PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 9, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 9, 2006.

Work Session – City Council Chambers
5:30 p.m. Council questions/comments
5:40 p.m. Legislative update

Regular Meeting – City Council Chambers
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 MEETINSG OF JANUARY 26, 2006

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving a plat amendment to the Snow Top Subdivision to amend plat notes #4 and #5 regarding the location of building pads and limits of disturbance on all lots within the subdivision, located on Snowtop Court, Park City, Utah **(motion to continue to March 2, 2006)**

2. Ordinance approving the Sky Lodge plat amendment and condominium plat located at 201 Heber Avenue, Park City, Utah

3. Ordinance approving the amendment to the Second Amended Larremore Subdivision Plat located at 730 and 733 Woodside Avenue, Park City, Utah

VI CONSENT AGENDA

1. Resolution expressing strong opposition to Senate Bill 170, Land Use Amendments, and requesting that Utah State Senators and Representatives vote against this bill

2. Ordinance approving the Sky Lodge plat amendment and condominium plat located at 201 Heber Avenue, Park City, Utah

3. Ordinance approving the amendment to the Second Amended Larremore Subdivision Plat located at 730 and 733 Woodside Avenue, Park City, Utah

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: 02/06/06
See: parkcity.org

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

February 2006

16 Closed – personnel (2 hours)
Legislative update - work
Police facility update - work
Park Meadows Well Treatment facility construction contract
Ordinance – approving a final condominium record of survey plat for The Moose Residences located at 1499 Park Avenue condominium conversation - Jonathan
Resolution adopting affordable housing guidelines and standards
Ordinance amending Title 11, Building and Building Regulations, Section 11-16-6, basis for establishing the areas of special flood hazard, of the Municipal Code of Park City, Utah

20 Offices closed – President's Day

23 **No meeting**

March 2006

2 Closed session - property
Legislative update – work
Golf course update – work
Strategic plans for water and environment - work
Amendment to LMC creating Community Transition Zone and amending Chapter 6 Master Planned Developments creating unit equivalent multiplier for (I) occupancy buildings
Continuation of hearing on Ordinance approving a plat amendment to the Snow Top Subdivision to amend plat notes #4 and #5 regarding the location of building pads and limits of disturbance on all lots within the subdivision, located on Snowtop Court, Park City, Utah
Eagle Pointe V annexation petition - Brooks

9 Ordinance – 633 Woodside Avenue plat amendment – Ray
Ordinance – 827 Woodside Avenue plat amendment – Jonathan
Ordinance – 315 Park Avenue plat amendment – Ray
Ordinance – 6601 Royal Street, The Lookout plat amendment – Ray
Ordinance – 915 Park Avenue plat amendment - Ray

16 Mosquito abatement update – John Yassi – 336-2088 – 6 p.m.
Sign Code – work – Ray

23

30

April 2006

6 **No meeting**

13

20

27

May 2006

4
11
18
25
29 Memorial Day – offices closed

Pending Items:

KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006
One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 26, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Phyllis Robinson, consultant

Dennis Kelsey, Salt Lake County Housing Authority; Scott Loomis, Executive Director of Mountainlands Community Housing Trust (MCHT); and Bill Shoaf, Cloud Nine Resorts

1. Council questions and comments. Roger Harlan commented on Officials Day at the Legislature and expressed his appreciation of the supportive relationship the City enjoys with Senator Bev Evans and Representative David Ure. Marianne Cone complimented Myles Rademan on his public service announcements encouraging using the free bus system during the Film Festival. Joe Kernan relayed that he received positive comments about the City mitigating the impacts of Sundance and he felt the parking management system is working well. Candace Erickson spoke about the passing of citizen Howard Kadwit. Jim Hier shared comments from Deer Valley Resort General Manager Bob Wheaton who felt that the use of the two parking lots for Sundance greatly curtailed parking for skiers and another option will have to be explored in the future. Mr. Hier expressed concern about proposed legislation and its negative impacts on rural Utah communities. Mayor Williams reported that the ULCT will be meeting regularly on proposed bills and commented specifically on SB170 which has the potential of seriously affecting local zoning controls. The effects could be devastating. The Mayor thanked staff members for taking on extra shifts during Sundance and felt the event is going very well. Marianne Cone acknowledged Sunnyside neighborhood's work in finding evidence of commercial uses in a rented residence. Roger Harlan referred to the favorable article in the Salt Lake Tribune about the Mayor and Park City community.

