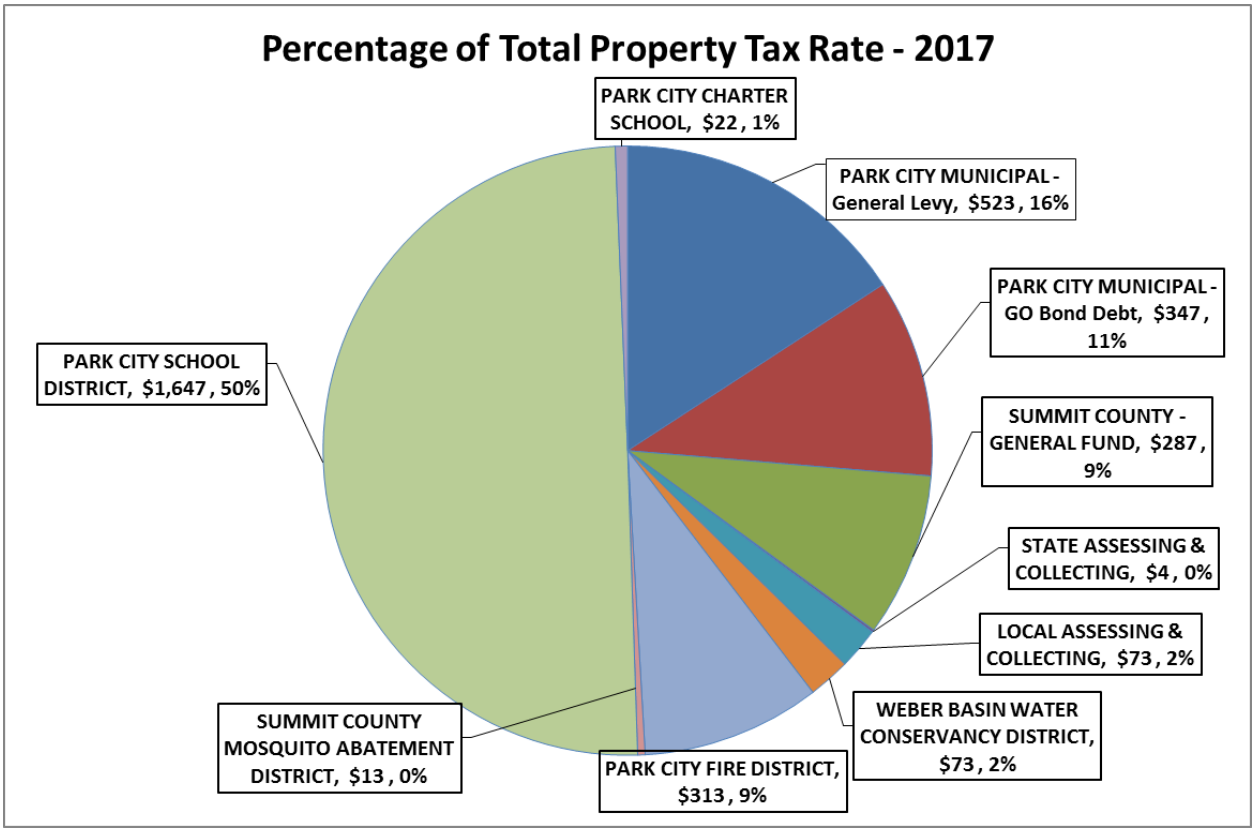
Average Secondary Residential Assessed and Taxable Value: $923,000

Percentage of Taxable Base for Primary Residents: 15%



Example of Property Tax Bill for Average Primary Resident Value

Total Property Tax Rate - Primary Residential Average Assessed Value				
Primary Home Assessed Value (Avg. Park City Primary Residence)		$	768,000	
Taxable Value (Primary 55% of Assessed Value)		**$**	**422,400**	
Total Property Tax Rates - 2017	**Rate**		**Tax**	**Percentage**
PARK CITY MUNICIPAL - General Levy	0.001237	$	523	16%
PARK CITY MUNICIPAL - GO Bond Debt	0.000822	$	347	11%
SUMMIT COUNTY - GENERAL FUND	0.000680	$	287	9%
STATE ASSESSING & COLLECTING	0.000010	$	4	0%
LOCAL ASSESSING & COLLECTING	0.000173	$	73	2%
WEBER BASIN WATER CONSERVANCY DISTRICT	0.000174	$	73	2%
PARK CITY FIRE DISTRICT	0.000742	$	313	9%
SUMMIT COUNTY MOSQUITO ABATEMENT DISTRICT	0.000031	$	13	0%
PARK CITY SCHOOL DISTRICT	0.003900	$	1,647	50%
PARK CITY CHARTER SCHOOL	0.000051	$	22	1%
Total Taxes Billed 2017	**0.007820**	**$**	**3,303**	



Election Timing of GO Bond Initiatives

On or before Aug. 30, 2018 - 75 days prior to election date – City Council must approve a resolution submitting the question of the issuance of the bonds to the voters. The resolution must include the ballot proposition language, dollar amount (sizing) of the bonds and the maximum maturity of the bonds.

September - The resolution would be followed by a series of public hearings and notices of the bonds in September.

Between September 24 - October 24 - A voter information pamphlet must be mailed to all city addresses. The voter information would also include the ballot proposition language, dollar amount of the bonds and the maximum maturity of the bonds, as well as the estimated annual property tax impact on a primary, secondary and business property related to the bonds.

November 6, 2018 - GO Bond Election – Special Election on November 6, 2018 question of the issuance of the bonds to the voters. Bond will need to pass by a simple majority..

November - March – **If the bond passes,** proceed with issuance and sale of bonds. Closing by April 1, 2019.

Next Page…

Example of Potential GO Bond Options

Option 1 Example - $55M. GO Bond $6M down payment

- **Total purchase price $64M**
- **Additional funds needed in addition to $55M GO bonds: $9M.**
- **15 year bonds – equal debt payment over life of bonds**

Identified Potential Cut or Deferred Projects:

Brew Pub and other Main Street Plazas	$7,500,000
Allocated Open Space funds from Additional Resort Community Sales Tax	$1,500,000
Total	$9,000,000

Cost Table example for $55 Million Property Tax Bond:

General Obligation Bonds (GO) $55 Million		
Bond Amount:	$	55,000,000
Estimated Annual Debt Service:	$	4,306,194
Rate Needed:		0.000520
Property Tax Increase (City)		25.2%
Amount per $100,000 of Taxable Value	$	52
Example of Tax on Average Primary Residence $768,000		
Home Assessed Value	$	768,000
Taxable Value (Primary 55%)	$	422,400
Current Property Tax (City)	$	870
PT with Increase	$	1,089
Total Difference (New Tax for Bond)	$	220
Tax on Business or Second Residence of the same size - $768,000		
Assessed Value	$	768,000
Taxable Value (Primary 55%)	$	768,000
Current Property Tax (City)	$	1,581
PT with Increase	$	1,981
Total Difference (New Tax for Bond)	$	399

(Option 1 – continued from last page) GO Bond Table $55M (Estimate)

Debt Table example for $55 Million GO Property Tax Bond:

	Current Debt Total			Treasure Hill Bond $55 Million			Total Current and Treasure $55 Million		
Year	Grand Total Current Debt	Estimated Tax on Primary Resident	Estimated Tax Per $100k	Treasure Hill Bond	Estimated Tax on Primary Resident	Estimated Tax Per $100k	New Grand Total with $55 M	Estimated Tax on Primary Resident	Total Estimated Tax Per $100k
	Total GO Debt Payment Per Year	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value	Treasure GO Debt (15 Year - 55 M.)	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value	Total GO Debt Payment per Year	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value
2018	$ 6,402,284	$ 327	$ 77	$ -	$ -	$ -	$ 6,402,284	$ 327	$ 77
2019	$ 6,014,124	$ 307	$ 73	4,306,194	$ 220	$ 52	10,320,318	$ 527	$ 125
2020	$ 5,289,214	$ 270	$ 64	4,306,194	$ 220	$ 52	9,595,408	$ 490	$ 116
2021	$ 5,275,328	$ 269	$ 64	4,306,194	$ 220	$ 52	9,581,522	$ 489	$ 116
2022	$ 5,261,958	$ 269	$ 64	4,306,194	$ 220	$ 52	9,568,152	$ 488	$ 116
2023	$ 5,253,303	$ 268	$ 64	4,306,194	$ 220	$ 52	9,559,497	$ 488	$ 116
2024	$ 5,233,915	$ 267	$ 63	4,306,194	$ 220	$ 52	9,540,109	$ 487	$ 115
2025	$ 3,279,488	$ 167	$ 40	4,306,194	$ 220	$ 52	7,585,682	$ 387	$ 92
2026	$ 2,757,138	$ 141	$ 33	4,306,194	$ 220	$ 52	7,063,332	$ 361	$ 85
2027	$ 2,741,388	$ 140	$ 33	4,306,194	$ 220	$ 52	7,047,582	$ 360	$ 85
2028	$ 2,730,275	$ 139	$ 33	4,306,194	$ 220	$ 52	7,036,469	$ 359	$ 85
2029	$ 2,141,350	$ 109	$ 26	4,306,194	$ 220	$ 52	6,447,544	$ 329	$ 78
2030	$ 2,159,350	$ 110	$ 26	4,306,194	$ 220	$ 52	6,465,544	$ 330	$ 78
2031	$ 2,180,100	$ 111	$ 26	4,306,194	$ 220	$ 52	6,486,294	$ 331	$ 78
2032	$ 2,178,450	$ 111	$ 26	4,306,194	$ 220	$ 52	6,484,644	$ 331	$ 78
2033				4,306,194	$ 220	$ 52	4,306,194	$ 220	$ 52
2034									
2035									
Total Debt (P&I)	**$ 58,897,665**	**$ 3,006**	**$ 712**	**$ 64,592,911**	**$ 3,297**	**$ 781**	**$ 123,490,576**	**$ 6,303**	**$ 1,494**

Next Page…

Option 2 Example - $50M. GO Bond $6M down payment

- **Total purchase price $64M**
- **Additional funds needed in addition to $50M GO bonds: $14M.**
- **15 year bonds – equal debt payment over life of bonds**

Identified Potential Cut or Deferred Projects:

Brew Pub and other Main Street Plazas	$7,500,000
Allocated Open Space funds from Additional Resort Community Sales Tax	$1,500,000
Total	$9,000,000

Other Potential Cut or Deferred Projects (to be evaluated as part of the Capital Budget process):

Downtown Sidewalks and Pass-through
OTIS (Old Town Street Reconstruction Projects)
Storm Water Improvements
Public Utility Building
Bonanza Flat Open Space Improvement and Management Funds
Future Open Space Funds
(see Adopted Capital Improvement Plan (CIP) for full list of approved capital projects)

GO Bond Table $50M (Estimate)

Cost Table example for $50 Million GO Property Tax Bond:

General Obligation Bonds (GO) $50 Million		
Bond Amount:	$	50,000,000
Estimated Annual Debt Service:	$	3,914,722
Rate Needed:		0.000473
Property Tax Increase (City)		23.0%
Amount per $100,000 of Taxable Value	$	47.35
Example of Tax on Average Primary Residence $768,000		
Home Assessed Value	$	768,000
Taxable Value (Primary 55%)	$	422,400
Current Property Tax (City)	$	870
PT with Increase	$	1,070
Total Difference (New Tax for Bond)	$	200
Tax on Business or Second Residence of the same size - $768,000		
Assessed Value	$	768,000
Taxable Value (Primary 55%)	$	768,000
Current Property Tax (City)	$	1,581
PT with Increase	$	1,945
Total Difference (New Tax for Bond)	$	364

Debt Table example for $50 Million GO Property Tax Bond:

	Current Debt Total			Treasure Hill Bond $50 Million			Total Current and Treasure $50 Million		
Year	Grand Total Current Debt	Estimated Tax on Primary Resident	Estimated Tax Per $100k	Treasure Hill Bond	Estimated Tax on Primary Resident	Estimated Tax Per $100k	New Grand Total with $50 M	Estimated Tax on Primary Resident	Total Estimated Tax Per $100k
	Total GO Debt Payment Per Year	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value	Treasure GO Debt (15 Year - 50 M.)	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value	Total GO Debt Payment per Year	(Average Primary Taxable Value $422,000)	Per $100K in Taxable Value
2018	$ 6,402,284	$ 327	$ 77	$ -	$ -	$ -	$ 6,402,284	$ 327	$ 77
2019	$ 6,014,124	$ 307	$ 73	3,914,722	$ 200	$ 47	14,235,040	$ 507	$ 120
2020	$ 5,289,214	$ 270	$ 64	3,914,722	$ 200	$ 47	13,510,130	$ 470	$ 111
2021	$ 5,275,328	$ 269	$ 64	3,914,722	$ 200	$ 47	13,496,244	$ 469	$ 111
2022	$ 5,261,958	$ 269	$ 64	3,914,722	$ 200	$ 47	13,482,874	$ 468	$ 111
2023	$ 5,253,303	$ 268	$ 64	3,914,722	$ 200	$ 47	13,474,219	$ 468	$ 111
2024	$ 5,233,915	$ 267	$ 63	3,914,722	$ 200	$ 47	13,454,831	$ 467	$ 111
2025	$ 3,279,488	$ 167	$ 40	3,914,722	$ 200	$ 47	11,500,404	$ 367	$ 87
2026	$ 2,757,138	$ 141	$ 33	3,914,722	$ 200	$ 47	10,978,054	$ 341	$ 81
2027	$ 2,741,388	$ 140	$ 33	3,914,722	$ 200	$ 47	10,962,304	$ 340	$ 81
2028	$ 2,730,275	$ 139	$ 33	3,914,722	$ 200	$ 47	10,951,191	$ 339	$ 80
2029	$ 2,141,350	$ 109	$ 26	3,914,722	$ 200	$ 47	10,362,266	$ 309	$ 73
2030	$ 2,159,350	$ 110	$ 26	3,914,722	$ 200	$ 47	10,380,266	$ 310	$ 73
2031	$ 2,180,100	$ 111	$ 26	3,914,722	$ 200	$ 47	10,401,016	$ 311	$ 74
2032	$ 2,178,450	$ 111	$ 26	3,914,722	$ 200	$ 47	10,399,366	$ 311	$ 74
2033				3,914,722	$ 200	$ 47	8,220,916	$ 200	$ 47
2034									
2035									
Total Debt (P&I)	**$ 58,897,665**	**$ 3,006**	**$ 712**	**$ 58,720,828**	**$ 2,997**	**$ 710**	**$ 182,211,404**	**$ 6,004**	**$ 1,423**

Recommendation

The Mayor and staff recommend that the City Council approve the Purchase and Sale Agreement in the amount of $64 Million dollars, including a Settlement Agreement

Exhibits

Exhibit A – Purchase and Sale Agreement – a draft of the Purchase and Sale Agreement, including the Settlement Agreement, will be published and linked on the City's website as soon as possible.

Exhibit B – Treasure Hill Properties Map

PARK CITY MOUNTAIN RESORT
THE AERIE
TOWN LIFT BASE
TOWN BRIDGE
TREASURE HILL, PHASE 4
WOODSIDE TRAIL
TREASURE HILL PHASE 2
PARK CITY, UTAH
TREASURE HILL PHASE 1
TREASURE HILL PHASE 3
AMERICAN FLAG
DEER VALLEY RESORT

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Council should direct staff to sell 2.5 acres of Lot 4 of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Amended Subdivision to the Park City Fire District in the amount of one million dollars ($1,000,000).

Respectfully:

Heinrich Deters, Trails and Open Space Program Manager

City Council
Staff Report

Subject: IHC Lot 4 Disposition- Park City Fire District
Author: Heinrich Deters
Department: Sustainability Department
Date: February 15, 2018
Type of Item: Potential Disposition of Property

Summary Recommendations:
Staff recommends City Council sell 2.5 acres of Lot 4 of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Amended Subdivision to the Park City Fire District in the amount of one million dollars ($1,000,000).

Executive Summary:
City Council should direct staff to sell 2.5 acres of Lot 4 of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Amended Subdivision to the Park City Fire District in the amount of one million dollars ($1,000,000).

Acronyms:
CT- Community Transition Zoning District
IHC- Intermountain Healthcare
ISO- Insurance Service Office
MPD- Master Planned Development
PCFD- Park City Fire District

Background:
The City is the owner of Lot 4, a five (5) acre platted lot located within the Intermountain Healthcare (IHC) Master Planned Development (MPD). The lot is located at 675 Round Valley Drive, south of the IHC Hospital and Medical Campus and east of the Summit County Health Department and future Peace House (Exhibit A).

Lot 4 is part of the 157 acre IHC/USSA/Burbidge Annexation approved by the City Council in 2006. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007. Lot 4 was donated to the City and identified as the location for 28 affordable townhouse units in partial fulfillment of the IHC MPD affordable housing obligation.

During the Park City Heights MPD review process in 2011, the 28 affordable townhouse units were incorporated into the Park City Heights MPD. The townhouse units are currently under construction as part of the Park City Heights neighborhood development. The Park City Heights MPD states that this parcel (Lot 4) is deed restricted per requirements of the IHC Development Agreement. The IHC Development Agreement does not further restrict the 5 acres donated to the City.

The Park City Fire District (PCFD) approached the City several years ago, in the hopes of acquiring property for a future fire station located within the Quinn's Junction.

Analysis:
With anticipated build-out of Park City Heights, IHC Medical Campus and Park City Studios, along with additional development in Summit County on the east side of US 40, the PCFD finds that there is a need for a fire station in this area. According to the Fire District, ideal sites are located with direct access onto Round Valley Drive which provides a controlled intersection access to SR 248 and is as a critical to providing a high Insurance Service Office (ISO) rating.

On August 26, 2015, the Planning Commission briefly discussed this issue during review of the pre-MPD application for amendments to the IHC MPD regarding the Peace House. The Commission indicated that a fire station is an appropriate use within the CT zone. The 5 acres of Lot 4 are not included in the 80% open space requirement for the IHC MPD and there are no known recorded deed restrictions or conservation easements on Lot 4.

The PCFD and PCMC discussed a possible transaction associated with the Lot 4 parcel numerous times throughout 2017. The parties are asked to consider following terms:

- To purchase the northerly 2.5 acres of the parcel for one million dollars ($1,000,000); and
- The City retains a right of first refusal on the parcel.

This property is currently on the City's property disposition list.

Initial Subdivision and subsequent Public Notice and Disposition
Should Council provide direction to move forward with the disposition of the property, staff anticipates subdividing the 5 acre parcel into two separate 2.5 acre lots, so one could be disposed of to PCFD. (Exhibit B)

Once the subdivision is completed and prior to any action taken, staff and Council would adhere to public notification standards for Disposals of Significant Parcels of Real Property as required by State Code and Municipal Code § 2-3-11, which includes at least fourteen (14) days reasonable notice before the opportunity for public comment on the proposed disposition. Finally, staff will return to Council in an open and public meeting with a real estate purchase contract for the northerly 2.5 acres.

Once PCFD attains ownership of the property, the District will need to acquire all planning and building permits to construct the station.

Department Review:
This report was reviewed by the City Attorney's Office, the Budget Department and the Executive Department.

Exhibit A- Subdivision Plat

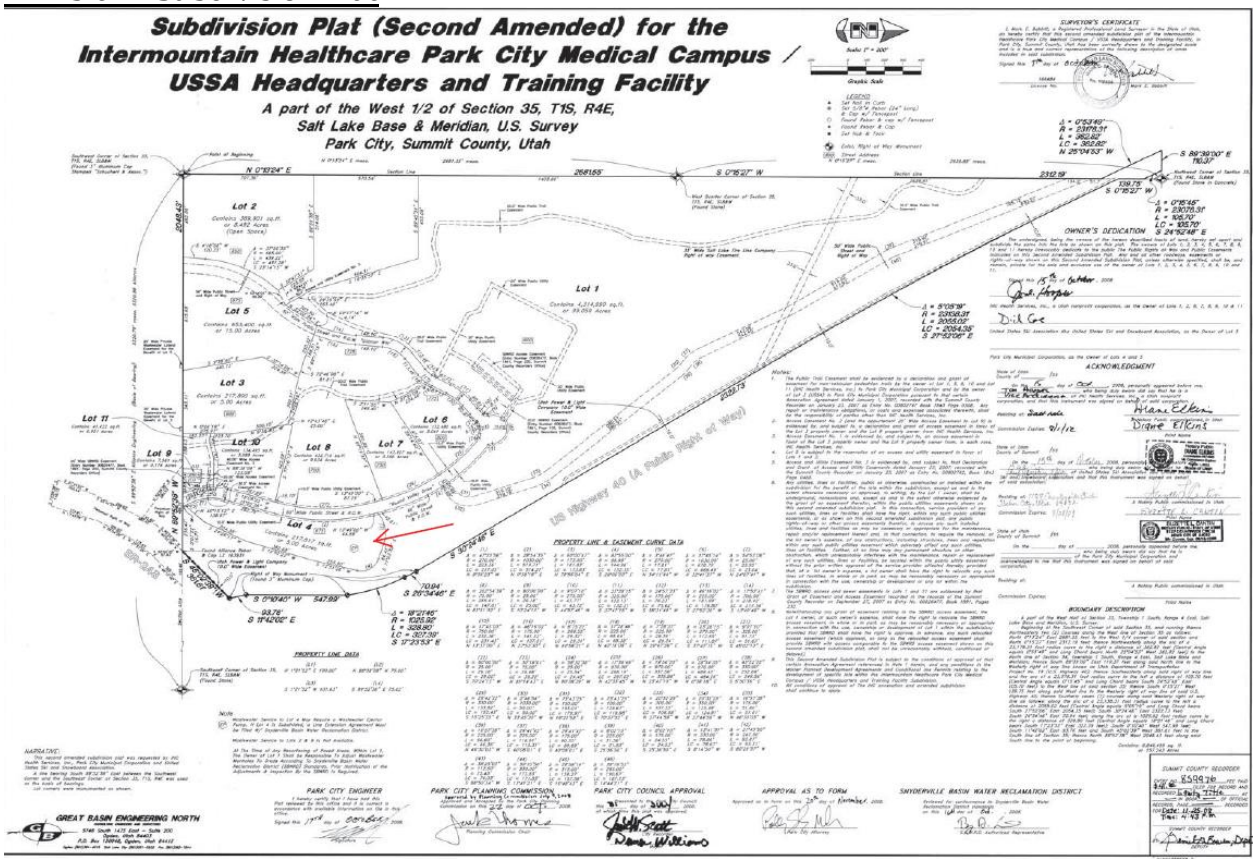


Exhibit B- Proposed Fire Station

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

The appellant is requesting that the City Council review a decision made by the Planning Commission to **approve** the application for a Conditional Use Permit (CUP) for an accessory apartment. The property owner has proposed to build a new one-bedroom accessory apartment on top of a two-car garage on an existing vacant portion of the lot addressed at 277 Woodside Avenue. The property is located within the Historic Residential – Low Density (HRL) zoning district, which allows accessory apartments as a conditional use.

Respectfully:

Tippe Morlan, Planner

City Council
Staff Report

PLANNING DEPARTMENT

Subject: 277 McHenry Avenue
Project #: PL-18-03783
Author: Tippe Morlan, Planner
Date: February 15, 2018
Type of Item: Appeal of Planning Commission approval of Conditional Use Permit

Project Number:	PL-18-03783
Appellant:	McHenry Neighbors
Applicant/Owner:	Michael Kaplan represented by David White, Architect
Location:	277 McHenry Avenue
Zoning:	Historic Residential – Low Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	Appeals of Planning Commission action on Conditional Use Permits are reviewed by the City Council.

Summary Recommendation

Staff requests that the City Council review the appeal of the CUP for a new accessory apartment at 277 McHenry Avenue, and consider **upholding** the Planning Commission's approval of the CUP.

Executive Summary

The appellant is requesting that the City Council review a decision made by the Planning Commission to **approve** the application for a Conditional Use Permit (CUP) for an accessory apartment. The property owner has proposed to build a new one-bedroom accessory apartment on top of a two-car garage on an existing vacant portion of the lot addressed at 277 Woodside Avenue. The property is located within the Historic Residential – Low Density (HRL) zoning district, which allows accessory apartments as a conditional use.

Burden of Proof and Standard of Review

In reviewing this appeal, the City Council must review the factual matters de novo and determine the correctness of the Planning Commission's decision in its interpretation of the application of the Land Management Code. The City Council's review shall be limited to consideration of only those matters raised by the petition (see Exhibit A), unless the City Council, by motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Planning Commission erred.

Furthermore, the City finds these appeals as a non-adversarial process and the following apply (LMC 15-1-18 (H)):

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

The City Council is acting in a quasi-judicial manner. Therefore, like with a judge, all contact by the parties with the City Council related to the appeal should be at the hearing. No “ex-parte” or one on one contact should occur.

LMC Section 15-1-10 (E) establishes the Standards for Review under a CUP, directing the Planning Commission to consider whether or not the proposed Conditional Use mitigates impacts of and addresses each of the following items:

1. size and location of the Site;
2. traffic considerations including capacity of the existing Streets in the Area;
3. utility capacity, including Storm Water run-off;
4. emergency vehicle Access;
5. location and amount of off-Street parking;
6. internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. usable Open Space;
10. signs and lighting;
11. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;
15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and

16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Background

May 3, 2016 – The City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.

November 2, 2016 – The Planning Department received an application for three variances. The application was deemed complete on December 28, 2016. The requested variances were as follows:

1. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet.
2. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet.
3. Reduce the rear yard setback requirement from 10 feet to 5 feet for the construction of a detached garage and accessory apartment on the eastern portion of the lot.

March 21, 2017 – The Board of Adjustment conducted a public hearing and **APPROVED** a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.

March 21, 2017 – The Board of Adjustment also conducted a public hearing and **DENIED** a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.

May 16, 2017 – The Board of Adjustment conducted a public hearing and **DENIED** a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.

July 26, 2017 – The Planning Commission reviewed the proposed plat amendment and issued a **POSITIVE** recommendation to the City Council with a unanimous vote. There were no comments made by the public at the Public Hearing.

July 26, 2017 – The City Council **APPROVED** a plat amendment to remove two interior lot lines creating one lot at this address bisected by McHenry Avenue. The western portion became Lot 1 and the eastern portion became Parcel A of 277 McHenry Avenue. This item was approved with the following Conditions of Approval pertinent to the current CUP applications:

> 7. The density cannot increase on this lot. If the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
>
> 8. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue. This shall be noted on the plat prior to recordation.

September 27, 2017 – The City received an application for a CUP, Steep Slope CUP, and Historic District Design Review (HDDR) for the construction of a new accessory apartment on a steep slope at 277 McHenry Avenue. The applications were deemed complete on November 8, 2017, and a public hearing for the HDDR was held on November 28, 2017. Final review of the HDDR application is pending the Conditional Use approval of the accessory apartment use.

January 10, 2018 – The Planning Commission reviewed the CUP and Steep Slope CUP for a new accessory apartment to be constructed on a steep slope at 277 McHenry Avenue and **APPROVED** both items (see Exhibit O).

January 19, 2018 – The City received an application for an appeal of the Planning Commission's decision to approve the CUP for an accessory apartment at 277 McHenry Avenue. The Steep Slope CUP application is not contested in the appeal. This application was accepted within 10 days of the Final Action.

Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The original application is a request for a Conditional Use Permit (CUP) for the construction of a new accessory apartment. Accessory apartments are identified as a conditional use in the Historic Residential – Low Density (HRL) zoning district. The site is currently vacant, and the owner is proposing to build a new one-bedroom accessory apartment with a two-car garage (with one standard space and one substandard space) of approximately 991.91 total square feet. The proposed footprint of the new construction is 686.2 square feet and the construction is proposed on a slope greater than 30%. A Steep Slope CUP was approved by the Planning Commission on January 10, 2018 and is not contested with this appeal.

Appeal

In the letter of appeal, the appellant identifies 7 appeal points (see Exhibit A) relating to the project that they feel warrant attention by the City Council. The appellant is requesting that the City Council rule that the Planning Commission erred in its decision to approve the CUP for the proposed accessory apartment at 277 McHenry Avenue.

Below is Staff's analysis of the 7 points discussed in the applicant's appeal.

Appeal Point #1 – HRL Purpose
"We know the General Plan and the Purpose of the zone are hard to defend, but they are part of the LMC and should not and cannot be ignored"

The purpose of each zone in the LMC is codified in its regulations, and as such, it is used to justify the regulations rather than as a measure of review. However, the appellant has developed an argument based on the HRL purpose, and this is staff's response:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity.
"McHenry Ave. is definitely a substandard road, if this application is approved it will increase the level of substandard even further. [sic]"

   Because there is an existing duplex on this lot, the Conditions of Approval for the proposed application requires the applicant to convert this structure into a single-family dwelling before an accessory apartment can be allowed. This effectively reduces the density, and staff believes it does not increase impact to the existing substandard street.

B. provide an Area of lower density Residential Use within the old portion of Park City.
"This CUP will increase the density by 2 bedrooms and possibly 2 cars. This is a separate dwelling and either the house or apartment will be rented.

   It is staff's opinion that the density will not increase since the duplex must be converted to a single-family dwelling. This is addressed by Condition of Approval #5 which was also a Condition of Approval on the plat amendment. This condition states that, "The density cannot increase on this lot. If the use is approved and the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling." Additionally, accessory apartments do not count as a separate dwelling unit.

   The accessory apartment is proposed with one bedroom and one office. As per LMC Section 15-3-6, one off-street parking space is required per bedroom. The applicant has provided two parking spaces; although one parking space is two feet shorter than a standard parking area of 9 feet by 18 feet in some areas, the Engineering Department has allowed this space to be identified as a parking space as long as it is not being counted to meet required parking spaces.

   Additionally, as per LMC Section 15-4-7, an accessory apartment is allowed as long as either the main dwelling structure or the accessory apartment is owner occupied. The owner has indicated that he will live in the accessory apartment, and the other structure is allowed to be rented as long as it is not a nightly rental.

C. preserve the character of Historic residential Development in Park City.
"On McHenry there are no Accessory Apartments and with the exception of one duplex there are only single family homes. Also it should be noted that in the past the Axtell family was granted a variance for a garage but denied an Accessory Apartment."

Staff believes the conversion of the duplex to a single-family dwelling allows this property to better fit the character of this Historic neighborhood as well as the larger Historic District in Park City. The LMC also allows accessory apartments in the Historic District. They are allowed in the HRL zone as a Conditional Use. This means that accessory apartments are allowed with conditions and may only be denied if potential impacts cannot be mitigated. Staff believes that the proposed conditions are sufficient to mitigate any impacts.

Additionally, to address the Axtell residence, City records show that an accessory garage was approved at 321 McHenry Avenue through the Historic District Design Review process on October 15, 2010. There are two separate Board of Adjustments rulings on record for the Axtell residence. A variance to the minimum setback for an accessory building was approved on April 6, 2010, and a variance to the rear yard setback was denied on November 11, 1980 due to the size of the proposed house plans. The denied variance application is associated with the size of a large structure on the site and the potential construction of a garage. There was no mention of an accessory apartment in any records on file, including both Variance applications. Staff could find no other records for an accessory structure application at this address.

E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
"Same as C."

Staff believes the conversion of the duplex to a single-family dwelling allows this property to better fit the character of this Historic neighborhood as well as the larger Historic District in Park City. The LMC also does allow accessory apartments in the Historic District; they are allowed in the HRL zone as a Conditional Use. The structure also is undergoing a Historic District Design Review which is intended to ensure that its design is compatible with the existing character of the Historic District.

F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
"If this is approved it will establish a review process that is friendly to accessory apartments and increase the density on a substandard road.

This part of the HRL Purpose refers to Section 15-2.1-6 which establishes criteria for Steep Slope development within the HRL zone. Since the appellant is not appealing the approved Steep Slope CUP for this site, Staff does not believe there is any conflict with this section. LMC Section 15-4-7 also already

establishes a review process for accessory apartments which are allowed in the HRL zone as a Conditional Use. Additionally, the conversion of the duplex to a single-family dwelling reduces the density on this lot.

G. define Development parameters that are consistent with the General Plan policies for the Historic core.
"Same as C."

Staff finds that the development parameters within LMC Section 15-2.1 are consistent with the General Plan.

Appeal Point #2 – Substandard Road
"We believe the road that accesses this project and all residents of McHenry is a substandard road and dangerous in the winter. Any Additional density will add traffic and cars to the street."

McHenry Avenue is a substandard road, as the appellant has stated. Since the density is not increasing on the lot, Staff's analysis is that traffic on McHenry will not increase. The proposed structure will improve parking conditions and bring the lot into compliance with the City's off-street parking regulations. The existing duplex is an existing and noncomplying use in the HRL zone. A duplex requires 4 parking spaces at 2 spaces per dwelling unit, and the existing structure only has two paved, off-street parking spaces that meet the requirements of the LMC. Construction of an accessory apartment on this lot requires the duplex to be converted into a single-family dwelling requiring two parking spaces which are provided for in front of the existing home, and for the accessory apartment itself, the LMC requires one space per bedroom. The structure is proposed to have one bedroom and a two-car garage; one parking space is large enough to meet the parking requirements, the other is a substandard space.

