PARK CITY 1884

# PARK CITY COUNCIL MEETING
# SUMMIT COUNTY, UTAH
# FEBRUARY 15, 2001

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, 2001.

## AGENDA

**Work Session**

5:00 p.m. Council questions/comments
5:30 p.m. Olympic legislation - State Olympic Officer Lane Beattie
5:50 p.m. Review of regular meeting

**Regular Meeting**

6:00 p.m.

**I ROLL CALL**

**II PUBLIC INPUT**

**III COMMUNICATIONS FROM COUNCIL AND STAFF**

Resolution declaring February 23, 2001 as "Gomer Day" in Park City, Utah in recognition of the many contributions made by Don Gomes to our community

**IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 1, 2001**

**V PUBLIC HEARINGS**

1. Master Festival License for the Budweiser Clydesdale Event to be held on February 21, 2001 - Anheuser-Busch Corporation

2. Ordinance approving a plat amendment to combine 3615 and 3635 Sun Ridge Drive, Lots 5 & 6 Royal Oaks Subdivision, Park City, Utah

3. Request for a plat extension approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah (Ontario Avenue)

## VI CONSENT AGENDA

1. Master Festival License for the Budweiser Clydesdale Event to be held on February 21, 2001 - Anheuser-Busch Corporation

2. Ordinance approving a plat amendment to combine 3615 and 3635 Sun Ridge Drive, Lots 5 & 6 Royal Oaks Subdivision, Park City, Utah

3. Request for a plat extension approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah (Ontario Avenue)

4. Resolution declaring February 23, 2001 as "Gomer Day" in Park City, Utah in recognition of the many contributions made by Don Gomes to our community

## VII ADJOURNMENT

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**FEBRUARY 22, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, February 22, 2001.

Posted: 02/12/01
See parkcity2002.org

# PARK CITY WORK SESSION NOTES
# SUMMIT COUNTY, UTAH
# FEBRUARY 15, 2001

**Present:** **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

**Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; and Jon Weidenhamer, Planner**

**State Olympic Officer Lane Beattie**

1. **Olympic legislation - State Olympic Officer Lane Beattie.** Assistant City Manager Tom Bakaly explained that staff has been working closely with Mr. Beattie over the past week on Olympic legislation, specifically dealing with highways. Mr. Beattie complimented the City on its one-year count-down celebration held last week. He stated that he appreciated Council member Erickson and Mr. Bakaly bringing up issues that he had not considered and emphasized that he doesn't represent SLOC, but cities and the state. There are several Olympic related bills, including workman's compensation, to make sure that volunteers, including safety officers are covered so that Park City is protected and there is consistency among communities and guidelines regarding liability. There is a housekeeping bill streamlining duplicate boards governing the Olympics. The road jurisdiction bill is still in the process of being clarified. Mr. Beattie acknowledged that when the world comes here, visitors will be drawn here which makes Park City unique. As a result, not all cities should be treated the same, and he personally feels that ensuring public safety for the Main Street celebration is extremely important and he is working with the legislature to help resolve that issue. Representative David Ure indicated to him his interest in supporting Park City and Candace Erickson relayed her appreciation of Mr. Beattie's efforts.

2. **Council questions and comments.** Ms. Bodell explained that there were no City dignitaries welcoming athletes at a luge party held last week at the Kimball Art Center, which prompted discussion about the lack of notice and/or confusion about the date on the invitation and coordinating future events among Council members. She announced another gathering at The Canyons tonight for the upcoming bobsled and skeleton races. Fred Jones stated that he, the City Manager, and Candace Erickson met with the County over the Weber Basin project which is moving along. He attended an Interagency Task Force meeting this week where representatives from Wasatch County expressed interest in the Brighton Estates road access issue. Wasatch County planning staff indicated that they had always viewed Brighton Estates as a seasonal community and may not want it to be a year-round community. There was also discussion on the Snyderville Basin General Plan, specifically transfer development rights. He felt it appropriate that the Park City and Snyderville Basin Planning Commissions jointly review the Country Club Estates annexation project. Roger Harlan reported that he attended the School Board meeting; the City Council agreed

on April 4 for a breakfast meeting. With regard to Quintin Scott's concern about businesses being billed by BFI for trash services not used, Mr. Harlan reported that he met with consultant Michael O'Hara who had a couple of solutions. Mr. Harlan learned that business owners have the option of obtaining a 90 gallon container at a cost of $5 to $7 per month rather than participating in the higher cost of the dumpster program. Candace Erickson commented on an impromptu parade held last night, reminiscent of *Park City of the past* because of its fun and illegal nature. She appeared to be suspiciously well informed about the event, while being very careful not to implicate her involvement. She continued that she attended ULCT legislative sessions last week which were very informative and a meeting with staff and representatives of publications on regulating news racks on Main Street. Jeff Mann noted that he attended the luge event on Saturday and his first Library Board meeting where there was discussion about Internet restrictions prompted by this years' legislative session. Mr. Mann stated that he also attended the news rack meeting and commended Planner Kuhlow on her involvement on this project, which is complicated because of the variety of interests of different vendors. He also attended the interagency meeting and sessions at the legislature. Peg Bodell stated that she has a CD of the official songs for the Olympics which she will share with Council and the community.

3. **Review of regular meeting.** The Mayor reviewed the agenda. Jon Weidenhamer called the City Council's attention to a typographical error in the ordinance approving a plat amendment for Sun Ridge Drive, Lots 5 and 6. There were no questions or comments from City Council members. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

# PARK CITY COUNCIL MEETING
# SUMMIT COUNTY, UTAH
# FEBRUARY 15, 2001

## I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 15, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Frank Bell, Olympic Planning Director; Jonathon Weidenhamer, Planner; and Kevin LoPiccolo, Planner.

## II PUBLIC INPUT

Lois Claus, member of the American Cancer Society Board, informed Council of Daffodil Days and urged Council and the public to support this fund-raising effort.

## III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Resolution declaring February 23, 2001 as "Gomer Day" in Park City, Utah in recognition of the many contributions made by Don Gomes to our community - The Mayor read the resolution, noting Mr. Gomes' affiliation with non-profit organizations over two decades, including the Park City Arts Festival, the Park City Players at the Kimball Art Center, Habitat for Humanity, and KPCW Community Radio. Don Gomes relayed how difficult it will be to leave Park City but believes he and his wife will be back. He will always cherish the relationships he enjoyed in Park City throughout the years.

2. Use of south parking lot adjacent to City Park - Mark Harrington reported that staff has been working, at the request of the Park City Film Series and a couple of Council members, to make available the old Mawhinney Motors lot for parking to compensate the additional demands expected during Presidents Day Weekend. The conditional use for the permanent skateboard park excluded use of that lot, with the exception of a master festival license or a conditional use permit. He pointed out that the conditional use permit for the Park City Library and Education Center provides for use of the parking lot by approval of the Community Development Director and Police Chief. He continued that staff informed the Planning Commission of this proposal last night, who acquiesced to the temporary use of the lot while emphasizing the importance of the property to be used for park space in the future. Staff will be working on a more stream-lined process for obtaining temporary use of that lot until park improvements are made. In response to a question from Peg Bodell about using the lot for over-flow parking for Soaring Wings' special programs, Mr. Harrington explained that the conditional use specifically relates to the theater.

