

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

MIDA PUBLIC HEARING CANCELLED

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 10, 2011.

Work Session

4:00 p.m.	Council questions/comments	
4:10 p.m.	Legislative update	
4:20 p.m.	Tour of Utah preliminary fee waiver discussion	P. 4 - 8
4:40 p.m.	Traffic and Transportation Master Plan update	P. 9 - 31

Closed Session – Dinner will be served

5:00 p.m. Litigation and property

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 13, 2010
P. 32 - 40

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

1. Consideration of a Professional Services Agreement between Park City Municipal Corporation and Water Works Engineers for engineering services related to the Phase I study for Water Quality Excursions in the Distribution System in an amount of \$22,585

P. 41 - 47

2. Consideration of authorization to sell City-owned remnant parcels adjacent to Claimjumper Court, Park City, Utah to adjacent property owners, purchase agreements and deeds in forms approved by the City Attorney

P. 48 - 64

(a) Public hearing

(b) Action

3. Consideration of an Ordinance approving the 508 Main Street Subdivision Plat Amendment located at 508 Main Street, Park City, Utah

P. 65 - 72

(a) Public hearing

(b) Action

~~4. Consideration of the sale of a portion (35 acres) of unimproved property commonly known as the Triangle Parcel to the Military Development Installation Authority of Utah located outside of city limits in Section 27, Township 1 South, Range 4 East, Salt Lake Base and Meridian in Summit County east of US 40 and south of Home Depot and jointly owned with Summit County and approving the purchase of approximately 35 acres known as the Red Maple~~

~~Parcel located north of SR248 in Township 2 South, Range 4 East, Salt Lake Base & Meridian for \$2 million; contracts in forms approved by the City Attorney~~ **CANCELLED**

5. Consideration of an appeal of the Planning Commission's December 15, 2010 approval of a Conditional Use Permit for 1440 Empire Avenue - Applicant is John Paul DeJoria, represented by Craig Elliott AIA. Appellants are David and Rosemary Olsen, Rick Margolis, and Bill and Dianne Newland, represented by Bruce R Baird PC (quasi-judicial - no ex parte communications) P. 73 - 88

- (a) Staff presentation and scope of appeal
- (b) Appellants' presentation
- (c) Applicant's presentation
- (d) Possible action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 02/07/11
See www.parkcity.org

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

February 2011

- 17 Legislative update
Meeting technology
Recreation Center update
Resolution – memorial and community project donations on public property
Taxi ordinance – work (5:20 – 5:50), public hearing, action
Resolution adopting a policy for memorial and community project donations on public property in Park City, Utah
- 24 **No meeting**

March 2011

- 3 1109 Woodside plat amendment - KW
HPB interviews (4:00 – 6 p.m.)
- 10 HPB interviews (4:15 – 6 p.m.)
- 17 Monthly budget update
Delivery ordinance
Utah National Guard presentation – Community Covenant Program
- 24
- 31

April 2011

- 7
- 14 Monthly budget update
- 21 **No meeting**
- 28

May 2011

- 5
- 12
- 19 **Liza gone**
Monthly budget update
- 26

Pending Items:

RAB interviews
Addendums to facility leases extending terms – Library and Education Center, and Miners Hospital
Board and commission training
Review of two year special event policy
U S Postal Service gang boxes in Old Town – MC



City Council Staff Report

Subject: Tour of Utah 2011
Author: Tommy Youngblood
Department: Sustainability
Date: February 10, 2011
Type of Item: Informational

Summary Recommendations:

Staff recommends council provide direction on the City's role in hosting the 2011 Tour of Utah. Specifically on fee waivers, value in kind and or staff resources in an amount not to exceed \$15,000. Any future application will be subject to approval or denial in accordance with Title 4, Chapter 8 of the Park City Municipal Code

Staff recommends council direct staff to pursue the following:

- TOU submit a completed application by May 1st, 2011 for staff review and presentation to council by June 2, 2011
- Staff move forward with the waiver of Park City Municipal Operations Fees of the 2011 Tour of Utah as stated in this report to a maximum of \$15,000
- TOU continue to work with the Park City Chamber under the Special Event Joint Venture to apply for all relevant grant mechanisms to aid in funding event as well as local private entities

Topic/Description:

On Wed Feb. 16, 2011 the 2011 Tour of Utah has a press conference scheduled to announce their host cities of which they would like a commitment from Park City Government, Park City Chamber Bureau, and the Local Organizing Committee to host their event. Provisions of the proposal would also require permitting from Summit County and well as other state entities. City Staff along with Park City Chamber Joint Venture recognizes the possible economic benefit to the community of the proposed activity, however the current lack of a complete Master Festival Application containing concrete operational plans, financial requirements and answers to comments of action from last years activity, make it difficult to evaluate the event with any accuracy.

Background:

The Tour of Utah is an annual road cycling race with 6 days of stage racing in 6 different locations throughout the northern part of the state. At the conclusion of the 2010 cycling season, the Tour of Utah applied for and was granted a spot on the calendar of events of the International Cycling Union (UCI). With this "promotion" from the National Racing Calendar to the UCI calendar, the Tour of Utah will experience an increase in the quantity and quality of participating international cycling teams and an increase in national and international media exposure. As a point of reference, there were four UCI-sanctioned races in the U.S. in 2010: the Tour of California; Tour of the Battenkill (New York); Philadelphia International Championships; and the Univest Grand Prix (Pennsylvania). Three additional states--Utah, New Mexico and Colorado--will host UCI races in 2011. This "promotion" to the UCI calendar, however, comes at a cost as the Tour of Utah is now responsible for all travel and lodging expenses for each participating team thereby tripling the event's operational budget. As such, the cost to a Host City of one of the stage races of the 2011 Tour of Utah increases as well.

In May of 2010, the Park City Council granted a Master Festival License for Stage 4 (Criterium) of the 2010 Tour of Utah event. City Council also approved fee waivers for Tour-related municipal services in the amount of \$8070, half of which was paid for by the General Fund and half of which was paid for by the Special Event Joint Venture between Park City Municipal Corporation (PCMC) and the Park City Chamber/Bureau. The Chamber/Bureau also awarded the Tour of Utah a Special Event Grant in the amount of \$5000 to help offset some additional Tour-related expenses.

The 2010 Tour of Utah was held on Saturday, August 21, and was well received by the community with some post-event concerns raised by Main Street merchants regarding the duration of the road and area closures which began with course set-up at 6 am, a series of amateur and kids races beginning at 9 am, and then the Professional Criterium from 4-6 pm.

Analysis:

The Tour of Utah is proposing three events for Park City/Summit County in 2011 including one stage race, one stage start, and an amateur ride the weekend before the official start of the Tour:

- On Saturday, August 6, three days prior to the official start of the Tour of Utah, the event organizers would like to host the Ultimate Challenge for approximately 1000 amateur riders to race along the route of the Tour's final and toughest stage, the Queen Stage, which begins in Park City/Summit County and ends at Snowbird Resort. This event has minimal operational impacts with an early Saturday morning start and rolling road closures on the way out of Park City/Summit County. Any Ultimate Challenge-related operational expenses incurred by PCMC will be billed directly to the Tour of Utah.
- On Tuesday, August 9, the event organizers would like to host in Park City the Prologue to kick off the Tour. The Prologue is a timed event in which riders will race individually against a clock on a 4 – 5 mile course. The Tour of Utah would like the finish of the Prologue to be located along Main Street. The location of the start of the Prologue and a variety of course routes are currently being explored with the Tour of Utah's Competition Director and PCMC's Special Events Department. This will require major closures of Main Street and Park Avenue.
- (3) On Sunday, August 14, the final proposed Tour of Utah event will occur. Operational impact is minimal with an early Sunday morning start and rolling road closures on the way out of Park City/Summit County. Any operational expenses incurred by PCMC will be billed directly to the Tour of Utah. Locations for this Queen Stage Start are still being explored.

Requirements from Park City Municipal

The Tour of Utah is requiring each 2011 Tour of Utah Host City to sign a Letter of Intent to provide the Tour of Utah \$100,000 in cash and to waive fees associated with the following services the cost estimated at \$50,000:

- Police services
- Permit services including liquor licenses, road closures fees, parking fees
- EMT & EMS Services

- Residential Business notifications
- Health and Wellness Expo – operational expenses and location
- Management & cost of local volunteer program
- All event parking: Staff, VIP, Crew, Team parking and staging areas
- Crew Security for build out
- Media Office /workroom (1000 sq. ft.) – with tables, chairs, 2 High speed copiers, etc.
- Press Conference Room (1000 sq. ft.) with tables, chairs, riser, etc.
- Private Conference Room

PCMC has declined to enter into a Letter of Intent with the Tour of Utah. In lieu of each Host City signing a Letter of Intent, the Tour of Utah created a Local Organizing Committee (LOC) consisting of individuals and businesses within the community who are passionate about cycling in general and the Tour of Utah in particular; this LOC may sign the Letter of Intent. Heiden-Davidson Orthopedics was the title sponsor of the 2010 Tour of Utah Park City Criterium. Eric Heiden and John Flint (both of Heiden-Davidson Orthopedics) and Michael Spencer, a local Park City resident, have agreed to organize a 2011 Tour of Utah LOC that will be responsible for raising the \$100,000 cash contribution.

The following options could be used to meet the operational requirements:

- Approximately \$20,000-\$30,000 can be obtained from grants (i.e., Chamber/Bureau Special Event Grant, Restaurant Tax Grant)
- with the remaining \$20,000-30,000 to be sourced from a cash contribution in the amount of \$10,000-\$15,000 from the Joint Venture
- A waiver of fees in the amount of \$10,000-\$15,000 paid for by the General Fund.

Department Review:

The Tour of Utah currently has no formal Master Festival License Application submitted to the Special Events Department due to the lack of concrete of operational, logistical, EMS & other required information and plans at this early stage of the event. Once submitted the Master Festival Application would come before council for action. Staff has made recommendations based on the general information contained in this report, the discussions held with the representatives of the Tour of Utah, the TOU 2011 Host Venue Requirements Brochure, comments from last years event and general research. The major outstanding issues to be submitted and reviewed are as follows:

- Specific course and course requirements
- Footprint of event including expo , VIP and Sponsor Area,
- Specific Parking & parking Management requirements
- Spectators and crowd management
- Sponsor marketing requests
- Local Stakeholders discussions – HPCA, residents & businesses effected by event
- Outside jurisdictional information and cooperation on event specifics
- Addressing event comments from 2010

Staff supports the Tour of Utah and finds its move to the International Cycling Union brings the potential to expand the events exposure to a much wider world audience which would be a boon to Park City as well as the state as a whole. However the overall increase in the number of UCI – sanctioned events within the United States may dilute this exposure.

Due to the moving of the event to a Tuesday afternoon and the outstanding concerns previously stated, of the items discussed and of those listed within the TOU 2011 Host Venue Requirements brochure Staff recommends council consider providing direction to waive the following fees, value-in-kind and partner on the following items to a maximum benefit of approximately \$15,000:

- Park City Municipal Police services
- Park City road closures fees, public parking lot use – fee waivers and basic equipment and management
- Park City Building inspection & permit fees
- Residential & Business notifications
- Media Office / workroom (1000 sq. ft.)
- Press Conference room (1000 sq. ft.)

Staff recommends that all other items are the responsibility of the Tour of Utah and any other organizers, sponsors and other governmental and non-governmental partners of this event. Staff also recommends that the TOU work with the Park City Chamber under the Special Event Joint Venture to apply for all relevant grant mechanisms to aid in funding event as well as local private entities.

Alternatives:

A. Approve:

Staff recommends council direct staff to pursue the following:

- TOU submit a completed application by May 1st, 2011 for staff review and presentation to council by June 2, 2011
- Staff move forward with the wavier of Park City Municipal Operations Fees of the 2011 Tour of Utah as stated in this report to a maximum of \$15,000
- TOU continue to work with the Park City Chamber under the Special Event Joint Venture to apply for all relevant grant mechanisms to aid in funding event as well as local private entities.

B. Deny:

Council provides direction to not waive fees or provide value-in-kind but will process the event application in our standard regulatory role. Denial of the recommendation may mean the Tour of Utah may not apply for their event within the Park City Limits.

C. Modify:

Council could choose to modify the city's financial role which may include:

- Changing fee waiver options
- Application deadlines
- etc

D. Continue the Item:

Without a firm commitment the TOU may choose to host this event in another Utah Community.

Council could request Tour of Utah supply additional information.

E. Do Nothing:

The Tour of Utah could apply for the Master Festival License for their event where it would go through the normal process to be presented to council for action or TOU could choose apply for their event in another Utah community.

Significant Impacts:

The outstanding operational and logistical specifics lead Staff to believe that the impacts on the community would be similar to last year's event:

- Major 6 – 8 hour closures for the event
- Major traffic and parking impacts
- Unknown impacts to local business

Consequences of not taking the recommended action:

Event may not be held in Park City and the city would not benefit from possible press coverage and economic impacts of spectators and event participants.

Recommendation:

Staff recommends council provide direction on the City's role in hosting the 2011 Tour of Utah. Specifically on fee waivers, value in kind and or staff resources in an amount not to exceed \$15,000. Any future application will be subject to approval or denial in accordance with Title 4, Chapter 8 of the Park City Municipal Code

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City Council Staff Report

Subject: Traffic and Transportation Master Plan Update
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: February 10, 2011
Type of Item: Informational

Summary Recommendations:

This report is informational. The Traffic and Transportation Master Plan study consultants are preparing for the next public open house on March 1 and staff would like to provide City Council with an update of our progress and our direction before going public.

Topic/Description:

A street master plan was prepared for Park City by Wayne Van Wagoner and Associates in 1984. This master plan was in essence a street inventory that included roadway design standards and provided a street capital improvement plan. Since that time, the Old Town Infrastructure Study (OTIS) was completed in 2002 and numerous small localized traffic studies have been performed over the years in highly congested areas of concern. As traffic congestion increases, Park City recognizes the need to develop a comprehensive master plan for the City's transportation system. It is anticipated that this tool will be useful for the City to understand and resolve current and anticipated future traffic and transportation issues. This master plan will complete the transportation section of the General Plan currently being updated by our Planning Department. InterPlan Company was selected to develop the Traffic and Transportation Master Plan.

A technical steering committee has been formed to guide the development of the Traffic and Transportation Master Plan. Committee members are as follows:

Matt Cassel	Engineering
Kent Cashel	Transportation
Thomas Eddington	Planning
Roger Evans	Building
Jonathan Weidenhamer	Sustainability
Heinrich Deters	Sustainability
Brooks Robinson	Transportation
Sayre Brennan	Transportation

The following are the elements to be provided by InterPlan as part of the master plan:

- A travel demand model that will be capable of estimating travel on roads, transit and walk/bike modes in Park City. This model will be used to

forecast future traffic, transit use and walk/bike uses based on a range of land use scenarios. The model will be capable of predicting traffic changes based on land use changes,

- A VISSIM model will be developed. This model will be capable of taking the information from the travel demand model and creating a visual simulation model to show the performance of our streets, transit and walk/bike networks,
- Existing street and pathway inventory in a paper map and as GIS layers that will include the street classification and whether it is a public or private road, and
- A scenario development and alternative analysis will be conducted and submitted as part of the final report. Various land use scenarios will be evaluated and alternative transportation possibilities will be tested for each land use scenario,
- Transportation goals will be developed and included in the final plan and cross referenced in the comprehensive plan being developed by the Planning Department.
- Street cross section standards will be provided as part of the final master plan. As each road in Park City is classified (local, collector or arterial), a typical cross section will be developed. These cross sections will be developed based on the existing Right-of-Way width and will include the paved roads width, snow storage and curb and gutter and possibly sidewalk, bike lanes and parking,
- Capital facilities plan development and recommendations on the next steps. The final master plan report will include a section on recommended short term capital improvements and a planning level cost for the possible long term capital projects (next recommended steps), and
- A final report will be submitted in draft and final form. It is anticipated that City Council will adopt the final traffic and transportation master plan.

This master planning process is part of a series of Park City's broader planning efforts to ensure that we can provide infrastructure and services for full-time residents and amenities for visitors, all while balancing the competing nature of our quality of life, environmental sustainability and economic viability. These efforts include the general plan updates and the Lower Park Avenue and Bonanza Park redevelopment consideration.

Analysis

Three elements of the master plan have slowly developed and are ready to receive City Council, Planning Commission, public and staff input. These elements are proposed road cross sections, neighborhood connections and gateway corridors.

It should be noted that staff is not recommending any of the alternatives. Rather our goal is to evaluate the alternatives to determine if they can provide solutions to specific current or future traffic situations. With this background analysis in hand and

stakeholder and public input collected, the discussion with City Council can then occur to the validity of each alternative.

Proposed Road Cross Sections

The proposed road cross sections show all possible elements staff would want included if sufficient right-of-way width was available. The guiding principal followed is based on the complete street philosophy which is to consider all modes of uses when streets are being designed or re-constructed.

The road cross sections are attached and include a detailed section for:

- ✓ Old Town Local Street,
- ✓ Non-Old Town Local Street,
- ✓ Minor Residential Collector Street,
- ✓ Major Residential Collector Street,
- ✓ Commercial Collector Street,
- ✓ Non-UDOT Arterial, and
- ✓ UDOT Arterial

The guidelines used by City staff in developing the proposed cross sections included

1. Providing shared uses at the local street level,
2. Start the physical separation of uses at higher speeds when reaction time decreases and speed of uses are not consistent. This concept will lead to narrower yet safer street sections,
3. Meet national fire code requirements, and
4. Create prioritized flexible space for each road section that can be used to adjust the road section width when existing right-of-way is limited.

Neighborhood Connections

The idea behind the neighborhood connections was to evaluate alternative routes within the City limits that may assist in diverting congestion at our known choke points. The analysis looks at the cost of the alternative and the advantages and disadvantages. The alternatives include;

- ✓ Solamere connection to Chatham Crossing – This alternative links the Solamere/Lower Deer Valley neighborhoods to the Chatham Crossing/SR-248. This linkage would allow vehicles to avoid our major chockpoints,
- ✓ Three Kings bypass – This alternative could provide a skier inload/outload or possibly a dedicated HOV route to and from Park City Mountain Resort,
- ✓ Bonanza Park – With the redevelopment of the Bonanza Park area, opportunities may exist to address traffic congestion, transit and bicycle/pedestrian issues in the area,
- ✓ Kearns to Meadows connection (North 40) – This connection would link the Park Meadows neighborhood directly to SR-248 east of the congestion, and

- ✓ School frontage road – The goal of the school frontage road is to reduce congestion in front of the schools by removing school traffic off of SR-248.

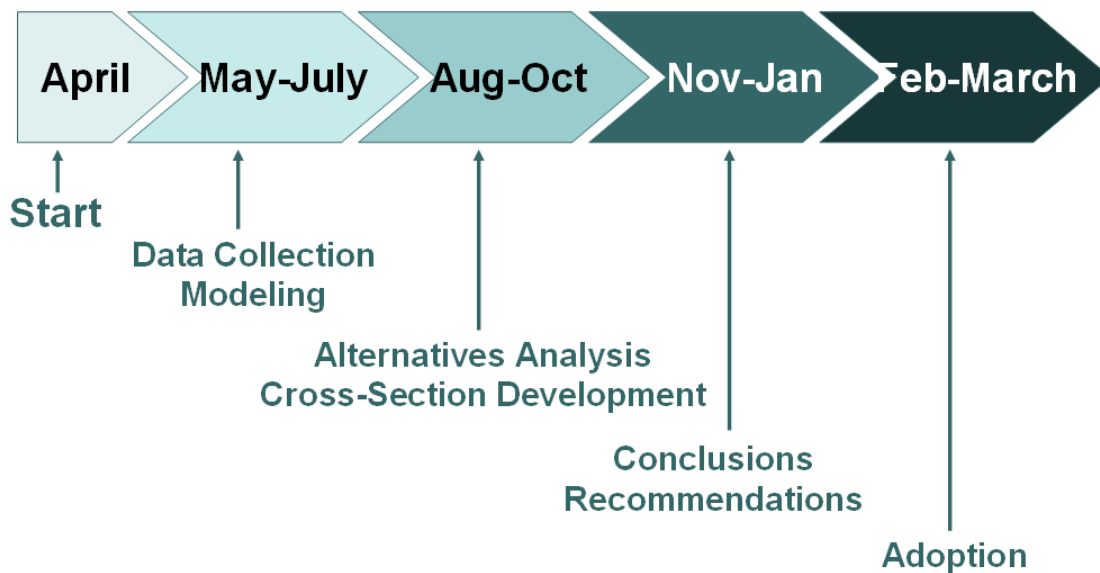
Gateway Corridors

The idea behind the gateway corridors was to evaluate existing and possible alternative routes into Park City to facilitate the growing congestion. The analysis again looks at the cost of the alternative and the advantages and disadvantages. The alternatives include;

- ✓ Existing Corridor, SR-224 – This analysis looked at the existing SR-224 corridor and the future conditions. Specific solutions are not provided as part of the analysis only the anticipated areas of congestion are provided at this time,
- ✓ Existing Corridor, SR-248 – This analysis looked at the existing SR-248 corridor and the future conditions. Specific solution includes the inclusion of HOV lanes as developed in the SR-248 corridor study,
- ✓ Possible Corridor, Meadows Drive to I-80 –This concept corridor looks at connecting Meadows Drive directly to I-80,
- ✓ Possible Corridor, Guardsman Pass Road – This concept corridor looks at the connection between Wasatch County and the backside of Park City., and
- ✓ Possible Corridor, Deer Valley to US-40 Tunnel – This concept corridor looks at a connection between Deer Valley and US-40, whether by a surface road or tunnel.