Additionally, the Conditions of Approval require that there can be no parking in the driveway and snow storage easement along Parcel A, the side of the lot where the accessory apartment is proposed. During the review process, the Fire Marshal recommended this Condition to mitigate any access concerns along the substandard road, and City Staff has indicated that this will not impact the snow removal program negatively.

> COA #14 – No parking is allowed within the 10 foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.

The proposed structure will get cars off the street and provides additional parking for this lot. It will also remove the bottleneck created by any on-street parking along Parcel A, across the street from the existing structure.

In its approval of the CUP, the Planning Commission added several Conditions of Approval beyond what Staff proposed in order to further mitigate any traffic concerns both during construction and afterward.

Appeal Point #3 – Construction Mitigation
"The road is only 8 feet wide in front of the lot so the road will have to be totally blocked for: excavation, back fill, back fill material, delivery of any materials, and pumping and pouring of concrete. There is no street parking on all of McHenry so there is no construction parking."

This appeal point was a concern to the Planning Commission, so they added details to Condition of Approval 7 referring to Construction Mitigation Plans as follows:

> COA #7 – City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
>
> a. No construction related parking or material storage shall be allowed on the street.
> b. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department.
> c. Two separate traffic control personnel will be onsite for any construction related deliveries.
> d. These requirements shall be shown in the Construction Mitigation Plan.

These mitigations are intended to minimize the impact of construction as much as is possible. Conditional Uses are allowed uses unless no mitigation is possible. Staff believes these provisions are sufficient to address the effects of construction on this street without prohibiting the development of the property.

Appeal Point #4 - Parking
"At this time there are 3 cars parked at this house. Usually one in front of the house and 2 parked where the Accessory Apartment is proposed…Where the Accessory Apartment will be built there are currently the 2 parking spaces for 277 McHenry. The apartment will add 2 more bedrooms and only have 1 parking space. So the project is adding 2 bedrooms and losing 1 parking space."

Staff finds that the proposed development meets the parking requirements set forth in the LMC. The accessory apartment and conversion of the duplex to a single-family dwelling requires 3 parking spaces while 3 standard and 1 substandard parking spaces, are provided. Any single-family dwelling requires 2 off-street parking spaces regardless of the number of bedrooms. Accessory apartments require one parking space per bedroom. The proposed plans show one bedroom and one office along with one full sized parking space and one substandard parking space. The LMC parking standards are met, and the proposed project is improving current situation by providing more off-street parking than currently exists and bringing the existing lot into compliance with parking standards.

Appeal Point #5 – Conditional Use Review Process

"You cannot mitigate or eliminate the substandard road. The City just put in new curb and gutter and asphalted the road, this is a fixed condition….It is all about the substandard road, life safety, emergency vehicles and maintaining a single family neighborhood that exists now."

Staff's analysis of the criteria for a full Conditional Use Review as set forth in LMC Section 15-1-10(E) is found in the Planning Commission staff report for the Conditional Use on January 10, 2018 (Exhibit N). The appellant only contests CUP Review Items 1, 2, 4, 5, and 11. These five points are reiterated below as contested in this appeal point. Staff finds that the proposed accessory apartment meets the criteria for a Conditional Use as access to the site, both during construction and afterwards, and the proposed parking have been adequately mitigated and maintains and may improve current conditions on McHenry Avenue as indicated in the analysis below. According to this section of the LMC, "A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards." The Conditional Use can only be denied if any anticipated detrimental effects cannot be substantially mitigated by reasonable conditions. Staff finds that the Conditions of Approval approved by the Planning Commission were substantial and reasonably mitigates concerns with traffic, parking, and density in the area.

1) Size and location of the Site.

> "This parcel is too small to be developed in this zone, the lot size in this zone was increased for this reason."
>
> Staff finds that the accessory apartment meets all zoning and setback requirements in its proposed location fronting McHenry Avenue. The proposed structure meets all size, height, and volume requirements as allowed by the LMC and by the Board of Adjustments. There are no unmitigated impacts.
>
> In response to the appellant's concerns about lot size, the minimum lot size in the HRL zone is 3,759 square feet. The total lot at 277 McHenry Avenue is 4,381 square feet which meets the HRL standards. McHenry Avenue cuts through this lot, but Parcel A still belongs to the lot as a whole. If McHenry Avenue was not constructed through the middle of this lot, an accessory apartment would still meet the requirements for this lot and would be allowed as a Conditional Use to the rear of the main structure instead.

2) Traffic considerations including capacity of the existing Streets in the Area.

> "This street is a 1,300 feet long dead end road with an adequate turn around. Most trucks including the garbage truck have to back up the road. If this application is approved it will increase traffic and street congestion on a substandard street."

A condition of the approved plat and a proposed condition of approval for this application is for the existing legal non-conforming duplex to be converted into a single-family dwelling. The impacts of an accessory apartment would be offset by this reduction in density on the main structure. This proposed use would not increase traffic on McHenry Avenue. Additionally, the new structure provides an additional standard parking area for the residents beyond the existing two parking spaces. There are no unmitigated impacts.

4) Emergency vehicle Access.

"See above, and the road is only 8 feet wide in front of this accessory apartment. The more density you add to the area the greater the chance you will have a need for an emergency vehicle.

Emergency access is substandard for this house due to the substandard size of McHenry Avenue. The Fire Marshal has indicated that no parking can be allowed in the driveway (within the 10 foot setback area) in order to maintain existing emergency access standards. This is included as Condition of Approval 14. The density is not increasing since the duplex will be converted into a single-family dwelling, and the existing conditions will be maintained. There are no unmitigated impacts, as conditioned.

5) Location and amount of off-Street parking.

"At this time with the existing house there are 3 cars parking on the edge of the street, this Accessory Apartment will add 2 more bedrooms that could add 2 more cars. The applicant's history is that he will rent each bedroom and each bedroom will have a car. There is no off street parking anywhere on McHenry because the street is physically too narrow."

The LMC requires two parking spaces for each dwelling unit and one parking space for each bedroom in an accessory apartment (Section 15-3). Each parking space must be at least nine feet wide by eighteen feet long (Section 15-3-3(F)).

The existing duplex located on the subject property currently has two parking spaces although the LMC requires four spaces since two spaces per dwelling unit are required. The conversion of the duplex to a single-family dwelling would bring this structure into compliance with the LMC parking requirements as it would maintain the existing two spaces. Two off-street parking spaces is the requirement for each single-family dwelling in the City regardless of the number of bedrooms.

The proposed Accessory Apartment requires one space per bedroom, and the owner is proposing one bedroom one standard sized parking space and one substandard sized parking space. This application would bring the entire lot into compliance with parking requirements. There are no unmitigated impacts, as conditioned (see Condition of Approval 14).

11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.

> "This zone was created to establish a single family area that is lower density in Old Town. We believe the size of the lot, size of the structure and the use of the apartment does not meet the purpose of the zone."
>
> The design of the proposed structure is undergoing a Historic District Design Review and is compatible with the surrounding structures. The proposed design meets the Guidelines for New Construction in Historic Districts and incorporates historic design elements into the structure. There are no unmitigated impacts as designed and conditioned.
>
> Relating to the applicant's statement above, the design standards and the LMC requirements for the HRL zone are informed by the purpose of the zone, and the proposed accessory apartment meets those standards.

Appeal Point #6 – Entitlements

"Whatever entitlements are given to the applicant are really given to the land. Once the Accessory Apartment is built the house can be taken down and a bigger home could be built that would only add more traffic to an already substandard street. The lot next to this lot just sold for over one million dollars, the house is not historic and will be torn down and a bigger one built. The neighbors have said that they would support a variance for a larger 2 car garage without an apartment."

The LMC allows accessory apartments as a Conditional Use in the HRL zone regardless of the outcome of this application. Additionally, the footprint of the accessory apartment counts toward the overall allowed footprint of the lot. The construction of this apartment will limit the size of any potential remodels of the existing main structure. The potential for the redevelopment of the main structure at this location is separate from this accessory apartment use application. Additionally, the LMC does not regulate the number of bedrooms a single family dwelling may have. Two off-street parking spaces are required regardless of the number of bedrooms. A detached garage is an allowed use as a detached accessory structure in the HRL zone; however, this application is for the use of an accessory apartment and not a garage.

Appeal Point #7 – Intent of the Zone

"You cannot mitigate or eliminate the substandard road. The City just put in new curb and gutter and asphalted the road, this is a fixed condition….It is all about the substandard road, life safety, emergency vehicles and maintaining a single family neighborhood that exists now."

Staff finds that the existing conditions of the substandard road will not change with the accessory apartment proposal, especially given the condition that the duplex be converted to a single family dwelling before any building permits may be issued. The intent of the zone and the standards of the zone are met by the proposed project including all Conditions of Approval in the Planning Commission's motion of approval.

Process
As per the procedures for City Council Action on Appeals as found in Land Management Code § 15-1-18, the City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion enlarges the scope of the appeal to accept information on other matters.

The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed with conditions of approval and during building permit review.

Public Input
No public input has been received at the time of this staff report.

Alternatives
- The City Council may affirm the Planning Commission decision for the CUP at 277 McHenry Avenue; or
- The City Council may reverse the Planning Commission decision; or
- The City Council may affirm in part and reverse in part the Planning Commission decision; or
- The City Council may remand the matter back to the Planning Commission with directions for specific areas of review or clarification; or
- The City Council may request specific additional information and may continue the discussion to a date uncertain.

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

Consequences of not taking the Suggested Recommendation
The construction as proposed could not occur. The applicant would have to revise the plans.

Recommendation
Staff recommends that the City Council hold a public hearing and **affirm** the Planning Commission approval of a Conditional Use Permit for the construction of a new accessory apartment at 277 McHenry Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided herein for the Commission's consideration.

Exhibits

Exhibit A – Letter of Appeal
Exhibit B – Owner's Letter of Rebuttal
Exhibit C - Applicant's Original Statement
Exhibit D – Record of Survey
Exhibit E – Approved Plat
Exhibit F – Aerial Photograph
Exhibit G – Site Plan
Exhibit H – Floor Plans
Exhibit I – Elevations
Exhibit J – Streetscape
Exhibit K – Cross Canyon View
Exhibit L – Site Photographs
Exhibit M – Standard Project Conditions
Exhibit N – Planning Commission Staff Report – January 10, 2018
Exhibit O – Planning Commission Minutes – January 10, 2018
Exhibit P – Planning Commission Public Comment – January 10, 2018
Exhibit Q – Board of Adjustment Action Letters

PROPOSED ORDER DENYING APPEAL AND UPHOLDING THE PLANNING COMMISSION'S CONDITIONAL USE APPROVAL:

Findings of Fact:

1. The site is located at 277 McHenry Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) zoning district.
3. The site is 4,381 square feet in its entirety comprised of Lot 1 and Parcel A.
4. The accessory apartment is proposed to be on Parcel A which is 1,824 square feet in size.
5. There is an existing non-historic duplex structure on Lot 1 which must be converted to a single-family dwelling before a building permit can be issued for an Accessory Apartment.
6. The proposed structure complies with all setback and LMC requirements as outlined in the analysis.
7. The City Council approved the 277 McHenry Avenue Subdivision Plat Amendment at this location on July 26, 2017 and the plat is pending recordation.
8. A Historic District Design Review (HDDR) application is currently under review.
9. The Board of Adjustment conducted a public hearing on March 21, 2017 and approved a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.
10. The Board of Adjustment also conducted a public hearing on March 21, 2017 and denied a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.
11. The Board of Adjustment conducted a public hearing on May 16, 2017 and denied a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.
12. On September 27, 2017, the City received an application for a CUP, Steep Slope CUP, and Historic District Design Review (HDDR) for the construction of a new accessory apartment on a steep slope at 277 McHenry Avenue. The applications were deemed complete on November 8, 2017, and a public hearing for the HDDR was held on November 28, 2017.
13. On January 10, 2018, the Planning Commission reviewed the CUP and Steep Slope CUP for a new accessory apartment to be constructed on a steep slope at 277 McHenry Avenue and approved the plat amendment with amended conditions found in the minutes.
14. On January 19, 2018, the City received an application for an appeal of the Planning Commission's decision to approve the CUP for an accessory apartment at 277 McHenry Avenue. The Steep Slope CUP application is not contested in the appeal. This application was accepted within 10 days of the Final Action.
15. The proposed structure has a Floor Area of 991.9 square feet.
16. The proposed building footprint is 686.2 square feet. The total footprint on the lot is 1,386.2 square feet which complies with the maximum allowable footprint of 1,712.5 square feet.
17. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
18. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').

19. The proposed side yard setbacks of three feet (3') comply with the minimum side yard setbacks of three feet (3').
20. The proposed structure complies with the maximum building height as follows:
    a. The structure cannot be more than 27 feet from existing grade. It is proposed to be 27 feet from existing grade at its highest point.
    b. The structure cannot be more than 35 feet measured from the lowest finish floor plane to the point of the tallest wall top plate. The proposed structure measures at 33.7 feet.
    c. The final grade must be within 4 vertical feet of the existing grade. The maximum difference proposed is 2 feet.
    d. A 10 foot minimum horizontal step in the downhill façade is required at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. The proposed structure meets this requirement.
    a. The primary roof pitch is required to be between 7:12 and 12:12. The proposed structure has a primary roof pitch of 7:12.
21. This property is located outside of the Soils Ordinance Zone.
22. Accessory apartments are conditional uses in the HRL zone.
23. The LMC requires one parking space per bedroom in an accessory apartment.
24. The applicant is proposing one bedroom and one parking space.
25. Nightly rentals are not allowed in either the existing structure or the proposed structure.
26. The property owner must occupy either the main dwelling unit or the accessory apartment. The owner has expressed intent to occupy the accessory apartment.
27. The Accessory Apartment may never be sold separately from the main dwelling unit.
28. The LMC requires that no more than three homes within 300 feet of the subject property contain established Accessory Apartments.
29. There are no other accessory apartments within 300 feet of this lot.
30. The Accessory Apartment meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.
31. Appellants make seven points related to their appeal as stated in their letter submitted on January 19, 2018. They are based on the following topics 1) HRL purpose; 2) substandard road; 3) construction mitigation; 4) parking; 5) Conditional Use review process; 6) entitlements; and 7) intent of the zone.
32. The appellant's main argument is that the accessory apartment will increase density and will impact the substandard road.
33. McHenry Avenue is a substandard road.
34. It is a requirement of the plat amendment and the CUP that the legally non-conforming duplex on the lot be removed in order for a building permit to be granted for the accessory apartment.
35. If the duplex is removed, the accessory apartment won't add density to the lot.
36. Since the density is not increasing on the lot, Staff's analysis is that traffic on McHenry will not increase.
37. The proposed structure will improve parking conditions and bring the lot into compliance with the City's off-street parking regulations.
38. The existing duplex is an existing and legally nonconforming use in the HRL zone.

39. A duplex requires 4 parking spaces at 2 spaces per dwelling unit, and the existing structure only has two paved, off-street parking spaces that meet the requirements of the LMC.
40. Construction of an accessory apartment on this lot requires the duplex to be converted into a single-family dwelling requiring two parking spaces, and for the accessory apartment itself, the LMC requires one space per bedroom.
41. The structure is proposed to have one bedroom and a two-car garage which has one legal parking space.
42. During the review process, the Fire Marshal recommended a condition that there can be no parking in the driveway and snow storage easement along Parcel A, the side of the lot where the accessory apartment is proposed to mitigate any access concerns along the substandard road.
43. City Staff has indicated that this will not impact the snow removal program negatively.
44. As to parking, Staff finds that the proposed development meets the parking requirements set forth in the LMC. The accessory apartment and conversion of the duplex to a single-family dwelling requires 3 parking spaces while 4 spaces, including 3 standard and one substandard parking spaces, are provided.
45. Any single-family dwelling requires 2 off-street parking spaces regardless of the number of bedrooms. Accessory apartments require one parking space per bedroom.
46. The LMC parking standards are met, and the proposed project (including the required conversion of the duplex to a single-family dwelling) is improving current situation by providing more off-street parking than currently exists and bringing the existing lot into compliance with parking standards.
47. The appellant only contests CUP Review Items 1, 2, 4, 5, and 11.
    a. 1) Size and location of the Site. The appellant argued that “This parcel is too small to be developed in this zone, the lot size in this zone was increased for this reason.”
        i. Staff finds that the accessory apartment meets all zoning and setback requirements in its proposed location fronting McHenry Avenue. The proposed structure meets all size, height, and volume requirements as allowed by the LMC and by the Board of Adjustments.
        ii. The minimum lot size in the HRL zone is 3,759 square feet. The total lot at 277 McHenry Avenue is 4,381 square feet which meets the HRL standards.
        iii. If McHenry Avenue was not constructed through the middle of this lot, an accessory apartment would still meet the requirements for this lot and would be allowed as a Conditional Use to the rear of the main structure instead.
    b. 2) Traffic considerations including capacity of the existing Streets in the Area. The appellant argued that “This street is a 1,300 feet long dead end road with an adequate turn around. Most trucks including the garbage truck have to back up the road. If this application is approved it will increase traffic and street congestion on a substandard street.”
        i. A condition of the approved plat and a proposed condition of approval for this application is for the existing legal non-conforming

duplex to be converted into a single-family dwelling. The impacts of an accessory apartment would be offset by this reduction in density on the main structure.

ii. This proposed use would not increase traffic on McHenry Avenue.

iii. The new structure provides an additional standard parking area for the residents beyond the existing two parking spaces.

c. 4) Emergency vehicle Access. The appellant argued that "See above, and the road is only 8 feet wide in front of this accessory apartment. The more density you add to the area the greater the chance you will have a need for an emergency vehicle.

   i. Emergency access is substandard for this house due to the substandard size of McHenry Avenue.

   ii. The Fire Marshal has indicated that no parking can be allowed in the driveway (within the 10 foot setback area) in order to maintain existing emergency access standards.

   iii. The density is not increasing since the duplex will be converted into a single-family dwelling, and the existing conditions will be maintained.

d. 5) Location and amount of off-Street parking. The appellant argued that "At this time with the existing house there are 3 cars parking on the edge of the street, tis Accessory Apartment will add 2 more bedrooms that could add 2 more cars. The applicant's history is that he will rent each bedroom and each bedroom will have a car. There is no off street parking anywhere on McHenry because the street is physically too narrow."

   i. The existing duplex located on the subject property currently has two parking spaces although the LMC requires four spaces since two spaces per dwelling unit are required.

   ii. The conversion of the duplex to a single-family dwelling would bring this structure into compliance with the LMC parking requirements as it would maintain the existing two spaces.

   iii. Two off-street parking spaces is the requirement for each single-family dwelling in the City regardless of the number of bedrooms.

   iv. The proposed Accessory Apartment requires one space per bedroom, and the owner is proposing one bedroom and two parking spaces (one standard sized and one substandard sized).

   v. This application would bring the entire lot into compliance with parking requirements.

e. 11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. The appellant argued that "This zone was created to establish a single family area that is lower density in Old Town. We believe the size of the lot, size of the structure and the use of the apartment does not meet the purpose of the zone."

   i. The design of the proposed structure is undergoing a Historic District Design Review and is compatible with the surrounding structures.

ii. The proposed design meets the Guidelines for New Construction in Historic Districts and incorporates historic design elements into the structure.
iii. The design standards and the LMC requirements for the HRL zone are informed by the purpose of the zone, and the proposed accessory apartment meets those standards.

48. The LMC allows accessory apartments as a Conditional Use in the HRL zone.
49. The potential for the redevelopment of the existing main structure at this location is separate from this accessory apartment use application.
50. The LMC does not regulate the number of bedrooms a single family dwelling may have.
51. Two off-street parking spaces are required regardless of the number of bedrooms.
52. A detached garage is an allowed use as a detached accessory structure in the HRL zone; however, this application is for the use of an accessory apartment and not a garage.
53. The existing conditions of the substandard road will not change with the accessory apartment proposal, especially given the condition that the duplex be converted to a single family dwelling before any building permits may be issued.

Conclusions of Law:

1. The application is consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting the CUP approval.
4. The intent of the zone and standards of the zone, and the impacts of the accessory apartment are met by the proposed project including all Conditions of Approval.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. One unit, either the main Dwelling Unit or the Accessory Apartment, shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
3. A deed restriction “Notice to Purchaser” must be filed with the County Recorder, which states:

   "A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.”
4. Nightly rentals are not allowed. Neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty days.
5. The density cannot increase on this lot. If the use is approved and the applicant

wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.

6. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue as noted on the 277 McHenry Avenue subdivision plat.
7. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
    a. No construction related parking or material storage shall be allowed on the street.
    b. There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.
    c. Two separate traffic control personnel will be onsite for any construction related deliveries.
    d. These requirements shall be shown in the Construction Mitigation Plan.
8. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
9. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
10. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
11. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
12. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
13. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
14. No parking is allowed within the 10 foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.
15. This approval will expire on February 15, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
16. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District

Design Review.

17. A letter of completion for the conversion of the existing duplex to a single unit including the removal of one of the kitchens and demising walls shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure.
18. All conditions of approval of the Planning Commission's approval on January 10, 2018 continue to apply.
19. Approval is based on plans reviewed by the City Council on February 15, 2018. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Order

1. The appeal of the Planning Commission's approval of a Conditional Use Permit for an accessory apartment at 277 McHenry Avenue is denied. The decision of the Planning Commission is upheld.

January 19, 2018

Appeal of Planning Commission approval of CUP for Accessory Apartment at 277 McHenry Ave.

We the Residents of McHenry Ave. are writing this letter to appeal the Planning Commission approval of the CUP for an accessory apartment at 277 McHenry Ave. We feel an accessory apartment does not belong in this zone with the access only being from a substandard road. Additional density will only add more traffic which will increase the substandard level of the street.

In about 1980 the residents of McHenry Ave. with the help of the Planning Department created the HRL zone, and adopted it for McHenry Ave. At that time the development pressure was for duplexes and triplexes. We felt these uses were not compatible with a full time residential neighborhood with families. At a later date the residents of Sampson Ave. had the same concerns and had their neighborhood zone changed to HRL. When the zone was adopted items that are now conditional uses like nightly rental, lock outs and accessory apartments were not allowed. Over the years the development community pressure on Sampson Ave. fought to get the zone changed to allow these conditional use. This affected our neighborhood because we were in the same zone. We all know what happened to that neighborhood and this is what we are trying to avoid on Rossi Hill.

We feel that staff's report dealt too much on the technical side of the LMC and did not ask if an accessory apartment that is accessible only by a substandard road should be allowed. By only reviewing the technical side of the LMC the analysis did not consider the reality and day to day livability of a neighborhood.

Planning Commissions in the past were trained to first look at the General Plan to see if the project complied, then look at the Purpose and see if the project fit the zone, and lastly look at the technical part of the LMC. We know the General Plan and the Purpose of the zone are hard to defend but they are part of the LMC and should not and cannot be ignored.

Here are the Purposes for the HRL zone and our comments (in red) about them:

HRL Purpose:

A-reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity. McHenry Ave. is definitely a substandard road, if this application is approved it will increase the level of substandard even further.

B-provide an Area of lower density Residential Use within the old portion of Park City. This CUP will increase the density by 2 bedrooms and possibly 2 cars. This is a separate dwelling and either the house or apartment will be rented.

C-preserve the character of Historic residential Development in Park City, On McHenry there are no Accessory Apartments and with the exception of one duplex there are only single family homes.

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Also it should be noted, that in the past the Axtell family was granted a variance for a garage but denied and Accessory Apartment.

E-encourage construction of Historic District, and maintain existing residential neighborhoods. Same as C.

F- establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and If this is approved it will establish a review process that is friendly to accessory apartments and increase the density on a substandard road.

G-define Development parameters that are consistent with the General Plan policies for the Historic core. Same as F

Substandard Road

We believe the road that accesses this project and all the residents of McHenry is a substandard road and dangerous in the winter. Any additional density will add traffic and cars to the street.

Standard road design states that:

Roads should have (2) 10 foot wide travel lanes for a 20 foot wide road.

A dead end street or a cul-de-sac should not be longer than 600 feet and have a 50 foot wide turn around.

We know you can't achieve this is Old Town. The fact is that we are the only dead end street that is this long, steep, and narrow. Therefore, it seems irresponsible to add more density to a street of this nature.

Here is the breakdown of the length and width of McHenry Ave.:

McHenry is about 1,300 feet long and is a dead end street.

It is 11 feet wide at Rossi Hill Drive and goes at this width for about 690 feet at a grade of 8% to 10%.

At the top of the hill it gets to 17 feet wide and goes for 220 feet.

At 321 McHenry the street is 8 feet wide and goes for 390 feet where it connects to a substandard turnaround that is only about 35 feet wide.

In the winter with the snow and snow plowing the street gets even narrower. Except for the part that is 17 feet wide the road is only one lane. All year round the 8 foot section, which is the section in front of the subject property, is one lane.

All year long deliver trucks, garbage trucks, and landscape trucks with trailers have to back up the road.

At the existing house at 277 McHenry if the cars can't park all the way off the road there isn't enough room for the snowplow, it will stop plowing at the car and leaves the rest of the road unplowed.

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Construction mitigation

The only part of this lot that will not be built on are the setbacks, the only part of the lot that could be used for construction mitigation is the front yard that is 10 feet by 37 feet, the width of the lot. The applicant will have to have a chemical toilet and garbage container that will take up about 15 feet which leaves only a small piece of about 10 by 20 feet to stage on. The road is only 8 feet wide in front of the lot so the road will have to be **totally blocked** for: excavation, back fill, back fill material, delivery of any materials, and pumping and pouring of concrete. There is no street parking on all of McHenry so there is no construction parking. T**his should be dealt with at the CUP and not left to building and enforcement because there is no way to mitigate it.**

Parking

At this time there are 3 cars parked at this house. Usually one in front of the house and 2 parked where the Accessory Apartment is proposed. The lower level of the existing house has 2 bedrooms and 2 renters, the upper floor has one person living there. If the City requires the removal of the kitchen on the lower level (so the duplex becomes a single family) there will still be 2 bedrooms on the lower level and possibly 2 bedrooms on the upper level. Therefore the house could still have at least 3 cars.

The accessory apartment has 1 bedroom and 1 parking space. However,the top floor "office" has all the criteria to be a bedroom, it has a bathroom and a closet (at the last meeting they took the closet door off and so they could claim it was no longer a bedroom)

At this time where the Accessory Apartment will be built there are currently the 2 parking spaces for 277 McHenry. The apartment will add 2 more bedrooms and only have 1 parking space. So the project is adding 2 bedrooms and losing 1 parking space.

Conditional Use Review Process:

15-1-10. There are certain uses that, because of unique characteristics or potential impacts, on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

You cannot mitigate or eliminate the substandard road. The City just put in new curb and gutter and asphalted the road, this is a fixed condition.

If the reasonable anticipated detrimental effects of a proposed CUP cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, **the CUP may be denied. To quote Attorney Polly McLean at the Jan. 10th meeting, " A CUP is allowed only if it can be mitigated".**

It is all about the substandard road, life safety, emergency vehicles and maintaining a single family neighborhood that exists now.

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15-1-10.E Review

1-size and location of the site. This parcel is too small to be developed in this zone, the lot size in this zone was increased for this reason.

2- traffic considerations including capacity of the existing streets in the area this street is a 1,300 feet long dead end road without an adequate turn around. Most trucks including the garbage truck have to back up the road. If this application is approved it will increase traffic and street congestion on a substandard street.

4-emergency vehicle access; See above, and the road is only 8 feet wide in front of this accessary apartment. The more density you add to the area the greater chance you will have a need for an emergency vehicle.

5- Location and amount of off street parking. At this time with the existing house there are 3 cars parking on the edge of the street, this Accessory Apartment will add 2 more bedrooms that could add 2 more cars. The applicant's history is he will rent each bedroom and each bedroom will have a car. **There is no off street parking anywhere on McHenry because the street is physically too narrow.**

11-physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing: This zone was created to establish a single family area that is lower density in Old Town. We believe the size of the lot, size of the structure and the use of the apartment does not meet the purpose of the zone.

Entitlements

Whatever entitlements are given to this applicant are really given to the land. Once the Accessory Apartment is built the house can be taken down and a bigger home could be built that would only add more traffic to an already substandard street. The lot next to this lot just sold for over one million dollars, the house is not historic and will be torn down and a bigger one built.

The neighbors have said that they would support a variance for a larger 2 car garage without an apartment.

Intent of the Zone

There is clear intent that this zone, the one the neighborhood created in the early 1980s, was written to make a safe area for families to live and play. This is the only area left in Old Town that has **NO NIGHTLY RENTAL.** With 3 vacant lots and 1 historic house on a large lot left to build on, if we can't set the standard by DENYING this Accessory Apartment we will have no hope to manage growth on the rest of the substandard street.

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We are enclosing four pictures that illustrate and highlight our concerns.

Picture 1..Shows 2 cars parked along side the road, the car on the left is front of 277 McHenry and you can see it barely gets off the road.

Picture 2...Shows 3 cars parked as they usually are at this location of 277 McHenry.

Picture 3...A different view of the cars in Picture 1 (note the size of the parking stall in front of 277 McHenry. Perhaps the technical definition of a 2 car stall is met but the reality of parking 2 cars there is not.

Picture 4...Taken 1/10/18 on a very light snow day shows the obstruction and impeded maneuverability for the plow to effectively clear the street.

Analysis: The Variance was issued in error, as the determination of the use and steep slope CUP is required prior to expanding the use and extent of disturbance in the steep slope CUP. At a minimum the review of how Expanding a conditional use affects the proposed application is necessary.

If we apply this same variance and CUP policy and process to the entire city you will need to review and approve all of the lots on Ridge Ave. above Daly Ave. as they have the exact same conditions as was approved in the expansion of use on substandard streets as this project_ as well as King, Norfolk, Woodside and other lots throughout the City.

The Board of Adjustment raised the question of the order of process when the Variance request was made prior to a CUP hearing. They were informed that it was for the convenience of the Applicant.

The process should be to review and approve, approve with conditions or deny the CUP, and then determine if an expansion of that use can be mitigated. This process order only clouded the issue and made the job of the Planning Commission more difficult.

We also question the square footage of the building but since last minute plan changes were submitted at the Planning Commission meeting we did not have a chance to review. Also, we have not been able to review the Minutes of the Jan. 10th planning commission meeting and assume once they are available we will be able to review and comment.

In closing:

The Council issued a vote of support for our McHenry neighborhood when they voted to allow our "no nightly rental" status to be re-instated. This was after a 30 year battle to gain back our recognition as a full time family Old Town neighborhood. During those 30 years no one had ever applied for a nightly rental permit.

With this approval for a CUP for an Accessory Apartment the neighbors feel this is a direct weakening of the intent of the LMC and the vote of support for our unique neighborhood that the Council gave us in recent years.

For decades the residents of McHenry Ave. have worked hard to preserve our Old Town neighborhood as we watched the demise of other neighborhoods across Old Town. With the 4 year construction of

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321 McHenry and other development trends for maximization throughout Old Town the neighbors are relying on the Council to set the standards.

By standards we mean the framework set out in the Visioning and the 4 Core Values for Park City.

These guidelines and citizen priorities should be a tool that is used along with the General Plan and the LMC to regulate development.

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277 McHenry
Legend
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Google Earth
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8/10/11

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Residents Signatures

Jan. 10, 2018

We the residents of McHenry Avenue do not support the application for a CUP at 277 McHenry Avenue for an Accessory Apartment. We feel it does not fit the Purpose of the HRL zone; A, B, C, E. F. We further believe it does not meet the Review Process for a Conditional Use.

HRL Purpose:

A-reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity. McHenry Av. is below substandard, if this application is approved it will increase the level of substandard even further.

B-provide an Area of lower density Residential Use within the old portion of Park City. This CUP will increase the density by 2 bedrooms and possibly 2 cars. This is a separate dwelling and either the house or apartment will be rented.

C-preserve the character of Historic residential Development in Park City, On McHenry there are no Accessory Apartments and with the exception of one duplex there are only single family homes.

E-encourage construction of Historic District, and maintain existing residential neighborhoods. Same as C.

F- establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and if this is approved it will establish a review process that is friendly to accessory apartments and increase the density on a substandard road.

G-define Development parameters that are consistent with the General Plan policies for the Historic core. Same as F

Conditional Use Review Process:

15-1-10. There are certain uses that, because of unique characteristics or potential impacts, on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

You cannot mitigate or eliminate the substandard road. The City just put in new curb and gutter and asphalted the road, this is the way it will be.

If the reasonable anticipated detrimental effects of a proposed CUP cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, **the CUP may be denied.**

It is all about the substandard road, life safety, emergence vehicles and maintaining single family neighborhood that exists now.

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15-1-10.E Review

1-size and location of the site. This parcel is too small to be developed in this zone, the lot size in this zone was increased for this reason.

2- traffic considerations including capacity of the existing streets in the area this street is a 1,300 feet long dead end road without an adequate turn around. Most trucks including the garbage truck have to back up the road. If this application is approved it will increase traffic on a substandard street.