3. Eric's backhoe report - Town Run Bridge Project - Eric DeHaan, City Engineer, reported that the City received plans for the Town Run Bridge. As a part of the grading component, which may commence as early as next week, the 8th Street lot will be used as a staging area for the project. Park City Mountain Resort has obtained MPD approval for the project, and a conditional use permit is pending before the Planning Commission.

## IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 1, 2001

Peg Bodell, "I have reviewed the Minutes and they are complete and accurate, and I move that they be approved". Roger Harlan seconded. Motion carried unanimously.

## V PUBLIC HEARINGS

1. Master Festival License for the Budweiser Clydesdale Event to be held on February 21, 2001 - Anheuser-Busch Corporation - Olympic Planning Director Frank Bell explained that this is a relatively simple event; it is an opportunity to have the Clydesdales here for a test event to determine whether these horses and a hitch can operate on Main Street during the 2002 Games. He explained the staging area and using the regular delivery zones for stops to minimize the impacts on parking and traffic. In response to a question from Roger Harlan, Mr. Bell explained that the hitch drivers are willing to operate in the snow, but not in the rain because of the potential damage to equipment. There are alternate routes if it is determined that Main Street is too steep for the horses. With no further comments or questions from the Council, the Mayor opened the public hearing to the audience.

Greg Schirf, owner and founder of the Wasatch Brew Pub, stated that he has been doing business in Park City for over 15 years. As a local micro-brewery, he views that allowing Anheuser- Busch to parade its Clydesdales up and down Main Street is *horse manure* and he feels somewhat offended. They will have millions of dollars worth of exposure with his establishment in the background. He didn't feel there is a great value to the community by allowing the Clydesdales on Main Street. He acknowledged that Anheuser-Busch is an Olympic sponsor by contributing $50 million but understands that that money is going to SLOC and not Park City. Main Street is outside the fence and Olympic sponsorships promote official sponsors inside the fence; this is a bad precedence as it could dwarf local businesses. Mr. Schirf recalled when he purchased the Main Street property in 1986 from the Park City Redevelopment Agency as a result of being encouraged by officials of the City. He believes that everyone benefitted from this transaction, but pointed out that now he pays $35,000 to $40,000 a year in property tax. Additionally, the Wasatch Brew Pub contributes to many various fund-raising non-profit organizations in the community. He felt that he could accept Anheuser-Busch's presence on Main Street if it made a significant contribution to Park City and added that he has a solution . Mr. Schirf proposed considering parading his team of white Labrador Retrievers on Main Street. Although they are poorly trained, they are very energetic and on that note, he introduced his lead dogs Bella and Blanca who were appropriately dressed in Wasatch Brew Pub t-shirts.

With no further comments or questions from the Council or the audience, the public hearing on the master festival license was closed.

2. Ordinance approving a plat amendment to combine 3615 and 3635 Sun Ridge Drive, Lots 5 & 6 Royal Oaks Subdivision, Park City, Utah - Jonathon Weidenhamer, Planner, explained that this is a request to combine two lots which was approved by the Planning Commission. Staff recommends that Council conduct a public hearing and approve the plat amendment based on the findings of fact, as amended during work session, the conclusions of law, and conditions of approval outlined in the staff report. Hearing no comments or questions from the public or the Council, the Mayor closed the public hearing.

3. Request for a plat extension approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah (Ontario Avenue) - Planner Kevin LoPiccolo explained that the applicant is requesting a six month time extension to record the plat in order to accommodate formalizing an agreement with the Snyderville Basin Sewer Improvement District. The agreement is anticipated to be executed within two weeks. Hearing no comments or questions from the public or the Council, the Mayor closed the public hearing.

## VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Roger Harlan, "I move that we approve Consent Agenda Items 1, 2, 3 and 4". Fred Jones seconded. Motion carried unanimously.

1. Master Festival License for the Budweiser Clydesdale Event to be held on February 21, 2001 - Anheuser-Busch Corporation - See staff report and public hearing comments.

2. Ordinance approving a plat amendment to combine 3615 and 3635 Sun Ridge Drive, Lots 5 & 6 Royal Oaks Subdivision, Park City, Utah - See staff report, work session comments, and public hearing.

3. Request for a plat extension approving the amendment to the Park City Survey, a plat amendment located in Block 53 and Block 60 of the Park City Survey, Park City, Utah (Ontario Avenue) - See staff report and public hearing commentary.

4. Resolution declaring February 23, 2001 as "Gomer Day" in Park City, Utah in recognition of the many contributions made by Don Gomes to our community - See Communications from Council and Staff.

## VII ADJOURNMENT

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

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY 1884

**DATE:** February 9, 2001
**DEPARTMENT:** Olympics Services
**AUTHOR:** Frank Bell
**TITLE:** Master Festival License - Budweiser Clydesdale Event
**TYPE OF ITEM:** Legislative

## SUMMARY RECOMMENDATIONS:

Approve a Master Festival License for the Budweiser Clydesdale event scheduled for February 21, 2001 from approximately 4:00 until 7:00 PM.

## DESCRIPTION:

### A. Topic:

Master Festival License -Budweiser Clydesdale Event, February 21, 2001 from 4-7 PM, City Park and Main Street areas.

### B. Background:

Staff has been working with Anheuser-Busch Corporation for some time in hopes of bringing the Clydesdales to Park City as a part of their corporate presence during the Olympics, and to participate in our Olympic celebration. One of the questions we need to answer is whether or not Main Street is a suitable location to parade and display the "hitch". Coincidentally, Big Four Distributing Company of Provo is overseeing a visit by the Budweiser Clydesdales to the Downhill World Cup event at Snowbasin during the third week in February. They have offered to come to Park City on Wednesday the 21st for a public exhibition of the eight horse hitch and traditional beer delivery wagon which would serve as a "test drive" for future Olympic activities.

The plans call for the three large trucks to arrive in Park City around 4:00PM on the 21st. They would then unload the horses and assemble the hitch in the south end of City Park. Once assembled, they would drive the hitch up Park Avenue to 9th and Main, then proceed up Main Street stopping periodically to make mock deliveries at two or three Main Street locations. Once at the top of the street, they would return to the park via Swede Alley and Park Avenue. The exhibition would end around 7:00PM..

This event is free. The public will be encouraged to attend on Main Street and in the park via the media.

### C. Analysis:

Staff does not contemplate closing Park Avenue or Main Street. However, there will be short term traffic controls managed by the Police Department in front and behind the hitch. Some parking restrictions are also planned on Main Street to facilitate mock deliveries. There are no conflicts with this Wednesday evening event. The event falls during Presidents Week which may increase spectator participation, but may also create some temporary traffic problems since traffic volumes are already high during that week.