2. Review of regular meeting.

Resolution with Salt Lake County Housing Authority. Phyllis Robinson introduced Dennis Kelsey from Salt Lake County and explained that the resolution is an administrative matter associated with Section 8 vouchers issued in one jurisdiction, but used in another area. The resolution sets forth a mechanism for reciprocity and creates collaboration between agencies in terms of potential programs which may be offered here. In response to a question from Roger Harlan regarding agreements with other entities outside the Salt Lake Valley, Mr. Kelsey noted that there is an agreement with unincorporated Summit County and Kamas. Section 8 vouchers subsidize rents based on income; payments are rendered directly to the landlord. Mr. Kelsey emphasized that it is rare that clients live in Park City because the payment standards are not sufficient to cover rent assistance in this market. Rent can be no more than 40% of income.

There was discussion of creating a Section 8 program for Park City and Mr. Kelsey explained that the funding source is HUD. The Mayor expressed interest in exploring this program for Park City as rent subsidies may be an effective alternative to building affordable housing and may benefit more people. Ms. Robinson explained that no new Section 8 vouchers will be issued, but there may be opportunities with new housing programs through a partnership with the Salt Lake County Housing Authority.

Loan to MCHT. Ms. Robinson explained that the loan is a promissory note in the amount of $100,000 to assist 18 buyers who have been waiting to purchase units at 555 Deer Valley Drive and replaces the existing construction loan with MCHT. Scott Loomis stated that there are 22 units and a number of qualified buyers have been on the waiting list for over two years. This allowed some people to qualify for a matching grant under a federal home loan bank program where they contributed $1,666 over a two year period or less to obtain a 3:1 match. He added that the project is over-budget and in order to charge buyers the same price as quoted in June 2005, MCHT will carry the balance which will become due on the next sale of the unit. The concept is based on an appreciation rate of 3%, and the balance MCHT will carry is 3%. Phyllis Robinson added that for second mortgages for City employees, the rate of interest is 5%. This is a new loan in the form of an unsecured promissory note for a term of five years. The average square footage calculation and prudent man rule were discussed.

In response to a question from Roger Harlan, Mr. Loomis explained that the first buyer will receive a return on his investment but not on the proportional subsidy to the unit to maintain the original cost to the buyer. The next buyer will pay the actual price, including the 3% appreciation. In response to a comment from Council member Harlan about noticing the purchaser, Mr. Loomis explained that these are recorded restrictions on the property. Phyllis Robinson added that units can not be sold without contacting MCHT who has the first right of refusal. Joe Kernan expressed that this approach is a good way to accomplish the goal of containing the initial purchase price. Marianne Cone asked about the projected completion date and whether all units need to be completed before sales occur. Mr. Loomis stated that units can be sold as they are completed and was hesitant to provide a specific date. It is hoped that the first units close within 30 to 60 days with other sales following shortly thereafter. In response to a question from Ms. Cone, Mr. Loomis detailed the management of the project and Ms. Robinson added that the construction reports indicate overall completion of the project in this time frame.

3. Housing requirement for Sky Lodge – Cloud Nine Resorts. Phyllis Robinson explained that the Housing Authority will formally consider the application from Cloud Nine Resorts and will be convening after the City Council meeting tonight. The request is for an in-lieu payment for the affordable housing requirement associated with the Sky Lodge. The requirement is 3.45 unit equivalents as a part of the MPD and is consistent with prior actions. The project falls under the current Resolution No. 17-99, the amount per unit equivalent is $59,828 for a total in-lieu-of payment of $206,407. The acceptance of an in-lieu payment is at the sole discretion of the Housing Authority, and monies are held in a specified account. In response to a question from Candace Erickson, Ms. Robinson explained that the development agreement for April Mountain did not specify the Housing Authority, while this project agreement does. Jim Hier asked for clarification on the commercial component. Bill Shoaf pointed out the commercial uses on the property have been active for decades, i.e., Zooms and Easy Street Restaurants. There is lobby space and a spa for guests of the hotel. Marianne Cone asked Ms. Robinson to elaborate on how in-lieu-of fees may result in immediate housing. She stated that Park City does not have a housing project where funds could be used tomorrow and the current housing resolution does not provide guidance in terms of time lines to produce affordable housing. She suggested specifying a 24 month window in the resolution. In response to a comment from Council member Cone, Ms. Robinson clarified that Talisker's obligations are contemplated to be constructed on-site and there has been no request for the payment of in-lieu-of fees. Ms. Cone expressed her preference for on-site housing. Ms. Robinson noted that the Sky Lodge's affordable housing 3.45 unit requirement is relatively small, and deemed appropriate for consideration of acceptance of in-lieu-of fees. Joe Kernan asked what size project triggers on-site housing, and she advised that it is a function of the size, location and type of development.