4-emergency vehicle access; See above, and the road is only 8 feet wide in front of this accessary apartment.

5- location and amount of off street parking. At this time with the existing house there are 3 cars parking on the edge of the street, this Accessory Apartment will add 2 more bedrooms that could add 2 more cars. The applicant's history is he will rent each bedroom and each bedroom will have a car. **There is no off street parking anywhere on McHenry because the street is physically too narrow.**

11-physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing: This zone was created to establish a single family area that is lower density in Old Town. We believe the size of the lot, size of the structure and the use of the apartment does not meet the purpose of the zone.

Mary & Charles Wintzer	MARY & CHARLES WINTZER	320 McHENRY AVE.
Mary M. Erdos Hole	MARY & MORGAN HOLE	310 McHenry
Merritt Bennett / Bob Bennett	Bob + Merritt Bennett	335 McHenry
Ed Axtell / Debbie Axtell	Ed & Debbie Axtell	324 McHenry
Brady Christiansen	Brady Christiansen	257 McHenry
Patricia Constable	DAVID CONSTABLE PATRICIA CONSTABLE	287 McHENRY
Anita Baer	ANITA BAER	235 McHENRY

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Tippi Morlan
Park City Planning Department

Jan 28, 2018

Dear Tippi,

Please consider this letter as a response to the appeal submitted by a few of my neighbors regarding the Park City Planning Commission's approval of my plans for a garage/accessory apartment on my land at 277 McHenry Ave.

This appeal is unreasonable and burdensome to both me and the City. I am saddened that at least three of my neighbors that signed this appeal have themselves recently built additions to their own homes. Apparently, the argument that street is 'substandard' did not apply to them. In particular, the comments and conduct of Mary and Charlie Wintzer are terribly disappointing. The WIntzers have consistently misrepresented my addition to the neighbors in an effort to galvanize support against it, continued to push appeals on the same issues that have already been adjudicated, and Mary's failure/refusal to recuse herself from the first of the two Board of Adjustment discussions and votes (though she eventually did recuse herself from the subsequent BOA meeting) regarding my property, was clearly a conflict of interest, and potentially exposed the City to a lawsuit (see: addenda). They may claim to speak for the neighborhood, but they certainly do not. I have read through the neighbor's appeal, they are rehashing issues that are beyond my control (i.e. the street width) and were already determined by the Planning Commission's decision.

To be clear, the new additional will result in the following neighborhood benefits:

- **No additional density** – with the new addition I have agreed to give up my home's current grandfathered non-conforming duplex designation;
- **Improved parking** – the two currently used parking places alongside the road will now be underground and perpendicular to the street.

277 McHenry Ave.	Currently	With addition
Number of units	2	2
Bedrooms	5	5
kitchens	2	2
Off-street Parking	2 (plus 2 nonconforming)	4 (incl. 2 underground)

My garage and accessory apartment have been:

1) **Approved** by the City's planning, legal, and engineering staff;

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2) **Approved** by the Board of Adjustment for a garage plus a 1000 sq. ft. accessory apartment;
3) **Approved** by the Planning Commission for a steep slope CUP;
4) **Approved** by the Planning commission for the CUP use.

I fully expect this inappropriate appeal to be denied, but if it isn't I intend to seek redress in the court system.

For me, the 'bottom line' is: *I am within my property rights, within the LMC, and have received all of the necessary approvals to proceed with the construction of my garage/accessory apartment.*

Thank you for all of your assistance through this process.

Very Truly Yours,

Michael E. Kaplan

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AMSUDA A/

Admitted
Kansas
Illinois
Utah

Law Offices
David E. Ross II
Bellemarc Bldg Suite 209
1912 Sidewinder Drive
Park City, UT 84060

P 435-602-9869
F 870-533-5549
E deross2@msn.ocm

January 29, 2018

Mark D. Harrington, Esq.
City Attorney
Park City Municipal Corp.
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

Re: Michael Kaplan Board of Adjustment Requests

Dear Mr. Harrington:

Please be advised that the undersigned attorney represents Michael Kaplan.

My Client has maintained a residence at 277 McHenry Ave. Old Town, Park City for the past 18 years. He decided to build a needed garage and an apartment on his property a few years back. He spent years discussing his plans with the Park City Planning Department and eventually was able to proceed with his plan to build the garage and apartment. His plan called for a variance from the Land Management Code. On March 21, 2017, my Client appeared before the Park City Board of Adjustment ("BOA") to request structure size variances. At the outset of the hearing Mr. Kaplan requested the recusal of Board member Mary Wintzer on the basis of conflict of interest and lack of impartiality, as a nearby McHenry Ave. property owner. She did not voluntarily recuse herself and the BOA Chair did not recuse her. Mary Wintzer proceeded with argument against the variances and as a result of the outspoken statements made by Wintzer, one of my Client's variance requests was denied and another continued until the next BOA hearing. My Client again appeared before the BOA on May 16, 2017 with a third variance request regarding rear yard setbacks. After the commencement of the BOA hearing, Mary Wintzer announced her recusal, citing as the reason, her residential property located on McHenry Ave. Although she did not indicate such, another reason for recusal was a conflict created by her and her husband having organized other neighbors to speak out against my building request. My Client was denied his state constitutional right of due process to a fair hearing by Mary Wintzer's action in both meetings and her demonstration of absolute lack of impartiality in "stirring up" neighbors to protest my Client's building quest. For a case in point, *See – Padilla v. Utah Bd. Of Pardons*, 830P.2d 874 (Ut Ct App. 1992).

At this time, we are unsure what form of redress we will be seeking, and whether we will be getting the Utah Ombudsman's Office involved; however, for now I wanted to make you aware of the situation and that my Client's due process rights were clearly violated.

If you have any question, please feel free to inquire. Thanking you in advance for your due consideration of this matter, I am,

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Sincerely yours,

David E. Ross II
Attorney at Law

cc Kaplan

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PARK CITY
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ADEMA #2

December 27, 2017

Mark Harrington
Park City City Attorney
445 Marsac Avenue
P. O. Box 1480
Park City, Utah 84060

CC. Polly Samuels McLean, David Ross

Re.: Failure to recuse/conflict of interest issues stemming from the Board of Adjustment meeting

Dear Mark,
Nice to see you several times last week.
As per your suggestion, this is a letter requesting a meeting at your earliest convenience. Please note Polly and my attorney, David Ross are copied.

A quick synopsis/timeline:

1) For several years I have been in discussions with the Planning Department regarding the development of part of my property into a garage and accessory apartment (note: my property is bisected by McHenry Ave.). I am within the LMC to develop the garage/apartment but we also agreed that I would have to give up the grandfathered non-conforming duplex designation of my primary house and it would become a single residence once my garage/apartment was built.
2) In summer 2016, I briefly spoke with Mary Wintzer in her driveway (at the time we were friends and neighbors; as we both live on McHenry Ave. about 200 feet from each other) about my plans to build a garage and apartment on my property. The Wintzers take an almost proprietary interest in our neighborhood. She later told me that she and her husband were against the idea.
3) In March 2017, I went before the Board of Adjustment essentially asking for more square footage and a reduction in the rear yard setback, citing the road bisecting my property (along with its' setbacks) as a hardship. Mary is a member of the BOA. I assumed she would recuse herself based on the obvious conflict of interest. She did not. When it was my turn to speak I respectfully asked her to recuse herself. My observation was she and Polly (attending the BOA meeting) had a brief discussion with but I could not understand/hear what was said. At that meeting Mary did not recuse herself, publically spoke against my development plans with the other BOA members.
4) At outset of the following BOA meeting, Mary announced she would recuse herself and left the room. My understanding is that she and Polly had had a discussion (subsequent to the previous BOA meeting) about the recusal issue. I was not privy to that discussion,

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but it is reasonable to surmise that this time Polly advised Mary to recuse herself. At the second BOA meeting, Charlie Wintzer and several neighbors spoke against my garage/apartment. I later learned that the Wintzers mobilized the other neighbors to attend the meeting or to write letters.

5) The results of both BOA meetings were: 1) I was allowed slightly more square footage (up to 1000 sq. ft. from the 700 sq. ft. allowed by code, but not the +/- 1400 sq. ft. I had requested); and 2) my request for a reduction of the rear yard setback was denied. I had requested this space so that the garage could hold two cars parked perpendicular to the street (a neighborhood benefit).
6) At a recent Historic District Design Review public review opportunity at the Planning Department, only the Wintzers attended and the announced they were against my plans, partially because the garage could only park one car (Mary had voted against my effort to make it a two-car garage).

This past September, my attorney David E. Ross sent a letter to the City Attorney's Office that summarized the alleged unethical behavior encapsulated above and he provided case law supporting our position. To the best of my knowledge, neither he nor I have heard back from the City Attorney's office.

The garage/accessory apartment project is scheduled to go before the Planning Commission in early January. Accordingly, could we meet to discuss the above as soon as possible?

Very Truly Yours,

Michael E. Kaplan

JAN 29 2016
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Sept ember 25, 2017

To: Park City Planning Department

Re.: **HDDR and Steep Slope and Accessory Apartment CUP Applications**
277 McHenry Ave. Garage/Accessory Apartment

I am the owner of the property at 277 McHenry Ave. (formerly 355), Park City, Park City Survey Block 60 Lot 12 and the north half of lot 11. At the request of the Planning Department, and in anticipation of the garage/accessory apartment, at a recent Park City Council meeting the lots (above) underwent a plat amendment and were consolidated into a single lot of record (I don't know that new designation yet). I am within my property rights to build the structure and it conforms to the Park City Land Management Code.

We will build a garage and accessory apartment on the currently unoccupied easterly portion of my land. McHenry Avenue bisects my land. Originally, I had planned to subdivide the property and create two separate lots of record on each side of the road. This would have been a much simpler and preferable solution. Unfortunately, staff's interpretation according to the LMC indicates there is insufficient total land square footage for two lots.

We have had several years of discussions with members of the Planning Department. We have received staff support for our plans, however as part of those negotiations I have agreed to give up the currently legal non-conforming (grandfathered) legal status of the primary house and it will now become a single-family home.

I intend to live in the new addition as my residence and I will lease the current house to a long-term tenant. One of the reasons I will live in the accessory apartment is it will have radiant heat. I have a permanent sinus problems and my current house's forced air heating system is seriously exacerbating my health issues.

The fact that McHenry Ave. bisects my land has created a hardship due to both the +/- 15-foot-wide road, and also adherence to the LMC mandated front-yard setbacks from both sides of the road. Accordingly, we went before the Board of Adjustment seeking 1) a larger edifice than code allows, and 2) a reduction of the rear-yard setback (from 10 feet to 5 feet) to allow for two perpendicular garage parking spaces and less impact to my immediate neighbors. The results of the BOA meetings were to cap the structure at 1000 livable square feet and denial of the rear-yard setback request.

The new residence will have a garage (with a single parking space plus storage), a micro kitchen, one bedroom, an office area, and two bathrooms. The architect, David White's design is consistent with the neighborhood's architecture.

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	1973-currently	After accessory apartment
Total # of Units	2	2
Off-street parking	2	4*
Kitchen	2	2
Oven	2	1
bedrooms	5	5

* one will now be inside garage

After years of discussions, I hope to conclude these approvals before the end of the year and begin construction in the spring of 2018.

Very Truly Yours,

Michael Kaplan, M.I.M., A.L.M.

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BENEFITS TO THE NEIGHBORHOOD

To Whom It May Concern:

We will build a garage and accessory apartment on the currently unoccupied easterly portion of my land. The house and garage/apartment are separated by McHenry Avenue. The primary structure is currently designated as a legal non-conforming (grandfathered) duplex. As previously agreed, the primary house will lose its' duplex designation and it will become a single-family home.

I intend to live in the new addition as my residence and I will lease the current house to a long-term tenant. One of the reasons I will live in the accessory apartment is it will have radiant heat. I have a permanent medical issue (sinus problems) and my current house's forced air heating system is seriously exacerbating my health issues.

The new residence will have a garage (with a single parking space plus storage), a micro kitchen, one bedroom, an office area, and two bathrooms.

	1973-currently	After accessory apartment
Total # of Units	2	2
Off-street parking	2	4*
Kitchen	2	2
Oven	2	1
bedrooms	5	5

* one will now be inside garage

Benefits to the neighborhood include:

- The architect, David White's design is consistent with the neighborhood's architecture.
- Parking will increase from 2 legal and 2 non-conforming roadside parking places; to 2 legal plus 2 garage and one driveway parking places. This will help with get vehicles off McHenry ave. which will provide safer traffic and snow removal.
- Heated drive lessens snow banks.
- The new garage/accessory structure will be aesthetically pleasing, made with high-end materials, and utilize solar and be energy efficient.
- No increased density, there will still be only a total two housing units.
- The new structure will not interfere with any neighbor's view corridors.
- Increase property values.

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After years of discussions, I hope to conclude these approvals before the end of the year and begin construction in the spring of 2018.

Very Truly Yours,

Michael E. Kaplan

SEP 27 2017
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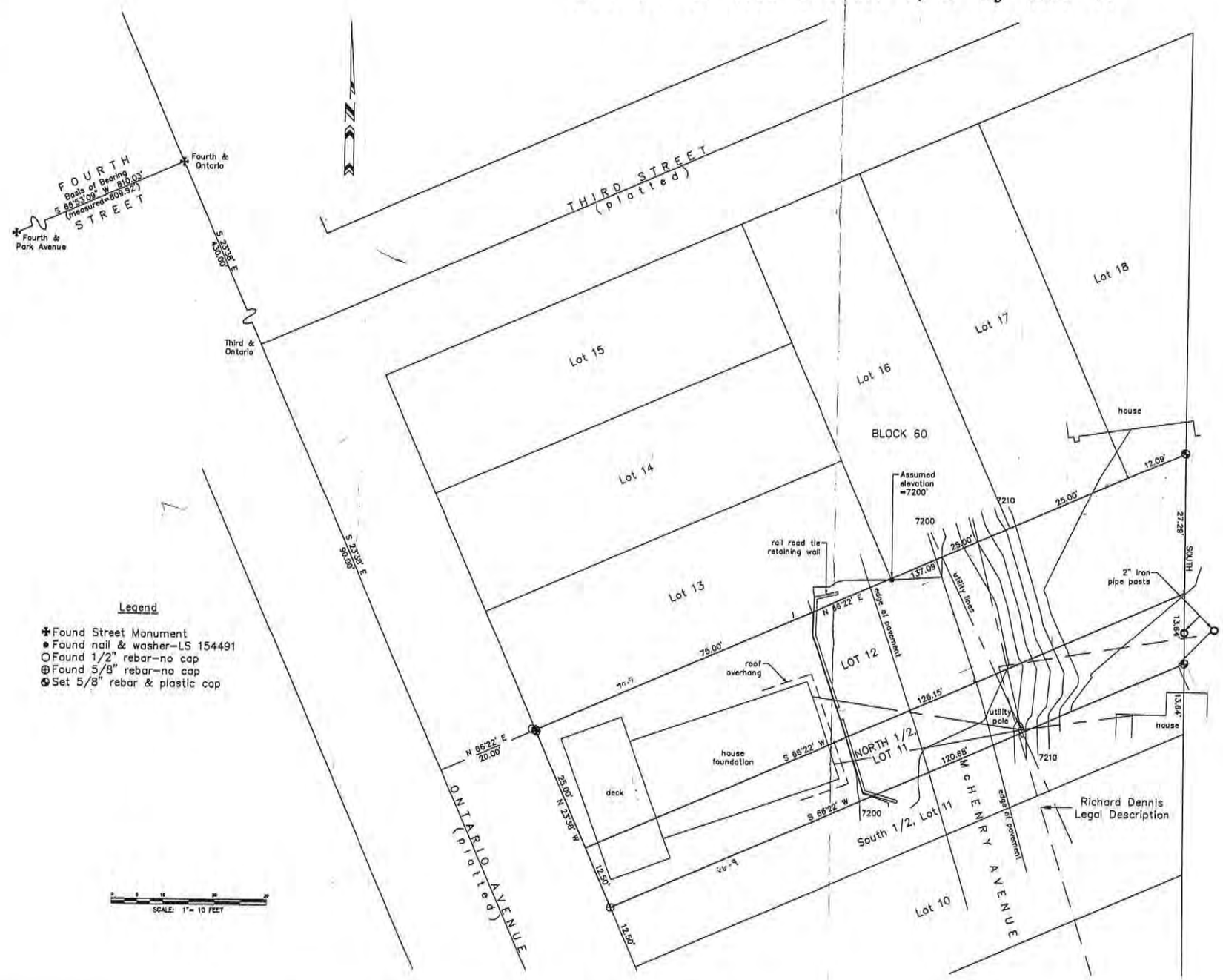
Exhibit D - Record of Survey

Park City Survey, Block 60, Lot 12 & the North 1/2 of Lot 11



Legend

- ✠ Found Street Monument
- • Found nail & washer–LS 154491
- ○ Found 1/2" rebar–no cap
- ⊕ Found 5/8" rebar–no cap
- ⊗ Set 5/8" rebar & plastic cap

NARRATIVE

1. Survey requested by: Michael Kaplan.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found Street Monuments, according to the amendment of Sheet #3 of the Park City Monument Control Map by Bush & Gudgell, Inc., on file and of record in the office of the Summit County Recorder.
4. Date of survey: May 31, 2002.
5. Property corners found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. For the previous breakdown of Lot 11 see the record of survey No. S–406 by Alliance Engineering, on file in the office of the Summit County Recorder.
9. The Richard Dennis Legal Description as shown encroaches on the property but has a questionable validity. Further title research is recommended.
10. An assumed elevation of 7200 feet was assigned to the nail and washer in the asphalt street at the southwesterly corner of Lot 16, as shown.

LEGAL DESCRIPTION

All of Lot 12 and the North 1/2 of Lot 11, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit Co. Recorder; containing ±0.11 acres.

SURVEYOR'S CERTIFICATE

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

May 29 '05
Date

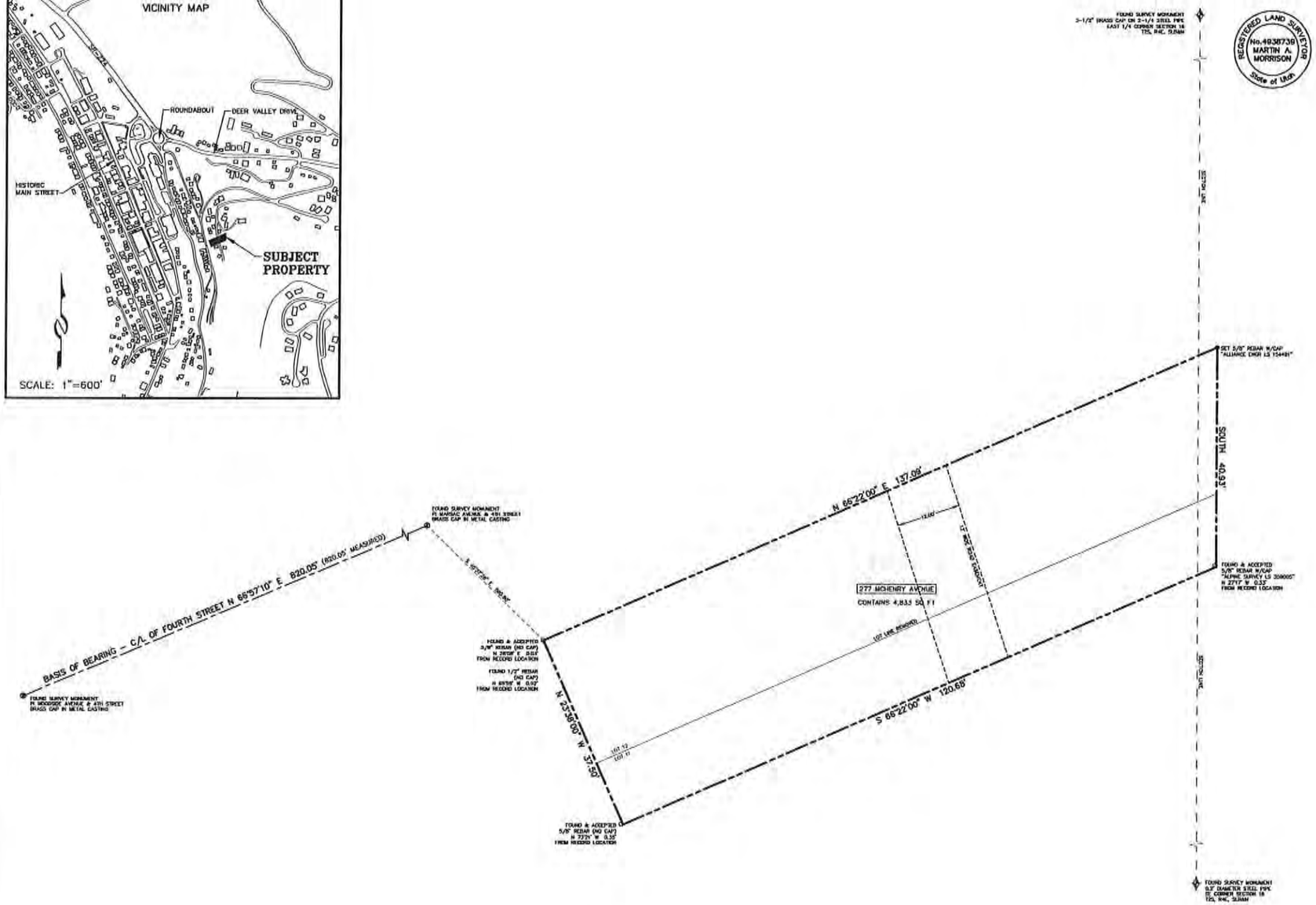
J.D. Gailey 359005

STATE OF UTAH — J.D. GAILEY — No. 359005 — REGISTERED PROFESSIONAL LAND SURVEYOR

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

MAY 03 2016

Exhibit E - Approved Plat



REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of 277 MCHENRY AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

The North 1/2 of LOT 11 and All of LOT 12, BLOCK 60, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Michael Ellis Kaplan, and Michael Ellis Kaplan, Trustee of The MATH Trust dated January 8, 2015, as their interests appear, hereby certifies that he has caused this Plat Amendment to be prepared and hereby consents to the recordation of the 277 McHenry Avenue Plat Amendment.

_____
Michael Ellis Kaplan

_____
Michael Ellis Kaplan,
Trustee of The MATH Trust dated January 8, 2015

ACKNOWLEDGMENT

State of _____)
: ss.
County of _____)

On this ____ day of _____, 2016, Michael Ellis Kaplan personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Michael Ellis Kaplan acknowledged to me that he is the owner of the tract described hereon and Trustee of The MATH Trust dated January 8, 2015, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

_____
A Notary Public commissioned in _____

_____
Printed Name

Residing in: _____

My commission expires: _____

Commission No: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-____

A COMBINATION OF LOT 12 AND THE NORTH HALF OF LOT 11 IN BLOCK 60, PARK CITY SURVEY

277 McHENRY AVENUE PLAT AMENDMENT

LOCATED IN THE SOUTHEASTE QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

MAY 0 3 2016

10' 0 10' 20'

SHEET 1 OF 1

JOB NO.: 4-3-16 FILE: X:\ParkCitySurvey\dwg\srv\plat2016\040316.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2016 BY _____ S.R.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2016 BY _____ CHAIR	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2016 BY _____ MAYOR	I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME ____ ENTRY NO. _____ FEE _____ RECORDER

Exhibit F - Aerial Photograph

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Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
JESSE MORENO

DATE: 4/21/16

AERIAL PHOTOGRAPH
277 McHENRY AVENUE
BLOCK 60, PARK CITY SURVEY

FOR: MICHAEL KAPLAN
JOB NO.: 4-3-16
FILE: X:\ParkCitySurvey\dwg\Exhibits\277 McHenry-ortho.dwg

SHEET
1

Exhibit G - Site Plan

NOTES

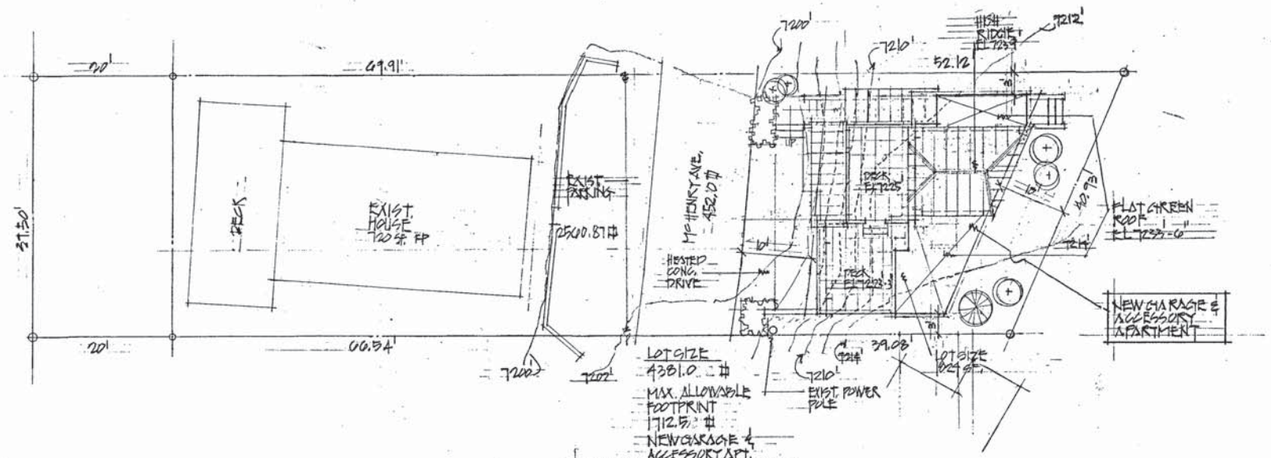
1. ALL LANDSCAPE IRRIGATION SHALL BE "DRIP TYPE IRRIGATION"
2. ALL DISTURBED AREAS WITHIN THE L.O.D. SHALL BE GRADED & RE-SEEDED W/ DROUGHT TOLERANT NATIVE GRASSES & WILDFLOWERS.

LANDSCAPE LEGEND

- ASPEN CLUMP (8'-0" MIN. HT.) (5)
- EVERGREEN (1) (COLORADO BLUE SPRUCE - 6'-0"-8'-0" HT.)
- SHRUBS (DROUGHT TOLERANT) (2 PLANTERS)
- OAK BRUSH (EXIST.)

GENERAL NOTES

1. Comply with IRC Chapter 4 for excavations, fill, cuts and grading. Pay special attention to tall cuts close to property lines. CUT SLOPES AND GRADE FILLS STEEPER THAN 2:1 REQUIRE SOILS REPORTS ADDRESSING STABILITY. General Contractor shall arrange a meeting with Plan Checker, the General Contractor and the Excavator for this project prior to any permits being issued.
2. Tubs and showers with tiled walls require a Portland Cement application, fibered-cement or glass mat gypsum: green board is no longer allowed in this application.
3. A permanent certificate shall be posted on or in the electrical distribution panel listing the predominant R-values of insulation installed in or on ceiling/roof, walls, foundation, (slab, basement wall, crawl space wall and/or floor) and ducts outside the conditioned spaces; U-factors of windows, and SHGC of windows. The type and efficiency of heating, cooling and service water heating equipment shall also be listed. Note: The listing will not allow the drilling or modification of the panel or cover to accomplish this. IRC N1101.9
4. Special inspection is required for field welding and high strength bolting. 2009 IBC, sections 1704.3.1 and 1704.3.3 epoxy connections.
5. All electrical installations shall comply with the 2012 IRC and 2011 NEC.
6. All electrical receptacles shall be tamper resistant.
7. All plumbing installations shall comply with the 2012 IRC.
8. All mechanical installations shall comply with the 2012 IRC and IFGC.
9. Showers shall be finished to a min. height of not less than 72" above the floor. Material shall be non-absorbent.
10. Tower cranes require City approval prior to installation. Submit site plan and Air Space Easement with any adjacent property owners impacted.
11. Surface water shall drain away from the building at all points. Direct the drainage water to the street or an approved drainage course. (not onto neighboring properties) The grade shall fall a min. of 6" within the first 10 ft.
12. Foundation rebar inspections for walls over 8 ft. high shall have forms installed only on one side of wall until rebar has been inspected and approved.
13. All mechanical vents shall be 8' above grade and 3' above roof.
14. Heated conc. slabs require R5 insulation.
15. Heated floors require R11 insulation.