A Master Festival License allows for the use of public property to stage this event, and the use of public resources for traffic and parking controls. Because of the publicity value of this event, its relevance to our Olympic planning, and the willingness of Budweiser to bring this unique event to our community, staff recommends that the City cover the minimal costs of police and parking services. The event can be managed by on duty personnel, staff from Big Four Distributors, and volunteers. Clean up and insurance (certificate already provided) will be provided by Big Four.

Staff also request to use the Mawinney property for additional parking from 3:00 to 8:00.

**D. Department Review:**
The Events and Olympic Services Department, and the Police Department have been consulted.

**ALTERNATIVES**

**A. Approve the Recommendation:** The Council may approve the MFL.

**B. Deny the Recommendation:** The Council may deny the MFL. The event would not occur.

**C. Modify the Recommendation:** There are few areas suitable to stage the horses outside City Park. The purpose of the event is to "test drive" Main Street with the hitch for use during the Games. Placing additional conditions on the basics of the event could jeopardize the event itself.

**D. Do Nothing:** Since this is an application for a permit, doing nothing is not an option.

**SIGNIFICANT IMPACTS:**
The impacts of this event should be limited to short term traffic and parking controls. Staffing and event management can be handled by on duty personnel and some volunteers who have already indicated an interest in assisting.

**CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:**
The event will not be held.

**RECOMMENDATION:**
Staff recommends approval of the MFL.

PARK CITY
1884

# CITY COUNCIL STAFF REPORT

**DATE:** **February 15, 2001**
**DEPARTMENT:** **Planning**
**AUTHOR:** **Jonathan Weidenhamer**
**TITLE:** **Mascatello Replat**
**TYPE OF ITEM:** **Plat amendment to combine lot 5 and Lot 6, Royal Oaks Subdivision**

**SUMMARY RECOMMENDATIONS:** Staff recommends that the City Council conduct a public hearing, consider any public comment, and approve the proposed Plat Amendment to combine Lots 5&6 in the Royal Oaks Subdivision

## DESCRIPTION

| | |
|---|---|
| Owner | Vincent and Marie Mascatello |
| Location | Lots 5&6 Royal Oaks Subdivision, 3615 & 3635 Sun Ridge Drive |
| Zoning | RD-MPD |
| Adjacent Land Uses | Residential |
| Reason for Review | Plat amendments require Planning Commission Review and City Council approval |

### A. Background

The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their February 14, 2001 meeting. The property is legally described as lots 5 and 6 of the Royal Oaks Subdivision. The proposed replat is located in the RD-MPD, Residential Development District - Master Planned Development (Exhibit A). The lots are under separate ownership, with the owner of lot 6, the applicant, having a Purchase Agreement to buy lot 5. Affirmation of Sufficient Interest for the applicant to pursue this replat has been received from the current owner of lot 5. Both lots are vacant at this time.

### B. Analysis

Lots within the Royal Oaks Subdivision and adjacent Oaks and Hidden Oaks Subdivisions range in size from 14,737 square feet to 38,604 square feet. The Subdivision Plats stipulate maximum floor area to be 7,500 square feet. An exception to this is for lots smaller than 16,000 square feet. They would have a maximum floor area of 5,000 square feet. In the Royal Oaks, Lot 5 is 15,544 square feet. Lot 6 is 16,169 square feet. The proposed lot combination would result in a 31,713 square foot lot (.73 acres). The primary issue with this plat amendment is the size of the proposed house which would result from the increased lot size.

Floor areas and setbacks for combined lots are held to regulations that have been established in Section 2.13-6 of the Land Management Code under Maximum House Size and Setbacks on Combined Lots. The Royal Oaks Subdivision allows a maximum house square footage of 5,000 square feet for lot 5 and 7,500 square feet for lot 6. In the RD Zone, an owner may combine lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular lot. The maximum square footage allowed by combining these two lots based on Section 2.13-6 (a) is 9,375 square feet. The applicant has proposed a maximum house size of 9,300.

The Royal Oaks Subdivision Plat requires 15' front and rear yard setbacks, and 12' side yards. Based on the requirements of Section 2.13-6 (b), the allowed minimum setbacks for the proposed house size on combined lots must increase in proportion to the percentage of increase in the house size over the average maximum house size for the lots being combined. The minimum required setbacks for a 9,300square foot house are 22.3' in the front and rear yards, and 17.9 in the sides. The proposed Mascatello replat indicates a 15' front yard setback, 25' rear setback and 30' side yards.

Section 2.13-6 (b) of the Land Management Code allows the Community Development Director to allow for some variation with setbacks in the case of unusual lot configurations, topography, access problems, or significant vegetation. In this case, the plat amendment would result in a ≈240' x ≈120' lot. Staff finds reasonable cause to allow the applicant to shift the building pad slightly towards the front of the lot. Doing so maintains consistency with other surrounding houses, maintain a larger setback at the rear of the lot, and allows for better views to the rear (northwest). Additionally, the applicant will have larger side yard setbacks than required. The Community Development Director has endorsed this setback variation (see Finding of Fact #14).

Staff has visited the site and reviewed the applicant's proposed plans and finds that the lot combination, with conditions, would be compatible with the neighborhood. A house with a maximum house size of 9,300 square feet exceeds the original size intended for Royal Oaks Subdivision as well as the adjacent Oaks and Hidden Oaks Subdivisions. The benefits associated with approving this application will be reduction of density and increased open space. An Administrative Lot Line Adjustment at 3685 Oakwood Drive was the only previously approved lot combination in any of these subdivisions. Using the 150 % rule, the combination of two lots at 3685 Oakwood Drive allowed for an 11,250 square foot house, and eventually a 8,200 square foot house was built.

## C. <u>Department Review</u>

This project has gone through an interdepartmental review. There were no issues brought up at that time. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

## D. <u>Notice</u>

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

## E. <u>Public Input</u>

Originally this application was being pursued as an Administrative Lot Line Adjustment. However, the applicant was unable to receive permission from an adjacent property owner, the owner of lot 48 of the Hidden Oaks Subdivision. The owner of that unbuilt lot is concerned about the overall house size, view, sunlight, general neighborhood compatibility, and impacts on his property value being compromised by the possibility of a large house being erected on a combined lot at this location (Exhibits C - Written opposition from adjacent property owner. Exhibit D - Photos of property in question).

## RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, consider any public input, and consider Staff's recommendation to approve the Mascatello re-plat based on the following:

Findings of Fact:

1. The lots are located at 3615 and 3635 Sun Ridge Drive, also known as lots 5 and 6, Royal Oaks subdivision.
2. The property is located in the RD-MPD, Residential Development Zone - Master Planned Development
3. Vincent and Marie Mascatello own lot 6 of the Royal Oaks Subdivision.
4. Legacy Management, LLC owns lot 5 of the Royal Oaks Subdivision.
5. Dave Evans is the Managing Member of the Legacy Management LLC and is enabled to represent sufficient interest for that company. He has submitted written approval of this replat.
6. The Mascatello's have a purchase agreement to buy lot 6 of the Royal Oaks with Legacy Management LLC.
7. The proposed Mascatello re-plat will combine lots 5 and 6 of the Royal Oaks Subdivision into a single lot to allow the construction of one single family dwelling.
8. The proposed lot combination will result in one 31,713 square foot lot (.73 acres).
9. The proposed lot will be compatible in size with neighboring lots.
10. On the existing Royal Oaks Subdivision Plat the maximum house size allowed is 7,500 square feet.
11. The maximum square footage allowed by combining these two lots based on Section 2.13-6 (a) is 9,375 square feet. The applicant has proposed a maximum house size of 9,300 square feet.
12. The minimum setbacks for the proposed house size are 22.3' in the front and rear yards, and 17.9 in the sides.
13. The proposed plat amendment indicates a 15' front yard setback, 25' rear setback and 30' side yards.
14. The Land Management Code allows the Community Development Director to allow for some variation with setbacks in the case of unusual lot configurations, topography, access problems, or significant vegetation.
15. The plat amendment would result in a ≈240' x ≈120' lot which would be long and shallow compared to other lots in the subdivision. Approval of a 15' front yard setback maintains a larger setback at the rear of the lot. The replat also results in increased side yard setbacks.
16. The existing utility easements would remain and are not proposed to be relocated.
17. Written notice was mailed to all owners of property within 300 feet.
18. The project complies with Section 15 Subdivision Regulations of the Land Management Code.
19. The facts discussed in the background and analysis sections are incorporated herein.
20. The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their February 14, 2001 meeting.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior

to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Note 6 on the existing Royal Oaks Subdivision Plat shall be amended to read, "Homes on Lots 1,2,4 and 12 shall be a maximum of 5000 square feet. Homes on Lots 3,7,8,9,10,11 and 13 shall be a maximum size 7,500 square feet. The home on the Mascatello Replat shall not exceed 9,375 square feet. Structures in excess of 5,000 square feet may be required to be "compartmentalized" as required by the Fire Marshall."
4. The minimum setbacks allowed by this plat amendment are 15' front yard, 25' rear yard and 30' side yards.
5. A building permit may not be issued without prior recordation of the plat amendment.
6. All other conditions of approval of the Royal Oaks subdivision continue to apply.
7. The existing utility easements would remain.

**<u>EXHIBITS</u>**

Exhibit A - Location map
Exhibit B - Proposed Mascatello plat
Exhibit C - Correspondence submitted from owner Lot 48 Hidden Oaks
Exhibit D - Views from lot 48 Hidden Oaks
Exhibit E - Ordinance