Schedule

Our transportation consultant has been able to stay relatively on schedule as proposed back in April when this study started as shown in the graphic below. The data collection has been completed, the model is complete and running, goals and objectives have been defined, the five year CIP has been developed, and the road functional classifications are complete. The cross sections and alternative analysis have been developed and are ready for input from City Council, Planning Commission, public and staff. After input is gathered over the next month, conclusions and recommendations will be developed and the study will be brought back to City Council for discussion, review and final adoption in April.



As the master plan develops, numerous stakeholder, public, Planning Commission and City Council meetings have been or will be held.

- Stakeholder Committee Meetings – The first meeting was held June 16, 2010 and the second meeting was held on September 14, 2010. The next stakeholder meeting will be held on February 15, 2011
- General Public Involvement - The first public meeting was held on October 5, 2010. This public meeting was an open house style meeting. The next public meeting has been scheduled for March 1, 2011 and it will also be a open house style meeting.,
- Planning Commission – An update to the Planning Commission was held on August 11, 2010. The next update to the Planning Commission will occur on February 9, 2011. Two to three additional update meetings may be provided to the Planning Commission,
- City Council – An update to City Council was held on September 30, 2010. This update discussed goals and objectives for the traffic and transportation master plan. One more update meetings with City Council will be held down the road as part of this master plan process. Additionally, up to two meetings will be held as City Council reviews and adopts the final plan and report.

Department Review:

This report has been reviewed by City Manager, Planning, Public Works, Sustainability and Legal. All comments have been integrated into this report.

Significant Impacts:

The analysis and preparation of the master plan will not have significant impacts other than the time required by staff members in assisting the development of the master plan. The funds for the consultant's contract have already been appropriated, and there are no budget impacts which the Council hasn't already considered in the FY2010 budget. The master plan will be developing a capital improvement plan as a deliverable which most likely has a financial impact in future budget years.

Recommendation:

This report is informational. The Traffic and Transportation Master Plan study consultants are preparing for the next public open house on March 1 and staff would like to provide City Council with an update of our progress and our direction before going public.

Exhibits – Road Cross Sections
 Neighborhood Connections
 Gateway Connectors

Cross-Section Standards

Local Road – non-Old Town

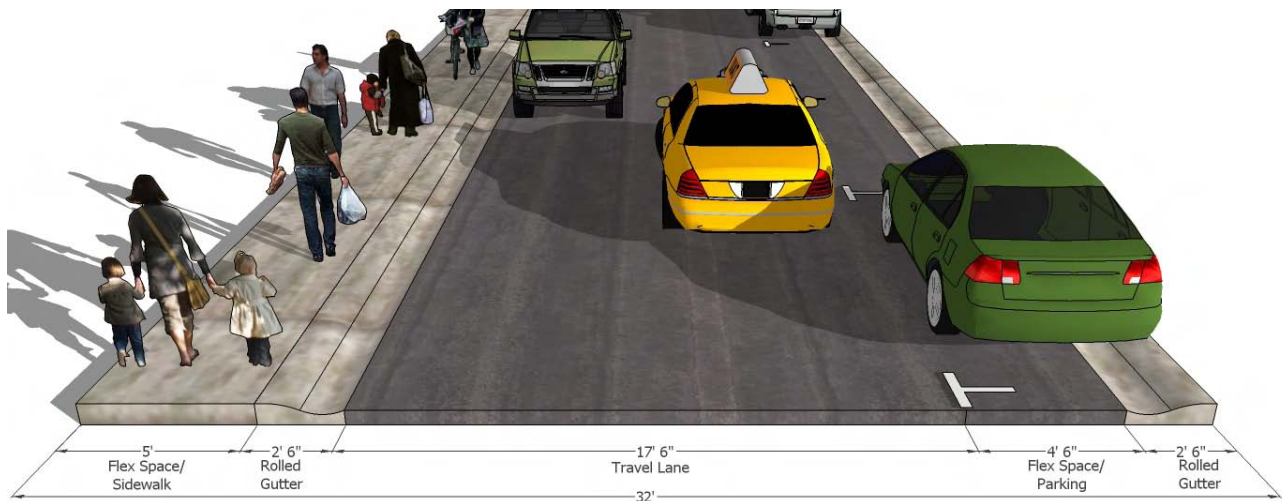
Daily Traffic Volumes: <2,000

Threshold: 2,500 daily traffic

Description: Primarily designed to provide access to houses. Usually provide access (driveways) over speed.

When the full ROW width is not available, the order of priority will be:

Parking
Sidewalks



Cross-Section Standards

Local Road – Old Town

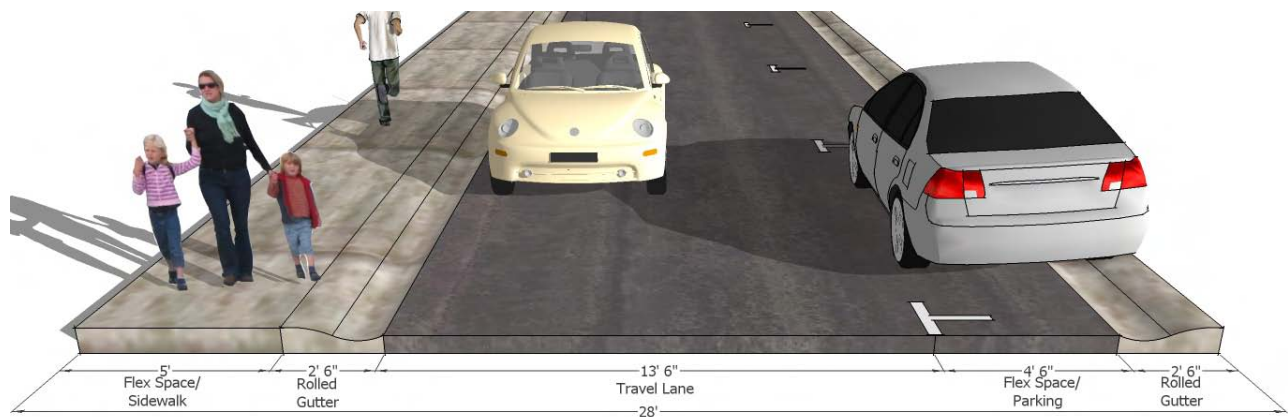
Daily Traffic Volumes: <2,000

Threshold: 2,500 daily traffic

Description: Primarily designed to provide access to houses. Usually provide access (driveways) over speed.

When the full ROW width is not available, the order of priority will be:

Parking
Sidewalks



Cross-Section Standards

Minor Residential Collector

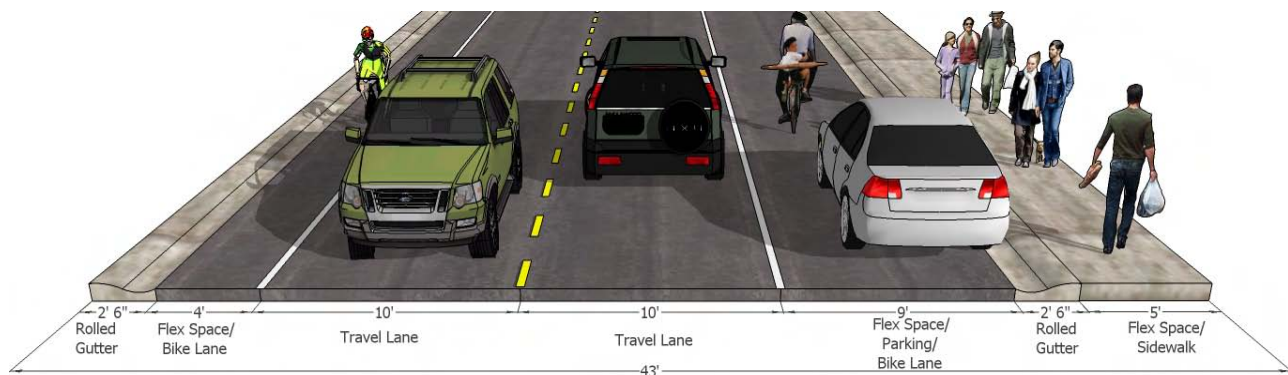
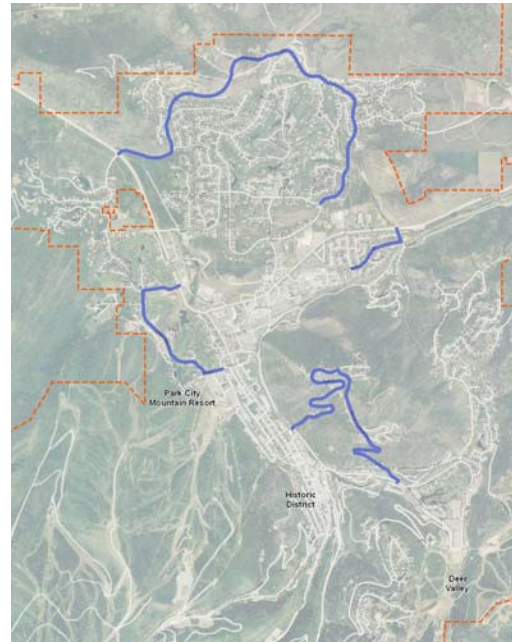
Daily Traffic Volumes: 2,000 - 5,000

Description: Typically connect local roads to higher functioning roads. Access is still a priority but road design begins to accommodate somewhat higher traffic volumes.

Threshold: 8,000 daily traffic

When the full ROW width is not available, the order of priority will be:

- Sidewalks
- Parking
- Bike lanes



Cross-Section Standards

Major Residential Collector

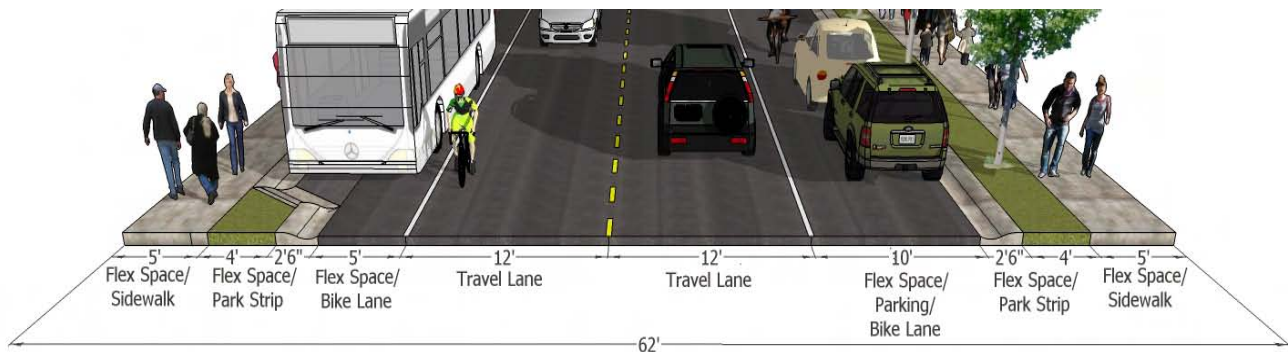
Daily Traffic Volumes: 3,000-8,000

Description: Provide access to some residential land uses but tend to serve higher traffic volumes and more direct access to arterial facilities.

Threshold: 10,000 daily traffic

When the full ROW width is not available, the order of priority will be:

- Bus pull-outs
- Parking
- Sidewalks
- Bike lanes
- Park strips



Cross-Section Standards

Commercial Collector

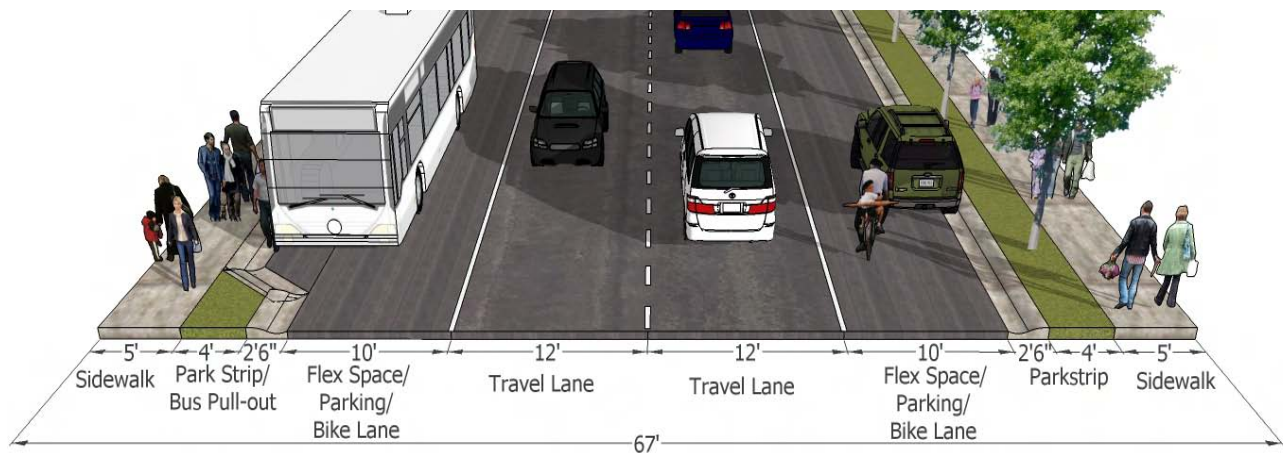
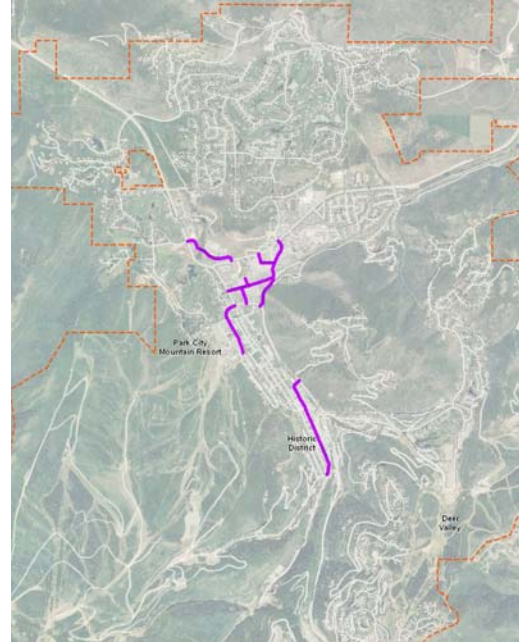
Daily Traffic Volumes: 7,000-15,000

Description: Provide access to local and smaller scale businesses. They serve higher volumes than residential collectors and often provide direct connections to arterial streets.

Threshold: 12,000 daily traffic

When the full ROW width is not available, the order of priority will be:

- Parking
- Sidewalks
- Bike lanes
- Park strips



Cross-Section Standards

Non-UDOT Arterial

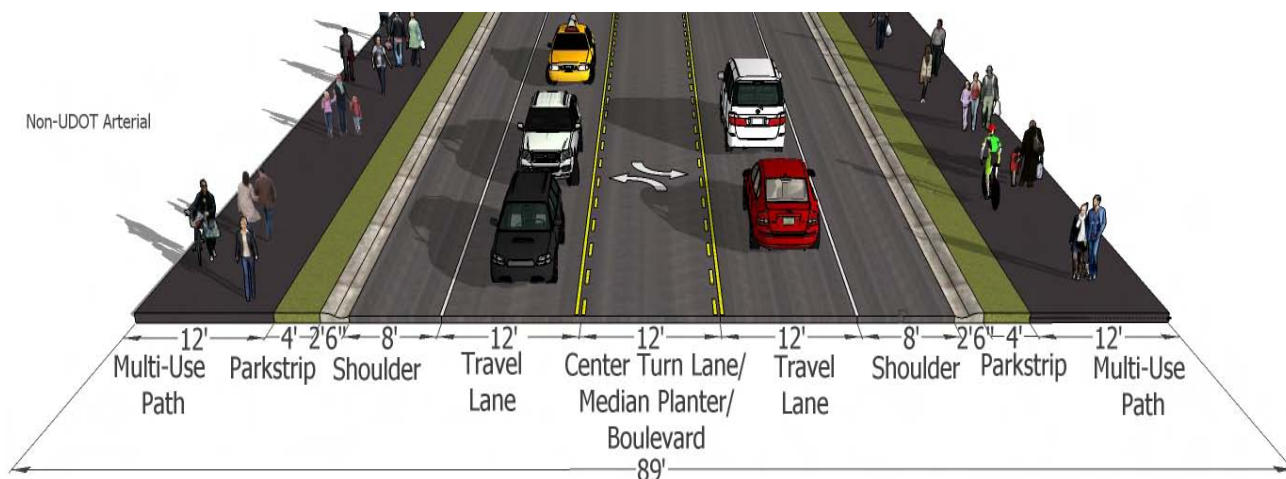
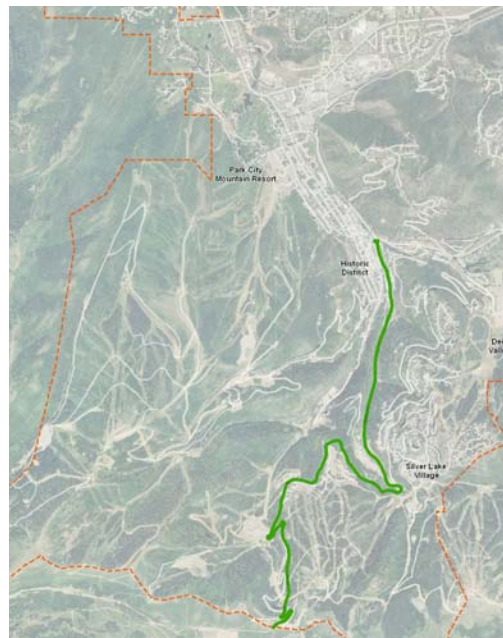
Daily Traffic Volumes: 5,000 - 15,000

Description: Provide access to Park City from areas outside the city. Although Marsac is currently State Route 224, it does not function like a standard state route which typically provides high-volume and high-speed connections across regions.

Threshold: 19,000 daily traffic

When the full ROW width is not available, the order of priority will be:

- Shoulders
- Sidewalks/multi-use paths
- Center turn lanes/medians



Cross-Section Standards

UDOT Arterial

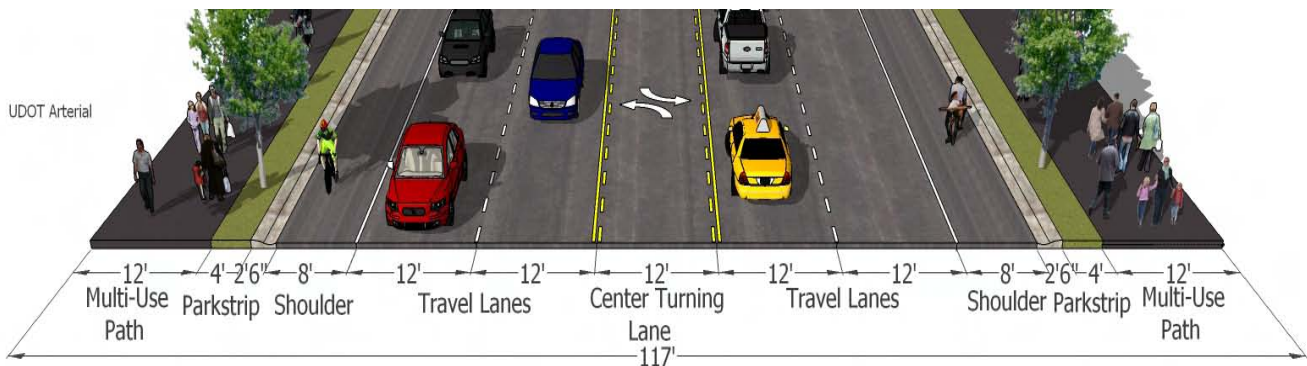
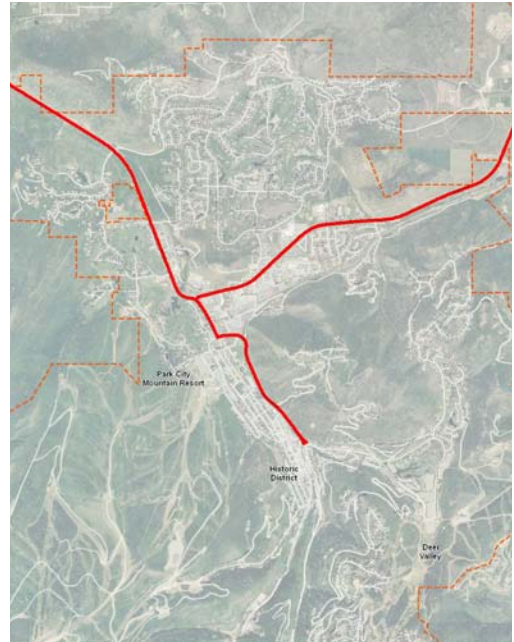
Daily Traffic Volumes: 15,000+

Description: Provide main access to Park City from other areas. They also serve large-scale land uses such as the schools on Kearns Blvd. and major commercial areas on Park Avenue.