NEW SITE PLAN
1" = 10'-0"

LANDSCAPE PLAN

7206
+23
7229

REVISIONS	BY

DAVID G. WHITE, ARCHITECT
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PARK CITY, UTAH 84060
(435) 649-8379 FAX: (435) 655-8845
EMAIL : dgwarch@xmission.com

NEW SITE & LANDSCAPE PLAN
271 McHENRY AVE
PARK CITY, UTAH 84060

Date
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Job 271 McHENRY
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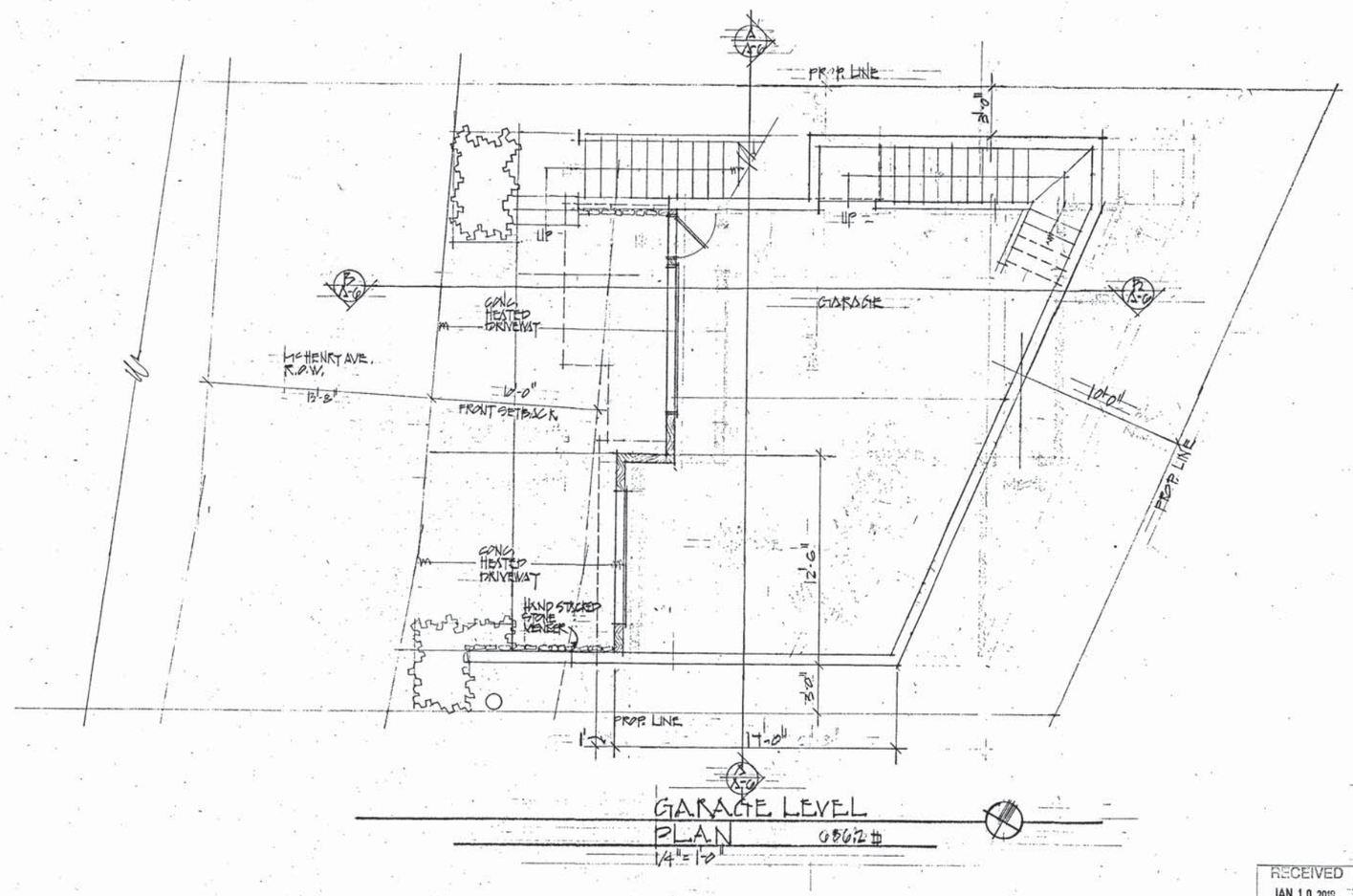
Exhibit H - Floor Plans



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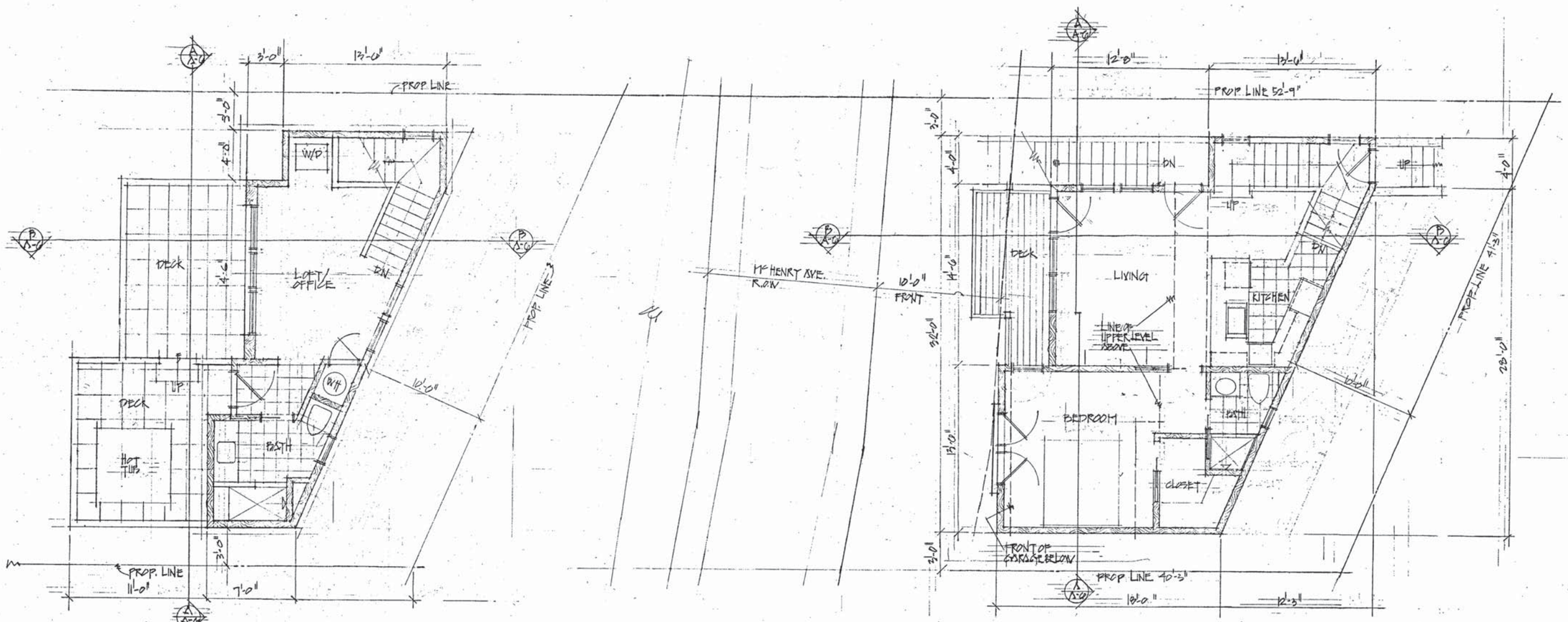
EMAIL : dgwarch@emission.com

GARAGE LEVEL PLAN
277 McHENRY AVE.
PARK CITY, UTAH 84060

Date 6-30-10
Scale
Drawn
Job 277 McHENRY
Sheet



UPPER LEVEL
PLAN 326.22 #
1/4" = 1'-0"

MAIN LEVEL
PLAN 665.69 #
1/4" = 1'-0"

TOTAL 991.91 #

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EMAIL: dgwarch@xmission.com

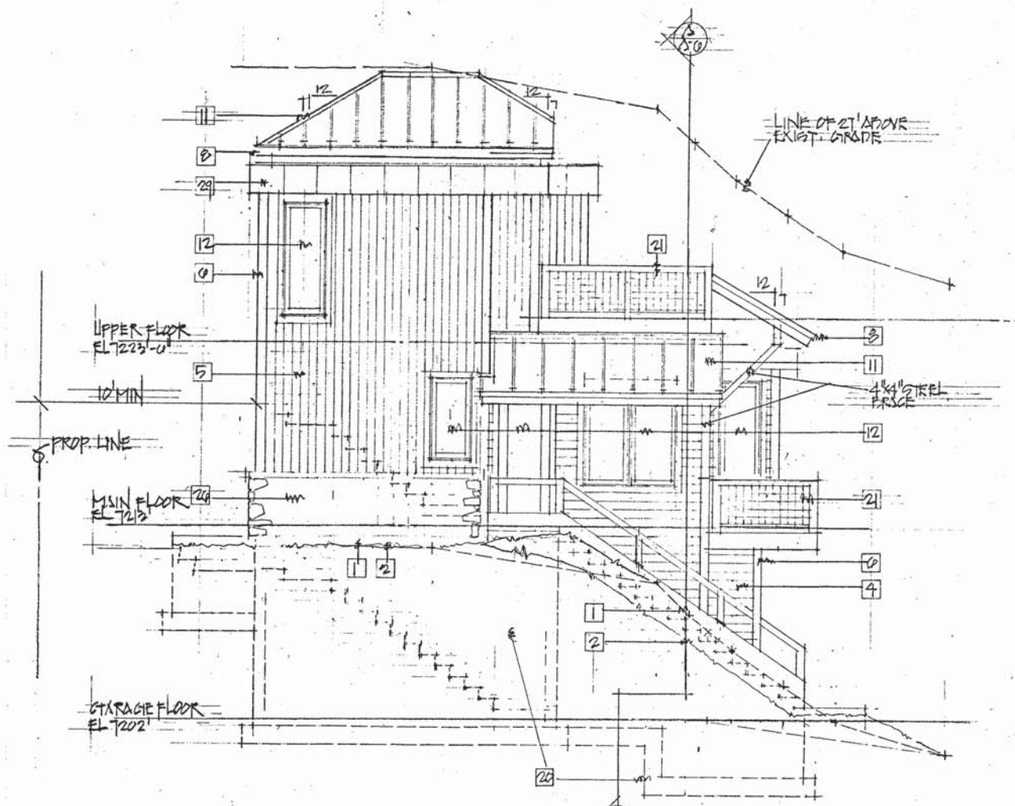
MAIN & UPPER LEVEL FLOOR PLANS
277 McHENRY AVE.
PARK CITY, UTAH 84060

Date 0-30-16
Scale
Drawn
Job 277 McHENRY
Sheet

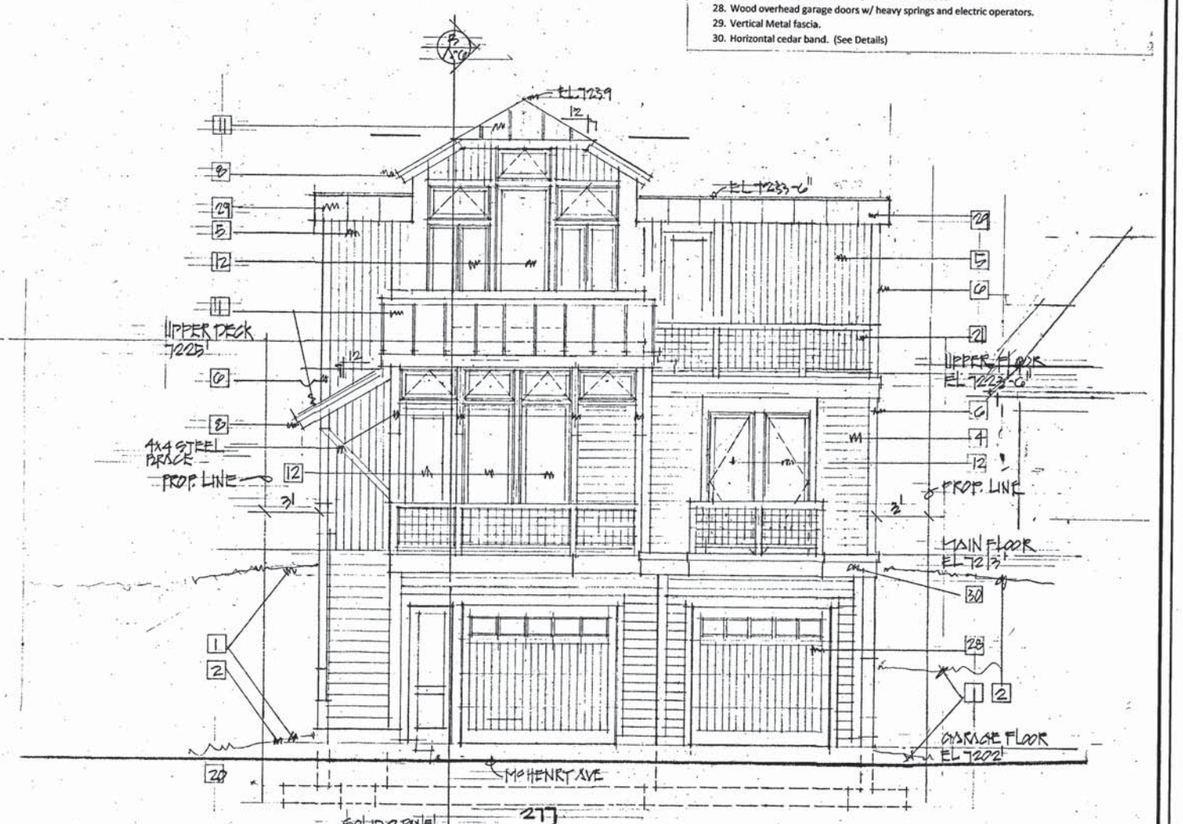
Exhibit I - Elevations

REFERENCE NOTES

1. Existing grade shown dashed
2. New finish grade
3. Glue-laminated beam- See framing plans. 1" champfer all exposed ends. All Glue-lam beams to be smooth finish.
4. 1"x6" beveled Cedar siding.
5. 1"x8" cedar siding square cut vertical pattern.
6. 2"x Cedar corner trim.
7. Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors
8. 1"x Cedar fascia. (two piece) See detail
9. 1"x6" Cedar soffit.
10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
11. Roof Covering- Standing Seam metal roofing.
12. Aluminum ext. clad insulated wood windows and doors. Windows and exterior doors U= 0.36 or better. See Window and Door Schedule.
13. Galvanized metal flashing.
14. 3 ½" blown and bibbed insulation. R13 min.
15. 5 ½" blown and bibbed insulation. R= 19 min.
16. Roof insulation shall have one layer at top of roof joists R25 closed cell foam and R 24 blown in batts in lower portion of roof joists. Total R49
17. 10" blown and bibbed insulation. R= 31 min.
18. Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base. Install radiant heat tubes.
20. 8" reinf. Conc. foundation wall. See structural.
21. Guardrails- see details.
22. Floor joists- see framing plans.
23. Roof joists- see framing plans.
24. See interior finish schedule for floor, wall and ceiling finishes.
25. 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
26. Stone veneer in dry stack pattern.
27. 1 1/2" light weight concrete w/ radiant heat tubes.
28. Wood overhead garage doors w/ heavy springs and electric operators.
29. Vertical Metal fascia.
30. Horizontal cedar band. (See Details)



NORTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

REVISIONS	BY

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EMAIL: dgwarch@xmission.com

Date 9-28-17
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Job 277 McHENRY
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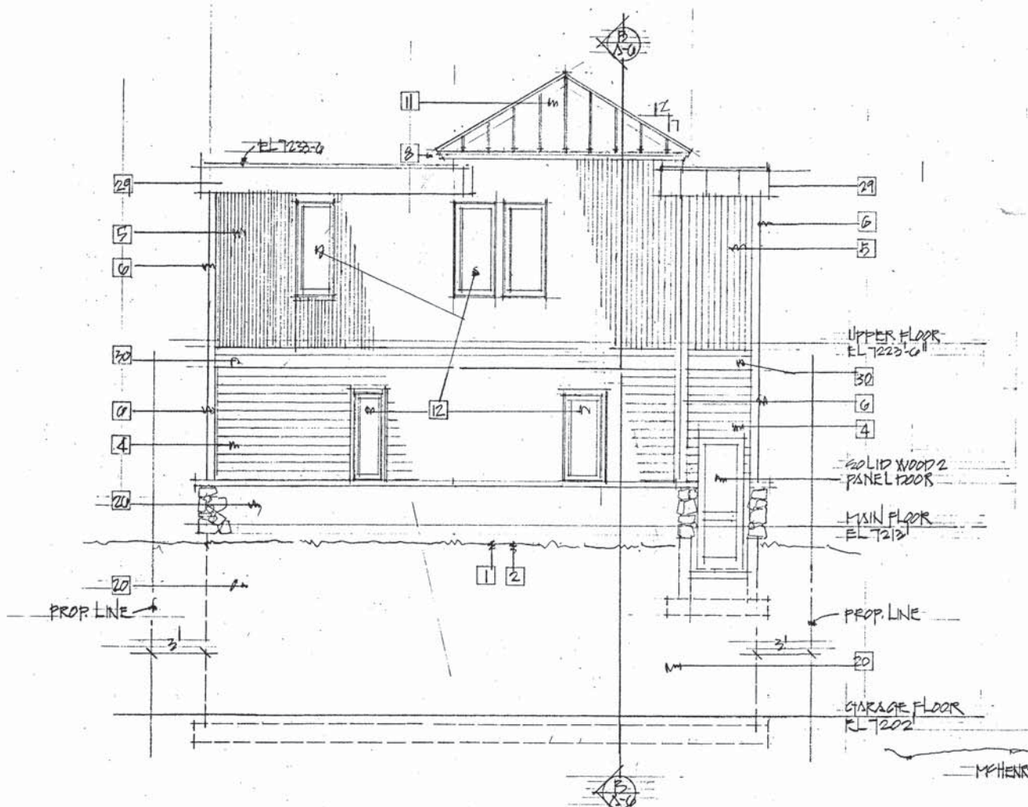
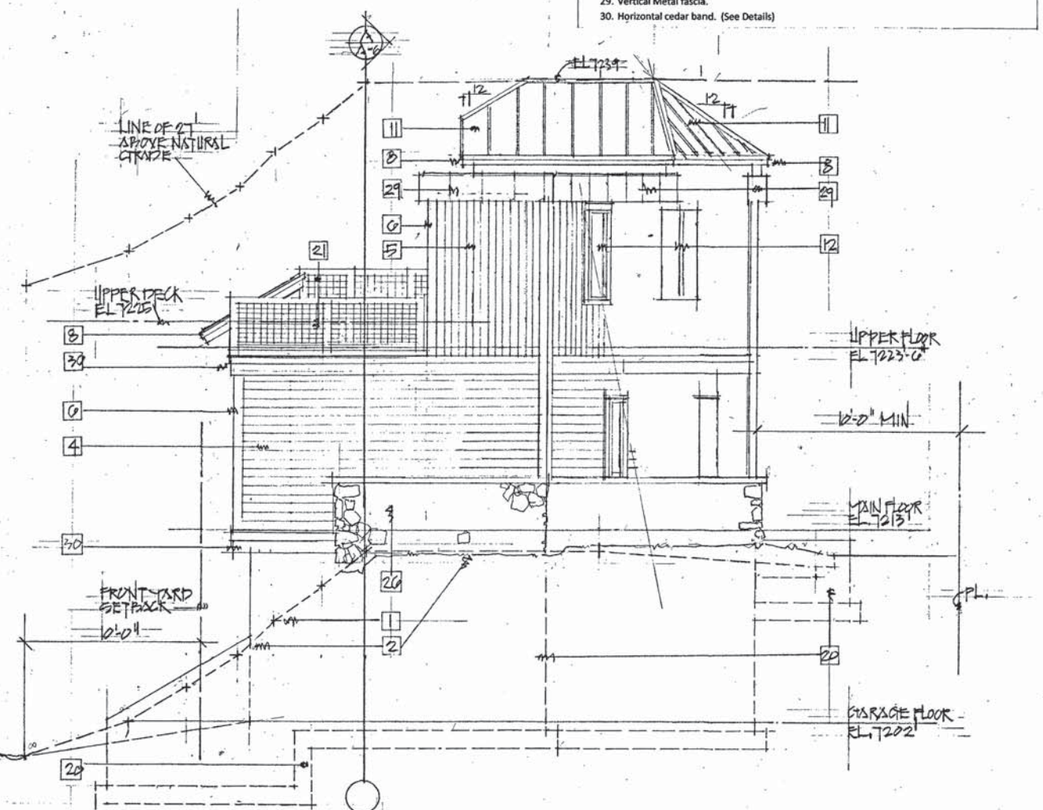
REFERENCE NOTES

1. Existing grade shown dashed
2. New finish grade
3. Glue-laminated beam- See framing plans. 1" champfer all exposed ends. All Glue-lam beams to be smooth finish.
4. 1"x6" beveled Cedar siding.
5. 1"x8" cedar siding square cut vertical pattern.
6. 2"x Cedar corner trim.
7. Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors
8. 1"x Cedar fascia. (two piece) See detail
9. 1"x6" Cedar soffit.
10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
11. Roof Covering- Standing Seam metal roofing.
12. Aluminum ext. clad insulated wood windows and doors. Windows and exterior doors U= 0.36 or better. See Window and Door Schedule.
13. Galvanized metal flashing.
14. 3 ½" blown and bibbed insulation. R13 min.
15. 5 ½" blown and bibbed insulation. R= 19 min.
16. Roof insulation shall have one layer at top of roof joists R25 closed cell foam and R 24 blown in batts in lower portion of roof joists. Total R49
17. 10" blown and bibbed insulation. R= 31 min.
18. Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base. Install radiant heat tubes.
20. 8" reinf. Conc. foundation wall. See structural.
21. Guardrails- see details.
22. Floor joists- see framing plans.
23. Roof joists- see framing plans.
24. See interior finish schedule for floor, wall and ceiling finishes.
25. 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
26. Stone veneer in dry stack pattern.
27. 1 1/2" light weight concrete w/ radiant heat tubes.
28. Wood overhead garage doors w/ heavy springs and electric operators.
29. Vertical Metal fascia.
30. Horizontal cedar band. (See Details)



EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"

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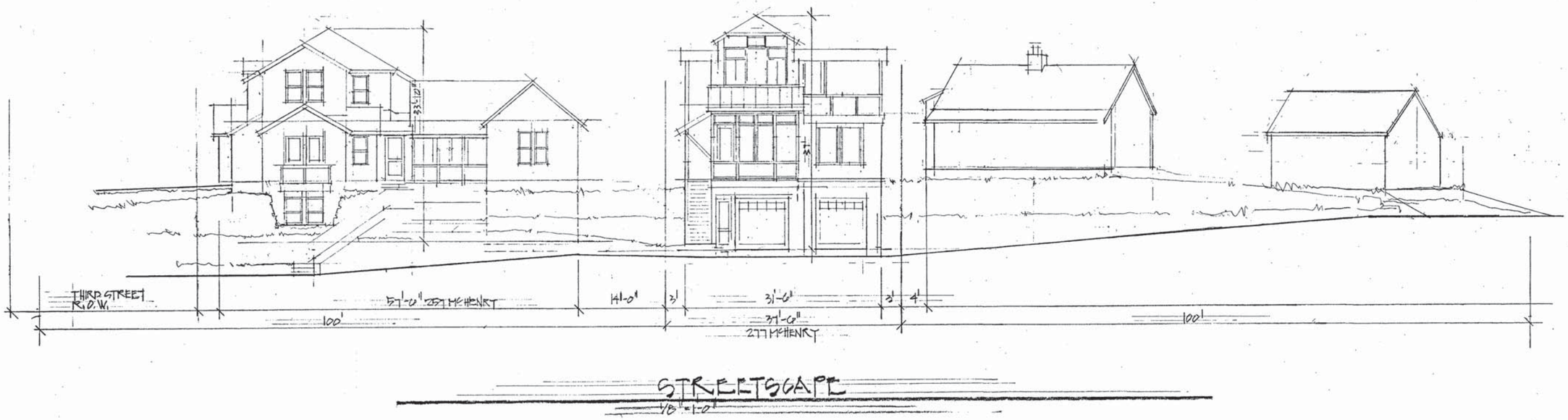
Exhibit J - Streetscapes



REVISIONS	BY

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Date 11/7/17
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Job 277
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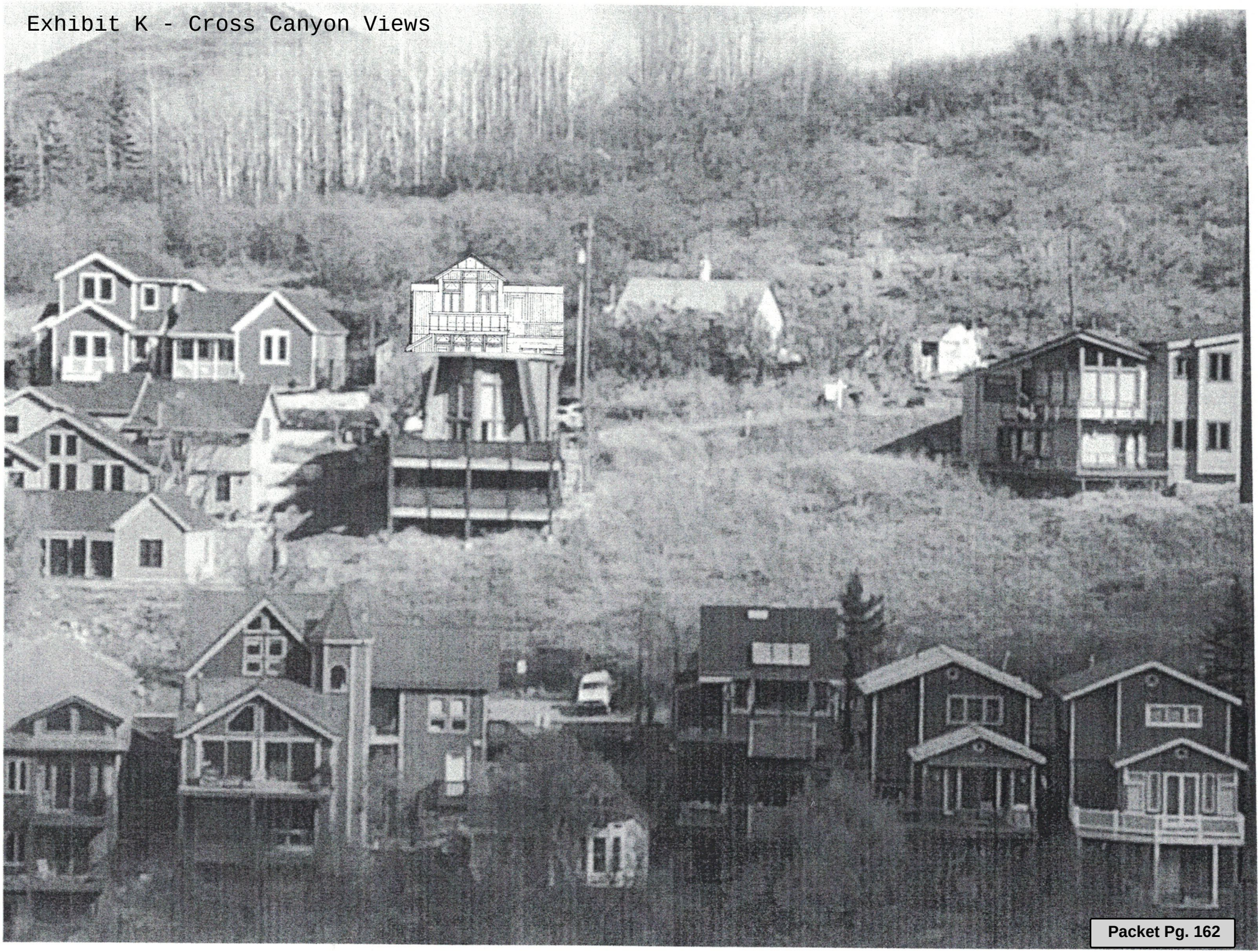
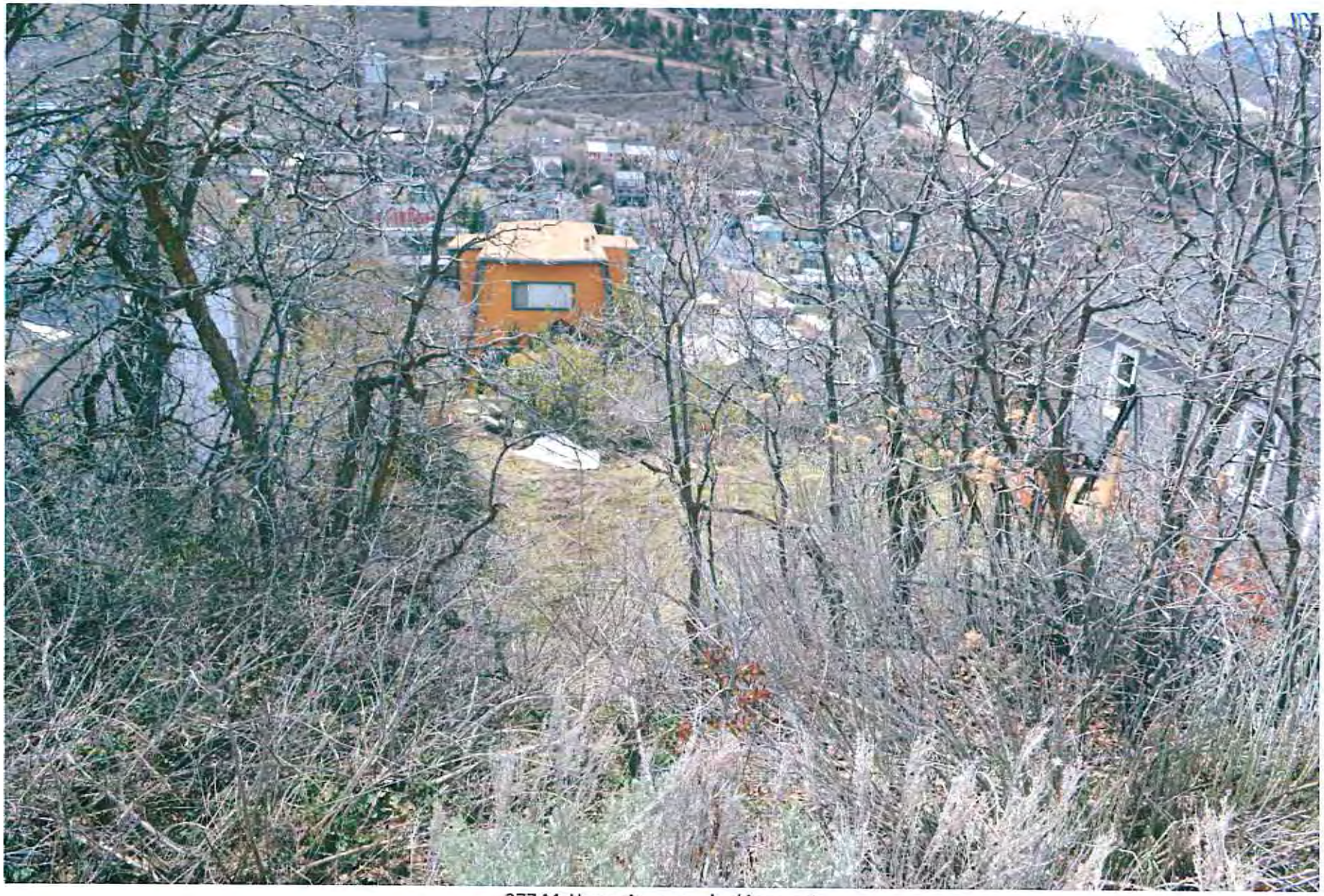
Exhibit K - Cross Canyon Views



Approx. Roof Line

Exhibit L - Site Photographs



277 McHenry Avenue – looking west

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East portion of 277 McHenry Avenue – looking east

Please note that this existing parking area is not a legal parking space.

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277 McHenry Avenue – looking east

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277 McHenry Avenue – looking southwesterly

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277 McHenry Avenue – looking north

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PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.

2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.

6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.

13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.

17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012

Planning Commission Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 277 McHenry Avenue
Author: Tippe Morlan, Planner
Date: January 10, 2018
Type of Item: Administrative – CUP for an Accessory Apartment & CUP for Steep Slope Construction

Project Number:	PL-17-03675/PL-17-03676
Applicant:	Michael Kaplan
Location:	277 McHenry Avenue
Zoning:	Historic Residential – Low Density (HRL)
Adjacent Land Uses:	Residential single-family dwellings
Reason for Review:	CUP – In the HRL zone, an accessory apartment is classified as a conditional use and requires Planning Commission review and approval. SS CUP – Construction of a new structure with more than 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater requires Planning Commission review and approval.

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider **approving** the request for a Conditional Use Permit (CUP) for an accessory apartment to be located on Parcel A of 277 McHenry Avenue within the HRL zone based on the findings of fact, conclusions of law, and conditions of approval provided herein for the Commission's consideration.

Staff recommends that the Planning Commission conduct a public hearing and consider **approving** the request for a Steep Slope Conditional Use Permit (SS CUP) for the construction of a new accessory apartment on Parcel A of 277 McHenry Avenue based on the findings of fact, conclusions of law, and conditions of approval provided herein for the Commission's consideration.

Staff also recommends that the Planning Commission conduct a joint public hearing for both items at this address. Two separate motions will need to be made; the accessory apartment needs to be approved before the Steep Slope CUP can be approved.

Proposal

This application is a request for a CUP and a Steep Slope CUP for the construction of a new accessory apartment. An accessory apartment is classified as a conditional use in the HRL zone, and a Steep Slope CUP is required when more than 200 square feet of a new structure is proposed on an existing slope of 30 percent or greater. The parcel is currently vacant, and the applicant is proposing to build a new structure of approximately 992 square feet in size. The proposed footprint of the new construction is 686.2 square feet and the construction is proposed on a slope greater than 30%. In some areas, the slope is approximately 110%. The front portion of the lot (approximately 6 feet from the front property line) and the rear portion of the lot

(approximately 30 feet from the rear property line) are nearly flat; however, a majority of the structure is proposed to be built into a steep portion of the lot rising by approximately 11 feet over a distance of 10 feet (see photographs in Exhibit J).

Background

May 3, 2016 – The City received a Plat Amendment application for the 277 McHenry Plat Amendment which was deemed complete on May 25, 2016.

November 2, 2016 – The Planning Department received an application for three variances. The application was deemed complete on December 28, 2016. The requested variances were as follows:

1. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,000 square feet.
2. Allow an accessory apartment with a floor area greater than 1/3 of the floor area of the main dwelling unit up to 1,166 square feet.
3. Reduce the rear yard setback requirement from 10 feet to 5 feet for the construction of a detached garage and accessory apartment on the eastern portion of the lot.

March 21, 2017 – The Board of Adjustment conducted a public hearing and **APPROVED** a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.

March 21, 2017 – The Board of Adjustment also conducted a public hearing and **DENIED** a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.

May 16, 2017 – The Board of Adjustment conducted a public hearing and **DENIED** a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.

July 26, 2017 – The Planning Commission reviewed the proposed plat amendment and issued a **POSITIVE** recommendation to the City Council with a unanimous vote. There were no comments made by the public at the Public Hearing.

July 26, 2017 – The City Council **APPROVED** a plat amendment to remove two interior lot lines creating one lot at this address bisected by McHenry Avenue. The western portion became Lot 1 and the eastern portion became Parcel A of 277 McHenry Avenue. This item was approved with the following Conditions of Approval pertinent to the current CUP applications:

> 7. The density cannot increase on this lot. If the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
>
> 8. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue. This shall be noted on the plat prior to recordation.

September 27, 2017 – The City received an application for a CUP, Steep Slope CUP, and Historic District Design Review for the construction of a new accessory apartment on a steep slope at 352 Woodside Avenue. The applications were deemed complete on November 8, 2017, and a public hearing was held on November 28, 2017. Final review of the application is pending the Conditional Use approval of the accessory apartment use.

Purpose

The purpose of the Historic Residential Low-Density (HRL) District is to:

A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
B. provide an Area of lower density Residential Use within the old portion of Park City,
C. preserve the character of Historic residential Development in Park City,
D. encourage the preservation of Historic Structures,
E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The subject property consists of Parcel A of 277 McHenry Avenue, an uphill parcel 1,824 square feet in size. Parcel A is appurtenant to Lot 1 of 277 McHenry Avenue which consists of 4,381 square feet in its entirety. There is an existing non-historic duplex structure on Lot 1 which must be converted to a single-family dwelling before a building permit can be issued for an Accessory Apartment, if approved. This conversion is conditioned in the plat approval (Conditions of Approval 7 and 8 as stated above) and is proposed in the Conditions of Approval for these proposed CUP applications. Additionally, a 10 foot wide public snow storage easement will be recorded along the frontages of both parts of this lot, and a utility easement will be required 10 feet from the sewer line in McHenry Avenue on the uphill side of the road to be recorded with the plat.