M:\CDD\Jon\CityCouncil\council01\plats\3615-3635Sunridgedr.wpd

# ROYAL OAKS
## SUBDIVISION PHASE I
## (LOTS 1-13)

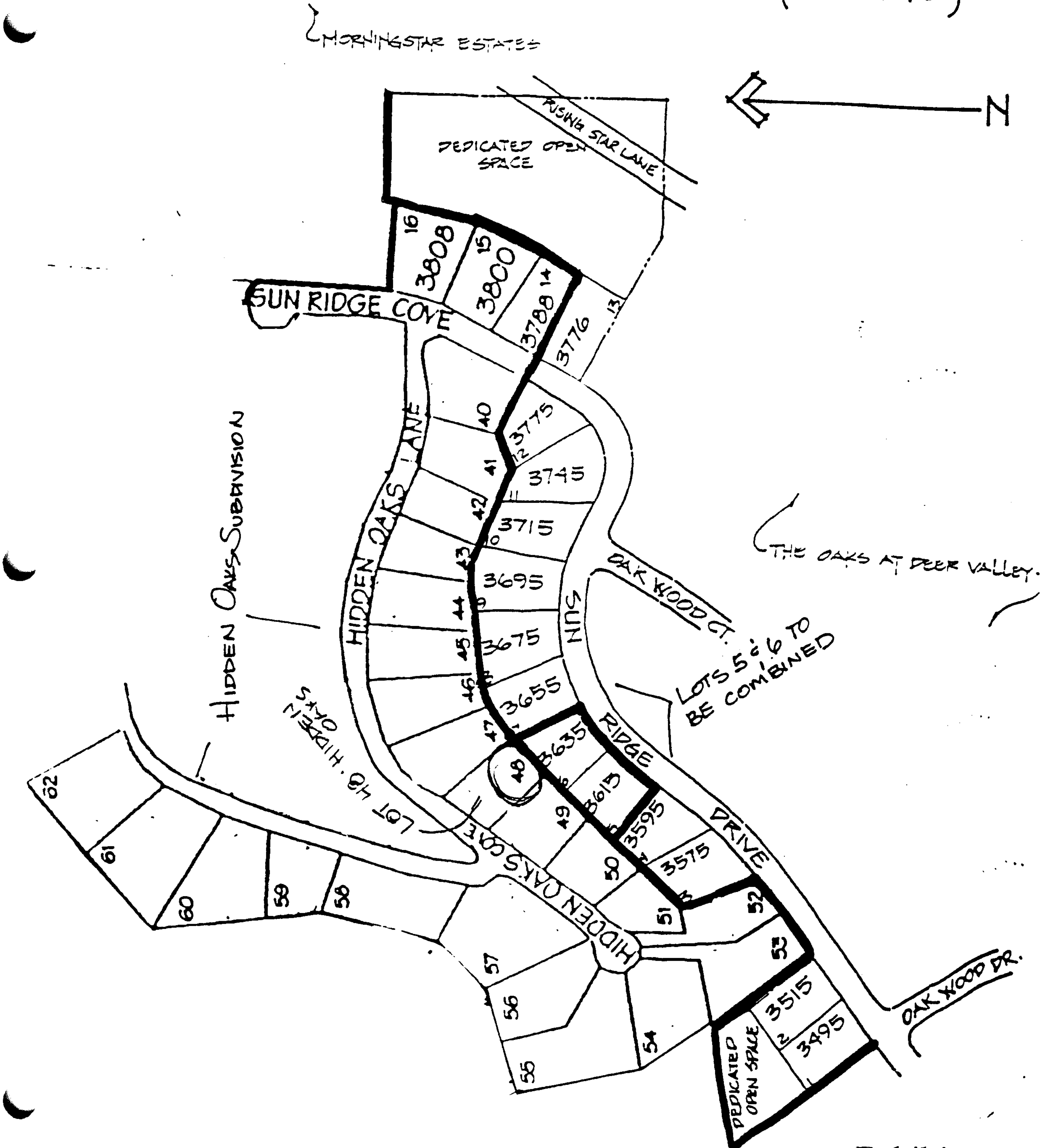


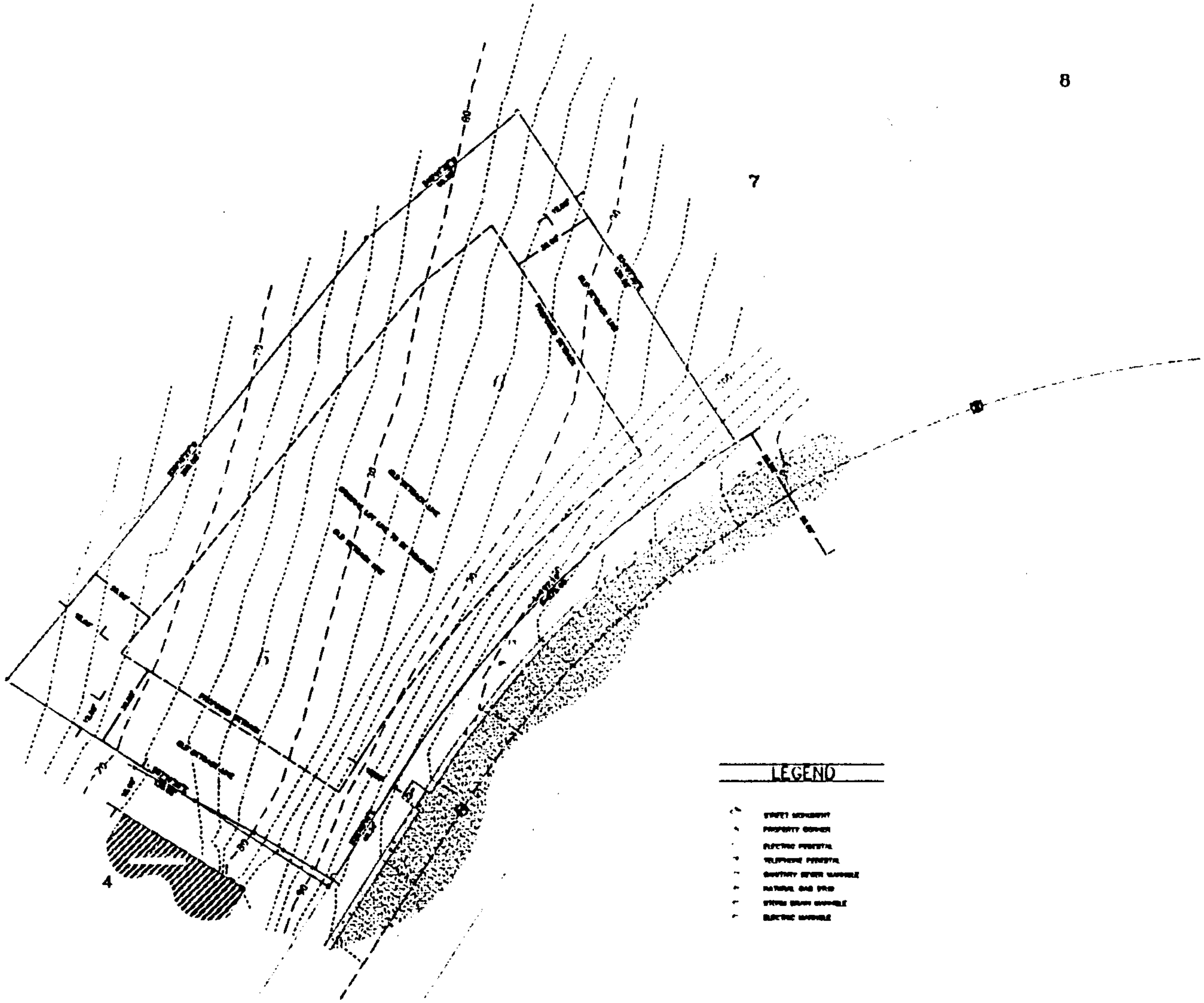

Exhibit A

RECEIVED
DEC 12 2000
PARK CITY
PLANNING DEPT.

A LOT LINE ADJUSTMENT

# MASCATELLO REPLAT

SECTIONS 10 & 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH




LEGEND

GRAPHIC SCALE

PARK CITY SURVEYING

Exhibit B

Jan. 31 2001

To: Park City Planning Dept.

My wife and I own lot # 48,Hidden Oaks in Deer Valley. Recently we were approached to approve the merger of the two lots behind (lots #5 & #6, Royal Oaks) us into one larger lot. In general I would be in favor of increasing the lot size because I feel that the home size to lot size ratio that has been approved in Park City is not consistent with maintaining any kind of a feel of being in the mountains. Houses, in my opinion are just too large for the lots that they are on. John at the P.C. planning department has advised me that under the zoning ordinances, a house of approximately 9500 square feet would be allowed to be built on that merged lot. That is a mind boggling structure to put on a lot of approx. 3/4 of an acre. That is six times the size of the average American home! We believe that a structure of that size would completely overwhelm any thing that we could build on our lot and completely block the sunlight especially in winter. We believe that the value of our lot would be severely compromised. There is already a towering, ugly attempt at a trophy home on the lot to the East of us. We have already put our lot up for sale, I don't think that we want to live there with the direction the neighborhood is headed. If the Mascatelos really want some open space and view preservation, we would be willing to sell at a below market price.

According to John, there seems to be a discrepancy to be looked at. One of the lots behind us has a maximum house size of 5000 sq. ft., the other one has a limit of 7500 sq. ft. The lots are similar. It seems very arbitrary and capricious to come up with that kind of a difference on adjacent lots. How are these limits arrived at? Where did the 9500 sq. ft. figure come from?

The Mascatellos advised me that the intention was to build a spec house on the lots. There is nothing wrong with the concept. I build an occasional spec

Exhibit C

house myself. However I ask you: what are we about? Do we want to pile gigantic trophy homes on top of each other on every square inch of our mountainsides? I suggest that the 9500 foot figure is a mistake and so is the 7500 foot figure for one lot.

We have personal concerns regarding the value and buildability of our lot but we also have more general concerns regarding our hometown Park City. As planners you have the chance to take a small step and ask yourselves; what are we doing to our town, and what can we do to inject some sanity into the development process?

Respectfully yours
Steve and Suzanne Morgan

Steve Morgan
Sue Morgan

3595 Sunridge Dr.

Lots 5 & 6 Royal Oaks - Location of Proposed Replat

View from front of lot 48 Hidden Oaks Subdivision
(85 Hidden Oaks Lane) looking northwest

View from front of lot 48 Hidden Oaks looking south
towards proposed Mascatello Replat

Exhibit D

**Ordinance No. 01-**

# AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE 3615 AND 3635 SUN RIDGE DRIVE, LOTS 5 & 6 ROYAL OAKS SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of the property known as lot 6 of the Royal Oaks Subdivision have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 14, 2001, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on February 14, 2001, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 15, 2001, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

**SECTION 1. APPROVAL.** The Royal Oaks Subdivision plat is hereby amended as shown in Exhibit B subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The lots are located at 3615 and 3635 Sun Ridge Drive, also known as lots 5 and 6, Royal Oaks subdivision.
2. The property is located in the RD-MPD, Residential Development Zone - Master Planned Development
3. Vincent and Marie Mascatello own lot 6 of the Royal Oaks Subdivision.
4. Legacy Management, LLC owns lot 5 of the Royal Oaks Subdivision.
5. Dave Evans is the Managing Member of the Legacy Management LLC and is enabled to represent sufficient interest for that company. He has submitted written approval of this replat.
6. The Mascatello's have a purchase agreement to buy lot 6 of the Royal Oaks with Legacy Management LLC.
7. The proposed Mascatello re-plat will combine lots 5 and 6 of the Royal Oaks Subdivision into a single lot to allow the construction of one single family dwelling.
8. The proposed lot combination will result in one 31,713 square foot lot (.73 acres).
9. The proposed lot will be compatible in size with neighboring lots.