4. Affordable housing guidelines and standards. Phyllis Robinson stated that Park City has conducted its housing needs assessment and the next logical step is to establish guidelines and standards which will ultimately be approved by resolution. The resolution will be amended to reflect affordability definitions and wage levels, Land Management Code definitions, and approval of in-lieu-of fees as discussed at Council's Visioning Session. It is important to set standards that match the community's housing needs. She requested that Council target market, housing type and design. For instance, single family affordable housing should be a requirement for single family developments. The required on-site deed restricted units for mixed unit types should include different unit types in the same proportion as the market rate dwelling units within the development. The City certainly has the discretion to modify the mix, but the resolution sets forth a guideline for applicants and clarifies the City's intent. Jim Hier felt commercial should be addressed and she explained that it could be in a mixed use type project. Council will discuss alternate ways of fulfilling obligations that may be suited for commercial without a residential component. Mr. Hier again expressed that commercial should be required to provide housing and Candace Erickson agreed because of the generation of employees. In-lieu-of fees and off-site housing that may be associated with commercial projects were discussed by members. Candace Erickson pointed out the potential for developers to buy older housing stock and renovating the properties for affordable housing rather than building new housing.

Ms. Robinson explained that minimum sizes of units have increased over the past several years, especially in consideration of attempting to satisfy long-term housing needs. Staff recommends that the affordable unit equivalent minimum be increased from 800 to 900 square feet. With regard to identifying a four bedroom affordable housing unit at 1,200 square feet, Mr. Hier felt that a four bedroom is probably not achievable, especially when more bathrooms would be needed. Phyllis Robinson explained that the reason for setting a minimum sizes is to ensure that the unit is livable and stated that she will explore four bedroom standards in other communities.

The Code allows for reduction in unit size, if additional amenities are offered, unit design, additional storage, etc. Any reduction in unit size would require City approval prior to design. Jim Hier didn't feel the listed amenities should result in smaller units. Candace Erickson stated that the only criterion she feels is applicable is *an efficient and flexible layout*. Roger Harlan interjected that if there is an option for reduction in size, the evaluation shouldn't be subjective, but based on criteria. Mayor Williams didn't feel it should be an option as an efficient layout of a unit would be encouraged in any event. He feared developers will immediately focus on reducing their housing requirement and there shouldn't be a bonus for *doing the right thing*. Jim Hier and Marianne Cone agreed. There was discussion about credit for storage space, but members concurred to omit this alternative.

Phyllis Robinson pointed out that seasonal units may benefit an individual business, but this type of housing is critical to a resort economy and the units need to be available to the community at large. She suggested the potential of offering off-season rates and reiterated that seasonal housing should be available to employees throughout town. Mr. Harlan felt it would be difficult to monitor seasonal housing and feared units may become overcrowded. Mr. Hier strongly suggested that the City not become involved in managing affordable housing projects.

Ms. Robinson explained that employee generation guidelines are based on commercial retail or hotel types. The updated mitigation rate is based upon a survey of employee mitigation rates in resort towns in Colorado, Wyoming and Park City's experience over the past five years. The mitigation rate is proposed to remain at 20% of the number of employees generated. Jim Hier asked about condominium projects which could be considered residential and/or commercial. The City Attorney advised that the City could use the same ADA criteria applied by the Building Department associated with use. Jim Hier discussed another approach, including the residential and commercial square footage analyses, and providing the City with the ability to choose the greater of the two computations. There was discussion about the .3/unit requirement for lodging and hotel being too low and exploring the ADA suggestion. Ms. Robinson stated that no change is recommended for mitigation rates which are set at 20% for commercial and 15% for residential.