Zoning Requirements

The proposed accessory apartment is located in the Historic Residential – Low Density (HRL) zoning district. The proposed structure complies with all setback and LMC requirements as outlined in the following table:

Requirement	LMC Requirement	Proposed (Parcel A)	Compliance
Lot Size	3,750 SF minimum	4,381 SF total (Lot 1 and Parcel A)	Yes
Lot Width	35 feet minimum	35.5 feet	Yes
Building Footprint	1,712.5 SF maximum	1,386.2 SF total - Existing: 700 SF(Lot 1)	Yes

		- Addition: 686.2 SF	
Front Yard	10 feet minimum	10 feet	Yes
Rear Yard	10 feet minimum	10 feet	Yes
Side Yard	3 feet minimum, total 6 feet.	North Side: 3 feet South Side: 3 feet Total: 6 feet	Yes
Height	27 feet above existing grade, maximum	The highest portion of the structure is approximately 27 feet from existing grade.	Yes
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	33.7 feet	Yes
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 2 feet on the all elevations.	Yes
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to	There is a 10 foot horizontal step in the downhill façade that meets the LMC requirements. No exceptions for vertical articulation are requested.	Yes

	no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.		
Roof Pitch	Between 7:12 and 12:12. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	The structure proposes all roof pitches at 7:12 with the exception of two small flat green roof areas	Yes
Parking	Two off-street parking spaces required. Accessory Apartments require an additional one space per bedroom. 3 total spaces are required.	3 spaces are proposed. Existing Structure: 2 spaces Accessory Apartment: 1 space for 1 bedroom (plus 1 additional substandard parking space which may not count toward parking requirements).	Yes

Accessory Apartment Analysis

The applicant is requesting a Conditional Use Permit for an Accessory Apartment on Parcel A of an existing lot at 277 McHenry Avenue. Accessory Apartments are identified as conditional uses in the HRL zone. The lot is described as Parcel A of Lot 1 of the approved 277 McHenry Avenue Subdivision. This plat was approved by the City Council on July 26, 2017 although it has not yet been recorded. Because the lot has a slope greater than 30 percent running through the middle of the property and across the building pad area, a Steep Slope CUP is also required.

The proposed structure contains a total of 991.91 square feet, not including the garage. The proposed building footprint totals 686.2 square feet, and the total footprint of the entire lot including the existing structure is 1,386.2 square feet, which is below the maximum allowed footprint of 1,712.5 square feet. The proposed structure complies with all lot standards of the HRL zone, as indicated in the table above and is described as follows:

Floor	Size
Garage/Basement Level	686.2 square feet
Main Level	665.69 square feet
Upper Level	326.22 square feet
Accessory Apartment Floor Area	991.91 square feet

The Board of Adjustment approved a variance allowing an accessory structure of up to 1,000 square feet. Section 15-4-7 of the LMC indicates that "Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor area of 1,000 square feet and shall be no less than 400 square feet with no more than two (2) bedrooms." The Board of Adjustment has approved a variance to allow an accessory apartment of greater than one third of the primary dwelling size up to 1,000 square feet at this location. The proposed structure meets these requirements.

The LMC regulations for Accessory Apartments (Section 15-4-7) also require that no more than three homes within 300 feet of the subject property contain established Accessory Apartments. There are no other accessory apartments within 300 feet of this lot, although they are allowed as a Conditional Use.

The LMC standards require one parking space per bedroom in an accessory apartment and disallow nightly rentals in either the existing structure or the accessory apartment. The property owner must also occupy either the main dwelling unit or the accessory apartment. The Accessory Apartment may never be sold separately from the main dwelling unit. Compliance with these regulations is included as a Condition of Approval for this CUP.

The applicant is proposing one bedroom and one parking space in this structure for himself, the owner, to occupy as a full-time resident. There is a second substandard sized parking space proposed in the structure as well. The applicant has indicated intent to remove the washer/dryer and mechanical space shown in the floor plans (Exhibit F) to propose this second space which will be 11.5 feet by 16 feet at its shortest length. A standard required parking space needs to be 9 feet by 18 feet in size, so this second space cannot be counted toward parking requirements. The existing structure on Lot 1 has two paved off-street parking spaces approximately 11 feet wide by 37.5 feet long in front of the house. This meets the off-street parking standards for 2 spaces which require a minimum parking area of 9 feet wide and 36 feet long.

CUP Criteria

The Accessory Apartment meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the Land Management Code. The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1) Size and location of the Site.

The accessory apartment meets all zoning and setback requirements in its proposed location fronting McHenry Avenue. The proposed structure meets all size, height, and volume requirements as allowed by the LMC and by the Board of Adjustments. **No unmitigated impacts.**

2) Traffic considerations including capacity of the existing Streets in the Area.

A condition of the approved plat and a proposed condition of approval for this application is for the existing legal non-conforming duplex to be converted into a

single-family dwelling. The impacts of an accessory apartment would be offset by this reduction in density on the main structure. This proposed use would not increase traffic on McHenry Avenue. Additionally, the new structure provides an additional standard parking area for the residents beyond the existing two parking spaces. **No unmitigated impacts.**

3) Utility capacity including Storm Water run-off.

No utility capacity issues were identified throughout the interdepartmental review process. The location of the electrical service is being resolved between the applicant and Rocky Mountain Power. Access to the service needs to be in place before a building permit may be issued. **No unmitigated impacts.**

4) Emergency vehicle Access.

Emergency access is substandard for this house due to the substandard size of McHenry Avenue. The Fire Marshal has indicated that no parking can be allowed in the driveway (within the 10 foot setback area) in order to maintain existing emergency access standards. **No unmitigated impacts, as conditioned.**

5) Location and amount of off-Street parking.

The LMC requires two parking spaces for each dwelling unit and one parking space for each bedroom in an accessory apartment (Section 15-3). Each parking space must be at least nine feet wide by eighteen feet long (Section 15-3-3(F)).

The existing duplex located on the subject property currently has two parking spaces although the LMC requires two spaces per dwelling unit and four spaces are required. The conversion of the duplex to a single-family dwelling would bring this structure into compliance with the LMC parking requirements as it would need to maintain the existing two spaces. The proposed Accessory Apartment requires one space per bedroom. As the applicant is proposing one bedroom and one parking space, this application would bring the entire lot into compliance with parking requirements. **No unmitigated impacts, as conditioned.**

6) Internal vehicular and pedestrian circulation system.

Vehicular and pedestrian circulation throughout the neighborhood will remain the same. **No unmitigated impacts.**

7) Fencing, Screening, and landscaping to separate Use from adjoining Uses.

Adjoining uses are all single-family dwellings of similar bulk, mass, and design. The applicant is not proposing any new fencing or landscaping outside of what is required by the Construction Mitigation Plan. **No unmitigated impacts.**

8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

The mass, bulk, and orientation of the building on the site are compatible with the mass, bulk, and orientation of other structures along McHenry Avenue. See Exhibit H for a visual example of what the proposed structure looks like in the context of McHenry Avenue. **No unmitigated impacts as conditioned.**

9) Usable Open Space.

There is no usable Open Space proposed since this a single private lot. **No unmitigated impacts.**

10) Signs and lighting.

No signs are proposed. Any lighting on the exterior of the proposed structure will be down directed and shielded. **No unmitigated impacts.**

11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.

The design of the proposed structure is undergoing a Historic District Design Review and is compatible with the surrounding structures. The proposed design meets the Guidelines for New Construction in Historic Districts and incorporates historic design elements into the structure. **No unmitigated impacts as designed and conditioned.**

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.

There is no noise, vibration, odor, steam, or other mechanical factor that may affect neighboring properties outside of the construction period. The proposed use is an accessory apartment which will not cause any of these nuisances. **No unmitigated impacts.**

13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas.

No delivery or service vehicles are proposed. No loading or unloading zones are proposed. No trash or recycling pickup areas are proposed. **No unmitigated impacts.**

14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities.

The property owner has indicated that he intends to live in the one-bedroom accessory apartment structure. The duplex will be converted into a single-family dwelling and will be used for long-term rentals. No nightly rentals or commercial tenancies are allowed in the HRL zone. **No unmitigated impacts as conditioned.**

15) Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

The subject property is not within or adjacent to any environmentally sensitive lands, physical mine hazards, historic mine waste and the Park City Soils Ordinance. The property does have a steep slope, and the applicant has submitted an application for a Conditional Use Permit for development on steep slopes. **No unmitigated impacts.**

16) Reviewed for consistence with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

The proposed development is consistent with the goals and objectives of the Park City General Plan, especially Goal 15 to "preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations" and Objective 15B to "maintain character, context and scale of local historic districts with compatible infill development and additions." The proposed structure will meet all Historic District design standards for new construction and will be compatible with the surrounding neighborhood. **Consistent.**

Steep Slope Regulations

Staff reviewed the compatibility of this proposed structure compared to others along McHenry Avenue. McHenry Avenue is comprised of Old Town lots from the Park City Survey which have been bisected by McHenry Avenue. The topography of the neighborhood made it difficult to construct the road where it had been originally platted. As a result, there are a handful of oddly shaped lots in the area, including the subject property. Looking at 277 McHenry Avenue as a whole, the proposed lot is similar to the size of lots in the surrounding area. The condition of the lot being split into two parts by McHenry Avenue is also similar to other lots in the vicinity. Even with McHenry Avenue bisecting the lot, the accessory apartment meets all lot and site requirements of the HRL zone, including setback and footprint requirements.

The proposed footprint of the new construction is 686.2 square feet, and the construction is proposed on a slope greater than 30%. The front portion of the lot (approximately 6 feet from the front property line) and the rear portion of the lot (approximately 30 feet from the rear property line) are nearly flat; however a majority of the structure is proposed to be built into a steep slope that runs through the very middle of the parcel.

Staff finds that the design as proposed is compatible with the neighborhood and complies with the Steep Slope Conditional Use criteria as outlined below. Regulations for development on steep slopes in the HRL zone are stated in LMC 15-2.1-6. All such development is subject to the following criteria:

1. **Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

   The proposed structure is located within the building pad of Parcel A and outside of all setbacks required on the lot. It meets all zoning requirements including a front yard setback along McHenry Avenue. The structure is proposed to match the stepping of similar homes in its vicinity.

2. **Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points a) to determine potential impacts of the proposed Access, and Building mass and design; and b) to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

   The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the three story structure will be observed when viewed from the street (Exhibit H). The proposed structure cannot be seen from the key Vantage Points as defined in LMC Section 15-15. The applicant has also provided streetscape elevations which show how the house sits on the slope in relation to existing grade and the zoning height requirements (Exhibit H) and cross canyon views (Exhibit I) to show a minimal visual impact.

3. **Access.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

   The drive access is approximately 10 feet long with a grade of 0 percent from the street. The grade is relatively flat at the front of the property allowing for a driveway that does not need extensive grading. The proposed structure requires one parking space and provides two spaces. The second parking space is not required and is 11 feet wide by 16 feet long at its shortest length. **No unmitigated impacts.**

4. **Terracing.** The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

   The only retaining wall proposed on this lot is an 8 inch reinforced concrete foundation wall on the south side of the structure. The top of wall follows the existing grade and stands 6 inches above the existing grade at all points. The wall is proposed to be 8 feet long, extending 5 feet and 3 inches into the setback. As per LMC Section 15-4-2, retaining walls within side and rear yard setback areas on any lot (steep slope or not) cannot exceed six feet (6') in height measured from Final Grade. The proposed wall is well below that height requirement and meets the standards of the LMC. **No unmitigated impacts.**

5. **Building Location.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

   The structure is located on the lot in a manner that least impacts the natural topography of the lot. The bottom garage level of the proposed structure is proposed to be constructed into the slope on the lot. The upper floors are built on top of this floor and onto the flat portion of the parcel at the top of the slope to avoid additional cuts and fills following the topography of the lot. The proposed structure maintains a maximum building height of 27 feet and does not propose any height exceptions.

6. **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

   The proposed structure is oriented against the lot's existing contours and is stepped with the grade. The garage floor proposed to be built into the existing slope is approximately 686 square feet in size. It is proposed as one standard parking space and a small storage area which may be used as parking but is not large enough to count as a second parking stall. The main floor is approximately 666 square feet and sits on top of the garage floor, and the top floor is significantly smaller at 326 square feet in size. It's set back from the rest of the structure and sits mostly on the flat portion of the lot.

7. **Setbacks.** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

   The proposed structure has a front yard setback of 10 feet. This is the same as the surrounding houses along McHenry Avenue, including the main structure on the other portion of this Lot, and meets the minimum required setbacks. Increasing the front setback could push the building further back into the hillside requiring additional grading. The rear setback is ten feet which also meets the zone's rear setback requirements. Because the structure is proposed to be built up to the setback areas, increasing either front or rear setback areas would decrease the size of the parking space in the garage so that it does not meet the LMC requirements found in Section 15-3-3 requiring minimum parking

dimensions of 9 feet by 18 feet. This design has minimal impact on the street wall at the front of the property and maximizes the space available on the lot to construct the minimum sized garage area necessary to accommodate the use.

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.1 – HRL]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

   The proposed structure meets all size, height, setback, and volume related requirements indicated in the LMC for the HRL zone. The proposed massing component is compatible with both the volume and massing of structures in the area comprised of three story dwellings. As shown in Exhibit H, the proposed structure does not extend above the road any higher than surrounding structures.

9. **Building Height (Steep Slope).** The maximum Building Height in the HRL District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

   The proposed building height meets the requirements of the HRL zone. The applicant is not proposing any height exceptions.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in Land Management Code § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed with conditions of approval and during building permit review.

Public Input

No public input has been received at the time of this staff report.

Alternatives

- The Planning Commission may approve the requested CUP and Steep Slope CUP as conditioned or amended, or
- The Planning Commission may deny the requested CUP and Steep Slope CUP and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.
- If the Planning Commission continues or denies the CUP, the Steep Slope CUP may be continued.

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

Consequences of not taking the Suggested Recommendation
The construction as proposed could not occur. The applicant would have to revise the plans.

Recommendation
Staff recommends that the Planning Commission conduct a public hearing and consider **approving** the request for a Conditional Use Permit (CUP) for an accessory apartment to be located on Parcel A of 277 McHenry Avenue within the HRL zone based on the findings of fact, conclusions of law, and conditions of approval provided herein for the Commission's consideration.

Staff recommends that the Planning Commission conduct a public hearing and consider **approving** the request for a Steep Slope Conditional Use Permit (SS CUP) for the construction of a new accessory apartment on Parcel A of 277 McHenry Avenue based on the findings of fact, conclusions of law, and conditions of approval provided herein for the Commission's consideration.

Staff also recommends that the Planning Commission conduct a joint public hearing for both items at this address. Two separate motions will need to be made; the accessory apartment needs to be approved before the Steep Slope CUP can be approved.

General Findings of Fact for both requests:

1. The site is located at 277 McHenry Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) zoning district.
3. The site is 4,381 square feet in its entirety comprised of Lot 1 and Parcel A.
4. The accessory apartment is proposed to be on Parcel A which is 1,824 square feet in size.
5. There is an existing non-historic duplex structure on Lot 1 which must be converted to a single-family dwelling before a building permit can be issued for an Accessory Apartment.
6. The proposed structure complies with all setback and LMC requirements as outlined in the analysis.
7. The City Council approved the 277 McHenry Avenue Subdivision Plat Amendment at this location on July 26, 2017 and the plat is pending recordation.
8. A Historic District Design Review (HDDR) application is currently under review.
9. The Board of Adjustment conducted a public hearing on March 21, 2017 and approved a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.
10. The Board of Adjustment also conducted a public hearing on March 21, 2017 and denied a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.
11. The Board of Adjustment conducted a public hearing on May 16, 2017 and denied a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.

12. On September 27, 2017, the City received an application for a CUP, Steep Slope CUP, and Historic District Design Review for the construction of a new accessory apartment on a steep slope at 352 Woodside Avenue. The applications were deemed complete on November 8, 2017.
13. The applicant requests to build a new accessory apartment at this location.
14. The proposed structure has a Floor Area of 991.9 square feet.
15. The proposed building footprint is 686.2 square feet. The total footprint on the lot is 1,386.2 square feet which complies with the maximum allowable footprint of 1,712.5 square feet.
16. The new construction takes place over slopes that are thirty percent (30%) or greater.
17. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
18. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
19. The proposed side yard setbacks of three feet (3') comply with the minimum side yard setbacks of three feet (3').
20. The proposed structure complies with the maximum building height as follows:
    a. The structure cannot be more than 27 feet from existing grade. It is proposed to be 27 feet from existing grade at its highest point.
    b. The structure cannot be more than 35 feet measured from the lowest finish floor plane to the point of the tallest wall top plate. The proposed structure measures at 33.7 feet.
    c. The final grade must be within 4 vertical feet of the existing grade. The maximum difference proposed is 2 feet.
    d. A 10 foot minimum horizontal step in the downhill façade is required at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. The proposed structure meets this requirement.
    a. The primary roof pitch is required to be between 7:12 and 12:12. The proposed structure has a primary roof pitch of 7:12.
21. This property is located outside of the Soils Ordinance Zone.

<u>Accessory Apartment CUP Findings of Fact</u>:

1. Accessory apartments are conditional uses in the HRL zone.
2. The LMC requires one parking space per bedroom in an accessory apartment.
3. The applicant is proposing one bedroom and one parking space.
4. Nightly rentals are not allowed in either the existing structure or the proposed structure.
5. The property owner must occupy either the main dwelling unit or the accessory apartment. The owner has expressed intent to occupy the accessory apartment.
6. The Accessory Apartment may never be sold separately from the main dwelling unit.
7. The LMC requires that no more than three homes within 300 feet of the subject property contain established Accessory Apartments.
8. There are no other accessory apartments within 300 feet of this lot,
9. The Accessory Apartment meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.

Steep Slope CUP Findings of Fact:

1. The applicant submitted plans including a streetscape showing how the structure will be observed when viewed from Marsac Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. McHenry Avenue is comprised of Old Town lots from the Park City Survey which have been bisected by McHenry Avenue.
5. The presence of the road adds another frontage element to the lot requiring an additional front setback on this portion of the lot.
6. The front portion of the lot (approximately 6 feet from the front property line) and the rear portion of the lot (approximately 30 feet from the rear property line) are nearly flat; however a majority of the structure is proposed to be built into a steep slope that runs through the very middle of the parcel.
7. The structure is proposed to match the stepping of similar homes in its vicinity.
8. The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the three story structure will be observed when it is constructed.
9. The drive access is approximately 10 feet long with a grade of 0 percent from the street.
10. No retaining walls are proposed on this lot.
11. The proposed structure is to be built into the existing grade.
12. The bottom garage level of the proposed structure is proposed to be constructed into the slope on the lot. The upper floors are built on top of this floor and onto the flat portion of the parcel at the top of the slope to avoid additional cuts and fills following the topography of the lot.
13. The proposed structure maintains a maximum building height of 27 feet and does not propose any height exceptions.
14. The proposed structure is oriented against the lot's existing contours and is stepped with the grade.
15. The garage/basement floor proposed to be built into the existing slope is approximately 686 square feet in size.
16. The garage is proposed to have one standard parking space and an additional substandard parking space which may not count toward any parking requirements. The accessory apartment has one bedroom and a one parking space requirement.
17. The main floor is approximately 666 square feet and sits on top of the garage floor, and the top floor is significantly smaller at 326 square feet in size. It's set back from the rest of the structure and sits mostly on the flat portion of the lot.
18. The proposed structure meets all size, height, setback, and volume related requirements indicated in the LMC for the HRL zone.
19. The proposed massing component is compatible with both the volume and massing of structures in the area comprised of three story dwellings.

Conclusions of Law:

1. The Application complies with all requirements of this LMC.

2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval for both requests:

1. All Standard Project Conditions shall apply.
2. One unit, either the main Dwelling Unit or the Accessory Apartment, shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
3. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

   "A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days."
4. Nightly rentals are not allowed. Neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty days.
5. The density cannot increase on this lot. If the use is approved and the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
6. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue as noted on the 277 McHenry Avenue subdivision plat.
7. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
   a. No construction related parking or material storage shall be allowed on the street.
   b. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department.
   c. Two separate traffic control personnel will be onsite for any construction related deliveries.
   d. These requirements shall be shown in the Construction Mitigation Plan.
8. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
9. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
10. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
11. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this

Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

12. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
13. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
14. No parking is allowed within the 10 foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.
15. This approval will expire on January 10, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
16. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
17. A letter of completion for the conversion of the existing duplex to a single unit including the removal of one of the kitchens and demising walls shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure.

Exhibits

Exhibit A – Applicant's Statement
Exhibit B – Record of Survey
Exhibit C – Approved Plat
Exhibit D – Aerial Photograph
Exhibit E – Site Plan
Exhibit F – Floor Plans
Exhibit G – Elevations
Exhibit H – Streetscape
Exhibit I – Cross Canyon View
Exhibit J – Site Photographs
Exhibit K- Standard Project Conditions

1. 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue. Woodside Park Affordable Housing Project Phase I – Master Planned Development – Ratification of Development Agreement. (Application PL-17-03454)

Planner Hannah Tyler noted that this item was the ratification of the development agreement for Phase I of Woodside Park Affordable Housing project. The Planning Commission adopted the Master Planned Development on August 23, 2017; and ratification would memorialize that approval. Planner Tyler remarked that plans and the development agreement were included in the Staff report. A public hearing was not required.

The Staff recommended that the Planning Commission review the Woodside Park Affordable Housing Project Phase I MPD Development Agreement and consider ratifying the agreement to memorialize the MPD that was approved on August 23, 2017.

Vice-Chair Band opened the public hearing.

There were no comments.

Vice-Chair Band closed the public hearing.

Director Erickson stated that a motion would be to ratify the Development Agreement in the form contained in the Staff report.

MOTION: Commissioner Thimm moved to RATIFY the Development Agreement for the Woodside Park Affordable Housing Project Phase I MPD as outlined in the Staff report for 1333, 1353 Park Avenue, and 1364 Woodside Avenue. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

2. 277 McHenry Avenue – Request for a Conditional Use Permit for an Accessory Apartment on Parcel A of 277 McHenry Avenue. Request for a Conditional Use Permit to allow construction of an Accessory Apartment on a steep slope. The applicant proposes at least 200 square feet of Building Footprint to be built upon an existing slope of 30 percent or greater. (Application PL-17-0365 and Application PL-17-03676)

Planner Tippe Morlan noted that two items were being requested simultaneously; however, separate motions would be required.

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Accessory Apartment

Planner Morlan reported that the applicant was requesting a conditional use permit for an accessory apartment to be located on Parcel A of 277 McHenry Avenue. The plat was approved by City Council in July 2017. Planner Morlan presented a slide showing the plat. She explained that McHenry cuts through the lot, which turned the eastern portion of the Lot into Parcel A. The western portion with an existing house was Lot 1. She pointed out that this was the same lot and the same address of 277 McHenry. The applicant was requesting an accessory on the east side on Parcel A. She stated that accessory apartments are classified as a conditional use in the HRL zone.

Planner Morlan reported that the applicant was also requesting a Steep Slope CUP for the construction of the accessory apartment if it is approved, because the slope in the middle of the lot exceeds 30%.

The Staff recommended that the Planning Commission conduct a joint public hearing for these items. Each item would require a separate motion. Planner Morlan noted that the accessory apartment needed to be approved before the Steep Slope CUP could be considered.

Planner Morlan stated that related application to this project included the plat amendment. It has not yet been recorded but it was still in progress. The plat must be recorded before anything else could move forward. Planner Morlan reported that the Board of Adjustment approved a variance in March 2017 to allow an accessory apartment with a floor area greater than one-third of the floor area of the main dwelling unit, up to 1,000 square feet. Planner Morlan pointed out that if the variance had not been approved, the applicant would have only been allowed 400 square feet.

Planner Morlan reported that the applicant also had a Historic District Design Review in process. That final review depends on whether the use is approved.

Planner Morlan commented on the terms of the proposed application. The proposed house meets the HRL requirements and the variance terms. It also meets the accessory apartment regulations outlined in the LMC. Section 15-4-7 lists a number of requirements for accessory apartments, such as the property owner needs to occupy one of the spaces. Planner Morlan stated that this property owner intends to occupy the accessory apartment structure. The accessory apartment may never be sold separately from Lot 1 and the existing structure on Lot 1. No nightly rentals are allowed. Planner Morlan noted that all the requirements were addressed in the drafted conditions of approval for this item.

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Planner Morlan commented on parking, and noted that one parking space per bedroom is allowed. The applicant was proposing the structure with one bedroom; and proposed one full standard parking space and an additional substandard parking area. The substandard parking area may not be counted toward required parking, but it would be counted as having two parking spaces.

Planner Morlan presented a floor plan which showed a mechanical room and a washer/dryer room. She noted that the applicant had submitted a new plan today showing that this room would be removed. The mechanical area was moved under the stairs and the washer and dryer was moved to the office upstairs. The storage area was approximately 16' long, which is slightly under what is needed to be considered a full parking spot. The City Engineer allowed this area to be a substandard parking area. Planner Morlan noted that a standard parking stall needs to be 9' wide by 18' long. She reiterated that the applicant meets the parking requirement by providing one full-size stall because there is only one bedroom proposed.

Planner Morlan reported that a Condition of Approval addresses the Fire Marshal's comments that no parking can be allowed in the driveway since it is in the 10' front yard setback area, and because McHenry Avenue is a substandard street.

Planner Morlan stated that the proposal also meets the CUP criteria in LMC Section 15-1-10 as stated in the Staff report.

<u>Steep Slope CUP</u>
Planner Morlan commented on the Steep Slope CUP and noted that all the requirements of the Steep Slope CUP were met. No exceptions to height or setbacks are allowed; and none were proposed. She presented the street view and showed how the structure fits in with the streetscape. The applicant was not proposing anything outside of the LMC standards.

The Staff recommended approval of the CUP for the Accessory Apartment and the Steep Slope CUP, finding good cause with the conditions of approval that it does not cause an increase and impact to the site based on the condition of approval which was stated in both this application and the application for the plat. The condition is that the existing duplex, which is a legal non-conforming duplex on the Lot 1 portion of the site, needs to be converted to a single-family dwelling, turning it from a density of two to one before an accessory apartment would be allowed. Based on that condition, the accessory apartment would not cause an increase in impacts to the site. It also brings the existing structure into compliance with the zone as a single-family dwelling. It would also bring the parking for the site into compliance with the LMC, since the existing duplex only has two off-street paved parking areas, and four is required. Converting to

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a single family dwelling would require only two parking spaces, which is has, and it provides one full-size parking spot for the one bedroom being proposed.

Planner Morlan outlined conditions that should be noted for the CUP approval. One unit must be owner occupied. Night rentals are not allowed. Density on this lot cannot increase. Parcel A and Lot 1 can never be sold separately. No parking is allowed within the 10' front yard setback area per the Fire Marshal.

Planner Morlan stated that the Planning Commission may also add additional conditions, based on their discussion this evening and public input, to mitigate any reasonably anticipated detrimental effects of the proposed use. She encouraged the Planning Commission to think of any additional conditions that would potentially mitigate their concerns.

Commissioner Suesser understood that the duplex currently has two off-street parking spaces, and there is no garage. Planner Morlan replied that she was correct. Commissioner Suesser understood that the proposed structure would have one off-street parking stall and one sub-standard stall. She asked if there would be a garage as well. Planner Morlan remarked that both of the parking spaces in the proposed accessory apartment would be covered in a garage. Commissioner Suesser asked if the garage would be a substandard size. Planner Morlan explained that only one parking space is required. One space is 9' wide x 18' long. She indicated two garage doors, and noted that the left-hand side garage was deeper than necessary based on the sizing requirement. On the right-hand side the garage area was previously labeled as storage because it was not long enough to be considered a parking area; however, the City Engineer indicated that it could be considered a sub-standard parking space because the washer and drawer and the mechanical was being removed. Planner Morlan stated that it would be a covered parking spot, but not counted towards the parking requirement. Commissioner Suesser asked about a driveway. Planner Morlan replied that there is a 10' long driveway in the setbacks.

Commissioner Thimm thought the substandard parking space was moot because the required parking is satisfied by the full-size stall. Planner Morlan answered yes. However, based on comments heard by the neighbors during the HDDR, the Staff wanted to show that there was space to park two cars in the proposed garage. Commissioner Thimm noted that the additional parking would have less impact on street parking.

Commissioner Phillips commented on the condition of approval related to owner occupation and asked how it could be monitored or enforced. He was not particularly concerned with this owner, but he had concerns if the property changes owners.

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Assistant City Attorney replied that it was recorded against the property and a buyer is made aware of the conditions. She believed that enforcement would primarily be what the neighbors know and see. Commissioner Phillips asked if owner occupation means it has to be occupied full-time or whether it could be a vacation home. Ms. McLean stated that it could not be a nightly rental. If it is used as a vacation home, the owner would have to leave the accessory apartment empty except for when they use it. Planner Morlan noted that Condition #3 was taken from the Accessory Apartment section of the Code and says that the owner must record this notice to purchaser with the property. The condition will always run with the land. Vice-Chair Band assumed that would pull up easily on a Title Report. Planner Morlan answered yes.

Commissioner Campbell asked if nightly rentals are precluded from all nightly rentals or whether the condition was specific to this application. Planner Morlan replied that it was all accessory apartments. Vice-Chair Band noted that it is prohibited by the zone. Commissioner Campbell understood that Condition #4 prohibiting nightly rentals is not just for this zone, but for accessory apartments in any zone. Planner Morlan answered yes.

Commissioner Campbell stated that on general principle, he was uncomfortable with the fact that the applicant had submitted new plans today that were not in the Staff report. He felt they were being asked to vote on a plan that was already outdated. Commissioner Campbell asked how they could make sure that what they were voting is what would actually be recorded. Commissioner Phillip thought the change to the plan was irrelevant to what they were being asked to approve. Commissioner Campbell agreed.

Planner Morlan reiterated that the only change to the plan was moving the mechanical and the washer and dryer to a different location, and using that garage space as substandard parking.

Michael Kaplan, the applicant, requested to make his comments after the public hearing so he could address any concerns that may be raised. Mr. Kaplan introduced his architect, David White, and noted that Mr. White was retiring after 47 years. Mr. Kaplan stated that Mr. White is a wonderful person and architect, and he wanted to acknowledge him publicly.

Vice-Chair Band opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, asked if the second bathroom was eliminated from the plans so the office just has the washer and dryer. David White answered no. Ms. Wintzer stated that she sits on the Board of Adjustment and Makena Hawley was

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the planner at the original meeting; not Planner Morlan. Ms. Wintzer recalled that the approval was not for an accessory apartment. The Board of Adjustment approved the variance. She noted that the Board questioned whether the applicant should have come before the Planning Commission first for the approval of the accessory apartment, instead of having the Board of Adjustment go through the variance process. Ms. Wintzer thought the possible square footage, based on Mr. Kaplan's existing house, was 720 square feet that could be built, not 400, and he was requesting 1,000 square feet. Ms. Wintzer asked Planner Morlan to check her recollection just to be accurate for the record.

Planner Morlan stated that the existing house is 720 square feet. Ms. Wintzer accepted that she was incorrect and that was why she recalled the 720 square foot number.

Ms. Wintzer commented on the purpose of the HRL zone. As listed in #8, the purpose is to reduce the density that is accessible only by substandard streets so these streets are not impacted beyond their reasonable carrying capacity. She pointed out that McHenry is below substandard. Many of the neighbors feel that if the application is improved it would increase the level of substandard even further, as evidenced by some of the pictures. She stated that the existing house, which is a duplex and would go to single-family, has three cars parked there. It has always been rented to two people with two cars. Ms. Wintzer asked the Planning Commission to keep in mind that their main concern with this accessory apartment is that there is no off-street parking.

Ms. Wintzer noted that Item B of the purpose of the zone is to provide an area of lower density residential use within the old portion of Park City. This CUP will increase the density by two bedrooms and possibly two cars. Ms. Wintzer pointed out that this is a separate dwelling, and either the house or the apartment will be rented. Item C of the zone is to preserve the character of historic residential development in Park City. She noted that on McHenry there are no accessory apartment at this time, and with the exception of one duplex there are only single-family homes. Item E is to encourage construction of Historic District and maintain existing residential neighborhoods. Ms. Wintzer noted that her argument was the same as she stated for Item C. Item F is to establish Development Review Criteria for new development on steep slopes, which mitigate impacts to mass and scale and the environment. Ms. Wintzer stated that if this CUP is approved, it will establish a review process that is friendly to accessory apartments, and increase the density on a substandard road. Item G is to define development parameters that are consistent with the General Plan policies for the historic core. Ms. Wintzer stated that her argument was the same as she stated for Item F.

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Ms. Wintzer stated that under the Conditional Use Review Process 15-1-10, there are certain uses that because of unique characters or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. She remarked that it is impossible to mitigate or eliminate the substandard road. Two or three years ago the City put in curb and gutter and asphalted the road. This is how the road is and there is no changing what they have. It is a dead-end road and they are on an island accessed by a sub-standard road. Ms. Wintzer stated that if the reasonable anticipated detrimental effects of the proposed CUP cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the CUP may be denied. It is all about the substandard road, life-safety, emergency vehicles, and maintaining single family neighborhoods that exist now.