Threshold: 38,000 daily traffic

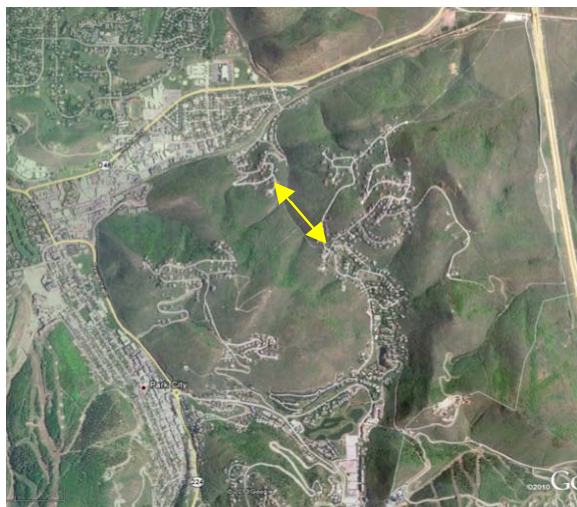
When the full ROW width is not available, the order of priority will be:

- Shoulders
- Multi-use paths (can be narrower)
- Travel lanes (can be narrower in slower speed sections)
- Park strips



Neighborhood Connections – Solamere Connection

The Solamere neighborhood connection would link the Solamere/Lower Deer Valley neighborhoods to the Prospector area and SR-248, providing a new alternative for drivers traveling between the Solamere neighborhood and SR-248.



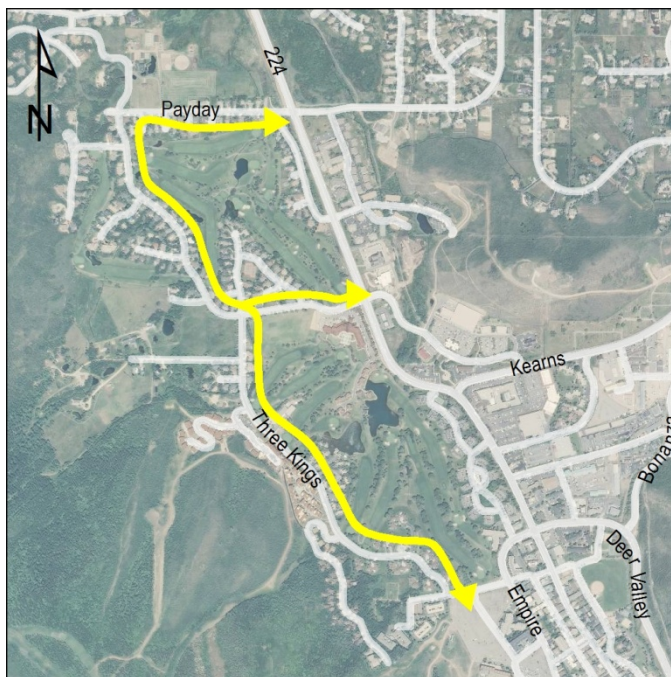
Estimated Cost: \$2 - \$3 million

Advantages		Disadvantages	
HOV		Not likely to be used as an HOV route	
Transit		Not available to bus or truck traffic	
Non-motorized Travel		Not likely to be used as a bicycle route	
Traffic Congestion		• Reduces traffic on Deer Valley Drive by up to 45% • Improves connectivity to/from SR-248 to Solamere and Lower Deer Valley • Reduces peak-season day delay at round-about and in Park City overall • During the off-season, could function adequately as a low-volume neighborhood collector.	
Other		• Used as a shortcut during peak ski days - upwards of 800 vehicles per hour during ski outload in 2040 • Adds significant delay to the SR-248 and Wyatt Earp intersection during peak ski days • Generally, moves delay from the Deer Valley Drive round-about to SR-248	
		• Visual scarring of hillside • Steep grades of 15-20% • The neighborhood is likely to oppose the connection	

Neighborhood Connections – Three Kings to PC Mountain Resort

This option provides an alternative route for skier outload from Park City Mountain Resort to SR-224 via Three Kings.

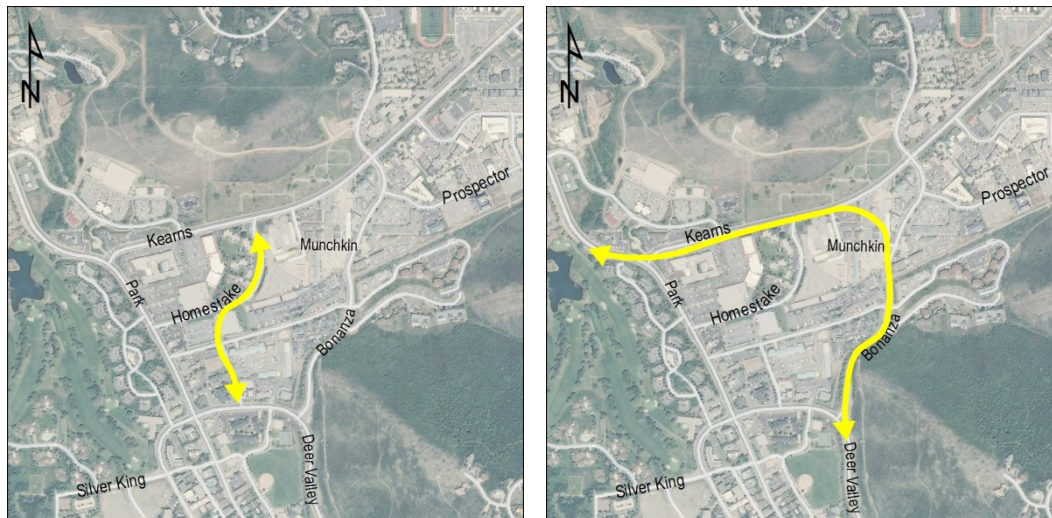
Estimated Cost: <\$250,000



Advantages		Disadvantages	
HOV			
Transit			
Non-motorized Travel		Increased traffic on neighborhood streets may inhibit bikes and pedestrians in area	
Traffic Congestion		- Does not service enough traffic to significantly reduce congestion from PCMR outload, yet attracts enough ski traffic to be detrimental to character of the residential neighborhood - Increased delay at Payday signal and at Thaynes Canyon signal	
Other		Not likely to be supported by neighborhood residents	

Neighborhood Connections – Bonanza Park

In the redevelopment of the Bonanza Park area, there may be opportunities to address transit, traffic congestion, and bicycle/pedestrian issues in the area.

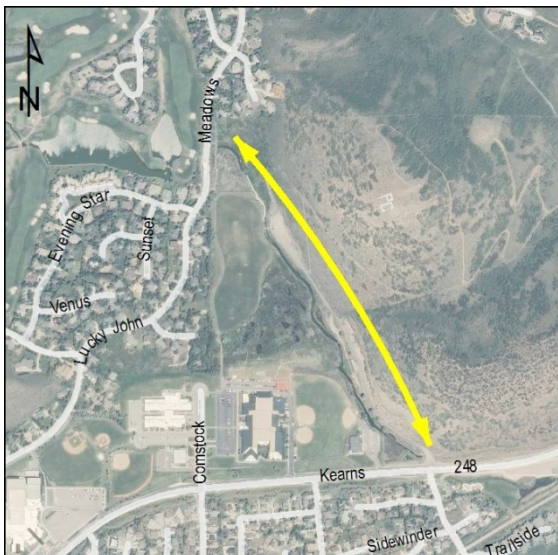


Estimated Cost: \$5 - \$20 million

	Advantages	Disadvantages
HOV	There is an opportunity to take HOV lanes farther south into city	
Transit	A new transit hub located within the redeveloped area may offer better transit service within and from outside Park City	
Non-motorized Travel		- Redevelopment concepts include a pedestrian friendly plaza - Bicycle/pedestrian trail issues from Park Avenue may be able to be accommodated here
Traffic Congestion	May solve right-of-way issues between Kearns Blvd and Deer Valley Drive	- An additional signal on Deer Valley Drive between Bonanza and Park Ave would likely contribute to congestion in area - Depending on the nature of the redevelopment, this could be a major traffic generator in an already congested area
Other	Can be incorporated into redevelopment plans which are currently being developed	High functional class road seems to be inconsistent with development plans

Neighborhood Connections – Kearns to Meadows Drive

The connection between Kearns Boulevard and Meadows Drive east of the schools has been evaluated many times in recent years as a way to provide traffic congestion relief on Kearns Boulevard (SR-248). The road would link the Park Meadows neighborhood to Kearns Boulevard at Wyatt Earp Way.



Estimated Cost: \$0.5 - \$1 million

Advantages		Disadvantages	
HOV		Less congestion on Kearns Blvd may reduce HOV incentive	
Transit			
Non-motorized Travel		Impacts to trails and recreational fields	
Traffic Congestion		• May warrant a signal at the intersection of SR-248 and Wyatt Earp Way. If unsignalized, there are additional congestion issues on Kearns Blvd. • Increases Kearns (east end) traffic volume by 11% • Travel times on SR-248 to QuinnsJct increase 14-29% • As much as 50% of traffic using this road is cut-through traffic to SR-224	
Other		• Potential wetlands impacts	

Nearhood Connections – School Area Frontage Road

This concept is a new one-way road adjacent to Kearns Boulevard from Comstock Drive to approximately Cooke Drive. The frontage road system would provide a separate roadway specifically for school-related traffic. Potentially, the frontage road system will improve traffic congestion near the schools by removing school traffic from Kearns Boulevard. Bus movement and drop off/pick up by private vehicles would be concentrated in this new frontage road which would improve pedestrian safety for school children.

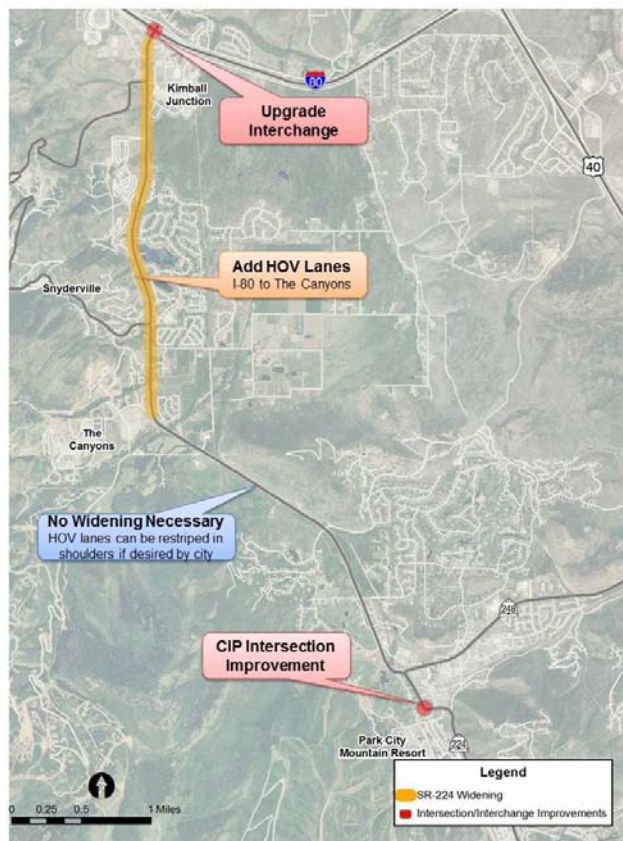
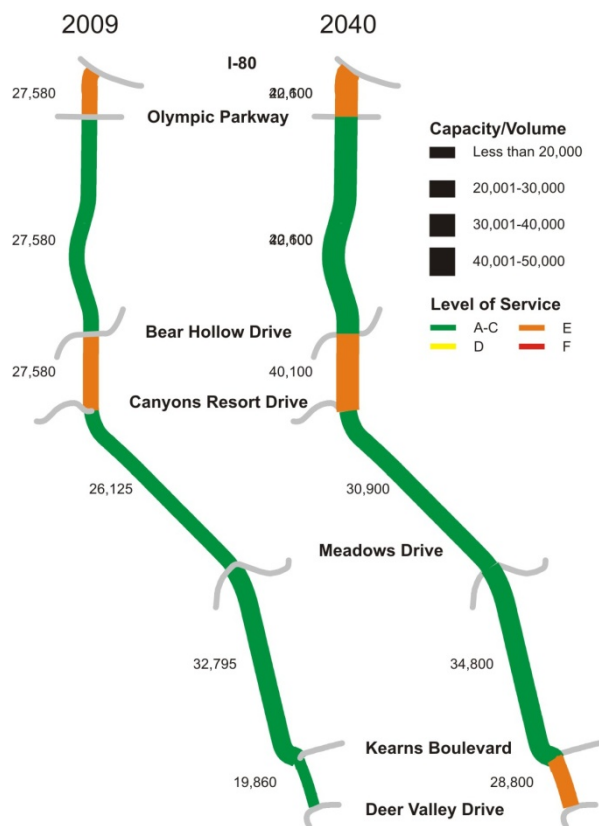
Estimated Cost:\$230,000 for minor residential collector cross-section



Advantages		Disadvantages
HOV		Less congestion on Kearns Blvd may reduce HOV incentive
Transit		
Non-motorized Travel	Improved pedestrian safety at school area	
Traffic Congestion	May provide advantage to traffic during school drop-off in morning	- Small reduction in access points on SR-248 - Moves traffic from Comstock to Sidewinder and Buffalo Bill
Other		Reduces parking at high school

Existing Gateway Connections – SR-224

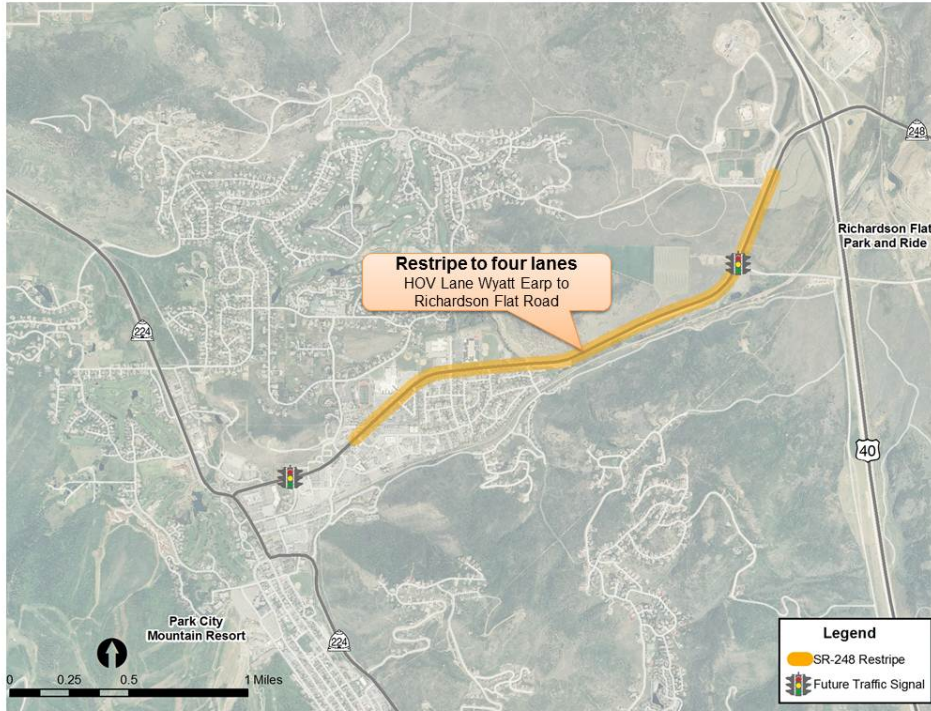
Existing and future conditions in the SR-224 corridor were evaluated in light of development anticipated in the area along with planned improvements. The future conditions shown below assume that the mode split goals of the Traffic & Transportation Master Plan have been met.



	Advantages	Disadvantages
High-Occupancy Vehicle	Provides premier HOV service from I-80 to Canyons and possibly Park City	
Transit	Short term, shoulders are used for transit. Long term, specific lanes are provided for transit (HOV) use	
Non-motorized Travel		- There are constraints in the Kearns to Empire segment that limit separated trail for bike/ped - Shoulders used by bicycles are now sharing with buses
Traffic Congestion	Capacity in general purpose lanes should increase by achieving mode split goals	General purpose lanes may remain congested or become more congested

Existing Gateway Connections – SR-248

Park City's current plan for the SR-248 corridor is for a two lanes in each direction the length of the corridor between SR-224 and US-40. Between Wyatt Earp Way and Old Dump Road, the outside lane would be a high-occupancy vehicle lane and bicycle lanes would be provided the length of the corridor.



Estimated Cost: \$5 - \$9 million

	Advantages	Disadvantages
High-Occupancy Vehicle	Provides premier HOV service from US-40 to Park City, better utilizing Quinn's Junction Park-and-Ride lot	
Transit	Specific lanes provided for transit (HOV) use	
Non-motorized Travel	Bicycle lanes are provided between SR-224 and US-40	
Traffic Congestion	- Capacity in general purpose lanes should increase by achieving mode split goals - HOV lanes can be converted to general purpose lanes if need arises	General purpose lanes may remain congested or become more congested

Possible Gateway Connections – Meadows Drive to I-80

This concept provides an additional connection between the city and I-80 from Meadows Drive straight north to the Interstate.

Estimated Cost: \$6.5 - \$40 million (with new interchange)

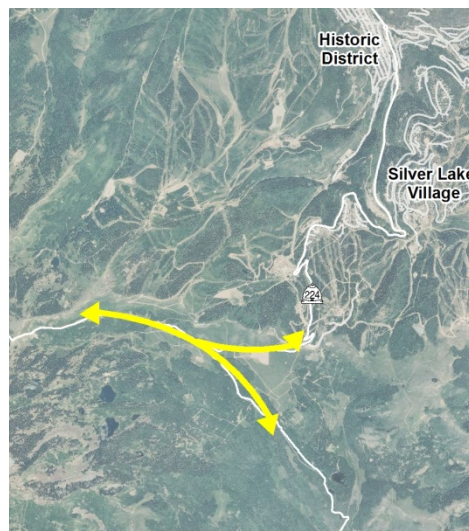


Advantages		Disadvantages	
High-Occupancy Vehicle		Planned HOV lanes on SR-224 may be under-utilized	
Transit		Reduces efficiency of transit service with more corridors to serve	
Non-motorized Travel		New/improved road would provide additional north/south bicycle facilities	
Traffic Congestion		- Provides additional capacity between I-80 and Park City - Serves between 5,000 and 10,000 vehicles daily - Analysis suggests additional capacity is not necessary if mode share goals are achieved - Park Meadows neighborhood local /collector streets experience higher traffic volumes - Without an additional interchange may exacerbate congestion at Kimball Junction	
Other		Potential new emergency evacuation route	

Possible Gateway Connections – Guardsman’s Pass Road

Guardsman’s Pass Road provides access to an area in Wasatch County that has been approved for single-family residential development. It currently is open on a seasonal basis but pressure to provide year-round access is anticipated.

Estimated Cost: \$1.7 - \$2.2 million (includes significant annual maintenance costs)



Advantages		Disadvantages
High-Occupancy Vehicle		
Transit		Would not be a likely corridor for transit service to Wasatch County
Non-motorized Travel	A paved road would provide additional north/south bicycle facilities	Safety concerns of bikers and cars on windy, steep road
Traffic Congestion		- Analysis suggests additional capacity is not necessary if mode share goals are achieved - Old Town neighborhood local /collector streets are likely to experience higher traffic volumes - There are already speed concerns on Marsac Avenue in city - Little traffic reduction on SR-224
Other		- This connection would likely be used by Wasatch County residents but impacts of the road would fall to Park City and Summit County without any benefits received from the development - This corridor is windy, narrow, and steep. Increased traffic volumes may invite safety issues - Winter maintenance issues - Potential to induce development in Bonanza Flats

Possible Gateway Connections – Deer Valley to US-40

This concept involves providing a tunnel between the base area of Deer Valley ski resort out to a connection to US-40 via the existing Mayflower interchange.

Estimated Cost: Estimated at \$150 million/mile



	Advantages	Disadvantages
HOV	May potentially be used for HOV only	
Transit	If a tunnel, may potentially be used for transit only	If not a tunnel, buses are unlikely to be able to use road due to steep grades
Non-motorized Travel		Not suitable for bicycle or pedestrian traffic
Traffic Congestion	If the connection is a tunnel: - Reduces volumes on SR-248 by up to 20% - Decreased carbon emissions as overall Park City VMT reduced by up to 14% - Improves function of DVDr/Bonanza intersection and round-about in peak season If the connection is not a tunnel it likely carries less traffic	May increase delay at Mayflower interchange on US-40
Other	Potential emergency evacuation route	- There are many questions about the nature of this connection (tunnel versus road connection over the top) - A tunnel would be expensive for relatively low traffic volume - A road exists but is gated for private development - Likely to be neighborhood concerns if road is open to public

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 13, 2011**

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Heinrich Deters, Trails Coordinator; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager;

Marty Pearson, Fehr & Peers; Charlie Wintzer, property owner; Ray Carter, Stanley Construction; and Mark Fischer, property owner

1. Council questions/comments. Cindy Matsumoto spoke about Round Valley and related recreational conflicts and hoped there are solutions because it is so popular. She encouraged the public to participate in the survey. Discussion ensued on modifying the restrooms in Round Valley so they are available for use in the winter. Candace Erickson discussed Mountainlands Community Housing Trust business where there is a lack of applications to launch a self help housing program. Alex Butwinski discussed Art Board business and noted that the TDR discussion at Planning Commission was continued.

He referred to requests for snow plowing the Holiday Ranch Loop sidewalk. Heinrich Deters reported that clearing the sidewalk is in the Request for Elevated Level of Service (RELS) Process and Mr. Butwinski felt this may take too long. Tom Bakaly explained that requests for traffic calming, trails, pedestrian improvements, etc, are evaluated in the RELS process as a matter of policy. This could be discussed in a work session. Ms. Erickson understood that plowing would be considered this upcoming budget and Mr. Bakaly confirmed that was the plan but there will be an earlier work session on this.

Joe Kernan suggested that a high level policy discussion on taxes be scheduled during the Visioning Session. It would be helpful to have a better understanding of taxes before May when the tentative budget is introduced. He also requested information from the Budget Team on comparisons with the eight other cities. Mr. Butwinski suggested that members be provided monthly updates on revenues and agreed with Mr. Kernan that it may be helpful to talk about these topics during Visioning. As a part of the discussion, Ms. Matsumoto asked for future projections on the cost of the pay plan.