With regard to prioritizing methods of meeting minimum requirements, a range of options include construction of units on-site to payment of fees in lieu of development which is at the sole discretion of the City. She introduced the next guideline regarding evaluating land donations and establishing market values. The last component is setting guidelines for accepting in-lieu-of fees and the management of the housing fund. In response to a question from Joe Kernan about creating affordable housing, Ms. Robinson explained that there would be a deed restriction attached to the property regulating rents or controlling appreciation of the property. Ms. Robinson explained that a discount of 5% may be provided if the total in-lieu-of fee is paid at the time of building permit and not phased. The City Manager advised that a draft resolution will return to Council on February 16.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 26, 2006

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 26, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning Director; and Phyllis Robinson, affordable housing consultant.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has recycling contracts with PCMR and MCHT, but will be voting.

Tom Bakaly referred to a list of proposed state legislation distributed to Council. He relayed that House Bill 6 amends the way utility improvement districts are formed are is moving forward. The removal of sales tax on food is being monitored by staff and the ULCT has taken a neutral position on the bill. ULCT is promoting a way cities can be held harmless should the sales tax be removed on food for general sales tax, which represents about 40% of the City’s total sales tax. He emphasized that we would not be held harmless on other sales like transit and/or resort city sales tax, representing $100,000 to $200,000. Staff is recommending formally opposing the bill and the Mayor relayed that a family of four would only save about $360 a year on sales tax on food. Jim Hier interjected that if the intent is to support lower income families, there are better methods like voucher programs or income tax relief than doing away with a source of revenue which is mainly supported by consumers who can afford to pay sales tax. He emphasized the number of tourists buying food in town. Other members agreed.

Tom Bakaly continued to explain that Senate Bill 32, sales tax distribution, has evolved and would eliminate the hold harmless provision enacted in 1983. Park City is a hold harmless city because of high sales and low population numbers. Mr. Bakaly explained that the amendment proposes to eliminate the percentage calculation and cap our allocation at the 2005 amount. Park City and the other ten hold harmless communities agreed to this proposal as long as the discussion of changing the distribution to population ceases. Senate Bill 170 will likely be formally opposed by the ULCT and there was discussion about the likelihood of this bill passing. The Mayor suggested that Park City adopt a resolution against this bill next week. Marianne Cone discussed the aspects of House Bill 327, defining a natural family and excluding partners not meeting the definition.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 12, 2006

Jim Hier, "I move approval of the work session notes and minutes of the meeting of January 12, 2006". Marianne Cone seconded. Motion unanimously carried,

V CONSENT AGENDA

Resolution between Park City Municipal Corporation and the County of Salt Lake Housing Authority – Marianne Cone, "I move to approval of the resolution between Park City Municipal Corporation and the County of Salt Lake Housing Authority". Roger Harlan seconded. Motion carried unanimously.

VI NEW BUSINESS

1. Acceptance of Annexation Petition for Park City Mountain Resort lands - United Park City Mines Company - Patrick Putt explained that an annexation petition was filed with the City Recorder on January 6, 2006 for approximately 2,800 acres currently located in Summit County. The property is zoned "mountain remote", one unit per 120 acres and is currently undeveloped with the exception of improvements associated with the operation of PCMR. The proposal is to place the 2,800 acres in a conservation easement and transfer the development rights from the acreage to Pod B-2. The property is contiguous to the existing City limits, within our annexation expansion area, and staff has determined that the annexation would not create any islands or peninsulas. He stated that the petition is complete and complies with the requirements outlined in the state code. There is no pre-annexation agreement and he explained the composition of the newly formed task force charged to examine the proposed density transfer, and economic and traffic impacts. The applicant may withdraw the petition at any time. Staff recommends that Council accept the petition so the review process can begin. Accepting the petition does not commit the City to annex the property but simply begins the public and task force processes. There was discussion about providing the Council with a copy of the annexation petition and the staff time involved with this project. In response to a question from Candace Erickson about the potential loss of property tax revenue to Summit County, the City Manager advised that there would be a slight change in the rate, with the addition of a municipal rate, but the County would still collect its share

Jim Hier, "I move we accept the annexation petition for PCMR lands as outlined in the staff report". Roger Harlan seconded. Motion unanimously carried.