Ms. Wintzer stated that she has lived on this road for 37 years. Their home burned in the winter in February. Fire trucks had to come. A neighbor died shoveling his roof, and ambulances and fire trucks had to come. Another neighbor had a heart attack in the winter. These are real life issues for the people on McHenry. She referred to Section 15-1-10E Review - #1 Size and Location of the Site. She believes this parcel is too small to be developed in this zone. She pointed out that the lot size in this zone was increased for this reason. #2 – Traffic Considerations, including capacity of the existing streets in the area. Ms. Wintzer stated that the street is a 1300-foot long dead-end road without an adequate turnaround. Most trucks, including the garbage truck, have to back up the road. If this application is approved, it will increase traffic on a substandard street. She remarked that with the new design and the gutters that occurred three years ago, the road goes down to one lane within the first month of winter. The used to have one and half lanes, but not anymore. #4 – Emergency Vehicle Access. Ms. Wintzer stated that the road is only 8' wide in front of where Mr. Kaplan's accessory apartment would be located. #5 – Location and Amount of Off-Street Parking. Ms. Wintzer reiterated that with the existing house there are three cars parking on the edge of this street. The accessory apartment will add two bedrooms that could add two additional cars. She stated that based on the applicant's history, he will rent each bedroom and each bedroom will have a car. There is no off-street parking anywhere on McHenry because the street is physically too narrow. Ms. Wintzer commented on the Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design and Architectural Detailing. She stated that this zone was created to establish a single-family area that is lower density in Old Town. The size of the lot, size of the structure, and use of the apartment does not meet the purpose of the HRL zone.

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Ms. Wintzer understood that Mr. Kaplan was taking the remarks and the concerns personally. She wanted it clear that this has nothing to do with him personally. Ms. Wintzer stated that she is the longest resident in that area and she has a rental house next door that has a long driveway and room for four cars. She is always careful not to over rent the house because of the impact it puts on the one lane road. She cares about her neighbors, her tenants, and anyone coming up on Rossi Hill because it is a dangerous road in the winter. Ms. Wintzer stated that if she were proposing this project, all of her neighbors would be here to fight against it. She emphasized that this issue has nothing to do with Michael Kaplan. It is about everyone trying to exist on an island and a steep dead-end one lane road in the winter. They all have to help each other. If one person gets stuck they have to help each other; otherwise they are all stranded.

Ms. Wintzer remarked that many of her neighbors could not attend this evening, and she provided a petition of signatures. She understood the reason for the Treasure Hill scheduling but she believed it impacted a lot of people that would have come otherwise.

Vice-Chair Band clarified that Ms. Wintzer kept referring to two bedrooms and two cars; however, the accessory apartment is only one bedroom. Ms. Wintzer stated that the plans she saw had a bedroom with a bath and an office with a bath. In her opinion, that office would be a bedroom. Mr. Kaplan may not have that intention, but a future owner could use it as a bedroom. In addition, if the main structure goes from duplex to single-family, it would be possible to rent to someone who has three cars. She has three two-bedroom apartments on Iron Horse and they need three parking spaces. Ms. Wintzer state that if the office is allowed to have the second bathroom, it could become a bedroom and there would be two cars.

Planner Morlan stated that this issue came up during the HDDR Review and she had checked with the Building Department. She was told that if the room does not have a closet, even with the bathroom it cannot be considered a bedroom.

Vice-Chair Band clarified that the question is what is a one bedroom, plus an office with a bathroom. Planner Morlan explained that she had also spoken with the applicant after the HDDR public hearing. The rationale is that there is a hot tub and the bathroom would serve the deck and the hot tub area.

Commissioner Campbell asked if the packet that was handed out was prepared by the Staff or Ms. Wintzer. Planner Morlan replied that it was prepared by Ms. Wintzer. She had not seen it until this evening when it was out handed out to the Commissioners. Commissioner Campbell had a question on how Ms. Wintzer had indicated the parking.

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It showed three cars; one was parked next to the duplex and two parked on the street across the street from the duplex. He understood that the two parked across the street would be eliminated. Ms. Wintzer clarified that those were Mr. Kaplan's renters. Commissioner Campbell pointed out that they would not be able to park across the street after the accessory building is created. Ms. Wintzer stated that it was part of their argument because they would have to park somewhere. She believed that the girl and her roommate who rented from Mr. Kaplan did not have a closet. It may not have been considered a bedroom, but it was rented with two people.

Commissioner Campbell asked if Ms. Wintzer agreed that legally by this proposal, no one would be able to park on that side of the street because there would be a building. However, they would be able to park inside the garage. Ms. Wintzer argued that they may not be able to park in that exact spot, but she was convinced that they would try to park up above where it is even narrower. That happens when renters have no place to park. Commissioner Campbell clarified that this was biggest objection by the neighbors. Ms. Wintzer answered yes. The plow cannot get by, people cannot pass, and emergency vehicles cannot get up that road.

Commissioner Suesser asked for the number of bedrooms in the duplex. Planner Morlan stated that she was unfamiliar with the duplex, and the proposed change would be addressed by the Building Department as a separate application if this is approved.

David Constable stated that he lives right next door to Michael Kaplan to the north. Mr. Constable supported Ms. Wintzer and wanted to explain how difficult it is on McHenry. He stated that a normal street is 20' wide; two 10' lanes for passing. McHenry itself is 1300 feet long. The first 700 feet is 11' wide going up the steep hill, and that is always difficult; but especially in the winter because it on a north exposure. Mr. Constable remarked that McHenry opens up to 17 feet wide for 220 feet in front of the Wintzer's property. At that point two cars cannot pass. Right after Ed and Debbie's place he road narrows to 8' wide. Mr. Constable noted that this is the area of his property, Mr. Kaplan's, and most everyone else on the street. It is an 8' wide road and when there is snow it gets totally block and no one can get through.

Mr. Constable thought it was unrealistic to think that this project would not increase density because it will; and that will exacerbate the problems and make it even more difficult. He stated that with no off-street parking it is difficult all the time, and additional traffic would only make it worse. Mr. Constable emphasized the importance of keeping in mind what this road is really like. There is a cul-de-sac at the end that is substandard and not wide enough for a fire truck or a garbage truck to turn around. They are forced to back up or back down. Mr. Constable reiterated that it is already a bad situation and increasing the density would only make it worse.

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Patricia Constable referred to the pictures in the back of the packet that Ms. Wintzer handed out. Picture #1 showed her house on the left side. On the opposite side of the street is where the downstairs renters park. She stated that generally two cars are parked there, but if the renters have guests it becomes a problem. People tend to go to Ontario to park, and sometimes that is impossible if the berms on the side of the road are heavy from snow. Picture #2 showed three parked cars. Ms. Constable noted that if two cars were parked in front of what would be Mr. Kaplan's garage, it would be hard to parallel park and the cars would be out in the road. She noted that Mr. Kaplan's car is sometimes tilted out to the road. Ms. Constable remarked that it is not purposeful, but it is difficult to get a car in and out, especially in the snow.

Ms. Constable stated that Picture #4 showed the most difficult scenario. It was garbage day when the garbage cans are out and the snow plow comes along. She thought it was easy to see how difficult it is for the plows to try to avoid running into the garbage cans or into Mr. Kaplan's car. Ms. Constable commented on situations where if one car is tilted out into the street, the snow plow will stop at that point and no one above can get down the street. That situation occurred last year and it was very dangerous. If there had been a fire or medical emergency, a truck could not have gone beyond her house.

Ms. Constable stated that she and her husband have a four-wheel drive truck and a Subaru, and they rarely drive their truck. Last year they had to drive their truck to get up and down the road because the Subaru could not handle it. She pointed out that often times they would have to back down the road. When construction was occurring at the property across the street from the Wintzer's, there were times when you would have to sit and wait for construction vehicles to move.

Ms. Constable stated that it is a challenging but wonderful place to live. The neighbors are careful about how they drive up there and they take care of one another. She believed that increasing the density would be increasing the problem. Ms. Constable does not like telling people they cannot do what they want with their private property; however, the neighbors think it would be appropriate for Mr. Kaplan to build a two-car garage but not an accessory apartment. That would be their recommendation for the safety of the area and to maintain the basic services; and it would be in the best interest of an HRL neighborhood.

Ed Axtell stated that he has lived at 321 McHenry since 1981. He noted that five years ago he went before the Board of Adjustment for permission to add a garage on their lot. He had a small parcel similar in size to what Mr. Kaplan has, and they built a small two-car garage. Understanding the housing needs of the City and looking for a way to help

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pay for his improvements he wanted to build an apartment above the garage, but he was told that it was not allowed. Mr. Axtell stated that if Mr. Kaplan only wanted to add a garage across the street from his house, all the neighbors would be in favor. When he built his garage, Anita Baer also added a garage to her house. He remarked that at the time the survey indicated that the road in front of his house was 15' wide. Today that road is 8' wide with 2' curb and gutter on either side. He pointed out that the residents argued with the City that the curb and gutter was not necessary and they did not want it, but their complaints were ignored. Mr. Axtell stated that it made the situation more difficult because the curbs and gutters fill with snow and the snow plows do not remove it, it ices up, and they only have 8' of pavement. Two cars cannot pass. He needs to pull into a neighbor's driveway or back into his own driveway to allow a car to go by on any given day, and it only becomes worse in the winter. Ms. Axtell remarked that if Mr. Kaplan added a two car garage it would help solve the problem because it would get the two cars that are parked parallel to the road across the street from his home off the street. Instead, he is proposing to change the existing duplex to a single-family home. Mr. Axtell understood that currently there is parking for two cars in front of that duplex, but he has never seen more than one car parked there, and it is usually Mr. Kaplan's car. His renters park across the street in the space where this accessory apartment/garage would be. Mr. Axtell pointed out that they would not be adding additional parking, but the existing house, which probably has three bedrooms, would be turned into a rental, while Mr. Kaplan moves into the accessory apartment across the street. He believed that would add at least one additional car, and possibly two, with nowhere to park.

Mr. Axtell commented on emergency access. In the time he has lived there, there was a fire at the end of the cul-de-sac. It was in the winter and the fire trucks could access, but that was before the road was narrowed. There was also a death. The neighbor below him had a heart attack and they could not get an ambulance up the hill to take him to the hospital. They had to use a four-wheel drive pickup to get him down the hill. Mr. Axtell reiterated that it is a dangerous situation, and it only takes one car to block that road. Mr. Axtell remarked that there is a duplex on the corner as the road turns and heads down the hill, and often there are renters in that duplex. They are people with rental cars who do not know how to drive in the snow and they get stuck.

Mr. Axtell agreed with his neighbors that granting this accessory apartment with two bedrooms and two garages, would increase the traffic on the road and cause more problems for the residents in the winter.

Charlie Wintzer, a resident at 320 McHenry, stated that his first comment goes to the comments about two bedrooms and one bedroom, and whether it is two bedrooms in the duplex. He noted that the plans they all worked off were the plans that showed a

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closet upstairs and everything that needed to be a bedroom. According to the building department when he was building, if a room had a closet and a bathroom, you had to have egress for bedroom. Regardless of whether or not it was a bedroom it had to have the egress because it was counted as a bedroom. Mr. Wintzer noted that this was the basis for their comments. It is annoying when you prepare your presentation on a set of plans and the applicant changes it at the last minute.

Mr. Wintzer commented on construction mitigation. He noted that a condition of approval requires a construction mitigation plan. As a contractor he did not understand how this could be built without building on the road. There is a 10' front yard and it is 37' wide. A dumpster and porta-potty takes up half the space. That leaves 20 feet to excavate, store materials, etc. When pouring there will be a pumper truck and a concrete truck and it will all be done on a City street. The street is so narrow a dump truck could not be turned enough to back it off the street. It would have to dump gravel on the street and bring it on site. Mr. Wintzer thought the Staff had created a condition of approval that was impossible to do.

Mr. Wintzer stated that the entitlement of this project, like all projects, goes with the land. It does not go with the project. He believed the scenario would be that Mr. Kaplan would build this with the potential of two bedrooms, eventually sell the project, and the new owner would tear down the existing house and build a bigger house that does not have parking. They would use the street parking and still have an accessory apartment. Mr. Wintzer remarked that the property next door recently sold for $1 million. He believed the ski country house that they all grew up with and loved will be torn down and replaced with a modern house.

Mr. Wintzer thought the biggest mistakes that were made when he was on the Planning Commission is that they started looking at setbacks before they looked at the zone, and they started defending the setbacks. He believed the arguments that were made about the purpose statement of the zone and the conditions of approval for CUP is where they should start and decide if this is something that is wanted in the neighborhood; not if it fits the setbacks or if they can squeeze the garage in by ignoring the 1-1/2 foot. The first question should be whether this is really what they want and does it fit in the neighborhood. He thinks the answer is definitely no. Mr. Wintzer remarked that arguing whether they took the door off the closet or whether or not it is a closet makes no difference because it is still the same shape and it is still there. On the issue of whether the laundry room will be upstairs or downstairs, once the house is built it would be moved around. He noted that the house next to Mr. Kaplan's had a two car garage and they turned one into living space and now it has a one-car garage. Mr. Wintzer clarified that he was not necessarily looking at what Mr. Kaplan was proposing, but what could be done on the property.

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Vice-Chair Band closed the public hearing.

Michael Kaplan stated that he currently has 4.5 bedrooms. One does not have a closet. When this project is done there would be a total of 5 bedrooms. The one without a closet will be combined with another room.

Vice-Chair Band asked if those numbers were based on the two properties combined. Mr. Kaplan answered yes.

Mr. Kaplan stated that he listened carefully to his neighbors and he believed it came down to two key issues. One is parking. He explained that they would now be parking in a garage perpendicular to the road, which is a public benefit. Mr. Kaplan stated that density was the second issue. He has had three sinus operations and he can no longer stay in a forced air house. Like everyone else, he loves his neighborhood and that is why he would be moving into the accessory apartment with radiant heat. He intends to rent out his current house, but he will be living right there, and like in the past, he is careful about choosing his tenants. Mr. Kaplan stated that like his neighbors he does not want problems. He has lived there over 18 years and he has no intentions of leaving. He hoped that would mitigate some of the concerns expressed by his neighbors.

Mr. Kaplan understood from the process that his application was within the LMC and he has Staff approvals. Concessions were made and he was giving up the duplex use of the house. He is within his rights. He is one of two houses on the entire street that does not have a garage. He would like to have a place to live where he can have a garage.

Assistant City Attorney McLean asked Planner Morlan to make sure Mr. Kaplan receives a copy of the packet that was distributed by Mary Wintzer.

Commissioner Phillips asked if the Staff had an official determination on the existing non-compliant parking configuration for the duplex. Planner Morlan replied that the duplex is considered to have two off-street parking spaces. They are wide enough and long enough to fit the 9’ x 18’ in a parallel parking off-street manner. She had spoken with Matt Cassel about that. Planner Morlan reviewed an aerial map to show how Mr. Kaplan could fit two cars in a paved area. It is more than 9’ wide in most areas and 37-1/2; long. Commissioner Phillips clarified that they did not have an official determination of existing non-compliant parking.

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Assistant City Attorney McLean understood that Commissioner Phillips was asking whether the Planning Department had made a determination to the duplex, and more specifically to the parking, for it to be a legally complying structure/use. Planner Morlan did not believe an application was made for that determination. Commissioner Phillips suggested that it was a good idea for the applicant to follow through on that so there is an official determination.

Planner Francisco Astorga stated that a determination was made by former Planning Director Pat Putt that the applicant had a legal non-conforming duplex. He did not believe it addressed the parking, but it specifically talked about the duplex. The parking on the duplex is compliant. Commissioner Thimm pointed out that it would be two 18' stalls. A duplex is required to have four, but under this proposal it would become a single-family dwelling.

Commissioner Phillips believed that explanation answered his question. Vice-Chair Band understood that in order to obtain a permit, Mr. Kaplan would have to make it into a single family home.

Commissioner Phillips believed the biggest issue was public safety. He understood the position of the neighbors. Commissioner Phillips commented on the current parking situation with two cars parking across the street. In his opinion, having the garages with the 10-foot no parking seems like it would actually help with the existing problem. Commissioner Phillips thought the parking as proposed would improve the situation in the neighborhood. He wanted confirmation that two parking stalls on the duplex fit within Code. Planner Morlan replied that they are within Code. Commissioner Phillips suggested that to further help with the issue of the cars being so close to the road would be to widen those spaces if there is room. However, if there is already enough room he did not believe they could ask the applicant to go beyond what he already has.

Commissioner Phillips commented on the concerns raised about additional traffic. He could find nothing written about the road not being able to hold the capacity, and he was unsure how the Planning Commission could weigh in on the traffic element.

Commissioner Phillips stated that in looking at the application they were following the Code and it appeared to fit within the Code. He noted that the Planning Commission is tasked with looking at projects through that lens.

Commissioner Campbell read from Carol Sletta's letter regarding 88 King Road, which was on the Consent Agenda. "I realize a lot of my concerns refer to mitigation and enforcement, but feel these concerns are often lost between the Planning Commission and the Building Department enforcement." Commissioner Campbell shared that

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opinion. It is frustrating for the Planning Commission to put conditions of approval on projects and they are never followed up to find out if they are being enforced. Commissioner Campbell felt like a lot of the objections are parking Code Enforcement. In the pictures that Mary Wintzer provided, two cars are parked across from where the accessory apartment would be, and only one car parked in front of the duplex. Commissioner Campbell believed that people park where it is easiest to park. If there was a guarantee that Mr. Kaplan would have two off-street full-size parking spaces in front of the duplex, which would become single-family, and they know per the conditions parking that would not be allowed in front of the new accessory apartment; if that were enforced it would mitigate all the complaints. Commissioner Campbell wanted to know how they would ensure that is enforced. He asked Ms. McLean if there was an option to strengthen enforcement on the parking issue.

Assistant City Attorney McLean recognized that this has been an ongoing problem. She pointed out that it is usually done by Code Enforcement, which is under the Building Department. They have the ACE program which enables a civil fine against owners. It is challenge but those are the tools they have. Ms. McLean stated that a conditional use is an allowed use as long as the impacts are mitigated. If the Planning Commission finds that certain conditions are not mitigating the impacts because they cannot be enforced, that could be part of their determination.

Commissioner Campbell did not think it was fair to punish the applicant because the City is lax at enforcing the existing Codes. Assistant City Attorney McLean thought enforcement was difficult because the City has chosen not to have someone standing at every street corner. These are serious neighborhood issues, but there is a balance in terms of enforcement. Ms. McLean pointed out that enforcement is primarily complaint based and the City responds to every complaint.

Commissioner Phillips noted that it is complaint based and the City Council has given Code Enforcement more tools to be more effective.

Assistant City Attorney McLean asked David Thacker, the Chief Building Official, to comment on the challenges with Code Enforcement in trying to enforce conditions put on by the Planning Commission, and the frustration that the conditions are never enforced. She asked Mr. Thacker to talk about the ACE program, and Code Enforcement, and the ability to enforce. Commissioner Campbell noted that he was referring specifically to parking this evening.

Mr. Thacker asked if he was being asked about the ability to enforce the regulations. Commissioner Campbell stated that he was specifically asking about parking. Ms. McLean remarked that one of the conditions on this project is that parking is not

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allowed in front of the garage. She asked Mr. Thacker to explain how that particular condition would be enforced. Mr. Thacker stated that it becomes a challenging area in Code Enforcement, particularly once a certificate of occupancy has been issued. He explained that the Building Department could make a note in their file, and also follow through on the computer processes. However, most of those become complaint based. Mr. Thacker stated that there is the ability to be proactive. There is a tickler file of projects that they follow and do a drive-by or a walk-through on a regular basis. He assumed this would probably become one of those projects because it would be easy to see if they were violating the parking. At that point they could use the ACE program, which is a civil process to write a Notice and Order, and issue fines if the violation is not rectified after the initial Notice and Order is issued. Commissioner Campbell asked if Code Enforcement would have that ability after the Certificate of Occupancy was issued. Mr. Thacker answered yes.

Commissioner Campbell did not have an issue if the cars are parked off the street. It would be up to the neighbors to complain if the issue continually occurs.

Commissioner Phillips also wanted to address parking during construction at this time because it is a narrow road. He was unsure of there were no parking signs on the street, but he thought it may be a good idea to say that for this particular project all parking must remain on site or at another location; but not on the street. He pointed out that the two duplex parking spots on the site could be used during construction. Commissioner Phillips recommended that they add a condition of approval to address parking for construction on this particular project.

Commissioner Suesser asked if the street restricts on-street parking. Planner Morlan believed there were signs on the street, at least in the roundabout area. On the private properties most neighbors near this house have signs saying “no parking”.

Matt Cassel, the City Engineer, did not believe there were “no parking” signs on the street. However, the street is so narrow there is no place to park on the edge of the street.

Commissioner Suesser referred to the driveway in front of the duplex and she thought it looked like a single access to the parking area. Picture #3 in the packet Ms. Wintzer handed out showed one car parked in front of the duplex. Commissioner Suesser asked if the car could access the road from that end. Commissioner Phillips pointed to Picture #1 and noted that it was basically curb to asphalt parking across the entire driveway. He agreed with Commissioner Suesser that in Picture #3 it appears to be a stall.

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Commissioner Suesser clarified that she was asking whether two cars could park there and access the street without having to move one of the cars. She was told that both cars could pull out. Commissioner Suesser understood that this project would eliminate one of the cars that parks in the lot where the accessory apartment would be built, because one of the car would be parked in the garage. She stated that in order to mitigate the impacts of building the accessory apartment, they would need to provide another parking stall, unless the applicant is suggesting that his renters park in the garage of the accessory apartment. Commissioner Suesser recommended that they condition approval on the duplex parking be improved so two cars can always easily be parked there, because they are not currently. She asked if she was correct in assuming that two cars are not parked in front of the duplex on a regular basis. Mr. Kaplan replied that she was correct, but two cars could be parked there. He only has one car, which is why only one car is parked there.

Vice-Chair Band pointed out that people usually park across the street, but when that parking is gone they will have to park in front of the house. Mr. Kaplan agreed. He will park in the garage and the duplex resident will park where his car is now. Commissioner Campbell clarified that there were two parking spaces in that area. Mr. Kaplan answered yes. Commissioner Campbell thought it was important to make sure that two cars can fit in that area.

Planner Morlan reiterated that the parking area is big enough for two 9’ x 18’ stalls. Commissioner Suesser understood, but according to the neighbors, the reality is that two cars are never parked there. Commissioner Phillips remarked that there is room for two cars, but Mr. Kaplan chooses to only park one car there. He agreed that it would be helpful to have an actual drawing that shows the dimensions, but they were relying on the word of the Staff that it does have two stalls. Commissioner Campbell thought that should also be an additional condition of approval.

Commissioner Suesser was concerned about the potentially sub-standard parking area in front of the duplex. She wanted to an added condition that requires the applicant to improve that parking area so it can easily accommodate at least two cars for the duplex.

Assistant City Attorney McLean asked the City Engineer to address the parking. Commissioner Phillips did not believe they could require the applicant to improve it if it meets the Code. Ms. McLean replied that he was correct. Commissioner Phillips thought they could require the applicant to maintain two legal stalls.

City Engineer, Matt Cassel stated that the language could be changed to improve and maintain. He explained that the condition is that they need two 9’ x 18’ spots to satisfy

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the LMC. He visited the site and looked at the pavement and it currently meets that requirement.

Commissioner Thimm stated that in looking at the Code the first thing that comes to mind is the purpose of the zone being to reduce density where there are substandard road systems, which they have in this case. He first thought they should refer to the structure as a single-family dwelling rather than a duplex for the purposes of this discussion, because it is a single-family dwelling for action on this proposal. Commissioner Thimm believed that changing from a duplex to a single-family dwelling would reduce the density. In changing it from a duplex to a single-family dwelling, he asked if there were requirements for plans to come and improvements to be made to turn it into a single-family dwelling. Planner Morlan answered yes. The applicant would have to meet all the standards of the Building Code. The second kitchen would have to be removed, the secondary access to the downstairs area would have to be removed, and they would have to make changes to the interior to make sure it counts as a single family dwelling. Commissioner Thimm asked if there was a condition of approval, or if they could add a condition saying that before a Certificate of Occupancy is issued for the accessory apartment, that a new Certificate of Occupancy must be issued for the now single-family dwelling.

Planner Morlan noted that it was a condition of approval on the plat. She needed to check to make sure it was added for the CUP. Assistant City Attorney McLean could not recall a condition requiring a new Certificate of Occupancy for the existing structure. Commissioner Thimm clarified that he was trying to make sure that the duplex becomes a single-family dwelling. He wanted to avoid having the applicant build the accessory apartment and never actually change the duplex, and they end up with a building with two kitchens across the street from the accessory apartment. Commissioner Suesser had a similar concern.

Planner Astorga stated that early in the process when he was working on this application they discussed having a deed or a note placed on the property indicating that the applicant was foregoing the duplex use and turning it into a single-family dwelling. He had not read the conditions of approval for the CUP and he was unsure whether that was included as a condition of approval. Planner Morlan noted that it was on the plat. She stated that Condition of Approval #5 says that the density cannot increase on this lot. if the use is approved and the applicant wants to apply for an accessory apartment the duplex would need to be converted to a single-family dwelling. She offered to add language stating that the Certificate of Occupancy must be issued for the single family dwelling before the accessory apartment.

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Commissioner Thimm stated that the necessary improvements would require a building permit, which would require a certificate of occupancy. Planner Astorga explained that because it is already an occupied structure the City would not issue another Certificate of Occupancy. However, through the building permit process and final review, they would have to issue a final inspection. Commissioner Thimm clarified that they could not require a new certificate of occupancy, but there was a way to stipulate that when the accessory apartment is applied for, that the improvements to the building also be applied for and a permit be issued at the same time. In addition, before a Certificate of Occupancy is issued on the accessory apartment, the single-family dwelling is verified and received a final inspection.

Mr. Thacker stated that a certificate of occupancy would not be re-issued, but the Building Department would do a final inspection, and upon approval of that final inspection they would issue a letter of completion. The letter of completion would trigger allowing a Certificate of Occupancy for the accessory apartment.

Commissioner Thimm understood that per the Code it needs to be a single-family dwelling, and he would like some teeth to say that it would be a single-family dwelling at the end of the project. Commissioner Phillips concurred with adding the condition requested by Commissioner Thimm. Commissioner Phillips clarified that it should occur before the certificate of occupancy on the accessory apartment, but not before issuing the building permit, because the applicant may want to leave it as a duplex until he is ready to move across the street.

Planner Morlan asked if the Planning Commission would like that language to be a separate condition, or as an add-on to Condition #5. Commissioner Campbell thought it should be Condition #17.

Commissioner Campbell suggested that they clarify that Condition #14 talks about the accessory apartment, and it should specifically state that parking is allowed in the 10' setback in the new single-family dwelling because that is their only parking.

Commissioner Thimm agreed with the comments about construction parking and that no construction parking is allowed on the street and in any way interfering. In terms of mitigation, he asked if it should be stipulated in the conditions of approval that it gets melded into the construction mitigation. Commissioner Thimm stated that based on Charlie Wintzer's comment about the ability to stage and construct this project, he would like the construction mitigation measures to include a requirement stating that building cannot occur off the street, that concrete trucks are not allowed on the street, and that the deliveries will be on-time. It is important to make sure that construction

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trucks are never stacked up along that roadway because it would create a major safety and emergency issue.

Commissioner Phillips stated that for a project on his street a condition was put in place that large trucks could not back up. He was unsure whether that would work on this street.

Vice-Chair Band commented on the number of important changes that the Planning Commission would like to see in the conditions of approval. She asked if the Commissioners wanted to work on the changes at the end of the Treasure Hill item, or whether they wanted to continue to another meeting.

Vice-Chair Band believed that there was consensus to approve this application if they could strengthen the draft conditions of approval and add additional conditions to further mitigate the impacts. Vice-Chair Band stated that she personally would like the opportunity to look at the language that was discussed this evening.

Assistant City Attorney McLean suggested that Planner Morlan could draft conditions based on their comments while the Planning Commission continues with the agenda, and come back after the King's Crown item so the Commissioners could review the wording and possibly take action before moving on to Treasure Hill. The Commissioners concurred.

Commissioner Suesser asked if permits are issued for the residents on McHenry for parking. Planner Morlan answered no.

Vice-Chair Band announced that the Planning Commission would continue the discussion on 277 McHenry after the King's Crown item on the agenda.

3. <u>7695 Village Way – Empire Residences Conditional Use Permit for a 21 unit building at the Village at Empire Pass Master Planned Development for Lodge Building 3, with one employee housing unit and one ADA unit</u>. (Application PL-17-03526)

4. <u>7695 Village Way – Empire Residences Condominiums – condominium plat to create private and common ownership for 21 residential units, one employee housing unit and one ADA unit</u>. (Application PL-17-03721)

These items were discussed together and a public hearing was held on both items simultaneously. Separate actions were required.

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5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
6. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
7. Utilities must be extended to the site to sustain the anticipated uses. Twenty (20') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
8. Final road designs will be provided to the Park City Planning, Engineering and Building Departments for review and approval as part of the permit process.
9. The proposed final plat shall in compliance with criteria outlined under the LMC § 15-7.3 Requirements for Improvements, Reservations, and Design which includes the following, as applicable: general subdivision requirements, general lot design requirements, road requirements and design, drainage and storm sewers, water facilities, sewer facilities, sidewalks, hiking trails, bike paths, and horse trails, public uses, preservation of natural features and amenities. All plats are reviewed by the City Engineer for these and other applicable standards.
10. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program
11. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation
12. A note shall be added to the plat indicating that development on each SFD lot is limited to one (1) single-family dwelling.

Commissioner Band returned to the meeting and resumed the Chair.

Continued Discussion on 277 McHenry Avenue – Request for a Conditional Use Permit for an Accessory Apartment on Parcel A and a request to allow an accessory apartment on a Steep Slope.

The Planning Commission discussed this item earlier in the evening and directed the Staff to come back at this point in the meeting with drafted revisions to the conditions of approval.

Vice-Chair Band reopened the discussion on 277 McHenry Avenue.

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Director Erickson noted that Planner Moran had reviewed the information and input with the Chief Building Official and City Engineer and had revised the conditions of approval for their review.

Planner Morlan referred to Condition #7 addressing the construction mitigation plan, and noted that she had added sub-requirements to the condition. The additions included a) no construction related parking or material storage shall be allowed on the street; b) there shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department; c) two separate traffic control personnel will be onsite for any construction related deliveries; d) these requirements shall be shown in the construction mitigation plan.

The Planning Commission was comfortable with the revisions to Condition #7 as proposed.

Planner Morlan noted that she had added language to Condition #14. The revised condition read, "No parking is allowed within the 10-foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces".

The Planning Commission was comfortable with the revision to Condition #14 as proposed.

Planner Morlan had added Condition #17 to address the address the comments regarding Certificates of Occupancy. Condition #17 would read, "A letter of completion for the conversion of the existing duplex to a single unit, including the removal of one of the kitchens and demising walls, shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure".

The Planning Commission was comfortable with the addition of Condition #17.

Commissioner Campbell thought item c) under Condition #7 was onerous. Director Erickson explained that it was consistent with the way they had to handle the project at 422 Ontario, where the road had to be closed during deliveries or during pumping. He noted that there is no site distance on that street; therefore, they would need to control both ends of any staging or construction activity on the street to adequately mitigate the access concerns. Commissioner Campbell asked if it would be a requirement for a pickup truck that comes in with four 2 x 4s. Director Erickson clarified that the condition was written that way because it is a dead-end road with a substandard turnaround. Prohibition of backing is difficult and requiring two construction personnel would help manage the backing activity better they did on upper Norfolk. Commissioner Phillips understood that it would help with

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the public safety factor. Director Erickson replied that he was correct. Commissioner Phillips thought public safety was important, especially knowing what has previously occurred in that neighborhood.

Chief Building Official David Thacker stated that they had talked about specifying the size of a delivery vehicle; understanding that there would be smaller delivery vehicles. However, there is no way to enforce or mitigate that and it becomes an argument on either side. Mr. Thacker believed that if the requirement is blanket for all vehicles there would be a more focused attempt to do "on time" deliveries.

Commissioner Campbell asked if they could make it easier on the applicant and allow two roofers or other construction workers to put on vests and become the traffic enforcement while the truck is being unloaded. Mr. Thacker replied that the intent is to have traffic control with signs, and it could be anyone with the ability to turn the signs and mitigate the traffic.

Planner Morlan noted that the Planning Commission needed separate motions for the Conditional Use Permit and for the Steep Slope.

MOTION: Commissioner Suesser moved to APPROVE the Conditional Use Permit for an accessory apartment to be located on Parcel A of 277 McHenry Avenue; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended this evening. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Suesser moved to APPROVE the request for a Steep Slope Conditional Use Permit for the construction of a new accessory apartment on Parcel A of 277 McHenry Avenue; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report and as amended this evening. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

<u>General Findings of Fact for both requests at 277 McHenry</u>

1. The site is located at 277 McHenry Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) zoning district.
3. The site is 4,381 square feet in its entirety comprised of Lot 1 and Parcel A.
4. The accessory apartment is proposed to be on Parcel A which is 1,824 square feet in size.

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5. There is an existing non-historic duplex structure on Lot 1 which must be converted to a single-family dwelling before a building permit can be issued for an Accessory Apartment.