Mayor Williams passed on a complaint about restricted sight lines at Woodside Avenue and Park Avenue because of parked cars. Kent Cashel will follow-up. He read a letter from Gardner Engineering commending Tyler Poulson as the project manager on the

Marsac solar array. He remarked that meetings with MIDA have been successful and spoke about the importance of civil discourse.

2. Legislative update. Michael Kovacs pointed out the volatility of legislation at this point and discussed proposed sales tax redistribution revisions which Park City is opposed to and staff will be working with the Utah League of Cities. The second big bill is school tax equalization involving raising sales tax and reducing property taxes which Park City is also opposed to. He spoke about our promotion of the state adoption of the 2009 energy code which the local Park City home builders support. In response to a question from the Mayor, Mr. Kovacs explained that immigration is a topic of great interest and the ULCT is focusing on the impacts to police, prosecution and logistics. Mayor Williams pointed out that Arizona's tourism revenue has significantly dropped because of the passage of unpopular immigration legislation. Joe Kernan discussed the dependence of the business community on the Hispanic workforce over the years.

3. 4th Quarter Goals. The Mayor guided members through goals; there were no changes. Offsets provided by the Marsac solar array were discussed.

4. BFO Discussion. Michael Kovacs explained that quality and quantity of water, preservation of Park City character, public safety, and world-class seasonal resort are the last topics to be addressed. Alex Butwinski discussed his preference for numbers rather than percentages in models or a better understanding of the methodology or measurements used. Joe Kernan agreed. Tom Bakaly stated that staff will work on providing more context. Cindy Matsumoto expressed confusion about the process and the time to voice budget priorities. She stated that she would like to hire more staff to preserve the character and the small town atmosphere of Park City which would be an enhanced level. Mr. Bakaly explained that there must be a majority of members who agree and staff would return with a preservation plan. Joe Kernan stated that he would like information on the plan and the cost and some suggestions from staff on funding.

Dana Williams stated that staff first needs to understand Ms. Matsumoto's goal before a plan is formulated. Thomas Eddington explained that consultant Dina Blaes is working on a Main Street assessment and historic site inventory reassessments and CRSA is analyzing 28 distressed buildings on Main Street that may be in jeopardy of losing their national register status. Joe Kernan stated he would like to hear about more ways to save historic homes from large additions. There was discussion about last year's amendments to the Code. Ms. Matsumoto clarified that she would like another layer of protection, acknowledging that she doesn't have any offsets in cost in other areas to suggest.

In response to a question from Ms. Erickson about projecting costs, Michael Kovacs referred to the BFO report on historic preservation where a \$41,000 increase from the General Fund is proposed. Mr. Eddington continued to explain that if the Department hired a new FTE, the majority of the position's time would be dedicated to historic preservation programs and process. Tom Bakaly noted the importance when generating more service costs to cut in other areas. Joe Kernan asked if historic

preservation is a long or short-term request and Ms. Matsumoto indicated a long term request as she envisions the need always being there. Alex Butwinski commented that he is willing to look at an enhanced level but expectations need to be addressed and Mr. Eddington felt this is a good topic for the Visioning Session. The Historic District Guidelines and new LMC revisions are effective tools and an enhanced level will provide a more thorough and timely approach and an opportunity to proactively address preservation issues. Candace Erickson stated that historic preservation is one item that has been identified but there are other priorities that will surface and decisions will have to be balanced. Tom Bakaly pointed out that the upcoming discussion with the HPB will also be helpful.

Joe Kernan stated that he is very interested in learning more about wind turbine farms and other sustainable sources of power. This is a high priority for him. Mr. Kovacs offered to provide more information on identified interests. Diane Foster noted that the City has a goal of reductions of 12% for the City. Mayor Williams supported Mr. Kernan's comments. Alex Butwinski expressed his preference to meet with staff and Ms. Matsumoto admitted confusion on how to make cuts. Tom Bakaly explained that the process is more of a prioritization to use as a guide to shift resources so both high and low priorities are clear. Ms. Matsumoto suggested conducting a decision exercise during Visioning. Mr. Butwinski viewed the information as a base line and wants to make sure that performance levels are meaningful and measurable. He is uncertain how the information relates in many instances. The City Manager offered to personally meet with Mr. Butwinski on performance measures; there is a lot of time before the budget is adopted. Mr. Butwinski felt it premature to hone in on specific projects until there is a better understanding of the current process. Joe Kernan believed the approach is an examination of goals. He is interested in receiving information on service level comparisons of other towns and with all of that information, he feels he will be better prepared to make good decisions at budget time with regard to service levels. Alex Butwinski spoke again about meeting with staff in the meantime before the next work session. He felt the process and measures should be supported by members. He suggested picking an example, walking through it with staff and reporting back to Council. The Mayor felt this is a good idea. Candace Erickson described taking notes on several models where the level of service was not enhanced or the numbers were not meaningful in her opinion. Tom Bakaly offered to also meet with her and schedule time on this during Visioning.

5. Debrief of Bonanza Road construction – lessons learned. Jon Weidenhamer acknowledged that notice of this work session could have been better and perhaps another public input session should be scheduled. Dana Williams stated that an agenda and packet were available to the public as early as Monday.

Matt Cassel explained that significant upcoming City projects include the Comstock sidewalk this summer and Swede Alley in 2014. He discussed the survey results for Bonanza which were surprising to him because the traffic score was lower than anticipated and weekly visits to businesses was deemed not helpful. One of the key elements taken from the project is traffic management for vehicles, bikes and

pedestrians. He discussed utilizing rolling road closures resulting in inconsistent access to businesses which caused great pain. He now feels it is more important to provide consistent access to businesses than to the road. As indicated in the staff report, it was impossible to manage bicyclists and pedestrians which created a safety issue and a better job can be done. He admitted he could have improved communicating the status of the project and issues with Council members. Being over-optimistic on completion times, closures or schedules should be avoided and disseminating accurate information is extremely important. Mr. Cassel felt that surveys are helpful tools and there was good public involvement. Ms. Pearson answered questions regarding the survey. She noted that only 33 of 160 surveys were answered. Mr. Cassel stated that utilities were extremely complicated to coordinate and it was difficult at times to decide whether or not to move forward. Ms. Matsumoto spoke about recognizing certain triggers to make the right decision. Matt Cassel believed some decisions come naturally through the bidding process and Tom Bakaly distinguished between project and policy decisions. Mayor Williams believed that more delays were caused because the street was open but the interests of the businesses on the street prevailed.

Joe Kernan felt that extra money should be spent on projects to mitigate detrimental financial impacts on businesses. Mr. Cassel indicated that crews worked at night to expedite the project and every utility is located under Bonanza. Candace Erickson felt there may be a situation where unplanned problems are so costly or challenging that a policy discussion will need to take place to decide whether to go forward. She didn't feel Bonanza was this project, but there may be something in the future. Tom Bakaly pointed out that if there is an overage, project approval must return to Council and a policy discussion could occur at that point.

Mayor Williams spoke about other problems like the three month delay for the easements which delayed the project. In response to a question from Alex Butwinski, Mr. Cassel explained that utilities are responsible to move and pay for relocations but according to our franchise agreements; the City is at the whim of the utility companies. He explained that even if the road were closed for one year, improvements would take more than one year to install. Discussion ensued on patrons being able to access businesses from the back entrance. Construction Manager Ray Carter relayed that even if utility companies are familiar with the project schedule, response is totally at their mercy regardless of agreements in place. The Mayor invited public input.

Charlie Wintzer, Iron Horse property and business owner, feels that it is more productive and easier to hold neighborhood meetings than inviting input at formal meetings. He thanked the City, Fehr & Peers and Granite Construction for their work because this was an impossible job and they did the best they could do. Most of the issues were due to the location of the tunnel and he agreed with the comments about problems with scheduling utility companies and their subcontractors. He agreed with 90% of the staff report. The biggest problem for him was the lack of designating one person as the on-site project manager. No one was notified about signage or construction plans until the last minute and signage was non-existent. He did not believe he held the easements up because there were changes made to the

documents. The way to avoid imminent domain is to begin communication earlier in the process. He is disappointed that Bonanza Drive is now a freeway and it is not walkable or safer. Mr. Wintzer acknowledged that the City had a very good design but after hearing public input at one meeting, the Council threw it out which may be regretted. If the City is really serious about the environment, it should look to the way construction is conducted. Not closing the road cost the City a lot more money and slowed the project down. He spoke about the timing of installing the tunnel and potential run-off problems in the spring and keeping the City Park trail open for the Sundance Film Festival. In response to a question from Alex Butwinski, Mr. Wintzer reiterated that the road should have been fenced off and closed. Bike lanes could have been painted on the street.

Cindy Matsumoto acknowledged that she gave public input on the project as a citizen and business owner. She discussed the political difficulty in not supporting public sentiment and siding with professional advice.

Charlie Wintzer again discussed holding informal neighborhood meetings instead of public hearings and believed that some tenants could have been persuaded to support the street closure if the plan and impacts were better understood.

Matt Cassel relayed that in most instances, people want the project done quickly which is his biggest concern because of uncontrollable circumstances. Ms. Matsumoto believed that consistent access to a business is important. Repairing a portion of the disturbed City Park trail was suggested for Sundance pedestrians. Alex Butwinski relayed that project signage was terrible.

Mark Fischer, property owner, stated that he has over \$150,000 of documentable losses incurred because of the project and interruption of business. He accepts this for the benefit of the long term but the Old Miner Car Wash lost over \$80,000. The Buggy Bath was closed. However, he is not here to be negative but the main lesson to be learned is to close the road and work 24/7. The City thought it was saving money but in the end it cost more. The Mayor replied that the Council was aware of additional costs but the public asked that the road not be closed and Mr. Fischer pointed out that those people aren't here tonight. He expressed his support of the median in front of The Maverick and the original design would have worked even better. Let the experts who do this for a living, do their job. He appreciates everyone's hard work but again stated that he lost \$150,000 over the summer.

Mike Sweeney suggested that the City take more time to study the impacts of large projects so there is an objective that can be met. The construction project putting establishments out of business was debated and Mike Sweeney believed that construction exasperated tenuous financial situations.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 13, 2011**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 13, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Wade Carpenter, Chief of Police; and Michael Kovacs, Assistant City Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Permitting for Sundance - Mike Sweeney, Main Street property owner, expressed concern that the interpretation of the business license ordinance has changed which has a tremendous impact on his reputation. He has been permitting venues since 1998 and has worked very closely with the City. In the past, he pulled one convention sales license for a space which would cover all of the activity in the space. The new interpretation requires obtaining a convention sales license for each individual operating in the space. In some instances especially with gifting, there might be ten to twenty people in a space at a cost of \$265 each. He in turn needs to collect \$8,500 from his clients who feel they have already paid for the event. No one knew that the game has changed and he asked the Council to allow him to continue as he has in the last ten years and address this issue so there is time to put people on notice. He thought he was following the rules and if there is a shortfall, he may have to make it up.

Candace Erickson asked about the details of the arrangement and Heidi Hughes, agent for Mr. Sweeney, explained that in the past they obtained a convention sales license. In this instance, it is to operate out of a restaurant to conduct business as a gifting lounge by day and an event space at night. They obtained the convention license and overcrowding permit and are in the process for signs. They just learned today that the correct interpretation is that each one of the sponsors was required to apply and pay for a convention sales license. It's five days before load-in and \$265 could be a deal-breaker for some of these people. It also seems like very bad business. She encouraged members to consider this at another time.

Jon Weidenhamer suggested working with them to make sure the fees are applied correctly and report back to the Council. The \$265 is well justified although it could have been communicated better but applying for permits earlier would also be helpful.

Mr. Sweeney discussed his timing issues when final decisions haven't been made. He applied for licenses today, Wednesday and started the special events licensing three months ago.

Mark Harrington explained the different dimensions of subletting. If one of these individuals was doing this without a middle person, they would have to pay this fee. The fee was written for conventions and by its very definition each displayer would have to pay the fee. Permanent year-round businesses complain about this temporary opportunity and he added that each application may be unique. He stated that the interpretation is not changing and supported staff meeting with Mr. Sweeney. There is an appeal process in place and there is nothing Council can do tonight. A lengthy discussion occurred between Mr. Harrington and Mr. Sweeney about special event licensing and the City Attorney emphasized that the City is not incentivizing subletting existing business multiple times over which is a policy decision which can change. In the past, temporary licenses have not been supported. There is a balance with getting these types of events on Main Street without ambushing businesses. Mr. Sweeney spoke about the ability to make three months rent in revenue during Sundance to carry him through the off-season which is critical to many businesses on the Street. He would like to bring this back to Council. Mark Harrington appreciated the short term benefits but there is a whole other argument about healthy business practices. Joe Kernan acknowledged that Council can not make a decision tonight but the Code should be clearer. Ms. Erickson agreed but pointed out that processes have evolved and it may be a good policy discussion at some point.

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

1. Consideration of a quit claim deed of a 816 square foot parcel of City owned land located on McHenry Avenue to Helen and Matt Alvarez - and
2. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of \$11,048 - and
3. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of \$26,095 - and
4. Consideration of a service provider agreement with Horrock's Engineering, Inc., for the Comstock/Sidewinder Pathway project in the amount of \$136,504 in a form approved by the City Attorney - Joe Kernan, "I move we approve Consent Agenda Items 1, 2, 3 and 4". Alex Butwinski seconded. Motion unanimously carried.

V OLD BUSINESS (Continued Items)

Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs indicated that Council comments from last week have been incorporated into the draft ordinance. Upper and lower Main Street is distinguished by Heber Avenue. Lower Main Street will be restricted to the 7 a.m. delivery time while 3 a.m. deliveries are allowed on Upper Main Street and double parking provisions match those times. A special events section has been added so that master festival licenses are subject to their own conditions. He disclosed that he received negative comments on not providing for the 45 day expiration date in the ordinance for the trial period. It was felt that it is more efficient not to bring the ordinance back unless there are issues that need to be addressed but it is recommended to review the trial in 45 days in any event. Mr. Butwinski confirmed that this action would better manage non-compliance although he anticipated a decibel level component. Candace Erickson stated that she is willing to try this for 45 days and bring it back for discussion, but would like to research it further. Alex Butwinski again expressed that noise is the problem.

Chief Wade Carpenter explained the complaint process and the Mayor urged the delivery community to be as quiet as possible. Alex Butwinski stated that he will accept this ordinance but would like to know about any unintended consequences and the feasibility of passing a noise ordinance. The Chief discussed the importance of consistently enforcing the law and the Mayor opened the public hearing.

Alison Butz, Historic Park City Alliance, referred to the draft ordinance and asked that garbage trucks be kept to the 7 a.m. time limit. The HPCA is supportive of enforcement of the ordinance to modify behavior and make this work.

Mike Sweeney, representing the Caledonian and Town Lift Condos, stated that he agreed with the 7 a.m. time for garbage and felt that garbage collection added to the problems at the loading dock at Zooms.

Mark Harrington described the strikeout language to accommodate keeping garbage removal times the same, so the sentence would read, “...loading, unloading or opening or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.”

Mike Sweeney clarified that condominium owners do not want deliveries, pick-ups or anything before 7 a.m. north of Heber Avenue.

Joe Kernan discussed recycling services occurring before 7 a.m., especially during special events. Mark Harrington confirmed that these needs can be addressed in the master festival license. In response to a question from Chief Carpenter, Mr. Harrington explained that if a delivery complaint is noise-based, the noise ordinance would apply. The Mayor closed the public hearing. There was discussion about tracking complaints and assessing the trial. Ms. Erickson expressed interest in collecting data, specifically if more trucks are added on the street at 3 a.m. Joe Kernan, “I move we approve the ordinance, as amended”. Cindy Matsumoto seconded. Mark Harrington described the

amendment worded above and its application to lower Main Street for the benefit of Mike Sweeney. A review of the ordinance will be scheduled around March 15, 2011. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jason Christensen, Legal Intern, Diane Foster, Sustainability Manager; Joan Card, Legal Counsel; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss litigation and property". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council Staff Report



Author: Clint McAfee
Subject: Professional Service Agreement for Evaluating
Water Quality Excursions in the Distribution System
Department: Public Works - Water
Date: February 10, 2011
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney, with Water Works Engineers for engineering services related to the Phase I study for Water Quality Excursions in the Distribution System in an amount of \$22,585.

Description:

Water Quality:

- Protect existing water sources.
- Ensure public health and safety is protected through quality water.

Topic:

This contract with Water Works Engineers will provide guidance for water source blending and management to prevent future water quality upsets.

Background:

On Sunday, November 7, 2010, the Water Department received calls from residents in the Thaynes Canyon water service area reporting discolored water. Crews immediately flushed the area until the water appeared to be running clear. On Monday November 8, 2010, additional calls were received from residents with similar complaints. As a result, Water Department Management in conjunction with the City's Emergency Manager and Public Affairs Manager activated the Incident Command System (ICS) and set up command at the Public Works building to react to and address the problem.

Subsequently, a water quality advisory was put into effect starting Monday November 8, 2010, and remained in effect until Monday, November 22, 2010. The advisory advised residents in the affected areas to not drink or cook with water from the distribution system. The City provided bottled water and locations for showers throughout the upset period.

In addition to the discolored water, testing in the affected area showed elevated levels of thallium, arsenic, manganese, and for a brief period, mercury. The Water Department, with direction from the Utah Division of Drinking Water (UDDW) continued to flush the system and test until levels of the offending metals were consistently within

acceptable levels system wide and the advisory was lifted. In reacting to the water quality excursion, the Water Department spent approximately \$200,000 on water testing, approximately \$15,000 on bottled water, and overtime for the water department.

During the period of the advisory, the Water Department was in continuous contact with the UDDW and various consultants with the goal of developing a theory of why the upset was occurring. An event analysis resulted in the prevailing theory that a change in water source reduced the scaling potential of the water in the area which caused the release of scale that had been historically built up on the distribution system piping. Thiriot Spring water is high quality water but it is more corrosive than Judge Tunnel and Spiro Tunnel water. Due to the increased corrosiveness, scale that builds up on the water lines throughout the year dissolves when subjected to the higher concentrations of Thiriot Spring water.

Park City, Salt Lake City, and Park City Mountain Resort (PCMR) have rights to the water from Spiro Tunnel and have a reciprocal agreement that Park City uses a portion of PCMR's water in the summer for irrigation. During snowmaking season Park City shuts down the Spiro Water Treatment Plant (SWTP) to release the Spiro Tunnel water for PCMR's snow making operation and relies on Thiriot Spring and Judge Tunnel to supply the Thaynes distribution area. The water system has historically operated in this manner without any issues. However, in 2005 several upgrades to the SWTP were completed including a pumping system for Thiriot Spring that increased the year round capacity of the spring. This resulted in Thiriot Spring being the primary source for the Thaynes area when the SWTP is offline.

The Water Department advertised a Request for Proposal (RFP) to select and procure the services of an expert in the field of water chemistry to review the existing data, recommend additional data required, and advise on year round operational strategies to avoid similar upset conditions in the future. The RFP was advertised in the Park Record and on the City's website for a period of two weeks.

The investigation will include two phases. Phase 1 will include evaluating existing data to validate the current theory, provide recommendations for future monitoring, operational changes, and identify additional work to be completed in Phase 2. Phase 1 also includes evaluating the entire water system and considers all of the City's sources including the import water from Lost Canyon that will be introduced into the system beginning late 2011 or early 2012. The scope of work in Phase 2 is not currently defined and will include work recommended during Phase 1.

Analysis:

The City's purchasing policy indicates that consultants are chosen by selecting the firm whose experience, capabilities, and past performance best meet the needs of the project. The selection committee, comprised of Kathy Lundborg, Clint McAfee, Kyle MacArthur, Ken Mitchell, and Matt Cassel used the following criteria as guidance in evaluating the RFP's:

- Study approach.
- Similar experience.

- Key team member's expertise.
- Proposed fee and hourly rates.
- Knowledge of the City's water system including current, historical, and future operations.
- Local presence.
- Other factors deemed relevant by the selection committee.

Five consultants submitted proposals in response to the RFP. This is summarized in the Table below in alphabetical order.

Consultants and Proposed Fees

Consultant	Proposed Fee
Brown & Caldwell	\$38,497
Carollo Engineers	\$51,000
Stantec Consulting	\$53,000
Water Works Engineers	\$22,585
WQTS	\$37,780

This was a very competitive selection and some great talent and experience was shown in all of the consultants. However, based on the selection criteria, the committee unanimously determined that Water Works Engineers is the best choice for providing engineering services for this project. Their approach includes a comprehensive look at various water quality indices, material sampling throughout the distribution system, and source blending modeling. Their Project Manager/Water Quality Specialist is the Chair of the American Water Works Association Inorganic Contaminant Treatment Committee and has extensive experience in water stability issues similar to what the City currently experiences. Water Work's team includes two individuals from the USEPA Office of Research and Development (which has no responsibilities for compliance activities) who will contribute to the project at no charge to the City. These two individuals have been involved in numerous projects throughout the U.S. that included the evaluation of source and distribution water quality issues, particularly related to aggressive waters impacting distribution systems.

Although it was not the primary factor in the selection, Water Work's fee was also the lowest by a significant margin.

Staff has provided the Scope of Work and included it as Addendum A in the Professional Services Agreement.

Department Review:

This staff report has been reviewed by Public Works, Legal, and City Manager.

Alternatives:

A. Approve the Request:

Staff recommends Council authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney, with Water Works Engineers for consulting services related to the water quality excursions in the distribution system and system wide blending of sources in an amount of \$22,585.