10. On the existing Royal Oaks Subdivision Plat the maximum house size allowed is 7,500 square feet.
11. The maximum square footage allowed by combining these two lots based on Section 2.13-6 (a) is 9,375 square feet. The applicant has proposed a maximum house size of 9,300 square feet.
12. The minimum setbacks for the proposed house size are 22.3' in the front and rear yards, and 17.9 in the sides.
13. The proposed plat amendment indicates a 15' front yard setback, 25' rear setback and 30' side yards.
14. The Land Management Code allows the Community Development Director to allow for some variation with setbacks in the case of unusual lot configurations, topography, access problems, or significant vegetation.
15. The plat amendment would result in a ≈240' x ≈120' lot which would be long and shallow compared to other lots in the subdivision. Approval of a 15' front yard setback maintains a larger setback at the rear of the lot. The replat also results in increased side yard setbacks.
16. The existing utility easements would remain and are not proposed to be relocated.
17. Written notice was mailed to all owners of property within 300 feet.
18. The project complies with Section 15 Subdivision Regulations of the Land Management Code.
19. The facts discussed in the background and analysis sections are incorporated herein.
20. The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their February 14, 2001 meeting.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Note 6 on the existing Royal Oaks Subdivision Plat shall be amended to read, "Homes on Lots 1,2,4 and 12 shall be a maximum of 5000 square feet. Homes on Lots 3,7,8,9,10,11 and 13 shall be a maximum size 7,500 square feet. The home on the Mascatello Replat shall not exceed 9,375 square feet. Structures in excess of 5,000 square feet may be required to be "compartmentalized" as required by the Fire Marshall."
4. The minimum setbacks allowed by this plat amendment are 15' front yard, 25' rear yard and 30' side yards.
5. A building permit may not be issued without prior recordation of the plat amendment.
6. All other conditions of approval of the Royal Oaks subdivision continue to apply.
7. The existing utility easements would remain.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 15th day of February, 2001.

PARK CITY MUNICIPAL CORPORATION

______________________________
Bradley A. Olch, Mayor

ATTEST:

______________________________
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

______________________________
Mark Harrington, City Attorney

PARK CITY
1884

# CITY COUNCIL STAFF REPORT

**Date:** **February 15, 2001**
**Department:** **Planning Department**
**Planner:** **Kevin LoPiccolo**
**Title:** **Ivers Plat Amendment/Six month time extension request**
**Type of Item:** **Administrative**

---

**Summary Recommendations:** Approve as conditioned.

---

## A. Topic

| | |
|---|---|
| Applicant: | James & Sandra Ivers |
| Location: | East Side of Ontario Avenue & McHenry Avenue |
| Zoning: | Historic Residential District - HR-L & HR-1 |
| Adjacent Land Uses: | Vacant HR-L/HR-1 parcels and Residential structures |
| Proposal: | Six Month Time Extension of Plat Amendment |

## B. Background

On February 10, 2000, the City Council approved with conditions a request to replat 12 lots into 4 lots of record, and a street Vacation of approximately 5,600 square feet of platted Ontario Avenue. Council's approval also included a one year time expiration for plat recordation. The original approval expired on February 10, 2001. The applicant is requesting a six month time extension which will allow him to set up an Escrow Fund Agreement with SBSID. The applicant has submitted a letter requesting this extension (Exhibit D).

## C. Analysis

Staff reviewed the proposed extension request for compliance with the Land Management Code, Chapter 2.1 - Historic Residential-Low Density (HRL) District and Chapter 15, Subdivision Standards, and Section 15-1-11(c) for Plat approval. Staff feels the extension is reasonable and the recordation of 210 Ontario Avenue plat is in the best interest of the City for the following reasons:

1) The Plat Amendment does not increase density.
2) The Plat Amendment results in greater setbacks.
3) The Plat Amendment results in four lots.

**D. Public Noticing**
Notice of the petition for an extension was advertised on February 6, 2001 as a consent agenda item.

**Alternatives**

**A.** Approve the extension request, thereby extending the expiration date for six additional months, to August 15, 2001.

**B.** Deny the request, thereby, causing the Ivers Plat Amendment of February 10, 2001 to expire.

**Significant Impacts**
The extension allows the applicant to formalize the necessary agreements with SBSID. Once the agreement is signed, the proposed amendment will result in four lots in the Park City Survey which meet the minimum lot requirement for the HR-L District.

**E. Recommendation**
The Community Development Department recommends the City Council approve this extension request based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The proposed extension request was reviewed for compliance with the Land Management Code, Chapter 2.1 (HRL Zoning District), Section 15 (Subdivision regulations), and Section 15-1.11(c) (Plat approval).

2. The original approval expired on February 10, 2001. The applicant submitted an extension request on January 31, 2001. The February 15, 2001 meeting was the earliest meeting date for this item to appear before the Council.

3. The applicant stipulates to all conditions of approval.

4. The approved plat amendment results in a reduction in the underlying density of the property.

**Conclusions of Law:**

1. The plans as submitted and reviewed by the City Council on February 10, 2000 comply with the Land Management Code, Sections 15-1-11(c) - Plat Approval, Chapter 2.1- HRL, Historic Residential-Low Density District, and Section 15- Subdivision Regulations.

2. The plat as submitted and reviewed by the Council complies with the Land Management Code, Section 15-1-11(c) Plat Amendments and Chapter 2.1( HRL) Historic Residential-Low Density District.

3. The six month extension request is reasonable.

**Conditions of Approval:**

1. The City Council conditions of approval for 210 Ontario Avenue, dated February 10, 2000, are in full force and effect.

2. All Standard Project Conditions shall apply.

3. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, temporary lighting, and any other construction-related details to the satisfaction of the Community Development Department.

4. Any changes or modifications affecting the original plat approval shall require Planning Commission review and approval and final approval by the City Council.