6. The proposed structure complies with all setback and LMC requirements as outlined in the analysis.
7. The City Council approved the 277 McHenry Avenue Subdivision Plat Amendment at this location on July 26, 2017 and the plat is pending recordation.
8. A Historic District Design Review (HDDR) application is currently under review.
9. The Board of Adjustment conducted a public hearing on March 21, 2017 and approved a variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue with an allowed square footage of up to a maximum of 1,000 square feet.
10. The Board of Adjustment also conducted a public hearing on March 21, 2017 and denied a variance request to allow a square footage greater than 1,000 square feet for the accessory apartment.
11. The Board of Adjustment conducted a public hearing on May 16, 2017 and denied a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone.
12. On September 27, 2017, the City received an application for a CUP, Steep Slope CUP, and Historic District Design Review for the construction of a new accessory apartment on a steep slope at 352 Woodside Avenue. The applications were deemed complete on November 8, 2017.
13. The applicant requests to build a new accessory apartment at this location.
14. The proposed structure has a Floor Area of 991.9 square feet.
15. The proposed building footprint is 686.2 square feet. The total footprint on the lot is 1,386.2 square feet which complies with the maximum allowable footprint of 1,712.5 square feet.
16. The new construction takes place over slopes that are thirty percent (30%) or greater.
17. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
18. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
19. The proposed side yard setbacks of three feet (3') comply with the minimum side yard setbacks of three feet (3').
20. The proposed structure complies with the maximum building height as follows:
    a. The structure cannot be more than 27 feet from existing grade. It is proposed to be 27 feet from existing grade at its highest point.
    b. The structure cannot be more than 35 feet measured from the lowest finish floor plane to the point of the tallest wall top plate. The proposed

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structure measures at 33.7 feet.
c. The final grade must be within 4 vertical feet of the existing grade. The maximum difference proposed is 2 feet.
d. A 10-foot minimum horizontal step in the downhill façade is required at a maximum height of twenty-three feet (23') from where Building Footprint meets the lowest point of existing Grade. The proposed structure meets this requirement.
e. The primary roof pitch is required to be between 7:12 and 12:12. The proposed structure has a primary roof pitch of 7:12.

21. This property is located outside of the Soils Ordinance Zone.

Accessory Apartment CUP Findings of Fact for 277 McHenry

1. Accessory apartments are conditional uses in the HRL zone.
2. The LMC requires one parking space per bedroom in an accessory apartment.
3. The applicant is proposing one bedroom and one parking space.
4. Nightly rentals are not allowed in either the existing structure or the proposed structure.
5. The property owner must occupy either the main dwelling unit or the accessory apartment. The owner has expressed intent to occupy the accessory apartment.
6. The Accessory Apartment may never be sold separately from the main dwelling unit.
7. The LMC requires that no more than three homes within 300 feet of the subject property contain established Accessory Apartments.
8. There are no other accessory apartments within 300 feet of this lot,
9. The Accessory Apartment meets the criteria for a Conditional Use Permit found in Section 15-1-10 (E) of the LMC as detailed in the Analysis.

Steep Slope CUP Findings of Fact:

1. The applicant submitted plans including a streetscape showing how the structure will be observed when viewed from Marsac Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. McHenry Avenue is comprised of Old Town lots from the Park City Survey which have been bisected by McHenry Avenue.
5. The presence of the road adds another frontage element to the lot requiring an additional front setback on this portion of the lot.
6. The front portion of the lot (approximately 6 feet from the front property line) and the rear portion of the lot (approximately 30 feet from the rear property line) are nearly flat; however a majority of the structure is proposed to be built into a steep

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slope that runs through the very middle of the parcel.
7. The structure is proposed to match the stepping of similar homes in its vicinity.
8. The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the three story structure will be observed when it is constructed.
9. The drive access is approximately 10 feet long with a grade of 0 percent from the street.
10. No retaining walls are proposed on this lot.
11. The proposed structure is to be built into the existing grade.
12. The bottom garage level of the proposed structure is proposed to be constructed into the slope on the lot. The upper floors are built on top of this floor and onto the flat portion of the parcel at the top of the slope to avoid additional cuts and fills following the topography of the lot.
13. The proposed structure maintains a maximum building height of 27 feet and does not propose any height exceptions.
14. The proposed structure is oriented against the lot's existing contours and is stepped with the grade.
15. The garage/basement floor proposed to be built into the existing slope is approximately 686 square feet in size.
16. The garage is proposed to have one standard parking space and an additional substandard parking space which may not count toward any parking requirements. The accessory apartment has one bedroom and a one parking space requirement.
17. The main floor is approximately 666 square feet and sits on top of the garage floor, and the top floor is significantly smaller at 326 square feet in size. It's set back from the rest of the structure and sits mostly on the flat portion of the lot.
18. The proposed structure meets all size, height, setback, and volume related requirements indicated in the LMC for the HRL zone.
19. The proposed massing component is compatible with both the volume and massing of structures in the area comprised of three story dwellings.

<u>Conclusions of Law for 277 McHenry</u>

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

<u>Conditions of Approval for both requests at 277 McHenry</u>

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1. All Standard Project Conditions shall apply.
2. One unit, either the main Dwelling Unit or the Accessory Apartment, shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
3. A deed restriction “Notice to Purchaser” must be filed with the County Recorder, which states:
"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days.”
4. Nightly rentals are not allowed. Neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty days.
5. The density cannot increase on this lot. If the use is approved and the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
6. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue as noted on the 277 McHenry Avenue subdivision plat.
7. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

a) No construction related parking or material storage shall be allowed on the street.

b) There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.

c) Two separate traffic control personnel will be onsite for any construction related deliveries.

d. These requirements shall be shown in the Construction Mitigation Plan.

8. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
9. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
10. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

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11. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
12. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
13. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
14. No parking is allowed within the 10-foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.
15. This approval will expire on January 10, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
16. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
17. A letter of completion for the conversion of the existing duplex to a single unit including the removal of one of the kitchens and demising walls shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure.

DRAFT

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

3. <u>Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Amended Development Agreement and Conditional Use Permit – Sweeney Properties Master Plan</u> (Application PL-08-00370)

Vice-Chair Band: All right, welcome everyone back to Part B of our evening. And thank you for your patience for us running a little bit late. We are going to open with

FW: Objection to PL -17-03675/PL 17-03676

planning

Sent: Tuesday, January 09, 2018 8:50 AM
To: Bruce Erickson; Douglas Thimm; John Phillips; Laura Suesser; Melissa Band; Preston Campbell; Adam Strachan; Polly Samuels McLean
Attachments: Kaplan_PL 17 03675_PL 17 ~1.docx (16 KB)

From: Matey Erdos [Matey_Erdos@hotmail.com]
Sent: Monday, January 08, 2018 7:38 PM
To: Tippe Morlan
Cc: Makena Hawley
Subject: Objection to PL -17-03675/PL 17-03676

January 6, 2018

Tippe Morlan
City Planner
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Dear Tippe Morlan,

I am writing in response to the recent notice of a public hearing on Wednesday, January 10, 2018 at 3:30 p.m. in regards to Application #PL-17-03675/PL-17-03676 and Project Location 277 McHenry Avenue, submitted by applicant Michael Kaplan. The project requests a conditional use permit (CUP) for an accessory apartment and a Steep Slope CUP for the construction of a new structure with a building footprint in excess of 200 feet, to be located on an existing slope of 30% or greater.

We are greatly opposed to these requests.

Please note on record that a public hearing held at 3:30 pm in the afternoon is impossible to attend due to my husband and my work and travel schedules. This time of day makes it prohibitive to attend, therefore this letter should be treated as a formal response as if we are in attendance.

As reference, we submitted our opposition to the proposed structure and variance request via a letter dated May 14 to Makena Hawley for a hearing held on Tuesday, May 16, 2017 (Application #PL-16-03358). We maintain our opposition including the recent CUP requests related to this property. We do not support these requests for the following reasons:

The Conditional Use Review process is not met.
McHenry Avenue is a substandard road. Due to the unique characteristics of McHenry Avenue, an existing sub-standard road, its access will be further compromised by the approval of these CUPs, each adding a potential detriment to the safety of our neighbors. The street has been further narrowed due to the recent addition of the new curb and gutter. The requested CUP related to the accessory apartment is 2 bedrooms and 2 parking spaces, of which is impossible to accommodate on this substandard road and now in particular, when the applicant was denied his original variance to accommodate a second garage. The street simply cannot accommodate 2 bedrooms and one parking space on an existing narrow and dangerous street which has no street parking. The top floor request is defined as an “office”, but essentially is an added “bedroom”, with a closet and a bathroom.

As far as construction, it is impossible to mitigate the construction involved to meet this CUP request; there is no room to stage this construction no matter how you calculate it.

This CUP request does not meet the purpose of the designated HRL zone.
The intent of this zone is to maintain the single family dwelling neighborhood, hence we are a neighborhood that allows no nightly rentals. If we do not oppose this accessory living apartment and therefore enable a precedent to be set, we will have no ability to manage future growth on this substandard street.
McHenry Avenue is, without question, a substandard street and will be further compromised by approving this accessory apartment.
The purpose of this zone it to provide a lower density residential use. This CUP will increase density by 2 bedrooms and 2 cars, adding a separate dwelling or rentable dwelling and increasing the hazard on the existing narrow street.
With the exception of one duplex, McHenry Ave. is a single family dwelling neighborhood.

General Safety is Compromised
As stated in our May 14, 2017 letter to Makena Hawley, I will bring to your attention once again our concern related to general safety on our substandard road. Cars cannot access or pass each other on approach to or to descend the road, let alone allowing an emergency vehicle to rapidly serve one in need of care:

Substandard Road Conditions and Safety Concern: An additional garage, as originally proposed, would assist in reducing the amount of cars on our substandard street. Adding an additional expanded garage footprint as well as a living residence above the structure, would add to the amount of cars on our street and not reduce. Currently it is very challenging (and unsafe) to easily access our street, particularly related to snow removal, garbage removal, ambulance and fire engine access, let alone daily passing of cars. It is nearly impossible to pass other cars and in the winter it is one lane access, on an icy slope. With four additional approved lots that are undeveloped which inevitably lead to more traffic and physical cars parked on our street, McHenry Avenue absolutely cannot support another residence (particularly related to a variance request).

Eight months later, our position has not changed and our concern is greater if these two CUPS are approved by the City Planning Commission. As 18-year homeowners and full time residents of McHenry Avenue, we strongly oppose the two CUP requests.

Thank you for your consideration.

Sincerely,
Matey

Mary Margaret (“Matey”) Erdos and Morgan Hole
Owners/Full Time Residents
310 McHenry Avenue
Park City, UT 84060

Our concerns with an accessory apartment at 277 McHenry St:

Christianson, Dustin [Dustin.Christianson@gcinc.com]
Sent: Wednesday, January 10, 2018 1:03 PM
To: Makena Hawley; Tippe Morlan
Cc: Christianson, Brady [Brady.Christianson@gcinc.com]; wintzermc@aol.com

Hello
We live at 257 McHenry. Due to the time of today's hearing regarding the subject property, we are unable to make it in person.

We OPPOSE granting this conditional use for the following reasons:

- The existing structure would be turned into a single-family residence, however, as with most rental houses in park city---each bedroom is rented out (sometimes multiple people occupying one bedroom) which could be upwards of 3-4 cars for that residence.
    - There is no parking available # of cars proposed. This morning, for example, a plow truck driver had to stop and knock on the door of the residence to request one of the cars be moved so he could fit—this is with less than the maximum # of vehicles. This happened multiple times last year. On one occasion I witnessed, the plow truck could not fit beyond 277 McHenry because of the cars, and the snow had to be (inconveniently) pushed into the neighbor's driveway/parking space.
    - This goes against the heart of the zoning intent of "Historical Residential Low-Density." This zoning implies areas of lower density housing for single families, which can be in contrast to maximizing rental income with seasonal rentals by filling up all bedrooms with sometimes multiple adults. The structure also looks very 'high density" and would fit in on the lower streets that have more tall, narrow structures squeezed together.
- The 10ft easement for snow storage would never actually be able to be used as snow storage due to vehicles trying to park there.
- The office/loft area of the new structure could easily be turned into a bedroom and rented out—exacerbating the concerns mentioned above.

We are not opposed to a garage built on this property—the opposition lies with the additional living area.

Dustin and Brady Christianson

Dustin Christianson P.G.

Geology and Exploration Manager
Granite Construction Inc.

Direct 801-526-6056 Ext. 26056
Cell 916-761-6906
dustin.christianson@gcinc.com
www.graniteconstruction.com
CA P.G. #8772
UT P.G. #9246476-2250

Tippi: PUBLIC COMMENT RECEIVED AT MEETING

Jan. 10, 2018

We the residents of McHenry Avenue do not support the application for a CUP at 277 McHenry Avenue for an Accessory Apartment. We feel it does not fit the Purpose of the HRL zone; A, B, C, E. F. We further believe it does not meet the Review Process for a Conditional Use.

HRL Purpose:

A-reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity. McHenry Av. is below substandard, if this application is approved it will increase the level of substandard even further.

B-provide an Area of lower density Residential Use within the old portion of Park City. This CUP will increase the density by 2 bedrooms and possibly 2 cars. This is a separate dwelling and either the house or apartment will be rented.

C-preserve the character of Historic residential Development in Park City, On McHenry there are no Accessory Apartments and with the exception of one duplex there are only single family homes.

E-encourage construction of Historic District, and maintain existing residential neighborhoods. Same as C.

F- establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and If this is approved it will establish a review process that is friendly to accessory apartments and increase the density on a substandard road.

G-define Development parameters that are consistent with the General Plan policies for the Historic core. Same as F

Conditional Use Review Process:

15-1-10. There are certain uses that, because of unique characteristics or potential impacts, on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

You cannot mitigate or eliminate the substandard road. The City just put in new curb and gutter and asphalted the road, this is the way it will be.

If the reasonable anticipated detrimental effects of a proposed CUP cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, **the CUP may be denied.**

It is all about the substandard road, life safety, emergence vehicles and maintaining single family neighborhood that exists now.

Public Comment 1-10

15-1-10.E Review

1-size and location of the site. This parcel is too small to be developed in this zone, the lot size in this zone was increased for this reason.

2- traffic considerations including capacity of the existing streets in the area this street is a 1,300 feet long dead end road without an adequate turn around. Most trucks including the garbage truck have to back up the road. If this application is approved it will increase traffic on a substandard street.

4-emergency vehicle access; See above, and the road is only 8 feet wide in front of this accessary apartment.

5- location and amount of off street parking. At this time with the existing house there are 3 cars parking on the edge of the street, this Accessory Apartment will add 2 more bedrooms that could add 2 more cars. The applicant's history is he will rent each bedroom and each bedroom will have a car. **There is no off street parking anywhere on McHenry because the street is physically too narrow.**

11-physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing: This zone was created to establish a single family area that is lower density in Old Town. We believe the size of the lot, size of the structure and the use of the apartment does not meet the purpose of the zone.

Mary & Charles Wintzer — Mary & Charles Wintzer — 320 McHenry Ave.

Mary M. Erdos Hole Morgan Hole — Mary & Morgan Hole — 310 McHenry

Merritt Bennett / Bob Bennett — Bob & Merritt Bennett — 335 McHenry

Ed Axtell / Debbie Axtell — Ed & Debbie Axtell — 321 McHenry

Brady Christiansen — Brady Christiansen — 257 McHenry

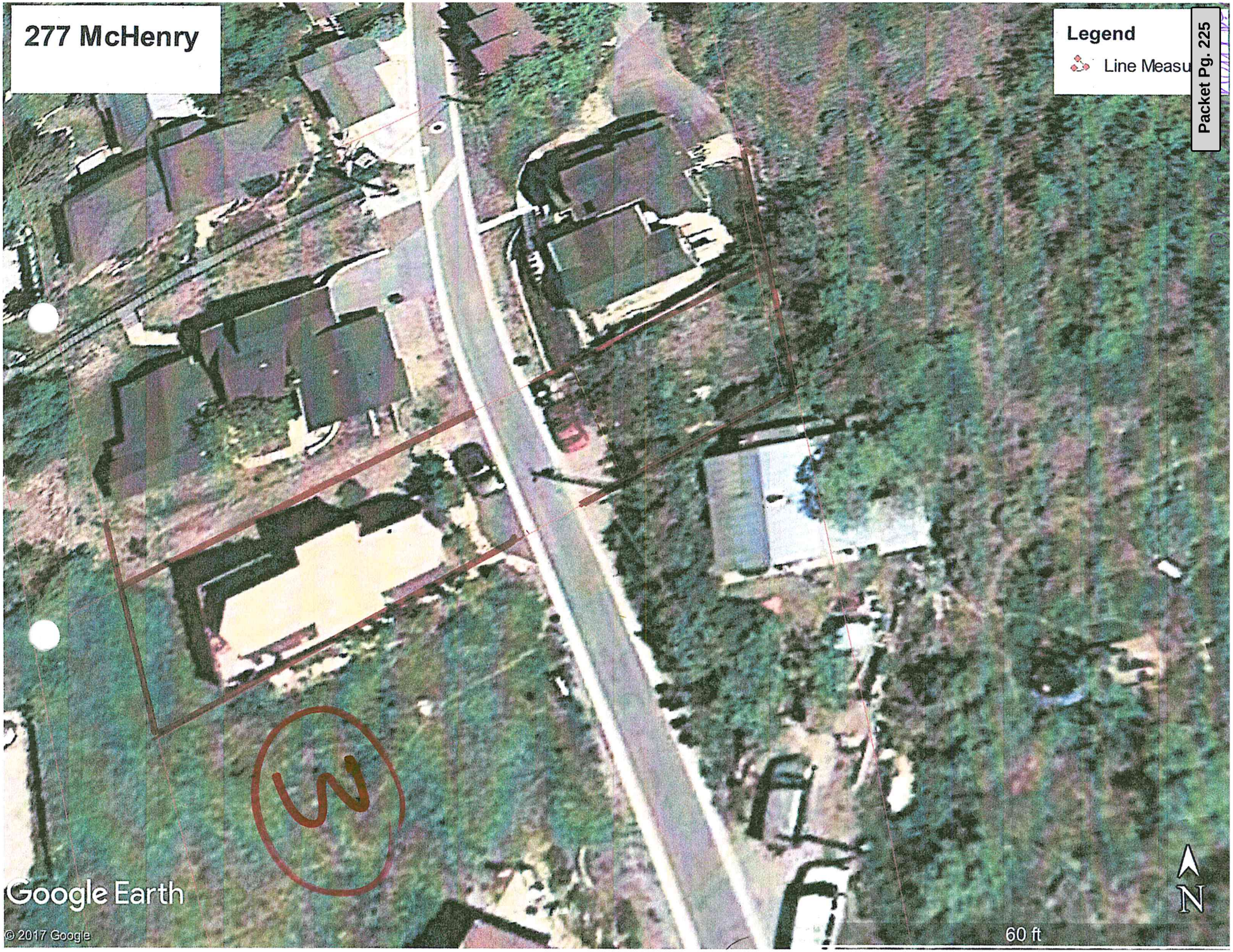
David Constable / Patricia Constable — David Constable, Patricia Constable — 287 McHenry

Anita Baer — Anita Baer — 223 McHenry

Public Comment

2

Public Commen


277 McHenry
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Google Earth
© 2017 Google
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8/10/18

22 March 2017

Michael Kaplan
277 McHenry Avenue
Park City, UT 84060

CC: David White, Architect

NOTICE OF BOARD OF ADJUSTMENT ACTION

Application #	**PL-16-03358**
Subject	**Variance for Accessory Apartment**
Address	**277 McHenry Avenue**
Description	**Variance**
Action Taken	**Approved a variance to Section 15-4-7 (A) (Accessory apartment size based on 1/3 the floor area of the main dwelling), and denied a variance to Section 15-4-7 (A) 1 (Accessory apartment size of a maximum of 1,000 square feet)**
Date of Action	**March 21, 2017**

On March 21, 2017, the Board of Adjustment conducted a public hearing and **approved** 1. A variance request to allow a proposal of the accessory apartment at 277 McHenry Avenue an allowed square footage of up to a maximum of 1,000 square feet.

On March 21, 2017, the Board of Adjustment also conducted a public hearing and **denied** 2. A variance request to allow a square footage greater than 1,000 square feet.

These variances were granted (1) and denied (2) in accordance with the Findings of Fact, Conclusions of Law, Order, and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 277 McHenry Avenue in the Historic Residential-Low Density (HRL) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. Adjacent land uses are residential single family homes.
4. The applicant is requesting a variance to the allowable Floor Area of an Accessory Apartment (LMC Section 15-4-7 (A) 1 - SIZE) that is based on not more than 1/3 the floor area of the main dwelling. Allowable floor area, based on the 2,100 sf main dwelling is 700 sf and applicant requests 1,166.45 sf.
5. The applicant is requesting a variance to the maximum floor area of an Accessory

Apartment (LMC Section 15-4-7 (A) 1 – SIZE) of no more than 1,000 sf. The applicant requests a maximum floor area for the Accessory Apartment of 1,166.45 sf.

6. The subject site contains a total of 4,381 square feet minus the road.
7. The western portion of 277 McHenry is a total of 2,557 sq. ft.
8. The eastern portion of 277 McHenry is a total of 1,824 sq. ft.
9. The road equates to 452 sq. ft.
10. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. Maximum footprint allowed on the lot is 1,712.2 sf., based on the total lot area (minus the road). No variance to the maximum footprint is requested.
11. The minimum lot size in the HRL is 3,750 sf.
12. The accessory apartment design proposes 823.2 sf. footprint.
13. The design includes construction of an accessory apartment with a two-car garage at the basement-level with living space and decks above it.
14. In the HRL zone, an accessory apartment is a Conditional Use.
15. The Duplex was built in 1973 over two property lines. No building permits could be located.
16. Side yard setbacks for the lot are 3 feet minimum and 6 feet combined. The proposal meets the side yard setback requirements.
17. Parking requirements for a Single Family home is 2 spaces per dwelling unit.
18. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
19. Parking requirements for an accessory apartment are 1 space per bedroom.
20. The accessory apartment is proposing 2 bedrooms and 2 parking spots.
21. A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.
22. According to City Records there are no other Accessory Apartments permitted by the City within 300’ of the property.
23. The depth of the east portion of the lot ranges from 42 feet to 55 feet.
24. The intent of the code for accessory apartments is to create a structure that is for the benefit of the principle use which is incidental to the principal dwelling.
25. Currently 2 legal, paved parking spaces exist for 277 McHenry. If the accessory apartment is approved with the 2 car garage (as proposed) and the duplex becomes a single family dwelling, each unit will have the appropriate amount of parking spaces for the uses.
26. The alleged hardship consists of an existing road, McHenry, which bifurcates the subject site.
27. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.
28. The alleged hardship is not self-imposed or economic as the site has had a “road running through it”.
29. It is likely that other lots in the neighborhood exist that have a road creating odd shaped lots or oddities but not completely dividing the lot into two portions separated by the existing road.
30. Essential enjoyment of the property is affected by the location of McHenry Avenue.
31. The Accessory Apartment is clearly incidental to the primary dwelling and Staff does not find that it is the intent of the LMC to require owners to first increase the size of the main dwelling or to penalize owners of smaller primary dwelling sizes.
32. Literal enforcement of the maximum Accessory size of 1,000 sf. is required to carry out the purposes of the LMC, to protect residential neighborhoods, and to maintain Accessory Apartments as an accessory use on the lot. This regulation is not proportionally tied to the house size.
33. There is no relationship between the hardship of the site, the bifurcating road, and the

regulation city wide consisting of 1,000 sf.

34. Increasing the size of the Accessory Apartment to a size greater than 1,000 square feet is not essential to the enjoyment of this Property right.
35. The proposed variance for additional square footage above 1,000 square feet will substantially affect the General Plan or the public interest. The spirit of the Land Management Code is not observed and substantial justice is not accomplished
36. On March 2, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code.
37. Legal notice was published in the Park Record on March 4, 2017, according to requirements of the Code.
38. No public input was received at the time of writing this report.
39. If the variance is not approved the property would remain as is and no construction of the proposed accessory apartment could take place. Should the BOA not grant a variance to reduce the rear yard setback from 10 feet to 5 feet and allow the additional square footage per the applicants request, the applicant will not be permitted to construct an accessory apartment as proposed and would need to reduce the overall square footage. The existing duplex will remain under parked for the amount of units that exist. A lot line will remain running through the two old town properties and no exterior work would be approved that increased any non-conformities.
40. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

Conclusion of Law (Variance 1)

1. Literal enforcement of the HR-L District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Conclusion of Law (Variance 2)

1. Literal enforcement of the HR-L District requirements for this property does not cause an unreasonable hardship and is necessary to carry out the general purpose of the zoning ordinance.
2. There are no special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is not consistent with the General Plan.
5. The spirit of the zoning ordinance is not observed by this application.

Order

1. A variance to LMC Section 15-4-7 (A) 1 – to the required 1/3 size requirement of the existing dwelling unit to allow 1,000 square feet of maximum floor area, **is hereby granted.**

2. A variance to LMC Section 15-4-7 (A) 1 – to the required maximum floor area of an Accessory Apartment (LMC Section 15-4-7 (A) 1 – SIZE) of no more than 1,000 sf, **is hereby denied.**

Conditions of Approval

1. Recordation of the plat amendment is required prior to issuance of a building permit for the new construction.
2. Approval of an HDDR and a SS CUP are required prior to issuance of a building permit for the new construction.
3. Approval of a CUP for an Accessory apartment is required prior to issuance of a building permit for the new construction.
4. Prior to certificate of occupancy issuance for the Accessory Apartment, the existing duplex shall be converted to a single family residence.

If you have questions regarding your project or the action taken please do not hesitate to contact me at 435-615-5065 or makena.hawley@parkcity.org.

Sincerely,

Makena Hawley

Makena Hawley
City Planner

May 17, 2017

Michael Kaplan
277 McHenry Avenue
Park City, UT 84060

CC: David White, Architect

NOTICE OF BOARD OF ADJUSTMENT ACTION

Application #	**PL-16-03358**
Subject	**Request to reduce the rear yard setback from 10 feet to 5 feet.**
Address	**277 McHenry Avenue**
Description	**Variance**
Action Taken	**Denied a variance to Section (LMC Section 15-2.1-3 (E) – Rear Yard Setback in the HRL District) from the required 10' to 5' for construction of an accessory apartment/detached garage on the eastern portion of the Lot.**
Date of Action	**May 16, 2017**

On May 16, 2017 the Board of Adjustment conducted a public hearing and denied a variance request to allow a 5' setback reduction from 10' in the rear yard to construct an Accessory apartment in the HR-L zone. The Variance was not granted in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 277 McHenry Avenue in the Historic Residential-Low Density (HR-L) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. Adjacent land uses are residential single-family homes.
4. The applicant is requesting a variance to reduce the rear yard setback requirement (LMC Section 15-2.1-3 (E) – Rear Yard Setback in the HRL District) from the required 10' to 5' for construction of a detached garage and accessory apartment on the eastern portion of the Lot.
5. On November 2, 2016, the Planning Department received an application for a variance request to the minimum rear yard setback, as well as the maximum

Accessory Apartment Size requirements. The application was deemed complete on December 28, 2016.

6. The subject site contains a total of 4,381 square feet minus the road.
7. The western portion of 277 McHenry is a total of 2,557 sq. ft.
8. The eastern portion of 277 McHenry is a total of 1,824 sq. ft.
9. The road equates to 452 sq. ft.
10. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. Maximum footprint allowed on the lot is 1,712.2 sf., based on the total lot area (minus the road). No variance to the maximum footprint is requested.
11. The minimum lot size in the HRL is 3,750 sf.
12. The accessory apartment design proposes 823.2 sf footprint.
13. The design includes construction of an accessory apartment with a two-car garage at the basement-level with living space and decks above it.
14. In the HRL zone, an accessory apartment is a Conditional Use.
15. The Duplex was built in 1973 over two property lines. No building permits could be located.
16. The east portion lot's accessory structure proposal proposes a front yard setback of 10 feet which complies and a 5 foot rear yard setback which requires an approved variance.
17. Side yard setbacks for the lot are 3 feet minimum and 6 feet combined. The proposal meets the side yard setback requirements.
18. Parking requirements for a Single Family home is 2 spaces per dwelling unit.
19. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
20. Parking requirements for an accessory apartment are 1 space per bedroom.
21. The accessory apartment is proposing 2 bedrooms and 2 parking spots.
22. A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.
23. According to City Records there are no other Accessory Apartments permitted by the City within 300' of the property.
24. The depth of the east portion of the lot ranges from 42 feet to 55 feet with McHenry bisecting the lot.
25. The intent of the code for accessory apartments is to create a structure that is for the benefit of the principle use which is incidental to the principal dwelling.
26. Currently 2 legal, paved parking spaces exist for 277 McHenry. If the accessory apartment is approved with the 2 car garage (as proposed) and the duplex becomes a single family dwelling, each unit will comply with required parking for the uses. If the duplex remains, the parking requirements are not met and there is more density than permitted for the lot.
27. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.
28. There are circumstances peculiar to this property that are unique and are not conditions that are general to the neighborhood requiring additional setbacks.

29. Granting the variance will allow the applicant to construct a 2 car garage for a reasonably sized accessory apartment in a detached structure that will adhere to all setback requirements except for the rear reduction.
30. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.
31. The Accessory Apartment is clearly incidental to the primary dwelling and Staff does not find that it is the intent of the LMC to require owners to first increase the size of the main dwelling or to penalize owners of smaller primary dwelling sizes.
32. The Accessory apartment will have a max gross floor area of 1,000 square feet.
33. On March 2, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code.
34. Legal notice was published in the Park Record on March 4, 2017, according to requirements of the Code.
35. Public comment has been provided and is available under Exhibit J.
36. If the variance is not approved the property would remain as is and no construction of the proposed accessory apartment could take place within the rear yard setbacks. Should the BOA not grant a variance to reduce the rear yard setback from 10 feet to 5 feet and allow the additional square footage per the applicants request, the applicant will not be permitted to construct an accessory apartment as proposed and would need to reduce the overall building footprint to fit inside the required setbacks. The existing duplex will remain under parked for the amount of units that exist. A lot line will remain running through the two old town properties and no exterior work would be approved that increased any non-conformities.
37. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

Conclusion of Law

1. Literal enforcement of the HR-L District requirements for this property does not cause an unreasonable hardship that is necessary to carry out the general purpose of the zoning ordinance.
2. There are not special circumstances attached to the property that generally apply to other properties in the same district.
3. Granting the variance is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is not consistent with the General Plan.
5. The spirit of the zoning ordinance is not observed by this application.
6. It has not been shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have not been met.

Order

A variance to LMC Section 15-2.1-3 (E) – to the required 10 foot rear yard setback to allow a 5 foot rear yard setback on the rear portion of the property, **is hereby denied.**

If you have questions regarding your project or the action taken please do not hesitate to contact me at 435-615-5065 or makena.hawley@parkcity.org.

Sincerely,

Makena Hawley
City Planner

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

This item will be continued to March 8, 2018. The applicant is proposing that the City Council review and approve the application of a nine (9) lot Preliminary and Final Subdivision and a Plat Amendment on 9.034 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1), Historic Residential-Low Density (HRL) and Estate (E) Districts. Proposed Lot 1 is within the E District and is 3.009 acres (131,083 square feet) in size. Proposed Lots 2 - 9 are within the HR-1 District and are each 0.104 acres (4,510 square feet) in size, totaling 0.832 acres (33,200 square feet).

On April 12, 2017, the Planning Commission reviewed the recently revised Alice Claim Subdivision and Plat Amendment. The Planning Commission forwarded a positive recommendation to the City Council (4-0). One Commissioner was absent, and one Commissioner was recused from the item.

On May 25, 2017, the City Council reviewed the application and continued the item to a future date based on direction provided by the Council during that meeting.

Respectfully:

Michelle Kellogg, City Recorder

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Alice Claim Subdivision & Plat Amendment**
Project #: **PL-08-00371**
Author: **Francisco Astorga, AICP, Senior Planner**
Date: **15 February 2018**
Types of Item: **Legislative – Subdivision & Plat Amendment**

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider continuing the Alice Claim Subdivision and Plat Amendment to the March 8, 2018 City Council meeting. The City asked the applicant to continue the item to a future date due to the size of the City Council packet. The applicant accepted the City's request to continue the item.

Topic

Applicant:	King Development Group LLC 123-129 Ridge LLC represented by Brad Cahoon, Marc Diemer, Gregg Brown, and Jerry Fiat
Location:	Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning:	Historic Residential (HR-1), Historic Residential-Low Density (HRL), and Estate (E) Districts
Adjacent Land Uses:	Open Space and Residential (developed and undeveloped)
Reason for Review:	Subdivisions/Plat Amendments require Planning Commission review and recommendation to City Council.