B. Deny the Request:

Council could deny Staff's request. Denying the request would increase the potential of water quality excursions in the future, and delay a permanent strategy to avoid future upsets.

C. Continue the Item:

Council could continue the request. Continuing the request would delay a permanent strategy to avoid future upsets.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay a permanent strategy to avoid future upsets.

Significant Impacts:

Impacts to Park City residents will be minimal during the investigation period. Part of the study will involve sampling the actual pipes in the ground at select locations throughout the system. This work will include excavation to expose a water line, cutting out a short length of pipe, and making the repair. The pipe sample will then be analyzed for both internal scaling and structural condition. Impacted customers will be notified in advance and interruption to their water supply will be less than half a day.

There will be several economic impacts to this study including consulting fees, potential infrastructure upgrades, long term testing requirements, and potential increases to operations for chemical feed systems. These economic impacts cannot be quantified until the study progresses. These costs are not currently in the Water Departments operations or capital improvement budgets.

Phase 1 will be funded out of the Water Departments current FY 2011 Budget. Phase 2 may require additional funding beyond the current operations and capital improvement budget.

The Water Department has submitted an application for a grant on a matching basis in the amount of \$100,000 from the Permanent Community Impact Board (CIB). The CIB's review meetings are March, April, and May at which the Board considers the application and in the case of a bona fide public health or safety emergency could fund the project. If the Board does not fund the project during the review meetings it could deny the application or continue it to the Funding Meeting in June.

Other funding options include reprioritizing or delaying existing capital improvement projects and/or replacement projects to make funds available for this study and potential improvements.

If the current theory is confirmed, there could be several approaches to preventing this type of upset in the future. Potential strategies may include:

- Addition of a chemical feed system at the Spiro WTP and potentially other locations in the system to adjust the pH and alkalinity of the water. This type of chemical feed system is widely used in the water treatment industry and is a safe method of treatment. However, this would add cost to the operation of the system. Impacts on current user rates cannot be determined until the additional operational costs are known.
- Source blending management to prevent undesirable water quality. This method may be viable depending on the outcome of the analysis of the water quality study and limitations on existing infrastructure. This would be the preferred approach as it would minimize costs and reduce the use, storage, and handling of additional chemicals in the system.

In addition to operational changes, infrastructure modifications and/or rehabilitation of portions of the existing systems may be required. It is not anticipated that replacement of distribution piping will be required unless the pipe's structural integrity is shown to be compromised or excessive scaling is causing hydraulic limitations on the system to the extent that peak day and fire flow demand cannot be conveyed. If the scale on the pipe is determined to be a threat to water quality, replacement may be required.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney, with Water Works Engineers for consulting services related to the water quality excursions in the distribution system and system wide blending of sources in an amount of \$22,585.

ADDENDUM “A” SCOPE OF SERVICES – PHASE 1

A. GENERAL

The Park City Municipal Corporation (PCMC) is requesting proposals for consulting services to evaluate water quality excursions in PCMC’s drinking water distribution system. In addition, the evaluation will consider the impacts and make recommendations concerning the blending of treated surface water from the new Quinn’s WTP with groundwater found in the distribution system and evaluate blending of all City water sources. This document describes the nature of work to be performed.

B. PROJECT DESCRIPTION

During monitoring of the distribution system, PCMC detected significant excursions in the concentrations of several metals in the water to levels exceeding their drinking water maximum contaminant levels (MCL). These included arsenic, thallium, manganese, and mercury. The City desires to understand the cause of the water quality upset and to have a sampling and operational strategy to monitor the system, and then identify remedies to prevent future similar upsets. Recommendations will include operational limitations and strategies for blending of all the City’s existing sources in the entire distribution system. The Project consists of a Phase 1 study to evaluate existing water system data considering all of the City’s existing sources. A Phase 2 study may be authorized by PCMC with scope and schedule based on the recommendations from the Phase 1 work.

A new membrane WTP will be online in late 2011/early 2012 and will treat surface water from the Weber River and pump the treated water into the existing distribution system. Phase 1 will include evaluating the impacts of blending treated surface water with ground water currently found in the distribution system. This evaluation will include operational recommendations to prevent upsets related to blending the treated surface water with groundwater. A Phase 2 study may be authorized by PCMC with scope and schedule based on the recommendations of the Phase 1 work.

All required hydraulic modeling will be done by the City and the results shared with the consultant. Specific modeling scenarios will be determined by the City and consultant.

C. SCOPE OF WORK – PHASE 1

The purpose of this RFP is to identify and select a consulting firm with experience and expertise in resolving water quality challenges. The following tasks are required:

Task 1 – Kick-off Meeting. The Consultant shall participate in a working kick-off meeting in Park City, Utah. During the meeting, the available information will be provided to the Consultant, and the available data will be discussed.

Task 2 – Analyze Data and Information. The Consultant shall analyze the data provided with the goal of identifying the cause of the excursions. Data will also be provided on the City's sources including surface water that will be treated in the future with the goal of evaluating the impacts of blending. In addition, work shall be performed as outlined in Section B of this document.

Task 3 – Present Findings. The Consultant shall prepare a draft Study Report and submit it to PCMC for review. The Report shall include any recommendations for additional sampling, operational changes, and/or further investigations if the existing information is insufficient to identify the cause of the excursions or to evaluate issues with blending the City's existing sources in the future. The report shall also identify the cost of the recommendations. Consultant shall then schedule and participate in a meeting with PCMC to present the results of the analysis and the recommendations.

Task 4 – Prepare Final Report. Based on the comments received from PCMC and the outcome of the meeting conducted in Task 3, Consultant shall revise the report and submit a Final Phase 1 Study Report to PCMC. Three hardcopies and one electronic PDF copy of the report shall be submitted.

Deliverables

- Phase 1 Study Draft Report
- Phase 1 Study Final Report

City Council Staff Report



Subject: Potential Sale of City-Owned Property Adjacent to Claimjumper Court
Author: Diane Foster, Kirsten Whetstone
Department: Sustainability & Planning
Date: February 10, 2011
Type of Item: Discussion and Direction

Summary Recommendations: Staff recommends Council hold a public hearing on this item and consider selling the City-owned parcels adjacent to Claimjumper Court to the property owners who would have had an opportunity to purchase the lots, had the lots not been given to the City. Should Council wish to sell these parcels, staff recommends that Council authorize the City Manager to enter into one or more Purchase Agreement(s) with the respective adjacent homeowners, subject to final Council approval. Upon Council approval of individual agreements, the Mayor would be authorized to execute the deed(s).

Background:

The Thaynes Canyon Subdivision plat was recorded in July 1971 by Greater Park City Company. In May of 1977 by the Royal Street Land Company, [the document] Additions to Lots 65-84 Thaynes Canyon Subdivision plat was recorded creating Lots 65A - 84A from excess Golf Course land located between Claimjumper Ct, Hidden Splendor Ct, and Thaynes Canyon Dr. The land was split down the middle creating "A" lots on either side of the middle line. These "A" lots are adjacent to Thaynes Canyon Subdivision platted lots located on Claimjumper Ct, Hidden Splendor Ct, or Thaynes Canyon Dr. See Exhibit A.

Greater Park City acquired the Golf Course from UPCM. The front 9 were constructed in the 1960's and back 9 constructed in the late 1970s. The excess land was not developed as part of the golf course. Park City acquired Golf Course from Greater Park City (which was part of Royal Land Company at the time). Royal Land Company executives were primary lot owners in Thaynes Canyon on Hidden Splendor Ct. adjacent to Thaynes Lots 79A to 84A.

According to research by the Planning Staff most lots 65A to 84A were quit claimed to adjacent property owners of Thaynes Lots 65 to 84 from Royal Land Company in the 70's prior to transfer of the golf course to Park City Municipal.

An Agreement between Royal Street Land Company and Park City Municipal Corporation was recorded on May 2, 1977 with the Additions to Lots 65-84 Thaynes Canyon Subdivision plat. The Agreement places special deed restrictions on these Lots, including the following

"These lots shall be offered for sale by the owner-developer to only those persons who have right, title and interest in Lots 65-84, inclusive of the existing Thaynes Canyon Subdivision."

"The use of Lots 65A to 84A, inclusive shall be restricted and limited to only landscaping, private recreation facilities, and fencing."

“There shall be no construction, erection or maintenance of any buildings for use as primary dwelling buildings on the said lots of 65A-84A, but the construction of garages and other ancillary buildings may, be permitted... discretion of City with CUP....”.

Twelve (12) of the 16 Lots are owned by the directly adjacent Lot owner-- exceptions are the four parcels owned by Park City Municipal Corporation (Lots 68A, 69A, 70A, and 73A) (Exhibit A, lots in yellow). There is not a single case of one property owner owning a parcel across the middle line. The remaining parcels range in size (area) from 0.12 acres to 0.03 acres. Zoning is Single Family (SF).

Back in 2005 Christina Sally, owner of lot TH-68 (also known as 8 Claimjumper Court – See Exhibit A) contacted the City’s Planning Department to inquire about purchasing the City-owned THA-68-X from the City. Staff discussed it at the time and was preparing to bring the item to Council; however, personal circumstances precluded Ms Sally from continued discussions with the City at that time.

Ms Sally returned to the City in early 2010 to revive the request, asking either for the City to sell her the property or, as appears to have happened with other lots, Quit Claim the lot. For the past 8 years, Ms Sally has maintained the THA-68-X parcel. She is willing to pay fair market value for the lot and had an appraisal completed on the property (Exhibit E).

Analysis:

Based on several factors, staff believes that it is in the City’s best interest to sell these parcels. The have a very low monetary value and, if properly maintained, would actually cost the City more to own than the property is worth. Below are the factors considered when providing the opinion that it would be in the City’s best interest to sell these parcels:

Access: The lots are not accessible, as they do not have any access easement(s).

Maintenance: While the City has maintenance responsibility for the four parcels, the City has not maintained the lots. If the City did need to maintain the lots, it would be both difficult and costly, due to the lack of access to the parcels.

Current Use: According to Ms Sally, area youth have been using the lot behind her house as a “hang out” site. When Ms Sally approached one ten year old girl, asking her to vacate the premises, the young child apparently said “You don’t own this lot, so you can’t kick me off.”

Golf Course potential use: Craig Sanchez has walked the lot and “the property has no value or usability for the golf course” (Craig Sanchez email to Kirsten Whestone & Thomas Eddington on December 6, 2010)

If Council believes that it is in the public’s interest to sell the parcels, staff would recommend offering the parcels at the appraised value to the respective homeowners that live in front of

each parcel. This would best maintain the pattern that was established in the 1977 agreements. In the case where one of the owners does not want to purchase the property behind their respective home, and another adjacent landowner (not the homeowner who lives in front of that parcel) have an interest in that parcel, staff could return to Council at a later date with that proposal.

Staff has asked the other property owners if they are interested buying the City-owned remnant parcels behind each of their homes. Staff has not yet had discussions with all of these owners, but will work to have more information prior to the Council meeting on February 10th.

<u>Parcel</u>	<u>Owner</u>	<u>Address</u>	<u>City parcel</u>	<u>Interested in purchase?</u>
TH-68	Christina Sally	8 Claimjumper Court	THA-68-X	Yes
TH-69	Kurt Damschroder	6 Claimjumper Court	THA-69-X	Yes
TH-70	Nancy Shott	4 Claimjumper Court	THA-70X	Yes
TH73	John Rich	4162 Dover Circle	THA-73-X	Not yet sure

Appraised value: Ms Sally had an appraisal completed this past August (Exhibit E). The land was valued at \$0.50 per square foot. Accordingly, the aforementioned lots would be valued at:

<u>Parcel</u>	<u>Square Footage</u>	<u>@ \$0.50 per sf</u>
THA-68-X	5,227 square feet	\$2,613.50
THA-69-X	3,485 square feet	\$1,742.50
THA-70X	1,307 square feet	\$653.50
THA-73-X	1,307 square feet	\$653.50

Willingness to do a lot combination or a deed restriction

These remnant “X” parcels are subject to a 1977 Agreement between the City and Royal Street Land Company, recorded simultaneously with the Additions to Lots 65-84 Thaynes Canyon Subdivision plat on May 2, 1977. The Agreement outlines development limitations for these lots (see Exhibit B). Staff was concerned that it might be possible, if the deed restriction was challenged, for the parcel in question to acquire building rights. In discussions with Ms Sally, she expressed a willingness to either do a lot combination or place a deed restriction on the parcel – whichever was Council’s pleasure. Staff would like Council direction on this, should Council wish to sell the parcels.

Questions for Council:

1. Does Council wish to offer these lots to the respective homeowner who lives in front of each lot?
2. If a particular homeowner is not interested in purchasing the lot behind his or her home, does Council want staff to offer the parcel to a different, but adjacent landowner? If so, does Council want to provide any guidelines to staff? If staff finds a willing buyer, does Council want staff to return to Council with that proposal?

3. Are there restrictions that Council would want to place upon property that the City would like to sell?
 - a. Additional deed restrictions
 - b. Required lot combinations
 - c. Other
4. If the City sells a parcel, would Council like to direct the funds to the open space maintenance account?

Department Review: This report has been reviewed by the Sustainability and Planning Departments.

Significant Impacts: The City owns a number of parcels. Staff is currently working to establish an inventory and recommended processes for managing City-owned unbuilt land in the future.

All property owned by the City comes with responsibilities not limited to weed management and other maintenance requirements. Remnant parcels such as the aforementioned parcels could burden City resources if properly maintained.

Summary Recommendations: Staff recommends Council hold a public hearing on this item and consider selling the City-owned parcels adjacent to Claimjumper Court to the property owners who would have had an opportunity to purchase the lots, had the lots not been given to the City. Should Council wish to sell these parcels, staff recommends that Council authorize the City Manager to enter into one or more Purchase Agreement(s) with the respective adjacent homeowners, subject to final Council approval. Upon Council approval of individual agreements, the Mayor would be authorized to execute the deed(s).

Attachments:

Exhibit A: Map of area around 8 Claimjumper Court

Exhibit B: 1977 Agreement

Exhibit C: Original Thaynes Canyon Subdivision

Exhibit D: Additions to Lots 64-84 Thaynes Canyon Subdivision

Exhibit E: Appraisal of THA-68-X



Sally Property Investigation

0 35 70 140 Feet



SERIAL	OWNER	TAXVAL	MRKTVAL	MRKTVAL/M
TH-87	TAUBER HENRY E	380000	380000	0
TH-76	QUINN JOHN H TRUSTEE	1000	1000	0
THA66-A1	SWEENEY KENYON HIW (JT)	1000	1000	0
THA73-X	PARK CITY MUNICIPAL CORP	0	0	0
TH-45	NRK HOLDING LTD	330360	320000	280650
TH-83-A	BOWEN KENT P & REBECCAM HIW (JT)	500	500	0
TH-57	JOHNSON KENT B & VALERIE T HIW (JT)	505865	250000	669755
THA-81	STEPHENS DOUGLAS C HIW (JT)	1000	1000	0
THA-82	BOWEN KENT P & REBECCAM HIW (JT)	1000	1000	0
THA-83	BOWEN KENT P & REBECCAM HIW (JT)	1000	1000	0
TH-48-49	MUNSON ERIKA ELIZABETH PETERSON TIC	565025	320000	707335
TH-82	BOWEN KENT P & REBECCAM HIW (JT)	425135	185000	587971
THA77	POLYCHRONIS GEORGE E & JESSIE	1000	1000	0
THA80	BEHR ERICH L	1000	1000	0
PCA1001-8	BENTON EVRETT W & CHERYL	41245	41247	0
TH-51	JOHNSON KENT B & VALERIE T HIW (JT)	648970	250000	388973
PCA1001-9	STUART JAMES E B & EILEEN A (JT)	215	218	0
THA74	POLYCHRONIS GEORGE E & JESSIE	1000	1000	0
THA79	CARESTIA SHIRLEY P TRUSTEE	701945	320000	381948
TH-46	DAVISON MICHAEL I & JANET R (JT)	344895	320000	307078
TH-55	ARNITZ MICHAEL J & TRACY PAUL HIW (JT)	427885	250000	527975
TH-54	LANEY INVESTMENTS LTD	393465	250000	465388
TH-52	SMITH BRADLEY P	356790	250000	380708
TH-61	RIESTER TIMOTHY WILLIAM TRUSTEE	470095	320000	130098
TH-60	DECKER DAVID W HIW (JT)	428590	320000	459094
TH-58	HOLLAND JAMES H	464210	320000	524014
TH-34	ALLRED HORIZONS LLC	320000	320000	0
TH-35	HERSKOVITZ STANLEY HIW (JT)	312635	320000	411267
TH-36	KENYAN JAMES J TRUSTEE	400800	400000	0
THA58-X	PARK CITY MUNICIPAL CORP	0	0	0
THA58-X	PARK CITY MUNICIPAL CORP	0	0	0
TH-80	BEHR ERICH L	288160	185000	338928
TH-47	BEROLD ROBERT M & GERALDINE F HIW (JT)	473435	320000	540790
TH-47	<Null>	<Null>	<Null>	<Null>
TH-83	DEROER GORDON W	169870	185000	124038
ERK-ALL	ERIKSEN STEIN	816325	185000	1319223
SHACK-96A	DEWORS CAROLYN B TRUSTEE	511740	320000	610433
SHACK-94A	DEWORS GORDON W	332915	225000	380288
THA66-A2	SWEENEY KENYON HIW (JT)	1000	1000	0
TH-78	SLOW GINA	423795	185000	586448
<Null>	<Null>	<Null>	<Null>	<Null>
TH-77	POLYCHRONIS GEORGE E & JESSIE M TRUSTEES	292105	185000	346100
TH-76	QUINN JOHN H TRUSTEE	695870	185000	510870
TH-62	LOWELL D JAMES	320000	320000	0
TH-91	PAULUS LORETTA TRUSTEE	96250	190000	25000
TH-89	RUSSELL SHERI M	989880	320000	669983
TH-88	COCHRAN DEL J & JOY L HIW (JT)	377925	320000	367140
TH-71	SCHUELER STEPHEN C & COADY HIW (JT)	336480	225000	386780
TH-70	SHOTT NANCY W TRUSTEE	360975	185000	471315
TH-69	DAMSCHRODER KURT T	279900	185000	323905
TH-68	SALLY CHRISTINA	260690	185000	288983
TH-67	LAPAGE TIMOTHY CHARLES	397610	185000	537925
<Null>	<Null>	<Null>	<Null>	<Null>
THA67	LAPAGE TIMOTHY CHARLES	1000	1000	0
THA70-X	PARK CITY MUNICIPAL CORP	0	0	0
TH-81	STEPHENS DOUGLAS C HIW (JT)	319405	185000	385725
TH-79	HO DAVID S HIW (JT)	373183	185000	373183
TH-74	STUART JAMES E B & EILEEN A (JT)	348625	185000	423770
TH-72	STUTOM ROBERT V HIW (JT)	378650	185000	504178
TH-65	DRAPKIN RUTH	340990	39626	280150
TH-64	SCAPICCHI ADELLO	404805	320000	415170
PCA1001-6-X	PARK CITY MUNICIPAL CORP	0	0	0
THA8-1	TAUBER HENRY E	1132175	250000	1808503
TH-53	KENYAN JAMES J TRUSTEE	387615	250000	418388
TH-50	BENTON EVRETT W	454650	250000	578270
TH-34	FINK JEFFREY A HIW (JT)	544570	320000	670130
TH-82	PAULUS LORETTA TRUSTEE	448615	200000	617483
TH-56	THOMPSON ROBERT J JR & IRIS B TRUSTEES	260375	225000	248410
TH-73	RICH JOHN L TRUSTEE	735255	185000	550258
TH-66	SWEENEY KENYON HIW (JT)	371445	185000	490355
TH-64	SCAPICCHI ADELLO	475705	508123	356788
PCA1001-D-X	PARK CITY MUNICIPAL CORP	0	0	0
61-TC0-1	HERSKOVITZ STANLEY HIW (JT)	356275	185000	462773



INDEXED: _____
 GRANTOR: _____
 GRANTEE: _____
 RELEASED: _____
 ABSTRACTED: _____
 STAMPED: _____

AGREEMENT

Entry No. 137582	Book M 93
RECORDED 5-2-77	at 10:31 M Page 324-7
REQUEST of Royal Street Land Co.	
FEES	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
\$ 5.00	By Wanda Y. Spriggs
INDEXED	ABSTRACT

This Agreement made and entered into this 23RD day of March, 1977, by and between ROYAL STREET LAND COMPANY, a Utah corporation, hereinafter referred to as the "developer," and PARK CITY, a municipal corporation, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, Developer is the owner and developer of a certain tract of land, located within the city limits, and more specifically described in the attached Exhibit "A" which by reference is incorporated herein and made a part hereof; and

WHEREAS, said tract of land has been subdivided into lots and affects lots 65 to 84 of the existing Thaynes Canyon Subdivision; and

WHEREAS, the City Council wishes to approve the subdivision of the said tract of land as a platted subdivision, subject, however, to certain conditions hereinafter enumerated; and

WHEREAS, said conditions of approval as contained herein, shall be recorded simultaneously with the recordation of the final approved plat of said subdivision, and shall affect only lots 65 to 84 of the Thaynes Canyon subdivision.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable considerations, the parties agree as follows:

BOOK #93 PAGE 324

1. The property described in the attached Exhibit "A", as subdivided in lots numbering 65A to 84A inclusive, shall be offered for sale by the owner-developer, to only those persons who have right, title and interest in lots 65 to 84, inclusive, of the existing Thaynes Canyon Subdivision.