2. Loan in the amount of $100,000 to Mountainlands Community Housing Trust for The Line Condominiums, 555 Deer Valley Drive, Park City, Utah – See staff report and work session discussion. Phyllis Robinson explained that MCHT requests a loan in the amount of $100,000 in the form of a promissory note, to maintain affordability for purchasers. Staff is recommending approval of the loan, subject to the modifications outlined in the staff report. This would be a fixed five-year loan at an interest rate of 5%

and due and payable should the net sales price exceed the June 2005 prices. Joe Kernan, "I move that we approve the loan in the amount of $100,000 to Mountainlands Community Housing Trust for 555 Deer Valley Drive". Candace Erickson seconded. Motion unanimously carried.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

City Council
Staff Report

Department

Author: Gary Hill
Subject: Budget, Debt, and Grants
Date: February 9, 2006
Type of Item: Legislative

Summary Recommendations: Council should adopt a resolution expressing strong opposition to Senate Bill 170, Land Use Amendments, and requesting that our senators and representatives vote against this bill.

Description:

Topic:
Senate Bill 170 - LAND USE AMENDMENTS

Background:
Senator Al Mansell introduced legislation this session in the form of Senate Bill 170 (SB 170) that would drastically change land use planning in the State. The bill essentially prevents cities from refusing a request for a rezone and skews the local planning and land use process toward the applicant (often at the expense of neighbors and long term property owners).

The Utah League of Cities of Towns has taken a position of strong opposition to this measure and has requested that members of the League adopt a resolution supporting this position and requesting that our representatives and senators oppose the bill.

Analysis
Senator Mansell has agreed to remove his support for most of the offensive provisions. He has likewise agreed to place the two or three agreed upon provisions in a new bill (not yet numbered). In order to ensure his continued support of a modified bill, the League recommends that cities continue to adopt resolutions opposing SB 170.

City Council has already voiced its opposition to SB 170, but staff recommends that the City join the League in expressing unified opposition based on the attached resolution.

Department Review:
Budget, Debt, and Grants, City Manager, Legal

Alternatives:

Approve the Request:
Staff recommends that Council adopt the attached resolution opposing SB 170.

Deny the Request:
Council could choose to deny the request and not adopt the resolution.

Continue the Item:
Council could choose to continue the item to another date pending the

Do Nothing:
This would have the same effect as denying the request.

Recommendation:
Council should adopt a resolution expressing strong opposition to Senate Bill 170, Land Use Amendments, and requesting that our senators and representatives vote against this bill.

Attachment: Resolution

Resolution No. ___

A RESOLUTION OF THE CITY COUNCIL OF PARK CITY, UTAH EXPRESSING STRONG OPPOSITION TO SENATE BILL 170, LAND USE AMENDMENTS, AND REQUESTING THAT OUR SENATORS AND REPRESENTATIVES VOTE AGAINST THIS BILL

WHEREAS, in the 2005 legislative session, the Cities joined efforts with a large consortium of stake holders to make significant changes to the State's municipal and county land use code, under the sponsorship of Senator Greg Bell; and

WHEREAS, those who were represented in this undertaking, mutually agreed that any subsequent changes in the land use code should be made on a consensus basis, through an undertaking by these same stake holders; and

WHEREAS, on the 23rd of January, of 2006, Senate Bill 170 Land Use Amendments, was proposed for passage in this years legislative session in contradiction of the intent of the stake holders involved in the drafting of last year's Land Use Bill; and

WHEREAS, Senate Bill 170 has received no input in the drafting from the Cities or Counties of this State; and

WHEREAS, among the many objections that may be raised in the language of this bill, the following are issues in the bill, that are strongly opposed by Park City ("City") and its Citizens. Senate Bill 170:

1. Takes away and disregards the opportunity for public input to the City's elected officials on a zone change, on an individual parcel of land, even though such a change may have significant effect on neighbors and adjacent landowners.

2. Seriously compromises the ability of local elected officials to balance the interests of developers and neighbors in making essential land uses decisions.

3. Gives the development community the ability to control the development process in our community and establishes intimidating penalties for officers and employees of the City, both criminal and civil, for failure to comply with that process.

4. Presents difficult to impossible time lines for the City's consideration of a land use decisions, under pressure of an automatic approval if those time frames are not met.