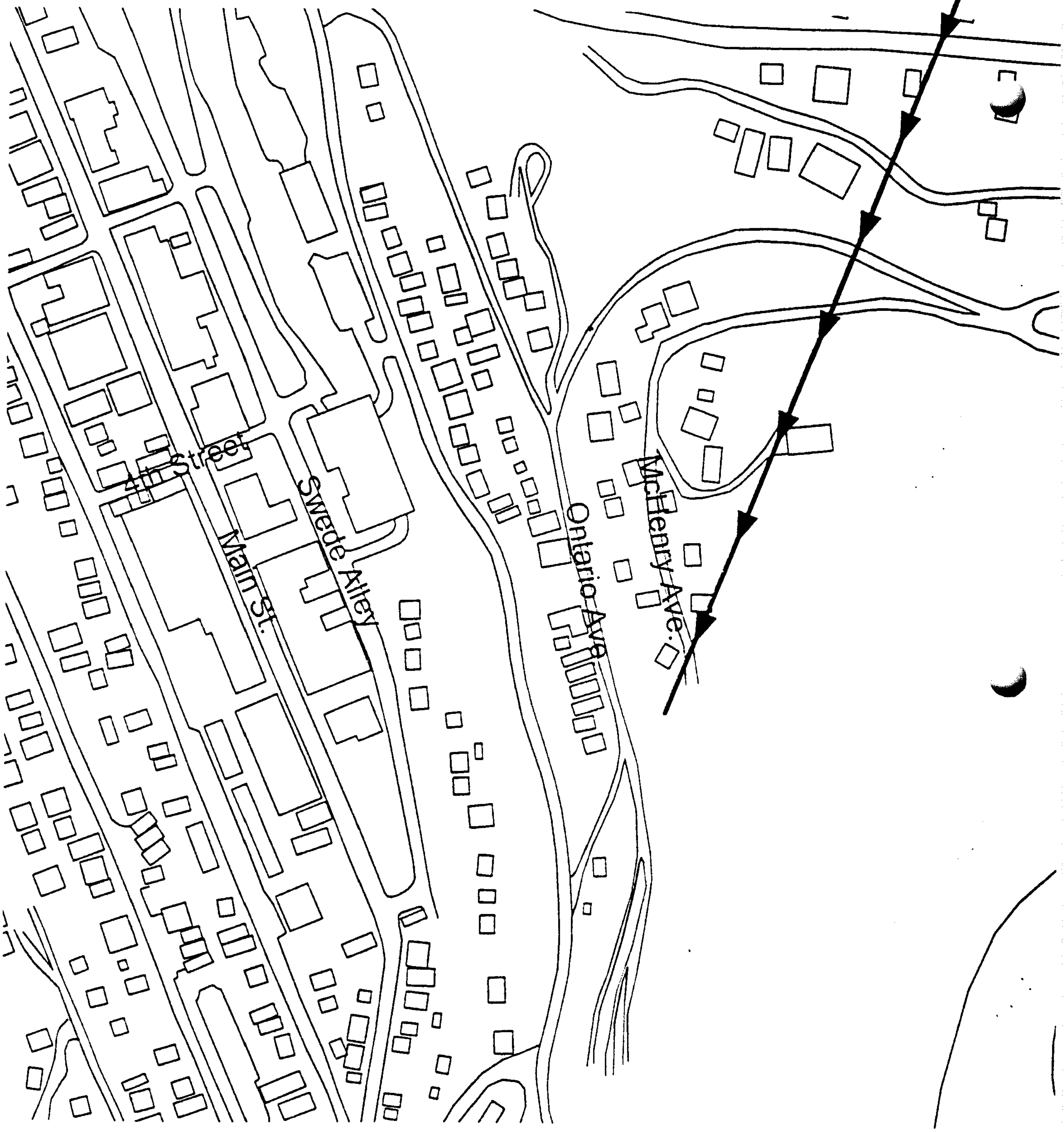
5. The new expiration date for the 210 Ontario Avenue Plat Amendment is August 10, 2001.

**G. Exhibits**

A. Location Map
B. Plat Amendment
C. City Councils Conditions of Approval February 2000
D. Applicant's Letter

M:\CDD\KL\CC01\PLATS\onta210phtimeext.wpd

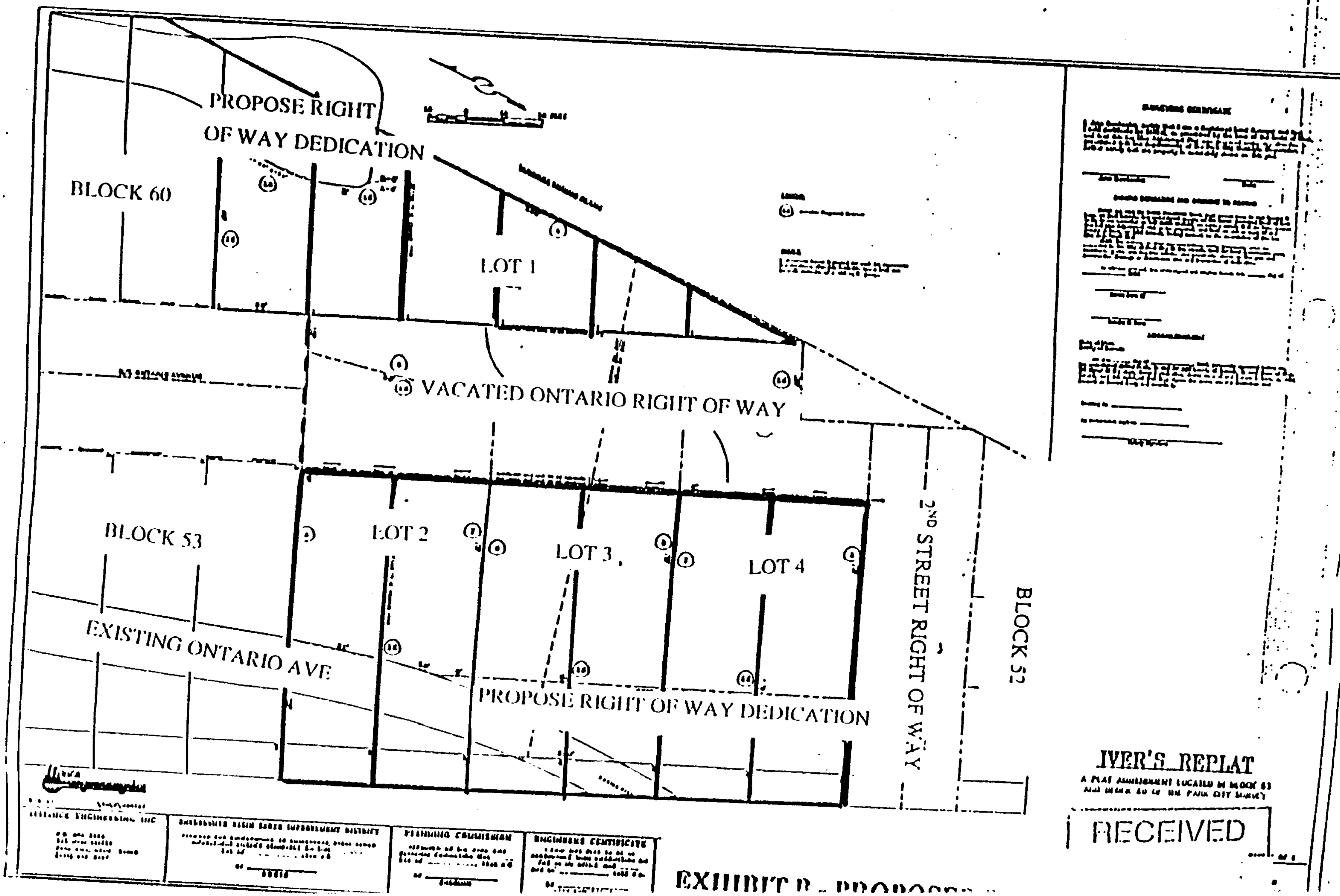
# 210 Ontario Ave.