2. The use of lots 65A to 84A, inclusive, shall be restricted and limited to only landscaping, private recreation facilities, and fencing.

3. There shall be no construction, erection or maintenance of any buildings for use as primary dwelling buildings on the said lots of 65A to 84A inclusive, but the construction of garages and other ancillary buildings may, at the discretion of the City, be permitted, provided further, however, that a conditional use permit is first obtained from the City.

4. This agreement shall be part of and be annexed as an Exhibit to the final approved plat of the plat known as "Addition to Lots 65 to 84 Thaynes Canyon Subdivision, and shall be recorded as such, said subdivision plat being recorded as

number 137581.
DEVELOPER

ROYAL STREET LAND COMPANY

PARK CITY CORPORATION

By Warren King
President

By Leon Thriate
Mayor

BOOK # 93 PAGE 325

ATTEST:

ATTEST:

Scott Woodland Secretary
Bruce C. Decker City Recorder

STATE OF UTAH)
: ss
COUNTY OF SALT LAKE)

On the 23rd day of March, 1977, personally appeared
before me Warren King and M.
Scott Woodland, who being by me duly sworn did
say, each for himself, that he, the said Warren King
, is the President, and
he, the said M. Scott Woodland, is the secretary
of ROYAL STREET LAND COMPANY, and that the within and foregoing
instrument was signed in behalf of said corporation by
authority of a resolution of its board of directors, and said
Warren King and M. Scott Woodland each duly
acknowledged to me that the said corporation executed the
same for the purposes contained hereinabove.

MY commission expires:

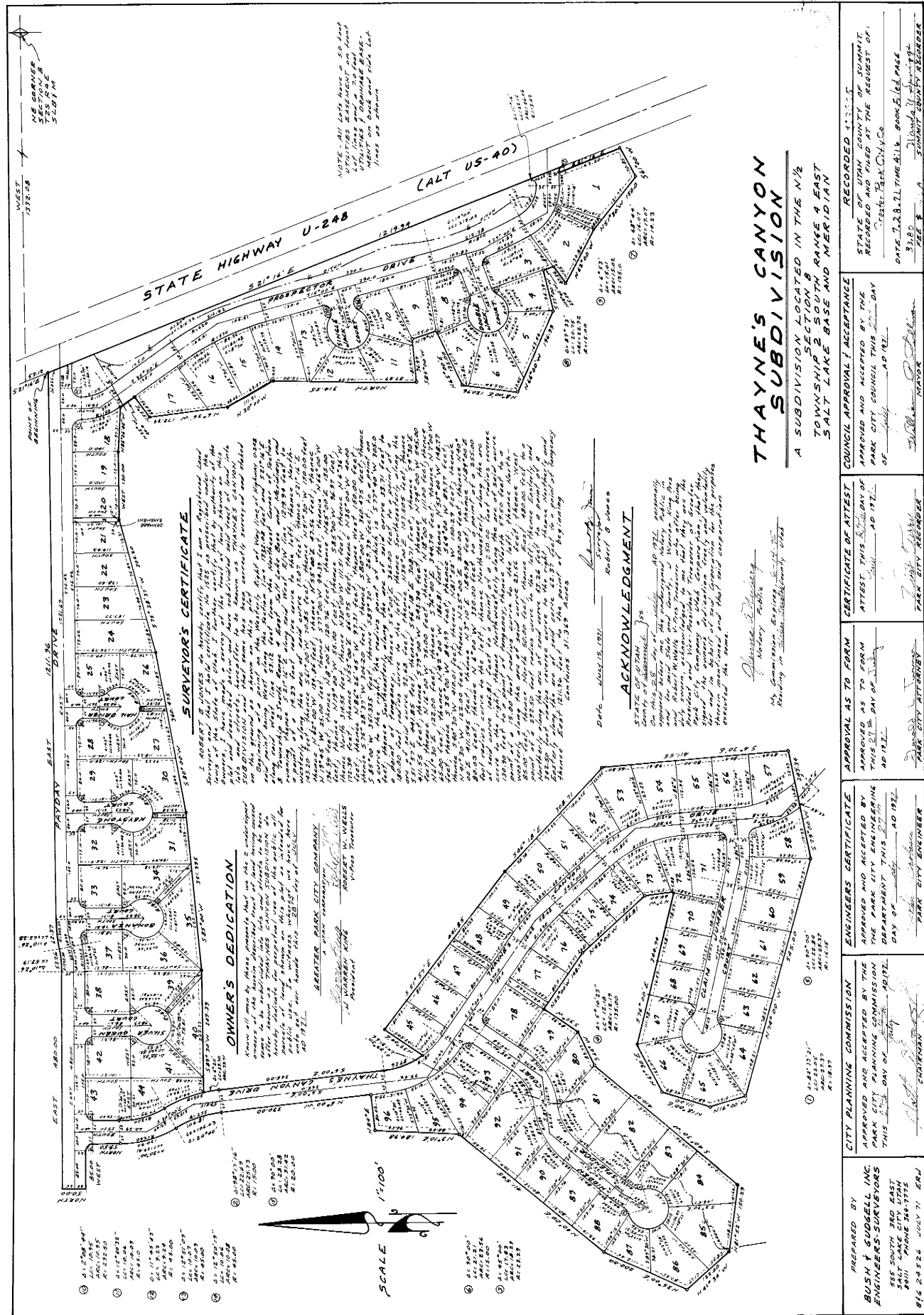
July 15, 1980

Harold M. Taylor
NOTARY PUBLIC; Residing in
Salt Lake County, Utah

EXHIBIT "A"

Beginning at a point south 1120.00 Feet and West 2732.55 Feet from the north east corner of Section 8, Township 2 South, Range 4 East. Salt Lake Base and Meridian. Said point also being the most southerly corner of lot 78 of the Thaynes Canyon Subdivision as recorded; thence running along the boundary line of said Thaynes Canyon Subdivision as follows: South 55°00'00" East 148.77 feet; thence South 42°08'00" East 186.81 feet, thence South 7°00'00" East 65.00 feet; thence North 76°00'00" West 344.74 feet; thence South 61°30'00" West 122.00 feet; thence South 18°00'00" West 111.00 feet; thence South 16°00'00" East 75.00 feet; thence leaving the boundary line of said Thaynes Canyon Subdivision, North 84°01'55" West 196.22 Feet to the South East corner of Lot 84; thence along the boundary line of said subdivision north 40°30'00" East 410.01 feet; thence North 64°00'00" East 89.77 feet; thence North 35°00'00" East 84.99 feet to the point of beginning. Contains 2.027 acres.

BOOK 93 PAGE 327



August 30, 2010

To: Kirsten A. Whetstone, AICP
Park City Planning Department

Re: Lot 68A (AKA TH-68-X) Thaynes Canyon Subdivision
Restricted Use Letter



Dear Ms. Whetstone,

I was hired by Christina Sally to perform an opinion of value for the open space noted above. In consideration of value, I researched the minimal recent market data in the Thaynes Canyon area, the greater Park City area, as well as purchases of open space by Park City Municipal Corporation. Although many are older comparables, they offer a view into the value of open space in the Park City limits. I also consider the purchases by Park City Municipal Corporation to be most applicable in this situation.

I have determined the usage of this property to be excess land which is only visible from the adjacent lots and has limited economic value as it does not add to the size of the structure which can be built on the primary lot. As of today, August 30, 2010, my opinion of value of this land is \$.50 per square foot to the owner of the adjacent lot 68, Christina Sally.

$$1 \text{ acre} = 43,560 \text{ sq ft} \times .12 \text{ acre} = 5,227 \text{ sq ft} \times \$0.50 = \mathbf{\$2,613.00}$$

The value is based on purchases ranging from \$.19 to \$17.57 per square foot. While some of the smaller parcels have some of the higher cost per square foot, they have a greater impact to the public if they remain open. The land in question is excess land with little, if any value impact to the general public and allowing this land locked property to remain in the city's inventory is a nuisance due to the policing needs from use by neighboring teens.

Please feel free to call if you have any questions.

Respectfully Submitted,

Sean P. Railton
5452001-CR00

Cc: Christina Sally
8 Claimjumper Court
Park City, Utah 84060



P. O. Box 681373
Park City, UT 84068
Phone 435.649.1100
Fax 435.649.2358
www.reasutah.com

CERTIFICATION

As the Undersigned appraiser I certify that I have personally analyzed the property herein know as excess land known as Lot 68A (AKA TH-68-X) Thaynes Canyon Subdivision, and to the best of my knowledge and belief,



1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal unbiased professional analyses, opinions and conclusions.
3. I have no past, present, or prospective direct or indirect interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a required minimum valuation, a specific valuation, or the approval of a loan.
5. I am competent to appraise the property that is subject of this report based on our previous experience appraising similar type properties.
6. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
7. The use of this report is subject to the requirements of the State of Utah Real Estate division relating to review by its duly authorized representatives.
8. The appraisal Institute has a policy of continuing education "As of the date of this report. I, Sean P. Railton, 5452001-CR00, have completed the requirements under the continuing education program of the State of Utah."
9. The reported analyses, opinions, and conclusion were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the State Of Utah.
10. Sean P. Railton, 5452001-CR00, finds the content and conclusions of the appraisal and the report was performed in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Institute. Sean P. Railton has made a personal inspection of the subject property and many of the comparable properties.

Respectfully Submitted,


Sean P. Railton



P. O. Box 681373
Park City, UT 84068
Phone 435.649.1100
Fax 435.649.2358
www.reasutah.com

<u>Property</u>	<u>Purchase Date</u>	<u>Purchase Price</u>	<u>Average</u>	<u>Price</u>	<u>Acres</u>	<u>Price per Acre</u>	<u>Sq. Ft.</u>	<u>Price per sq. ft.</u>
Richards Ranch	September 19, 1999	\$1,657,482	Approx. 20 acres	\$1,657,482	20.00	\$82,874	871,200	\$1.90
Virginia Mining Claim	October 19, 1999	\$852,960	Approx. 13.3 acres	\$852,960	13.30	\$64,132	579,348	\$1.47
Union Pacific Rail Trail	March 1, 2000	\$220,000	1.977 acres	\$220,000	1.98	\$111,280	86,118	\$2.55
UP&L Parcel	March 31, 2000	\$390,260	Approx. .51 acres	\$390,260	0.51	\$765,216	22,216	\$17.57
Grover Round Valley	May 5, 2000	\$325,100	40 acres	\$325,100	40.00	\$8,128	1,742,400	\$0.19
McMillan Round Valley	December 14, 2001	\$5,500,330	280 acres	\$5,500,330	280.00	\$19,644	12,196,800	\$0.45
Bilglio Round Valley	December 28, 2001	\$2,250,180	144 acres	\$2,250,180	144.00	\$15,626	6,272,640	\$0.36
Edward Gillmor Estate, Siv, Charles Round Valley	November 19, 2003	\$3,750,601	188 acres	\$3,750,601	188.00	\$19,950	8,189,280	\$0.46
Cranbrook Round Valley	December 29, 2003	\$1,000,190	40 acres	\$1,000,190	40.00	\$25,005	1,742,400	\$0.57
Hope Mining Claims	December 16, 2004	\$1,100,763	113 acres	\$1,100,763	113.00	\$9,741	4,922,280	\$0.22
Laws Properties	March 31, 2005	\$285,125	3.92 acres	\$285,125	3.92	\$72,736	170,755	\$1.67
Royal Street/Aerie *	September 30, 2005	\$150,000	4.51 acres	\$150,000	4.51	\$33,259	196,456	\$0.76
Sanchez Lot	October 15, 2006	\$120,000	1.0 acre	\$120,000	1.00	\$120,000	43,560	\$2.75
Clissold/Quarry Mtn	December 28, 2007	\$4m total (\$2 City & \$2 County)	183.7 acres	\$4,000,000	183.70	\$21,775	8,001,972	\$0.50
Kimball Junction PRI	December 31, 2008	\$16 million (\$3.5 City & \$12.5 County)	330 acres	\$16,000,000	330.00	\$48,485	14,374,800	\$1.11
Round Valley PRI	December 31, 2008	\$8.5 million	377 acres	\$8,500,000	377.00	\$22,546	16,422,120	\$0.52
Armstrong / Thaynes Canyon	September 30, 2009	\$5.00 million	135 acres	\$5,000,000	135.00	\$37,037	5,880,600	\$0.85
	February 12, 2010	\$5.75 million (\$4.75 PCMC & \$1 million Summit Land Conservancy	121 acres	\$5,750,000	121.00	\$47,521	5,270,760	\$1.09
Osguthorpe Conservation Easement								
Total		\$56,852,993	2,220 acres	\$56,852,991	1996.92	\$28,470	81,714,945	\$0.70
Park City Municipal Spend \$46,352,993								
<i>(excludes Summit County spend)</i>								



Full Report

Property and Owner Information

Parcel ID THA-68-X	Owner Name1 PARK CITY MUNICIPAL CORP
Tax ID 0052393	Owner Name2
Address	Owner 1 Label PARK CITY MUNICIPAL CORP
Street Number	Owner Add1 PO BOX 1480
Street Pre Direction	Owner Add2
Street Name	Owner City PARK CITY
Street Designator	Owner State UT
Street Post Dir	Owner Zip 84060-1480
Unit Number	Owner 1 First
Property City	Owner 1 Last PARK CITY MUNICIPAL CORP
Property State UT	Owner 2 First
Zip Code	Owner 2 Last
County Summit	Acres 0.120

Taxes and Assessments

Assessed Value \$0	Taxes Charged \$0.00
District 07	Tax Year 2010
Market Value \$0	Buildings Mkt Value \$0
Land Mkt Value \$0	Market Value Ratio

<u>Assess Class</u>	<u>Class Mkt Value</u>	<u>Class Taxable Value</u>
ExemptLand	\$0	\$0

Legal Description

Legal Description
 LOT 68A, ADDITION TO THAYNES CANYON SUBSEC8T2SR4E, SLBM, CONT 5215 SQ FT M242-236 CO COMMISSION D H ON 11-22-83

Building Characteristics

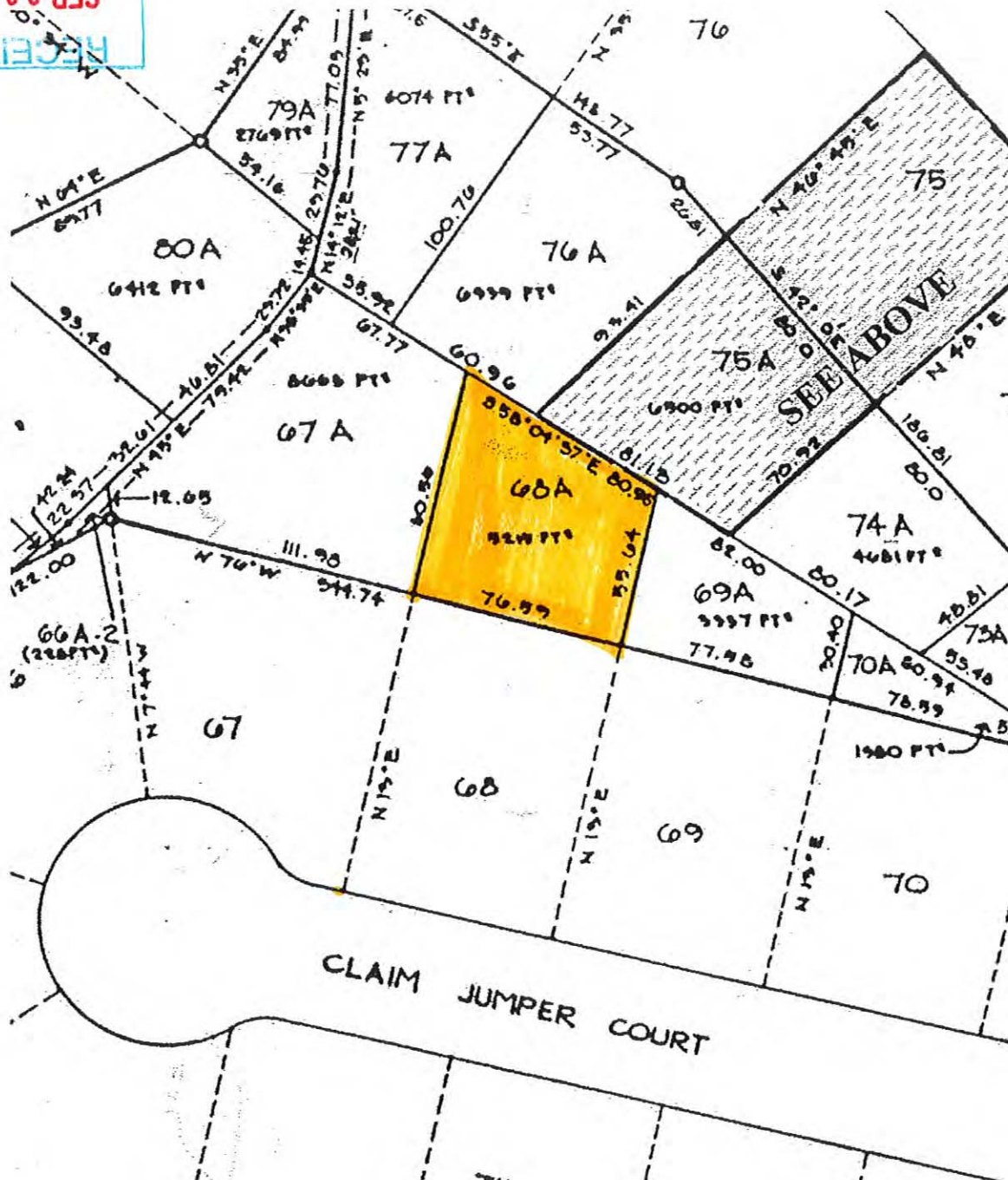
Bathrooms	Year Built	Carport Area
Half Baths	Fireplaces	Garage Area
Living Area	Bsmt Pct Finish	Garage Type
	FAA	

Label Information

Owner 1 Label PARK CITY MUNICIPAL CORP	Owner 2 Label
Company Name PARK CITY MUNICIPAL CORP	



RECEIVED
 SEP 23 2010
 PARK CITY
 PLANNING DEPT.



City Council Staff Report

Subject: 508 Main Street
Project: PL-10-01123
Author: Kayla Sintz
Date: February 10, 2011
Type of Item: Administrative – Plat Amendment



Summary Recommendation

Staff recommends the City Council hold a public hearing for the 508 Main Street Subdivision plat amendment and consider approval based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Owner: 508 Main LLC – Mary Lisenbee
Owner's Representative: Marshall King – Alliance Engineering
Location: 508 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Mixed commercial and residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

The subject property is located in the HCB zoning district and contains a Landmark historic commercial building (previously known as the Phoenix Gallery and now operating as a restaurant named Silver), which recently underwent extensive interior renovation and rear exterior renovation which enclosed a second level patio. The building sits across a number of lot lines. A Historic District Design Review was completed by the Applicant for all exterior work. The Chief Building Official allowed an at-risk permit for exterior building construction to be executed upon submittal for a Plat Amendment Application to the Planning Department. The City received a completed plat amendment application on December 6, 2010. Exterior mechanical equipment was not shown, reviewed, or considered on the Historic District Design Review application and is not in compliance with the Historic District Guidelines. The Planning and Building departments are working with the applicant for compliance and have secured a bond as well as placed restrictions on the length of their temporary certificate of occupancy until such solution is reviewed and approved.

The proposed plat combines all of Lot 2 in Block 24 and portions of Millsite Reservation, identified as a tract of land 20 feet by 25 feet at the rear end of the Lot 2, and a tract of land 24 feet by 25 feet adjacent to the eastern boundary, into one lot of record. The

proposed lot will be 2,975 square feet. The existing structure on the property is identified as a Landmark historic structure on the Park City Historic Sites Inventory. Encroachment Agreements will have to be obtained for the encroachments identified on the survey prior to plat recordation; building encroachment onto Lot 1 (to the south) and Lot 3 (to the north), and concrete stair encroachment to the east.

Analysis

This plat amendment does not create sub-standard lots with adjacent properties.

HCB Zone	Permitted	Existing
Front setback	No minimum	4.6 feet (no change, existing) complies
Rear setback	No minimum	2,1 feet to building; stair encroachment' (no change) complies
Side setbacks	No minimum	0 feet (no change; existing) complies
Minimum Lot Area	1,250 square feet	2,975 square feet; complies

The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet and the northwest corner by 0.2 feet. A condition of approval has been added requiring Encroachment Agreements be recorded with owners of Lot 1 and Lot 3 prior to plat recordation.

Staff finds good cause for this plat amendment as it cleans up the property lines and removes property lines existing under a Landmark historic building.

Process

Approval or denial of the ordinance by City Council may be appealed to District Court within 30 days as provided by state code.

Department Review

This project has gone through an interdepartmental review. Encroachment issues with neighboring properties were discussed. A condition of approval has been added to address encroachments which states agreements must be recorded prior to plat recordation. Further, the current building permit for exterior work will not be allowed to receive a Final Certificate of Occupancy prior to plat recordation.

Notice

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

Public Input

Staff has not received public input as of the date of this report.

Alternatives

- The City Council may approve the 508 Main Street Subdivision plat amendment as conditioned or amended; or
- The City Council may deny the 508 Main Street Subdivision plat amendment and direct staff to make Findings for this decision; or
- The City council may continue the discussion on 508 Main Street Subdivision plat amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lot lines would remain where they currently stand and the at-risk exterior permit work taking place at 508 Main Street would have to be removed and/or a final certificate of occupancy would not be issued.