Proposal/Executive Summary

The applicant is proposing that the City Council review and approve the application of a nine (9) lot Preliminary and Final Subdivision and a Plat Amendment on 9.034 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1), Historic Residential-Low Density (HRL) and Estate (E) Districts. Proposed Lot 1 is within the E District and is 3.009 acres (131,083 square feet) in size. Proposed Lots 2 - 9 are within the HR-1 District and are each 0.104 acres (4,510 square feet) in size, totaling 0.832 acres (33,200 square feet).

Updated (Combined) Exhibits

Exhibit A - Draft Ordinance
    Attachment 1 – Proposed Subdivision and Plat Amendment
Exhibit B - Former Entry
Exhibit C - Updated Entry
Exhibit D – Public Comments
Exhibit E – Applicant's Responses to City Council Requests
Exhibit F – Proposed Construction Mitigation

Exhibit G – Proposed Fire Mitigation
Exhibit H –Entry Photo Simulation
Exhibit I – Gully Site Plan (July 2017)
Exhibit J – Ridge Avenue Development Map
Exhibit K – Ridge Avenue Development Table
Exhibit L - Applicant's Continuation Letter

Updated Plans
Civil Improvement Drawing Set (October 2017)
Water Distribution Model (August 2017)
Assessment of Debris Flow Potential (July 2017)
Site Sections (July 2017)
Site Sections Key Map (July 2017)
Open Space and Trails Plan (July 2017)
Snow Storage Graphic (July 2017)

Hyperlinks
Link A - 2017.02.01 Letter to the City
Link B - Alice Claim Gully Plan w/ Modified Entry Project Description
Link C - Easement Agreement No. 01062990
Link D - Proposed Alice Claim Sub. & Plat Amendment Sheet 1
Link E - Proposed Alice Claim Sub. & Plat Amendment Sheet 2
Link F - Aerial
Link G - Aerial 100 Scale
Link H - Panoramic views
Link I - Entry Plan Modified Entry
Link J - Entry Plan King Road ROW Extended
Link K - Road and walls on Public Land
Link L - Alice Claim Subdivision Gully with Modified Entry-Vicinity & Zoning
Link M - Alice Claim Subdivision Gully with Modified Entry-Vegetative Cover
Link N - Alice Claim Subdivision Gully with Modified Entry-Slope Analysis Plan
Link O - Alice Claim Subdivision Gully with Modified Entry-Site Plan
Link P - Alice Claim Subdivision Gully with Modified Entry-Section Key Map
Link Q - Alice Claim Subdivision Gully with Modified Entry-Open Space & Trail
Link R - Alice Claim Subdivision Gully with Modified Entry- Zoning Map Diagram
Link S - Alice Claim Subdivision Gully with Modified Entry- Sections
Link T - Ridge Ave Plat Amendment Project Description
Link U - Ridge Ave Sub Property Exchange Enlargement
Link V - Proposed Ridge Avenue Plat Amendment
Link W - 123 Ridge Avenue Survey
Link X - 123 Ridge Ave Plat w Aerial
Link Y.1 - Density Review for Planning Commission
Link Y.2 - 2017.04.28 Updated Density Review for Planning Commission
Link Z - Alice Claim Engineering Documents
Link AA - Alice Claim Build-ability Documents
Link BB - 27 July 2016 Planning Commission Staff Report

Link CC - 27 July 2016 Planning Commission Meeting Minutes
Link DD - 12 April 2017 Planning Commission Staff Report
Link EE - 12 April 2017 Applicant Presentation
Link FF - Color Site Plan Graphic

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

This item will be continued to March 8, 2018. The applicant requests that the City review the Ridge Avenue Plat Amendment. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision.

Respectfully:

Francisco Astorga, Senior Planner

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Project No: PL-16-03069
Subject: Ridge Avenue Plat Amendment (Property Swap)
Author: Francisco Astorga, AICP, Senior Planner
Date: 15 February 2018
Types of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider continuing the Ridge Avenue Plat Amendment (Property Swap), associated with the Alice Claim Subdivision and Plat Amendment to the March 8, 2018 City Council meeting. The City asked the applicant to continue the item to a future date due to the size of the City Council packet. The applicant accepted the City's request to continue the item.

Topic

Applicant:	King Development Group LLC & 123-129 Ridge LLC represented by Brad Cahoon, Marc Diemer, Gregg Brown, and Jerry Fiat
Location:	Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning:	Historic Residential-1 and Estate Districts
Adjacent Land Uses:	Open Space and Residential (developed and undeveloped)
Reason for Review:	Subdivisions/Plat Amendments require Planning Commission review and recommendation to City Council. Appeals of Conditional Use Permits approved by the Planning Commission require City Council review.

Executive Summary/Proposal

The applicant requests that the City review the Ridge Avenue Plat Amendment. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision.

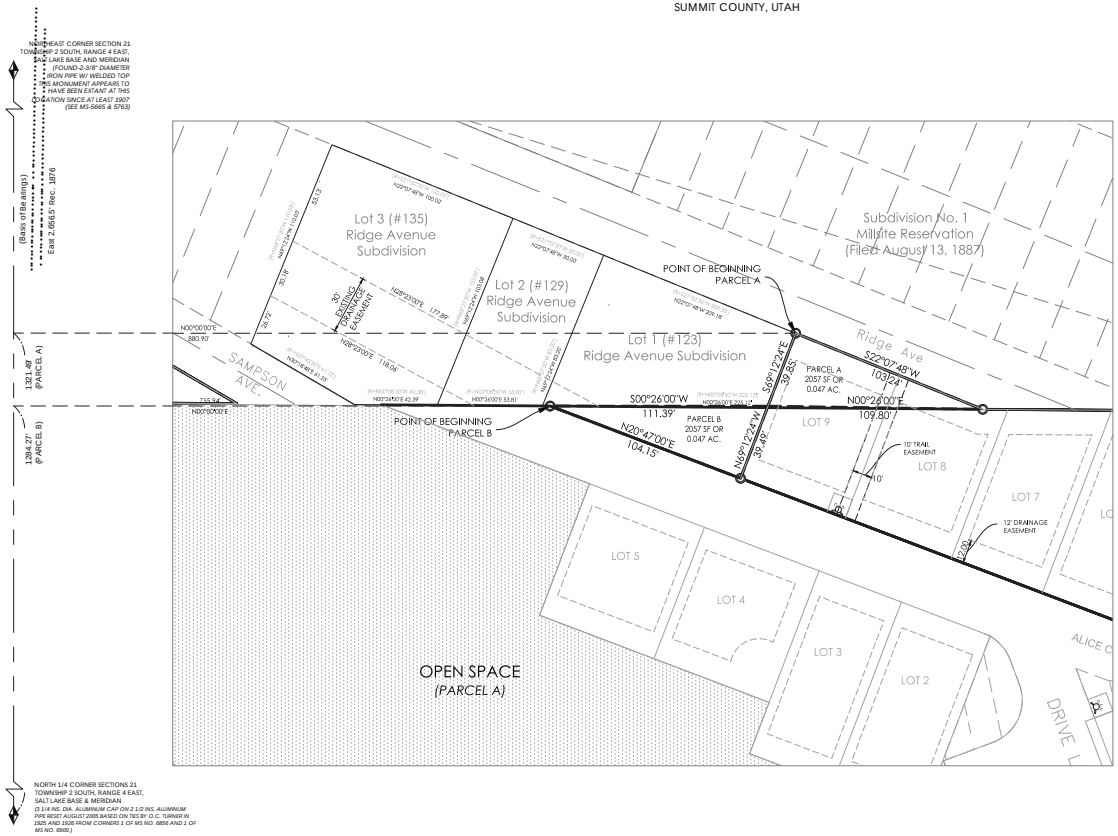
Exhibits

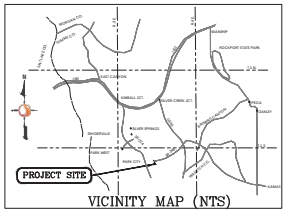
Exhibit A – Proposed Ordinance with Proposed Plat Amendment
Exhibit B – Applicant's Project Description
Exhibit C – Survey
Exhibit D – Property Swap
Exhibit E – Ridge Avenue Subdivision

Attachment 1 - Proposed Plat Amendment

RIDGE AVENUE SUBDIVISION
AMENDING LOT 1

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH





VICINITY MAP (NTS)

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

NOTES:

1. The Basis of Bearings of this Plat is between two existing Section Corner Monuments. The Bearing between the Northeast Corner and the North Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, is N89°06'26"W, as measured in the field.

2. The purpose of this plat is to amend Lot 1 to include Parcel B, and to remove Parcel A shown on the original plat of Ridge Avenue Subdivision as recorded December 15,1995, Entry No. 444460 in the Summit County Recorder's Office.

3. This amended plat is subject to all of the matters pertaining to the original recorded plat, other than any differences shown hereon. They include, but not limited to, easements, rights-of-way, covenants, conditions, restrictions, and other matters of record.

4. The dimensions shown as record on this plat are taken from said recorded Ridge Avenue Subdivision plat, which shows the distances to be calculated, rather than measured or record.

SURVEYOR'S CERTIFICATE

I, Greg Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 161226 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as

RIDGE AVENUE SUBDIVISION
AMENDING LOT 1

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

PARCEL A

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southeasterly Line of Lot 1, Ridge Avenue Subdivision as shown on the plat recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office, said point

103.24 feet to the Southwesterly Corner of said Lot 1; thence, along the West Line of said Lot 1,

Contains: 2101 Square Feet or 0.048 Acres.

PARCEL B

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the West Line of Lot 1, Ridge Avenue Subdivision as shown on the plat recorded December 15, 1995, Entry No. 444460 in the Summit County Recorder's Office, said point being also

Contains: 2012 Square Feet or 0.046 Acres.

Date

GREGORY A. CATES
P.L.S. No. 161226

LICENSED PROFESSIONAL LAND SURVEYOR No. 161226 GREGORY A. CATES STATE OF UTAH

OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owner( ) of the above described tract of land, having caused the same to be subdivided into lots and streets to be hereafter known as

RIDGE AVENUE SUBDIVISION
AMENDING LOT 1

do hereby dedicate for perpetual use of the public all parcels of land and easements as shown on this plat as intended for Public use.

In witness whereof _____ have hereunto set _____ this _____ day of _____ A.D., 20 _____ .

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF UTAH } S.S.

On the _____ day of _____ A.D., 20 _____ personally appeared before me _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____ and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number:

My commission expires: Name Notary Public commissioned in Utah

EASEMENT APPROVAL

QUESTAR	DATE
ROCKY MOUNTAIN POWER	DATE
CENTURY LINK (QWEST)	DATE
COMCAST	DATE

Questar approves this plat soley for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natuaral gas service. For further information please contact Questar's Right-of-Way department at 1-800-366-8532

RIDGE AVENUE SUBDIVISION
AMENDING LOT 1

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Stantec

Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

No.	Revisions	By	Date

Project Number 205303057	PM PMD
File name 03057v_fb.dwg	Plot Date 02/08/16
Designed By GAC	Drawn By BD
Checked By GAC	Date 02/08/16
Scale 1"= 30'	Date Issued Date

OWNER/SUBDIVIDER:
123-129 Ridge, LLC
P.O. BOX 244
PARK CITY, UTAH
84060

SNYDERVILLE BASIN SEWER DISTRICT
REVIEW FOR CONFORMANCE ON THIS _____ DAY OF _____ A.D., 20 _____ .
S.B.W.R.D.

MAYOR
APPROVED AND ACCEPTED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS _____ DAY OF _____ A.D., 20_____ .
MAYOR

PARK CITY ENGINEER
I, _____, PARK CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
DATE PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20 _____ .
ATTORNEY

RECORDED #
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEES: _____
SUMMIT COUNTY RECORDER

PRELIMINARY

Packet Pg. 241

DHM DESIGN Landscape Architecture
Urban Design
Planning

February 19, 2016

Ridge Avenue Subdivision Amendment Application associated with the Alice Claim (aka Alice Lode) Amended Subdivision & Plat Amendment Applications

Project Description and Comparison to Previously Proposed Plans

The Applicant, 123-129 Ridge, LLC , requests that the City Staff and Planning Commission review a Subdivision Plat Amendment for the Ridge Avenue Subdivision. Applicant owns Lot 1 (#123) and Lot 2 (#129) of that Subdivision. Applicant proposes a change to just Lot 1 (#123). Applicant is affiliated with King Development Group, LLC, the proponent of the Alice Claim Subdivision.

The proposed amendment "swaps" a 2,057 square foot triangular portion of Lot 1 (#230)) with corresponding 2,057 square foot triangular portion of Lot 9 of the proposed Alice Claim Subdivision.

Lot 9 includes a triangle of land that is currently part of adjoining lot #123 of the Ridge Avenue subdivision. This triangle will be transferred into Alice Claim and become part of Lot 9. There is a corresponding triangle of land within Alice Claim that also is adjacent to lot #123 and will be transferred into lot #123. The owners of both parcels are affiliated companies and have agreed to these transfers, but the transfer will not be completed until after the subdivision plat has been approved by the City Council.

There is no increase or reduction in the size of either subdivision. The resulting reconfiguration allows for more buildable and livable lots 8 and 9 in the Alice Claim Subdivision while at the same time "squaring up" these lots and lot #123 of the Ridge Avenue Subdivision. This land pattern is much more compatible with the pattern found throughout the historic districts in the City providing good cause for both subdivisions.

Thank you for your consideration.
Sincerely,

DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

Exhibit C – Survey

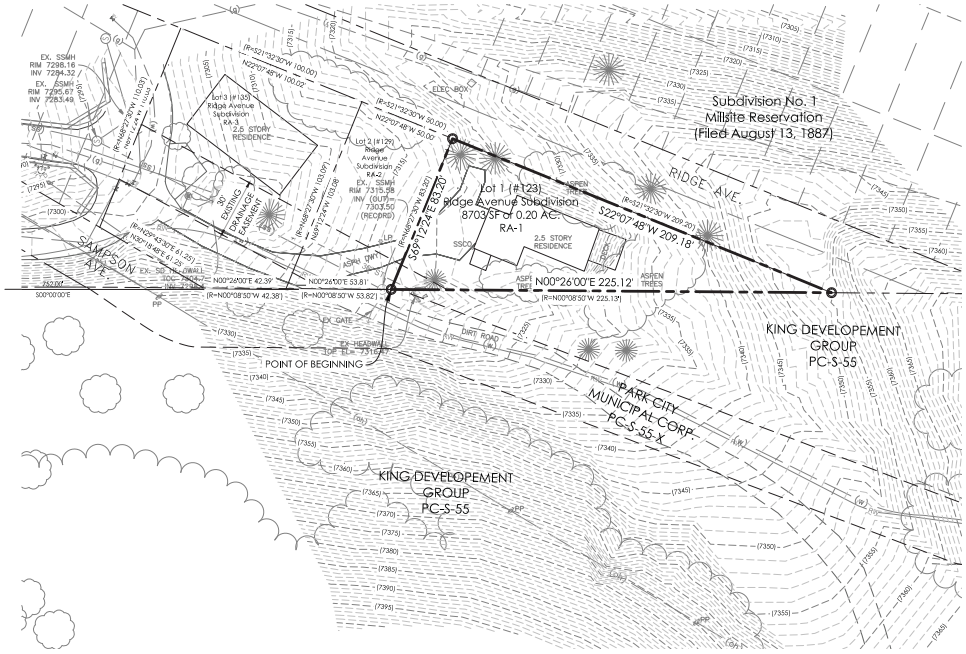
TOPOGRAPHICAL BOUNDARY SURVEY

RIDGE AVENUE SUBDIVISION LOT 1

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND-2-3/8" DIAMETER IRON PIPE W/ WELDED TOP THIS MONUMENT APPEARS TO HAVE BEEN EXTANT AT THIS LOCATION SINCE AT LEAST 1907 (SEE MS-5665 & 5763))

(Basis of Bearings)
East 2,656.15' Rec. 1,876



NORTH 1/4 CORNER SECTIONS 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
(3 1/4" DIA. ALUMINUM CAP ON 2 1/2" ALUMINUM PIPE RESET AUGUST 2005 BASED ON TIES BY O.C. TURNER IN 1925 AND 1928 FROM CORNERS 1 OF MS NO. 5856 AND 1 OF MS NO. 5800.)

LEGEND:

- PROPERTY LINE
- EASEMENT LINE
- SANITARY SEWER
- WATER LINE
- RAW WATER LINE
- OVERHEAD POWER LINE
- GAS LINE
- MAJOR CONTOUR
- MINOR CONTOUR
- PINE TREE

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed by the laws of the State of Utah. I further certify that this survey was made by me or under my direct supervision, and I have made a survey of the tract of land as shown on this survey.

DATE

Gregory A. Cates
P.L.S. 161226

LICENSED PROFESSIONAL LAND SURVEYOR No. 161226 GREGORY A. CATES STATE OF UTAH

LEGAL DESCRIPTION

All of Lot 1 of the Ridge Avenue Subdivision recorded as Entry No. 444460 in the Summit County Recorder's Office.

Being more particularly described as follows:

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said parcel being more particularly described as follows:

Beginning at a point on the West Boundary Line of said Ridge Avenue Subdivision, said point being also the Northwesterly Corner of said Lot 1, said point being also 589°06'26"E, along the Section Line, 1284.30 feet and South 752.00 feet from the North Quarter Corner of said Section 21 and running thence, along the Northeasterly Line of said Lot 1, S69°12'24"E 83.20 feet to the Northeasterly Corner of said Lot 1 and the Westerly Right-of-Way Line of Ridge Avenue; thence, along said Westerly Right-of-Way Line, S22°07'48"W 209.18 feet to the Southerly Corner of said Lot 1; thence, along the Westerly Boundary Line of said Ridge Avenue Subdivision, N00°26'00"E 225.12 feet to the Point of Beginning.

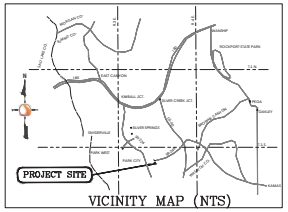
Contains: 3,703 Square Feet or 0.20 Acres.

NARRATIVE

The Basis of Bearings of this Plat is between two existing Section Corner Monuments. The Bearing between the Northeast Corner and the North Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, is N89°06'26"W, as measured in the field.

The purpose of this plat is to show Lot 1 as shown on the original plat of Ridge Avenue Subdivision as recorded December 15,1995, Entry No. 444460 in the Summit County Recorder's Office.

The dimensions shown in parentheses as record on this plat are taken from said recorded Ridge Avenue Subdivision plat, which shows the distances to be calculated, rather than measured or record.



VICINITY MAP (NTS)

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Stantec
3995 S. 700 E. Suite 300
Salt Lake City, Utah 84107
801.261.0090
www.stantec.com

Revision	By	Appd.	YY.MM.DD	Issued	By	Appd.	YY.MM.DD

Client/Project
Ridge Avenue Lot 1
Tesch Law Offices, PC
Section 21, T2S,R4E, SLB&M
Park City
Summit County, Utah

Permit-Seal

Title
TOPOGRAPHICAL BOUNDARY SURVEY

Project Number: 205303057
File Name: 03057-_fos.dwg

GAC	SB	GAC	16.02.25
Dsn.	Chkd.	Dsgn.	YY.MM.DD

Revision Sheet

1 of 1

ORIGINAL SHEET - ARCH D

Exhibit D – Property Swap

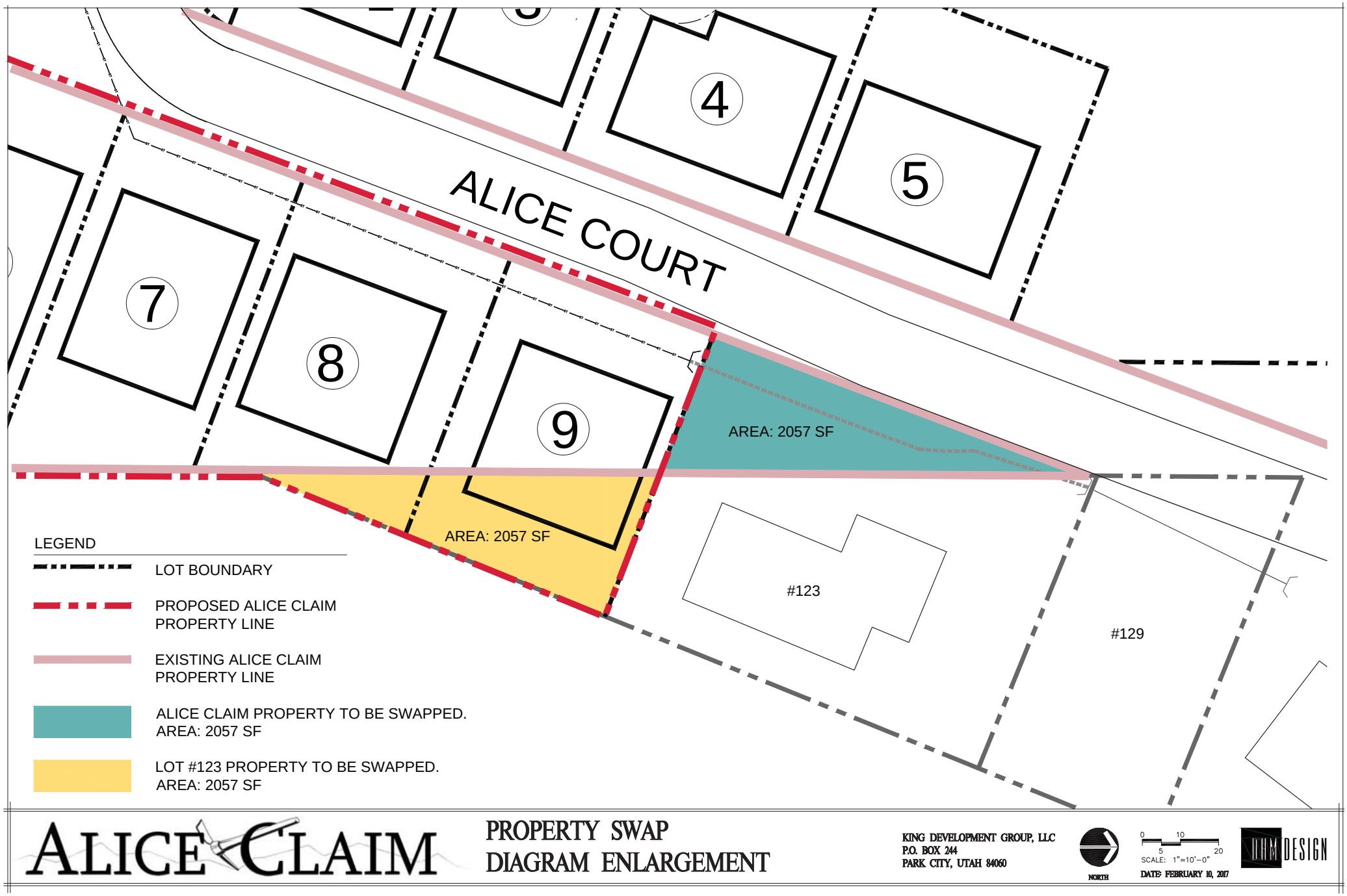
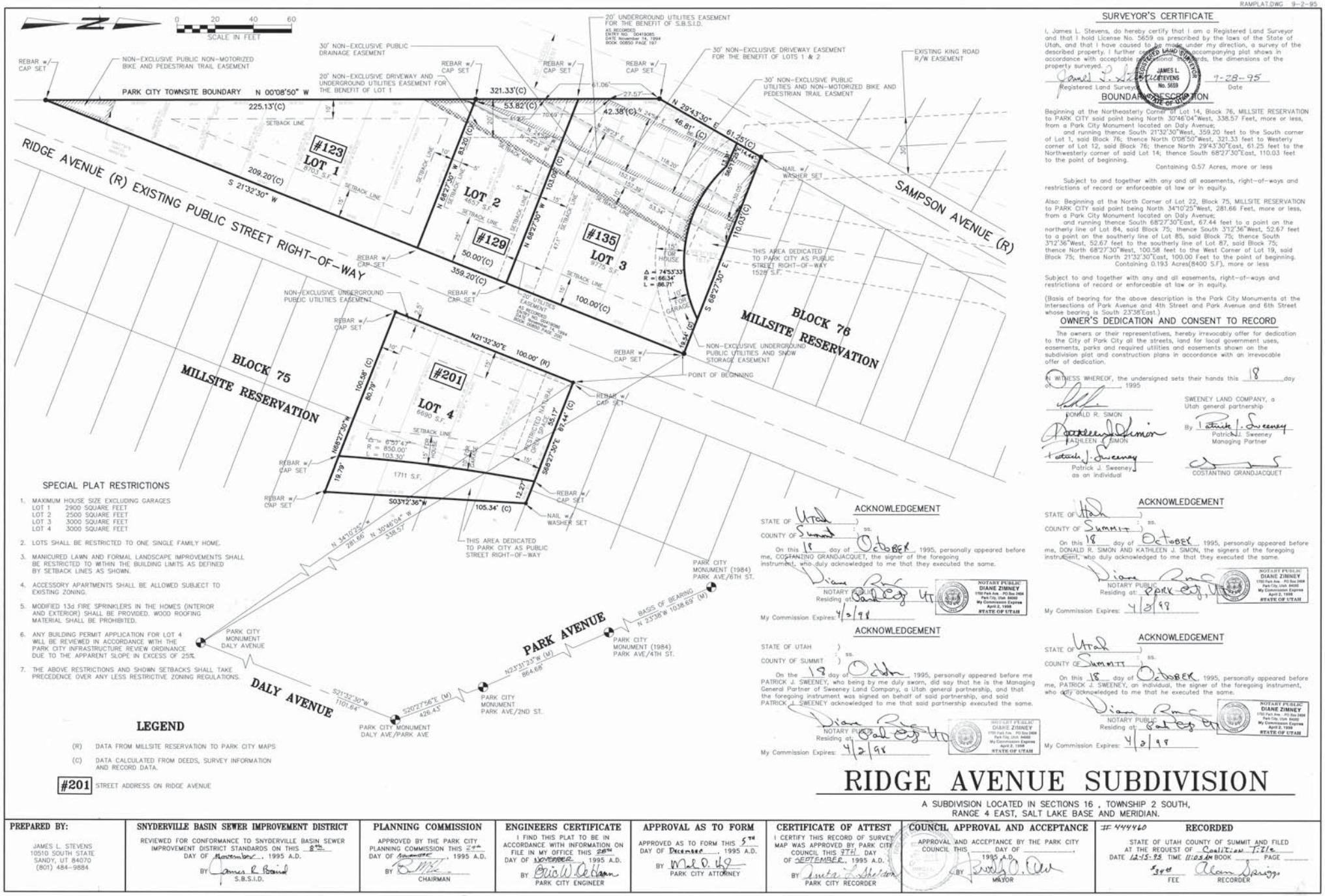


Exhibit E – Ridge Avenue Subdivision



DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Each week during the 2018 Legislative Session, staff will provide a verbal update and synopsis of the Session to date, as well as an updated Legislative bill tracking list at the meeting for Council and the public's review.

Respectfully:

Matt Dias, Asst City Manager

DATE: February 15, 2018

TO HONORABLE MAYOR AND COUNCIL

Beginning in March of 2015, at City Council guidance, affordable housing was developed at 1450 Park Avenue. Construction began in October of 2016, on eight single family homes: two one-bedroom rehabilitated historic homes, five new two-bedroom units and one new three-bedroom unit. Construction was completed last week.

A lottery was held on September 12, 2017 at which eight households were awarded the opportunity to purchase the homes. In order to complete the sales of these homes, Council must approve the disposition of property as per Park City Municipal Code Section 2-3-11.

Staff requests that City Council authorize the City Manager to enter into sales contracts with qualified buyers for eight homes at 1450 Park Avenue as follows:

Property Address	Price
1450A Park Avenue	$ 192,153
1450B Park Avenue	$ 270,281
1450C Park Avenue	$ 270,281
1450D Park Avenue	$ 280,291
1450E Park Avenue	$ 252,262
1450F Park Avenue	$ 270,281
1450G Park Avenue	$ 270,281
1450H Park Avenue	$ 192,153

Respectfully:

Rhoda Stauffer, Housing Specialist

Redevelopment Agency
Staff Report

Subject: Disposition of RDA Property located at 1450 Park Avenue
Author: Rhoda Stauffer, Affordable Housing Program
Department: Community Development
Date: February 15, 2018
Type of Item: Administrative–Authorization to dispose of significant property

Summary Recommendation

Staff requests City Council, acting as the governing board of the Redevelopment Agency (RDA), hold a public hearing and approve disposition of City Property located at 1450 Park Avenue and authorize the City Manager to enter into sales contracts with qualified buyers.

Executive Summary

Beginning in March of 2015, at City Council guidance, affordable housing was developed at 1450 Park Avenue. Construction began in October of 2016, on eight single family homes: two one-bedroom rehabilitated historic homes, five new two-bedroom units and one new three-bedroom unit. Construction was completed last week.

A lottery was held on September 12, 2017 at which eight households were awarded the opportunity to purchase the homes. In order to complete the sales of these homes, Council must approve the disposition of property as per Park City Municipal Code Section 2-3-11.

Staff requests that City Council authorize the City Manager to enter into sales contracts with qualified buyers for eight homes at 1450 Park Avenue as follows:

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1450F Park Avenue	$ 270,281
1450G Park Avenue	$ 270,281
1450H Park Avenue	$ 192,153

Acronyms

CUP Conditional Use Permit
HDDR Historic District Design Review

HPB Historic Preservation Board
RDA Redevelopment Agency

The Problem/Opportunity

A unique mountain town, Park City values its sense of community, a common ground built on diverse social, economic and cultural backgrounds. It is essential that Park City strike a balance between maintaining the local quality of life and cultivating a thriving tourism industry. Evolving and sustaining a Complete Community is critical. Key to this value, is ensuring that a whole range of affordable, quality housing is available for persons at all economic levels.

Today, approximately 80% of Park City's workforce lives outside the city limits. High home prices in Park City not only result in the need to import a high percentage of our community's workforce, it causes problems that range from increased traffic to the risk that Park City could lose vibrancy because of lack of full time residents.

Background:

1450-1460 Park Avenue was purchased in February of 2009 and in March of 2015 Council determined that the City should develop affordable housing for sale to qualified households. Following are staff reports providing more extensive information regarding each step of the development:

- February 12, 2009, Staff Report, City Council approved purchase of 1450-1460 Park Avenue parcels.
- March 5, 2015, Staff Report and minutes, City Council provided direction to complete a city-developed project.
- November 19, 2015, Staff Report and minutes, City Council finalized choice of site plan that includes two 1-br homes (historic units), five two-bedroom homes and one three-bedroom home.
- February 3, 2016, Staff Report, Part 1, Part 2 and minutes, Historic Preservation Board (HPB) continued a decision regarding the Historic Preservation Plan.
- March 3, 2016, Staff Report and minutes, HPB approved Historic Preservation Plans.
- July 13, 2016, Staff Report Part 1, Part 2 and minutes, Planning Commission approved a Conditional Use Permit (CUP) for parking access on Sullivan Avenue.
- October 6, 2016, Staff Report and minutes, City Council approved a construction contract with North Ridge Construction.
- June 15, 2017, Staff Report and minutes, City Council approved pricing, qualifications for target households and parameters for the lottery to identify buyers.
- June 28, 2017, Staff Report and minutes, Planning Commission approved a revised CUP for the final parking configuration.

Legal Requirements for disposition of significant property
For a municipality to sell/lease a significant real property, Utah State Code and the Municipal Code require that the municipality provide reasonable public notice of at least 14 days and provide opportunity for public comment. Staff posted legal notice at 1450 Park Avenue on January 31, 2018. Notice was also posted on three separate webpages of parkcity.org on January 31, 2018: "Current RFPs and Bids" and two "Document Central" sites, "Affordable Housing" and "Redevelopment Agency Business." Additionally, legal notice ran in consecutive editions of The Park Record from Weds, January 31 to Weds, February 14. The item was also posted on www.utahlegals.com for 30 days beginning Weds, January 31. 2018.

Alternatives for City Council to Consider

1. **Recommended Alternative:** City Council, acting as the governing board of the RDA, may approve the disposition of the property and authorize the City Manager to sign sales contracts with qualified buyers.

   Pros
   a. Ensures that the City's target workforce households can live locally, removing commuters from local roads.
   b. Addresses Council's housing goals.
   c. Returns revenue to the RDA to be able to complete additional affordable housing projects.

   Cons
   a. It doesn't address the need for rental units.

Consequences of Selecting This Alternative
The consequences of selecting the recommended alternative are meeting the goals of all Council Critical Priorities: Housing, Transportation and Energy. Affordable housing will be added, commuter cars will be reduced on local roads and less greenhouse gas emitted. Alternative 1 will also return revenue to the RDA to put toward future projects.

2. **Null Alternative:** City Council, acting as the governing board of the RDA, may deny the disposition of property at 1450 Park Avenue.

   Pros
   a. The City could manage as long term rental units.

   Cons
   a. RDA funding isn't restored for future projects.

Department Review
This report has been reviewed by the Community Development and Executive departments and the City Attorney's Office.

Funding Source
Proceeds from the disposition of the property will be returned to the RDA for future affordable housing projects.