PARK CITY
1884

N

Exhibit A
Vicinity Map


PROPOSE RIGHT
OF WAY DEDICATION
BLOCK 60
LOT 1
VACATED ONTARIO RIGHT OF WAY
BLOCK 53
LOT 2
LOT 3
LOT 4
EXISTING ONTARIO AVE
PROPOSE RIGHT OF WAY DEDICATION
2ND STREET RIGHT OF WAY
BLOCK 52
IVER'S REPLAT
RECEIVED
PLANNING COMMISSION
ENGINEERS CERTIFICATE

PARK CITY

1884

**Department of Community Development**
Engineering • Building Inspection • Planning

February 16, 2000

James & Sandra Ivers
111 East Lincoln Road
Spokane WA 99208

NOTICE OF CITY COUNCIL ACTION

| | |
|---|---|
| Project Name | Ivers Plat Amendment/Street Vacation |
| Project Description | Consolidation of seven full and five partial lots and a street vacation of platted Ontario Avenue. |
| Date of Meeting | February 10, 2000 |
| Action Taken By City Council | Approved in accordance with the findings of fact and conclusions of law in the staff report. The conditions of approval are listed below. |

Conditions of Approval

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. A ten (10) foot non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the plat.
3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements and required landscaping to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
4. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
5. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
6. All Standard Project Conditions shall apply (See Exhibit H - Standard Project Conditions).
7. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

## C. City Councils Conditions of Approval February 2000

8. The portion of Ontario Right-Of-Way vacated may not be used for maximum building footprint calculation.
9. Access to Lots 3 and 4 shall be provided by means of a platted maximum 20 foot wide private driveway easement accommodating a 12 foot wide paved private driveway. The proposed right-of-way dedication shall be eliminated from the plat although the private driveway may at some future time be converted to a public right-of-way or private road to access Block 52 provided right-of-way standards (currently 40') are met and approval is given by the City Council via formal plat amendment.
10. City Council approval of the proposed vacation of Ontario is a condition precedent to plat recordation.
11. A plat note shall be added to the final plat stating that the private driveway provide access to Lots 3 and 4 only, and is not designed for a through street to Block 52, although such a public extension in the future may be possible. Any future right-of-way dedication or expanded driveway in this area must meet City Standards and must be approved by the City Council via formal plat amendment.
12. The proposed 20-foot wide private driveway easement shall remain open for public trail access to the existing rail spur that runs south of existing Thrill Hill via the private driveway. A note on the plat indicating public access to existing trails from the driveway shall be added.
13. During construction of the house on Lot 1, access shall not be blocked from Mc Henry Avenue to the existing trail that is located on the Virginia Mining Claim parcel. A plat note to this effect shall be added to preserve trail access to the Virginia Mining Claims parcel.
14. Payment of the compensation value determined by the City Council, by the applicant, to the City prior to the recordation of the plat amendment.

Please call me if you have questions. My phone number is 435-615-5068.

Sincerely,

Kevin G. LoPiccolo
City Planner

KGL/rr

Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

January 31, 2001

Kevin Lopiccolo
Community Development Department
Park City Municipal Corp.
P.O. Box 1480
Park City, Utah 84060-1480

RE: IVERS REPLAT
FINAL PLAT
EXTENSION REQUEST

Dear Kevin:

Please accept this letter as our official request to extend the 1-year plat approval, granted on February 10, 2000 by the City Council, for the above referenced project. Unfortunately a couple of details remain un-resolved regarding the Escrow Fund Agreement with SBSID and we will need a few more weeks to finalize things. We appreciate your patience in this matter.

Yours Truly,

ALLIANCE ENGINEERING, INC.

Steve Deckert
Planner

:SD

Y:\AM\Docs\iversextension.doc

RECEIVED
JAN 31 2001
PARK CITY
PLANNING DEPT.

**D. Applicant's Letter**

323 Main Street P.O. Box 2664 Park City, Utah 84060 435-649-9467 FAX 435-649-9475

PARK CITY
1884

**Ordinance No. 01-**

**AN ORDINANCE AUTHORIZING AN EXTENSION TO RECORD THE 210 ONTARIO AVENUE PLAT AMENDMENT LOCATED IN BLOCK 53 AND BLOCK 60 OF THE PARK CITY SURVEY, PARK CITY, UTAH APPROVED BY ORDINANCE NO. 00-06**

WHEREAS, the owners of the property known as James and Sandra Ivers, owners of Lots 1-5, Block 60 and Lots 27-32, Block 53 of the Park City Survey, petitioned the City Council and received approval of a revision to the final plat on February 10, 2000; and

WHEREAS, the owners of the property have petitioned the City Council for an extension to record the record of survey and plat amendment.

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

**SECTION 1. FINDINGS OF FACT**

1. The proposed extension request was reviewed for compliance with the Land Management Code, Chapter 2.1 (HRL Zoning District), Section 15 (Subdivision regulations), and Section 15-1.11© (Plat approval).

2. The original approval expired on February 10, 2001. The applicant submitted an extension request on January 31, 2001. The February 15, 2001 meeting was the earliest meeting date for this item to appear before the Council.

3. The applicant stipulates to all conditions of approval.

4. The approved plat amendment results in a reduction in the underlying density of the property.

**SECTION 2. CONCLUSIONS OF LAW:**

1. The plans as submitted and reviewed by the City Council on February 10, 2000 comply with the Land Management Code, Sections 15-1-11© - Plat Approval, Chapter 2.1- HRL, Historic Residential-Low Density District, and Section 15- Subdivision Regulations.

2. The plat as submitted and reviewed by the Council complies with the Land Management Code, Section 15-1-11© Plat Amendments and Chapter 2.1( HRL) Historic Residential-Low Density District.

3. The six month extension request is reasonable.

**SECTION 3. CONDITIONS OF APPROVAL:**

1. The City Council conditions of approval for 210 Ontario Avenue, dated February 10, 2000, are in full force and effect.

2. All Standard Project Conditions shall apply.

3. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, temporary lighting, and any other construction-related details to the satisfaction of the Community Development Department.

4. Any changes or modifications affecting the original plat approval shall require Planning Commission review and approval and final approval by the City Council.

5. The new expiration date for the 210 Ontario Avenue Plat Amendment is August 10, 2001.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective upon publication.

**PASSED AND ADOPTED** this 15th day of February, 2001.

PARK CITY MUNICIPAL CORPORATION

____________________________

Mayor Bradley A. Olch

Attest:

____________________________

Janet M. Scott, City Recorder

Approved as to form:

____________________________

Mark D. Harrington, City Attorney