Recommendation

Staff recommends the City Council hold a public hearing for the 508 Main Street plat amendment and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Exhibit A – Ordinance with Proposed Plat

Exhibit B – Survey of existing conditions

Exhibit C – Aerial Photograph

Ordinance No. 11-

**AN ORDINANCE APPROVING THE 508 MAIN STREET SUBDIVISION PLAT
AMENDMENT LOCATED AT 508 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 508 Main Street have petitioned the City Council for approval of the 508 Main Street Subdivision plat amendment; 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 January 12, 2011, to receive input on the 508 Main Street Subdivision plat amendment;

WHEREAS, the Planning Commission, on January 12, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on February 10, 2011, to receive input on the 508 Main Street Subdivision plat amendment;

WHEREAS, it is in the best interest of Park City, Utah to approve the 508 Main Street Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 508 Main Street Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
2. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
3. The subject property encompasses all of Lot 2 of Block 24, and a tract of land 20 feet by 25 feet of Millsite Reservation and a tract of land 24 feet by 25 feet adjacent to the eastern boundary in the Millsite Reservation.
4. Recorded Encroachment Agreements must be recorded with the owners of Lot 1 and Lot 3 of Block 24 and Millsite Reservation and the City for concrete stair encroachment at the rear of the property prior to plat recordation.

5. The proposed amended plat would result in one lot of record of 2,975 square feet.
6. The proposed plat amendment will not create substandard lots on the neighboring lots.
7. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.
8. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet.
9. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet and the northwest corner by 0.2 feet.
10. A Historic District Design Review was approved by staff as part of exterior building modifications enclosing a second story deck.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. Encroachment Agreements shall be recorded prior to plat recordation with the owners of Lot 1 and Lot 3 of Block 24 and Millsite Reservation and the City for concrete stair encroachment at the rear of the property prior to plat recordation..
4. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.

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

PASSED AND ADOPTED this 10th day of February, 2011.



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 508 MAIN STREET SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz

BOUNDARY DESCRIPTION

ALL OF LOT 2 OF BLOCK 24, PARK CITY, UTAH, according to the amended plat thereof on file in the office of the County Recorder of Summit County, State of Utah.

ALSO a tract of land 20 feet by 25 feet situated at the rear of said Lot 2, and particularly described as follows, to wit:

Beginning at the northeasterly corner of said Lot 2 running northeasterly 20 feet in the direction of the extension of the northerly side line of said lot; thence southeasterly 25 feet at right angles to said line and parallel to the northeasterly end line of said Lot 2; thence southeasterly 20 feet to the southeasterly corner of said Lot 2; thence northeasterly 25 feet along the northeasterly end of said Lot 2 to the place of beginning.

ALSO a tract of land 24 feet by 25 feet adjacent to the eastern boundary of said 20 feet by 25 feet of tract land, and particularly described as follows, to wit:

Commencing at the southeast corner of the Utah Power & Light Company parcel, sold point being North 66°27'00" East 20 feet from the Southeast corner of Lot 2, Block 24, Park City Survey, and running thence North 23°38'00" West 25 feet, thence parallel to the northerly wall of a cinderblock garage North 66°22'00" East 24 feet, thence South 23°38'00" East parallel to the easterly wall of said garage 25 feet, thence South 66°22'00" West 24 feet, to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 508 MAIN, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 508 MAIN STREET SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. 508 MAIN, LLC, a Utah limited liability company, hereby consents to the recordation of this Plat Amendment.

ALSO, the owner or its representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____

2011.

508 MAIN, ULC, a Utah limited liability company

Bart Carlson, Manager

ACKNOWLEDGMENT

State of _____

On this _____ day

On this _____ day of _____, 2011, Bart Carlson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Bart Carlson acknowledged to me that he is a managing member of SOB MAIL, LLC, a Utah limited liability company, organized and existing under the laws of the State of Utah and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

1

Printed Name

Residing in: _____

My commission expires: _____

NOTE

The nail shell is no longer visible. Control points used for a previous survey of adjacent property, which were set from centerline of Mohr Street monuments, were used for this survey.



A PARCEL COMBINATION PLAT
IN BLOCK 24 AND MILLSITE RESERVATION, PARK CITY SURVEY

508 MAIN STREET SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1
10/100910.dwg

ACCEPTANCE	RECORDED
------------	----------

COUNCIL APPROVAL AND ACCEPTANCE

CERTIFICATE OF ATTEST

APPROVAL AS TO FORM

ENGINEER'S CERTIFICATE

PLANNING COMMISSION

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

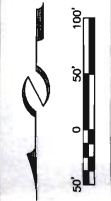
(435) 648-9427

CONSULTING ENGINEERS LAND PLANNING SURVEYORS
113 Main Street P.O. Box 2034 Fort Collins, CO 80521-2034

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
0	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



		SHEET 1 OF 1
AERIAL PHOTOGRAPH 506 MAIN STREET		FROM 506 MAIN, LLC JOB NO.: 10-9-10 FILED IN: 10-9-10
SURVEY MASSILL, KNO	DATE: 11/20/10	



RECEIVED
DEC 06 2010
 PARK CITY
 PLANNING DEPT

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 a survey of the following described property was performed under my direction.



Martin A. Morrison
Martin A. Morrison Date 10-13-10

LEGAL DESCRIPTION

ALL OF LOT 2 OF BLOCK 24, PARK CITY, UTAH, according to the plat of said Block 24, as recorded in the office of the County Recorder of Summit County, State of Utah.

ALSO a tract of land 20 feet by 25 feet situated at the rear of said Lot 2, and particularly described as follows, to wit:

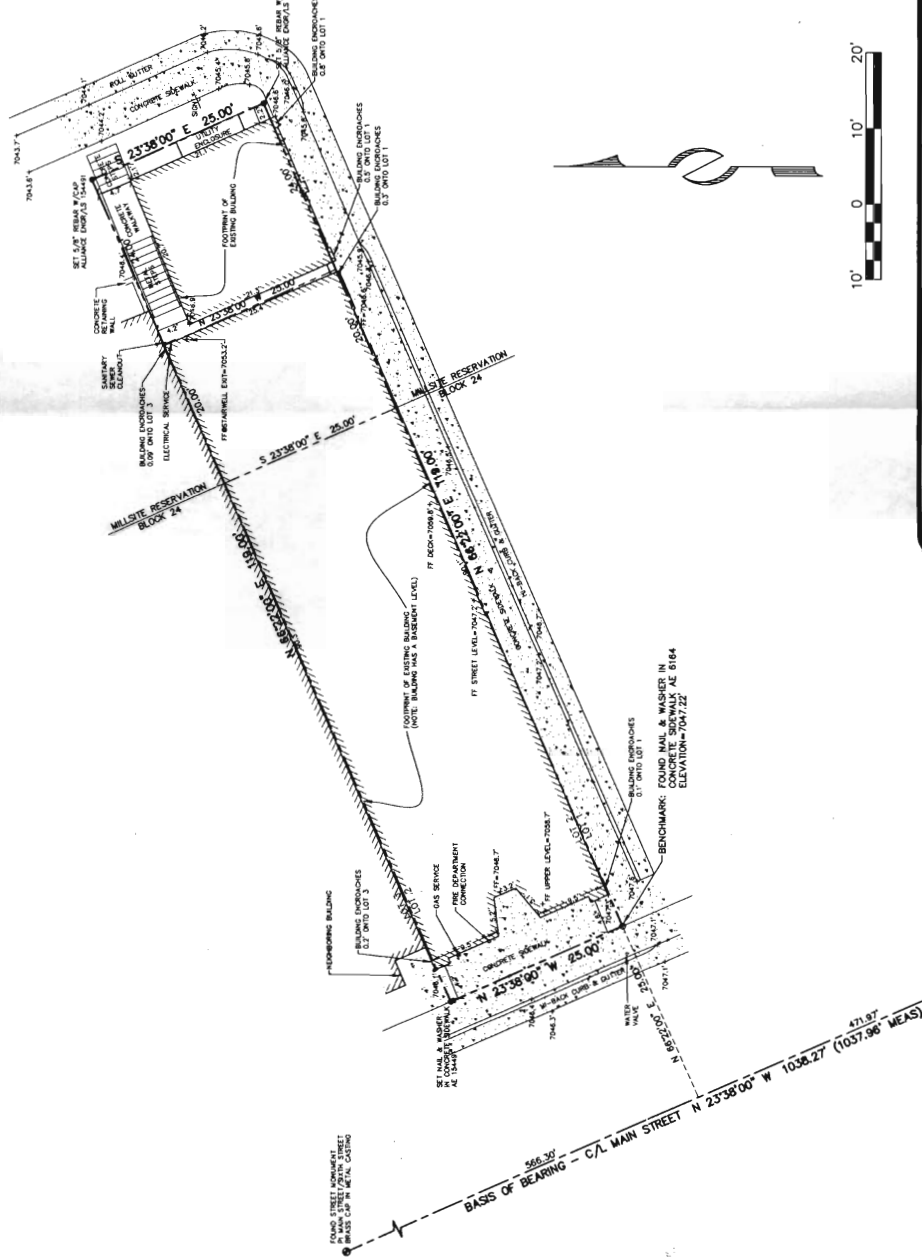
Beginning at the northeasterly corner of said Lot 2 running northeasterly 20 feet in the direction of the extension of the northerly side line of said lot; thence southeasterly 25 feet at right angles to said line and parallel to the southeasterly line of said Lot 2; thence northeasterly 20 feet to the southeasterly corner of said Lot 2; thence northeasterly 25 feet along the northeasterly end of said Lot 2 to the place of beginning.

ALSO a tract of land 24 feet by 25 feet adjacent to the eastern boundary of said Lot 2 by 25 feet of tract land, and particularly described as follows, to wit:

Commencing at the southeast corner of the Utah Power & Light Company's Substation, Section 16, T2S, R4E, S36M, and running thence North 23°38'00" West 25 feet, thence parallel to the northerly wall of a chinder block garage North 66°22'00" East 24 feet, thence South 23°38'00" East parallel to the easterly wall of said garage 25 feet, thence South 66°22'00" West 24 feet to the point of beginning.

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: October 4, 2010.
4. Property location: Section 16, T2S, R4E, S36M.
5. Purpose of survey: Building remodel.
6. Improvements on the property are as shown.
7. The soil shift is no longer visible. Control points used for a previous survey of adjacent property, which were set from centerline of Main Street monuments, were used for this survey.



BOUNDARY SURVEY AND EXISTING CONDITIONS BLOCK 24, PARK CITY SURVEY 508 MAIN STREET		SHEET 1 OF 1
STAFF: MARTIN A. MORRISON		FOR: BART CARLSON JOB NO.: 10-9-10 FILE: X:\ParkCitySurvey\dwg\env\2010\100910.dwg
DATE: 10/12/10		

City Council Staff Report



PLANNING DEPARTMENT

Subject: 1440 Empire Avenue
Application: PL-10-01148
Author: Kayla Sintz
Date: February 10, 2011
Type of Item: Quasi-Judicial - Appeal of CUP

Summary Recommendation

Staff requests that the City Council review the appeal of the Conditional Use Permit (CUP) and consider upholding the Planning Commission's approval of the CUP.

Topic

Appellant(s): David & Rosemary Olsen, Rick Margolis, Bill and Dianne Newland
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Use: Ski resort area and residential (single family and multi-unit)
Reason for review: Appeals of Planning Commission are reviewed by City Council

Burden of Proof and Standard of Review

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

Pursuant to LMC 15-1-18(G), the Council "shall review the factual matters de novo and it shall determine the correctness of a decision of the [Planning Commission] in its interpretation of the application of the land Use ordinance." This means that the Council will review the evidence presented to the Planning Commission anew and will not give any deference to the Planning Commission's decisions on how to apply the facts to the law. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition, unless 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.

The scope of this appeal is limited to the Conditional Use application as approved on remand. The plat matters are subject to a different final action no longer properly before the Council, as that matter is pending in District Court.

Background

Applicants are proposing a nine (9) unit multi-unit dwelling at 1440 Empire Avenue. A Multi-Unit Dwelling is a Conditional Use in the Recreation Commercial District (RC). Per the zone, for a Multi-Unit Dwelling, parking is based on the size of the units. The proposed design yields twelve (12) required parking spaces per the Land Management Code. A Parking Area with five (5) or more spaces is also considered a Conditional Use in the Recreation Commercial District (RC) and subject to 15-3 Off-Street Parking requirements.

The Planning Commission originally approved this Conditional Use Permit on December 9, 2009, after hearing the project on September 9, 2009, and October 14, 2009. The decision was appealed to the City Council on December 21, 2009 by David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland. The City Council heard the appeal on February 25, 2010. City Council granted the appeal in part and denied the appeal in part, and adopted the findings of fact, conclusions or law, conditions of approval and order on March 4, 2010 (see further discussion of remand below).

On May 12, 2010, during Work Session, the Planning Commission reviewed modifications to the rear façade of the building per the Remand directed by Council. Public comment was heard during the Work Session. During the discussion, the Commission asked whether or not the applicant would consider moving the entire building forward, closer to Empire Avenue in order to mitigate the effects of the multi-unit dwelling on the historic structure. (5-12-10 meeting minutes - Exhibit I).

On December 8, 2010 the Planning Commission reviewed the modified design with the multi-unit dwelling being moved towards Empire Avenue with underground parking, and made comment regarding the new design meeting Council's remand. They asked Staff to come back with findings for approval and an analysis of compliance of the CUP criteria for the elements of the project which had been redesigned since the remand (12-08-10 meeting minutes - Exhibit G).

The Planning Commission approved the CUP on December 15, 2010 according to the findings of fact, conclusions of law, and conditions of approval (12-15-10 meeting minutes - Exhibit E). The Planning Commission voted unanimously 4-0 for approval.

The Land Management Code (LMC) section 15-1-18 requires that final action by the Planning Commission on CUPs be appealed to the City Council within ten calendar days of the final action. The appellant submitted a complete appeal to the City Recorder on December 27, 2010 of the Conditional Use Permit (CUP) approval of 1440 Empire Avenue. (Exhibit A – Appeal). This was the first business day after ten calendar days of final action.

The subject property exists as three vacant parcels located at 1440 Empire Avenue. The Subdivision Plat Amendment was approved by City Council on February 25, 2010. The mylar has been submitted to the City and is in the process of being recorded.

If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.

February 25, 2010 Council Remand

This CUP was appealed to City Council February 25, 2010 with a different layout and building design on site. The result from last year's appeal was the following:

Order:

The appeal was granted in part and denied in part. The CUP was remanded to the Planning Commission for further consideration limited to only the following matters:

- 1. The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);**
- 2. Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.**

On September 1, 2010 the applicant submitted a modified design (Amended Plans) reflecting the changes asked for by the Planning Commission at the May 12, 2010 Work Session in which a number of the Commission wished to see the project moved completely forward on the site (to the west), up towards Empire Avenue and away from the historic properties to the east. Commissioner concerns during this meeting included:

- Shadowing on historic properties
- Massing adjacent to historic properties
- Snow shedding issues

It was expressed by the Commission that moving the building forward towards Empire Avenue may address the specific concerns of the Remand and also:

- Respond to the site layout and patterning of other projects along Empire Avenue
- Provide greater distance from the historic properties on Woodside Avenue

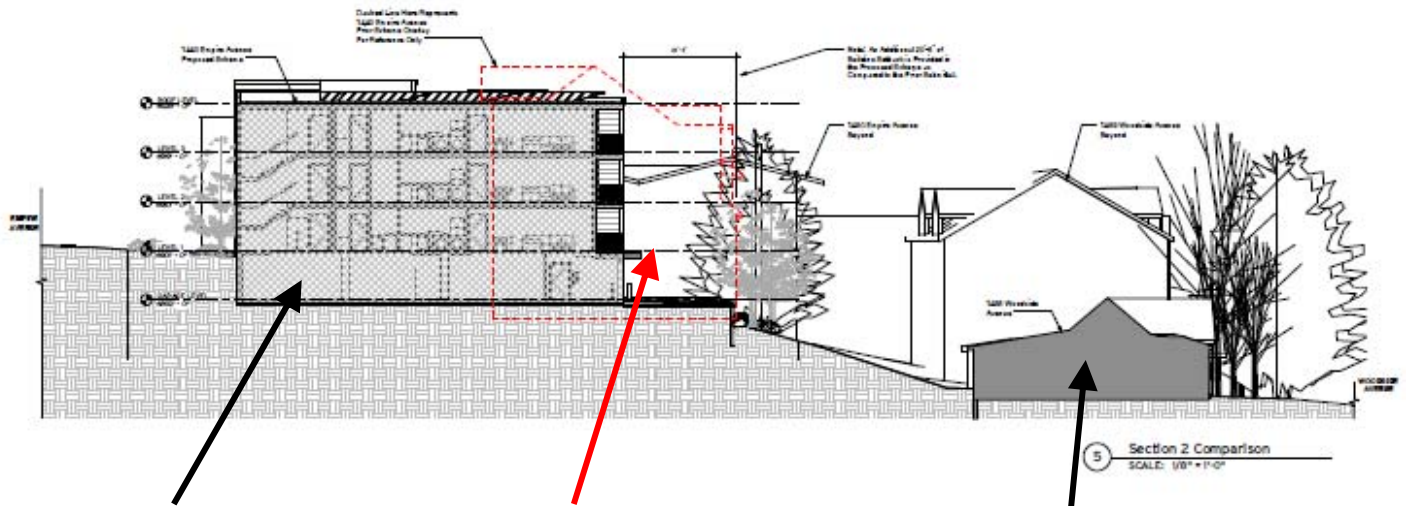
- Mitigate shadowing to historic properties on Woodside Avenue
- Eliminate potential snow shedding

Proposed amended design (project moved towards Empire Avenue):

- Four levels (parking garage lowest level underground, three additional floors with same layout)
- Nine (9) units:
 - o Six (6) two-bedroom units (645 square feet per unit)
 - o Three (3) four-bedroom units (1,365 square feet per unit)
- Twelve (12) parking spaces required and provided, based on unit size (underground and enclosed)
- FAR (Floor Area Ratio) of 1.0 = 12,882.62 square feet allowable. New FAR proposed is 11,688 square feet (or 0.91 FAR) which is 932 square feet less than previous design (an FAR of 0.83 and 10,756 square feet)
- Side yard setback (north) uses Code exception for driveways leading to a parking area = 3'-0" min. required to be landscaped
- Side yard setback (south); 10 feet required, provided 10 feet at closest point and increases to 16.5 feet
- Rear yard setback = 10 feet: remains at 10 feet (to edge of parking garage driveway)

The height, scale, mass and bulk of the rear building (and overall building in whole) has been modified in the following manner:

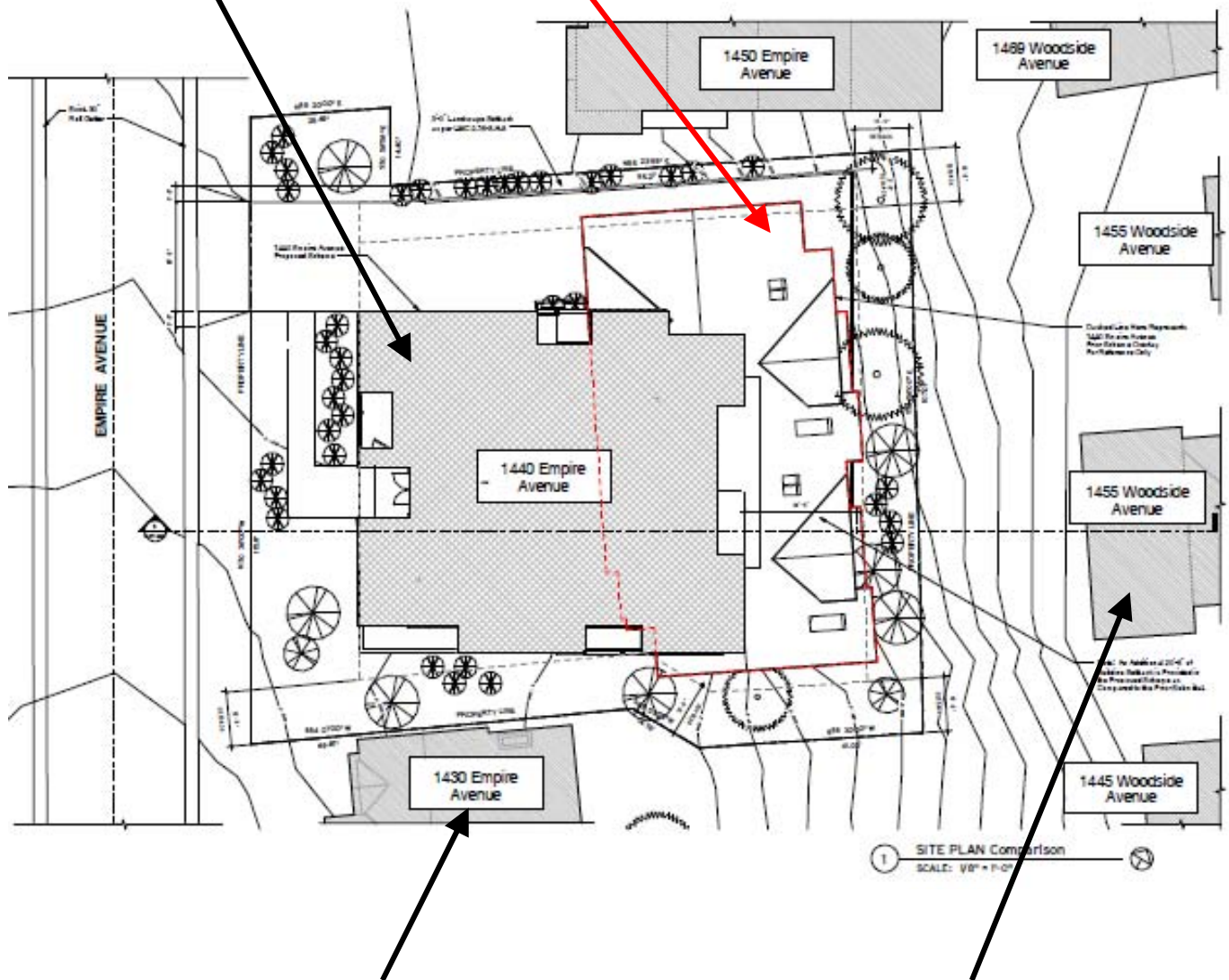
- **Building moved forward on site** (towards Empire Avenue and away from historic properties on Woodside Avenue)
 - o Creates an additional 20'-4" of space and separation from previous design; location of driveway to parking garage east of building creates additional buffer and eliminates previous mass
- **Height reduction of overall building:** The Zone height is 35 feet plus an additional 5 feet for roof pitches 4:12 or greater, for a total of 40 feet. The previous design used this code exception. The new design has a flat roof, and meets zone height of 35 feet or a reduction in height from previous design of 5 feet.



Approved Design

The red dashed line indicates the old design superimposed on the approved design.

Historic Home



Contemporary Home to south

Historic Home

While parking was not part of the original City Council remand, the amended building design moved forward affects the design in the following manner:

- Parking is now completely underneath the building and enclosed. The building location forward on the lot allows the parking driveway to utilize the natural grade to reach the parking garage grade. The trash enclosure area is also off of the driveway to the north. All vehicular and pedestrian traffic is focused off of the north side of the property.
- Shadowing effects on historic properties further minimized (both a result from height reduction and distance of new building 20'-4" further to the west)

The modified design also is proposing roof mounted solar collectors, to take advantage of the new flat roof design.

The new design not only mitigates the rear façade massing issues but addresses other project concerns during the initial original CUP approval which are:

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

The appellants provided extensive review of the new proposed remand design on December 8, 2010. The building design did not change from December 8 to December 15, 2010.

The Architect, Elliott Workgroup, and project representative, Mark Fischer, have provided a response to the Appeal (Exhibit B) attached.

Appeal

The appellants are requesting the Conditional Use Permit for the Project be denied on the following reasons:

(Summarized from the appellants appeal letter, Exhibit A)

1. *consideration of the CUP at the time it occurred time violated the Due Process Rights of my clients and those violations were caused, in part, by the willful actions of the Applicant;*
2. *the Project violates several design requirements imposed by the Land Management Code ("LMC") generally and for the Recreational Commercial ("RC") zone in particular;*
3. *the Project does not comply with the General Plan; and*

4. *the Project is not Compatible with the neighborhood in numerous aspects as required for the issuance of a CUP.*

Appeal Item #1: *Consideration of the CUP for the Project violated Due Process due to the date of receipt of a copy of the plans, material changes to the project, seeing shadow study at the planning commission meeting and insufficient time to review the December 15th staff report :*

Staff Response: Staff notified the appellants of the City's receipt of an amended design in September. One appellant came in and viewed the drawings within two weeks of being notified. The other appellants and/or legal representation, did not view the drawings in our office until the week of Thanksgiving. The appellants also received hard copies of the new proposal. All of this information was received prior to the noticing requirements for the CUP to be heard on December 8, 2010.

Staff has consistently required interested parties to come into our offices to view drawings which have copyright stamps from Architects. This is not a new policy. Mr. Baird, through discussions with the City's legal department, obtained hard copies of the drawings on November 24, 2010, 15 days prior to the Planning Commission meeting. As noted above, this all occurred prior to the 14 day required noticing of both the property on site and the courtesy mailing to property owners within 300 feet.

There have been no material changes to the plans submitted in September. The shadow study was viewed at the December 8, 2010 meeting. Appellants had an opportunity to comment on those studies at the subsequent meeting on December 15, 2010. The December 15, 2010 staff report, which focused on whether the Amended Plans met all the criteria required for CUPs, was available on-line Friday, December 10, 2010.

Appeal Item #2: *The Project violates several design requirements imposed by the Land Management Code ("LMC") generally and for the Recreational Commercial ("RC") zone in particular.*

Staff Response: Specific issues cited by the Appellants include:

- Parking: The project meets the required parking spaces of 12. A van accessible ADA stall can be accommodated in the space provided (as verified again by the applicant) in the parking garage, and will be verified by the Building Department at building permit review.
- Lot Combination: The Floor Area Ratio (FAR) allowed by code with the approved plat amendment application is 1.0. The project is under this maximum allowed FAR at 0.91.
- Mitigation of Impact on Neighbors: The project meets or exceeds the required setbacks along the south property line. The side yard setback from the contemporary single family home to the south goes from the minimum of 10 feet to a maximum of 16.5 feet. Further, the applicant has

proposed mature landscaping between the uses and has located the elevator shaft (non-living space) along the south property line. The applicant's architect has placed quiet bedroom uses (versus living rooms) along the south property line to respond to the single family home along that side.

- Height: The new design provides a flat roof and does not take advantage of the allowable additional 5'-0" of height allowed for pitched roofs (as previous design did) or additional height allowed for mechanical equipment. The allowed height in this zone is 35 feet as measured from existing grade. Staff has reviewed the plans and this project complies. The applicant has provided additional construction description of how structural components can meet this height. Staff has reviewed these descriptions and believes it can be built as depicted in the stamped drawings.
- Storm Water: Condition of approval #3 addressing a Site Drainage Plan is in the December 15, 2010 approval. Specifically, "A Site Drainage Plan will be submitted prior to building permit issuance for City Engineer Approval. Such Site Drainage Plan will include (1) roof run-off to go to a detention pond that discharges out to Empire Avenue (2) The drive and garage drainage will go to a retention basin that does not discharge off site (3) Post discharge will be equal to or less than Pre-development discharge." The City Engineer has reviewed the proposal at this stage and indicated the conditions present on this property are no different than other properties in the immediate area.
- Off-Street Loading: The Multi-Unit Dwelling is a residential use and, therefore, does not require any Off-Street Loading (similar to single family uses in the area).
- Trash Removal: Staff finds the location of the dumpster along the north property line parking driveway acceptable and accessible. The dumpster has been screened adequately and proposed location provides greatest buffering form both the historic property to the east and the single family contemporary homes to the south for both sight and sound.
- Retaining Wall: The stacked rock retaining walls proposed on December 8 met LMC requirements. However, based on comments on December 8, 2010 the applicant enhanced the rock walls appearance and greater buffering by proposing two sets of rock walls, with additional landscape buffering and planting bed. Staff reviewed the revised retaining wall plans prior to the December 15, 2010 meeting and found that they meet the LMC.
- Sidewalk Area Grade: Condition of Approval #4 of the December 15, 2010 approval states the City Engineer shall review and approve all appropriate grading to comply with City Standards. The driveway provides a minimum twenty foot (20') transition area at no greater than 2% slope beginning at back of curb. Further, the driveway slope is allowed to be up to 14%, but has been designed at 10%. The site is such that such grading is possible.
- Purposes of the Recreation Commercial District: The use in the RC zone of Multi-Unit Dwelling is unchanged from the previous design. This was

already reviewed by Council at the last appeal and not identified in Council's Remand. The project meets the purpose statements of the RC zone. Purpose statements (B) and (E) should also be listed with the two identified by the Appellants (H) and (I) which are:

- (B)** allow for resort-related transient housing with appropriate supporting commercial and service activities
- (E)** provide opportunities for variations in architectural design and housing types
- (H)** promote the development of buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs;
- (I)** promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City

The Recreation Commercial (RC) zone supports the most diverse architectural styles found in Park City due to the various uses allowed, its non-historical designation, the vast age difference of built structures, and the influence of the resort base scattered throughout the zone. The applicant provided rendered drawings of the proposed structure at the December 8, 2010 meeting. Commissioner Hontz asked if the applicant would consider enhancing the colors and trim on the project. The applicant obliged and presented a material's board and slightly varied exterior detailing and color for December 15, 2010. Staff and the Planning Commission both agreed the proposed materials and architectural design to be compatible with the RC zone. The changes were not extensive enough to require additional review time.

Appeal Item #3: *The Project does not comply with the General Plan*

Staff Response: This was already reviewed by Council at the last appeal and not identified in Council's Remand. The project complies with the General Plan and approved project use is unchanged from the previous use being processed. The scale of the project has not changed. The applicant's representative architect, Elliott Workgroup, has provided additional analysis regarding density for your review. See Exhibit B. Staff prepared an Affordable Housing map analysis diagramming Deed Restricted Affordable Housing within the City limits which (Exhibit J) indicating this neighborhood is not saturated with Deed Restricted units. Lastly, as indicated in every staff report to date, If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.

Appeal Item #4: *the Project is not Compatible with the neighborhood in numerous aspects as required for the issuance of a CUP.*

Staff Response: Specific CUP criteria cited in the appeal include:

(1) Size and Location of the Site: This item has not changed since the last appeal and was found to comply previously.

(2) Traffic: The same amount of traffic will be generated as previously discussed in the last appeal and has been found to comply.

(5) Location and Amount of Off-Street Parking: The previous project also required 12 parking spaces. The number of required parking spaces and the appellants' argument is unchanged from the last appeal. Regarding the 'location' of off-street parking, Staff and Planning Commission found the proposed underground parking scenario a better solution than the surface parking lot previously approved. The driveway to the parking garage has been located on the opposite side of the appellants to the south and has provided adequate landscape screening from the historic property below. Further, the parking drive itself acts as additional space mitigation between the proposed project structure and the historic property to the east.

(7) Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses: The applicant's design has showed decks from living units since their modified design was turned in on September 1, 2010. A landscape plan has been reviewed which indicates mature landscaping to further mitigate the building from adjacent buildings. At the December 15, 2010 meeting staff asked for discussion with the Planning Commission as to whether or not additional landscaping should be required within the south yard setback. The Commission did not require additional landscaping. Further, setbacks vary from a minimum of 10 feet to a maximum of 16.5 feet on the south property line. Stacked rock retaining walls are proposed on the north and east sections of the property creating additional planting beds.

(8) Building Mass, Bulk and Orientation, and the Location of Buildings on the Site; including Orientation to Buildings on Adjoining Lots: The project's Floor Area Ratio (FAR) is now 11,688 square feet or 0.91 with an allowed FAR of 1.0 = 12,882.62 square feet. The old approved design had an FAR of 10,756 square feet or 0.83 FAR. (Below grade areas are not calculated in FAR). With the new design square footage increase of 932 square feet, staff and Planning Commission still find the project compatible in the RC zone, as diagrammed in an aerial map presented by staff and included as a prior exhibit, pointing out the numerous larger multi-unit dwellings east of Empire Avenue (Exhibit C) and applicant's additional info Exhibit B). In regards to the new building orientation on the site being closer to Empire Avenue, staff found the following project enhancements created:

- o Vehicular access and parking oriented away from Empire Avenue property owners to the south.
- o Reduced shadowing of historic properties to east
- o Opening up rear yard view shed areas similar to other single family homes along Empire Avenue
- o Similar Empire Avenue building patterning of buildings located closer to front yard setbacks

(9) Usable Open Space: Smaller projects do not have a minimum Open Space requirement like Master Planned Developments do. The LMC definition of Open Space includes items such as landscaped areas, hardscaped plazas, natural, undisturbed areas, etc. By this definition, the project has over 4,700 square feet of landscaped area and 3,800 square feet of hardscaped area, which equates to 67% open space.

(11) Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing: As the primary CUP criteria factor discussed at the last Appeal, the Council found the previous design was not compatible with the adjacent historic structure to the east. Council did not have comment regarding any other adjacent structures. Based on the Planning Commission's and staff's direction, the applicant proposed a design pushed forward towards Empire Avenue. This mitigated the previous concerns regarding massing affecting the historic property to the east. The contemporary single family home cluster of 5 units to the south is not the dominant building type in the RC zone. Larger multi-unit dwellings can be seen to the north, west, and diagonals to the northeast. The approved CUP has reduced height by proposing a flat roof (keeping height to zone maximum of 35 feet, versus allowed maximum in the zone for single family of 27 feet), has varied setbacks to the south (from minimum of 10 feet to maximum of 16.5 feet), and has utilized a vernacular interpretation of the historic mining architectural heritage found in Park City, most appropriate in the non-historic, diverse Recreation Commercial (RC) zone.

(12) Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site. The appellants' reference to noise issues from the adjacent property or any other property throughout the City is governed by the Municipal Code Noise Ordinance. The use itself is residential in nature, just like a single family home, and is not associated with the generation of noise. No other noise, vibration, odors, steam or mechanical factors are anticipated.

(13) Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash Pickup Areas. This Multi-Unit Dwelling

is a residential use just like a single family home, and therefore, does not require delivery and service vehicles, loading and unloading zones. Screening of dumpster has been discussed above.

Notice

Property owners who received mailed notice for the original Planning Commission hearing were sent a courtesy mailing seven days prior to the appeal hearing. The property was properly posted and legally noticed seven days prior to the appeal hearing.

Public Input

Staff has not received any additional public input concerning the appeal at the time of writing this staff report.

Alternatives

- The City Council may affirm the Planning Commission's decision to approve in whole or in part the 1440 Empire CUP as conditioned or amended; or
- The City Council may reverse the Planning Commission decision and deny the 1440 Empire CUP in whole or in part and direct staff to make Findings for this decision; or
- The City Council may remand the matter to the Planning Commission with direction on specific items; or
- The City Council may continue the discussion on the appeal of the 1440 Empire CUP.

Recommendation

Staff recommends the City Council review the appeal and consider affirming the Planning Commission decision to approve the 1440 Empire CUP as conditioned.

Findings of Fact

1. The subject property is at 1440 Empire Avenue, Park City, Utah.
2. The subject property was approved as 1440 Empire Avenue Replat by City Council on February 25, 2010, but has yet to be recorded
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-Unit Dwelling is permitted under a Conditional Use Permit within the RC zone.
6. A Parking Area or Structure with 5 or more spaces is permitted under a Conditional Use Permit within the RC zone.
7. The Planning Commission approved a Conditional Use Permit (CUP) for a Multi-Unit Dwelling and a Parking Area of Structure with 5 or more spaces at this location on December 9, 2009 which contained eight (8) two-bedroom units and two (2) four-bedroom units, with surface parking occurring towards the front of the parcel off of Empire Avenue.
8. The CUP was appealed by adjacent owners David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland on December 21, 2009.

9. On February 25, 2010 the City Council heard the appeal. The City Council granted the appeal in part and denied the appeal in part, remanding it back to the Planning Commission for further review of just these two items: (1) The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8); and (2) Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.
10. On March 4, 2010 the City Council ratified the Remand.
11. On May 12, 2010 the applicant's attended a Work Session with the Planning Commission which proposed changes to the rear façade, modifying roof forms, height, and materials.
12. On September 10, 2010 the applicant submitted modified CUP drawings for a Multi-Unit Dwelling. The drawings were supplemented on September 16, 2010 and with minor detail changes on December 1, 2010. (Hereinafter, December 1, 2010 design).
13. Appellants were notified of the amended design in September and were given a hard copy of the plans on November 24, 2010.
14. On December 8, 2010 the Planning Commission directed staff to come back with an analysis of which CUP criteria were affected from the current project and to provide findings of fact, conclusions of law, and conditions of approval.
15. On December 15, 2010 the Planning Commission found the new project met Council's Remand order of February 25, 2010, and approved the CUP for a Multi-Unit Dwelling and Parking Area of five (5) or more parking spaces according to the findings of fact, conclusions of law, and conditions of approval.
16. The appellant(s) submitted a complete appeal to the City Recorder on December 27, 2010.
17. The December 1, 2010 design has moved the building away from the historic property on Woodside Avenue an additional 20'-6" from the rear setback, locating it closer to Empire Avenue and placing it at the front yard setback.
18. The current design dated December 1, 2010 meets the zone height of 35 feet without utilizing height exceptions for increases in either pitched roofs or mechanical equipment.
19. The current design dated December 1, 2010 meets the February 25, 2010 City Council Remand items 1 and 2 as referenced in Finding of Fact #9, #14 and #15.
20. The site allows a Floor Area Ratio (FAR) of 1.0 totaling 12,882.62 square feet. The proposed project has a FAR of 0.91 and is 11,688 square feet. Underground parking garages are not calculated in the FAR.
21. The Multi-Unit Dwelling contains 4 total stories, 3 stories above ground and a parking garage below grade.
22. The proposed project contains (9) units; (6) two-bedroom units and (3) four-bedroom units.
23. The Multi-Unit Dwelling is required to have twelve (12) parking spaces. All 12 spaces are provided in an underground parking garage. A Parking Area of

- five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District.
24. The proposed design has been reviewed against and meets LMC 15-5 Architectural Review. The proposed design is compatible with the variety of architectural styles found in the RC zone.
 25. Conditional Use Permit review criteria #1 Size and location of the Site; criteria #2 Traffic considerations; criteria #3 Utility capacity; criteria #6 Internal vehicular and pedestrian circulation system; criteria #9 Usable Open Space; criteria #12 Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site; criteria #13 Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas; criteria #14 Expected Ownership and management of the project; criteria #15 Environmentally Sensitive Lands, Slope retention, and appropriateness of the structure to the topography of the Site; are unchanged from original approval or cause no measureable change and have no unmitigated impacts.
 26. Conditional Use Permit review criteria #4 Emergency vehicle access; is improved by the new design allowing direct access to three sides of the structure. Emergency vehicles will access the site directly from Empire Avenue or through driveway on north and east of proposed building.
 27. Conditional Use Permit review criteria #5 Location and amount of off street parking; improved by the new design and mitigated through 12 parking spaces in underground parking garage and driveway to north of property.
 28. Conditional Use Permit review criteria #7 Fencing, Screening and landscaping to separate the Use from adjoining Uses has been mitigated by landscaping on all sides of the property, with intensive landscaping at the east parking drive setback adjacent to the historic property and south property side yard setback adjacent to contemporary single family home.
 29. Conditional Use Permit review criteria #8 Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots has been mitigated with a reduction in height from the previous design in not utilizing height exceptions, reduced building shadowing on adjacent properties, increased landscape buffering, placement of interior and exterior building uses, reduction of decks on south building façade, elimination of exterior storage closets on south building façade decks, building placement tapering side yard setback along south building face.
 30. Conditional Use Permit review criteria #10 has no Unmitigated impacts. The new design's of an underground parking garage has eliminated the surface parking area's lighting requirements previously required.
 31. Conditional Use Permit review criteria #11 Physical design and Compatibility with surrounding Structures in mass, scale, style, design and architectural detailing; meets LMC 15-5 Architectural Review and is compatible with the variety of structure styles and sizes found in the RC zone.
 32. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area of Structure with five (5) or more spaces as established by the LMC's Conditional Use Review process [Section 15-1-10 (E) (1-15)].
2. The application complies with all requirements of the LMC;
3. The application complies with the Council Remand Order of February 25, 2010.
4. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
5. The Use is consistent with the Park City General Plan, as amended; and
6. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. A Site Drainage Plan will be submitted prior to building permit issuance for City Engineer Approval. Such Site Drainage Plan will include (1) roof run-off to go to a detention pond that discharges out to Empire Avenue (2) The drive and garage drainage will go to a retention basin that does not discharge off site (3) Post discharge will be equal to or less than Pre-development discharge.
4. City Engineer review and approval of all appropriate grading, utility installation, and public improvements for compliance with City standards, to include driveway and parking garage layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
5. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
6. This approval will expire on February 10, 2012 if a building permit has not been issued.
7. Recordation of 1440 Empire Avenue Replat is required prior to building permit issuance.
8. Modified 13-D fire sprinkler system will be required.
9. Any significant modification of approved unit layout as shown on drawings date stamped September 10, 2010, September 19, 2010 and December 1, 2010 which changes bedroom configuration or unit size, requiring modification to required parking, will require amendment to Conditional Use Permit.
10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.
11. All driveway lighting must be zero cut-off at property line and shall not exceed the minimum lighting level required by the Building Code. All lighting must meet the Lighting Ordinance and be downward directed and shielded. Light

fixture cut sheets shall be reviewed by the Planning Department for approval prior to installation.

12. Retaining walls in the rear yard setback shall not exceed six feet (6') in height measured from Final Grade per LMC 15-4-2. Applicant shall submit a modified Site Plan sheet CUP-001 reflecting such change prior to building permit issuance.

Exhibits

- A. Appeal – Bruce R. Baird P.C.
- B. Applicant's Response to Appeal – Elliott Workgroup Architecture
- C. Staff Exhibit RC Zone – Land Use Map (Planning Commission CUP report of December 9, 2009)
- D. December 15, 2010 Planning Commission Staff Report
- E. December 15, 2010 Meeting Minutes
- F. December 8, 2010 Planning Commission Staff Report (includes CUP project drawings and Public Input)
- G. December 8, 2010 Meeting Minutes
- H. May 12, 2010 Work Session Staff Report (exhibit D from 12/8/10 report)
- I. May 12, 2010 Meeting Minutes (exhibit E from 12/8/10 report)
- J. Staff Exhibit of Deed Restricted Affordable Housing
- K. February 25, 2010 City Council Remand Meeting Minutes
- L. March 4, 2010 City Council Remand Adoption Meeting Minutes
- M. Supplemental letter dated February 2, 2011 Appellant - Bruce R. Baird P.C.
- N. December 15, 2010 Elliott Workgroup drawings presented at Planning Commission
- O. Public Input hand delivered at December 8, 2010 Planning Commission Meeting – Bruce R. Baird P.C.

A COMPLETE APPEALS PACKET WITH ATTACHMENTS IS ON-LINE AT www.parkcity.org