5. Eliminates the City's ability to plan long term, through its General Plan.

6. Eliminates the City's ability to provide for the protection of surrounding property values, by imposing conditions for such protection according to the development proposal.

7. Gives a complete presumption of validity to the decisions of experts used by the developer to validate a development request, unless rebutted by a City expert.

8. Requires the reevaluation and drafting of all of the City's Capital Facilities Plans for all impact fees in six months from that date of the passage of the bill to include new requirements regarding infrastructure valuation.

NOW THEREFORE be it resolved by the City Council of Park City, Utah, as follows:

1. That the City hereby expresses in the strongest terms possible, its opposition to Senate Bill 170, Land Use Amendments, Sponsored by Senator Alma Mansell.

2. That the City hereby requests that Representative Dave Ure and Senator Beverly Evans oppose this piece of legislation.

This Resolution was passed and adopted this 9th day of February, 2006 and becomes effective upon adoption.

CITY COUNCIL
Staff Report

PLANNING DEPARTMENT

Planner:	**Patrick J. Putt**
Subject:	**201 HEBER AVENUE/UNION SQUARE/ SKY LODGE PLAT AMENDMENT & CONDOMINIUM PLAT**
Date:	**February 9, 2006**
Type of Item:	**Administrative**

SUMMARY RECOMMENDATION: The Planning Department recommends that the City Council adopt the attached ordinance approving the proposed plat amendment and condominium plat.

DESCRIPTION

Project Name:	Union Square Plat Amendment and Condominium Plat
Project Planner:	Patrick J.Putt
Applicant:	Cloud Nine Resorts
Representative:	Bill Shoaf
Location:	201 Heber Avenue
Zone:	Historic Recreation Commercial (HRC) Heber Avenue Sub-Zone

PROPOSAL

Cloud Nine Resorts, LLC has submitted an application for a subdivision plat amendment and condominium plat for the Union Square/Sky Lodge development. The project is located in the HRC and HCB Districts at 201 Heber Avenue. The site is currently developed with three historically-significant commercial buildings—the Union Pacific Depot (Zoom Restaurant), Utah Coal and Lumber Building (Easy Street Brasserie), and the tack shop building (Salon Rouge). The Sky Lodge building is not yet under construction. It has been represented that the lodge will be under construction in the spring of 2006.

The purpose of the application is to plat one 1.13 acre lot of record and create a condominium plat including 22 residential units and 25,495 square feet of gross commercial area (19,514 square feet net commercial area). The subject condominium plat affects the three existing historic buildings. Zoom, Easy Street Brasserie, and Salon Rouge are identified as commercial area. The plat also designates all other private, common, limited common, commercial limited common area, public easements, and utility easements. Recordation of the plat will enable the owner to sell individual condominium units.

BACKGROUND

The Union Square Master Planned Development for a Multi-Dwelling Unit hotel project was approved by the Planning Commission on November 10, 2004 and affirmed by City Council pursuant to call-up proceedings on January 13, 2005. The Development Agreement was reviewed by the Planning Commission on March 23, 2005 and ratified by the City Council on May 12, 2005.

ANALYSIS

The proposed plat is in substantial compliance with January 2005 Union Square MPD approval in terms of size and location of the buildings, proposed uses, and required parking. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code. All conditions of January 2005 MPD approval continue to apply. Recorded access, utility, and drainage easements cross the subject property. Portions of these easement areas conflict with proposed building areas. The easements will be need to be relocated, and/or dedicated for public use on the applicable level of the condominium plat *(see Finding of Fact No. 4 and Condition of Approval No. 4).* The Easy Street pedestrian walkway, as well as the Heber Avenue and Lower Main Street sidewalks crossing the subject property will be memorialized as a non-motorized, pedestrian trail easements *(see Condition of Approval No. 5).*

The Planning Commission forwarded a positive recommendation on this application following a public hearing on January 11, 2006.

RECOMMENDATION

The Planning Department recommends that Council approve the proposed plat amendment and condominium plat subject to the attached ordinance.

EXHIBITS

Exhibit A--Ordinance
Exhibit B– Proposed Plat

(Exhibit A)

Ordinance No. 06-

AN ORDINANCE APPROVING THE SKY LODGE PLAT AMENDMENT AND CONDOMINIUM PLAT LOCATED AT 201 HEBER AVENUE, PARK CITY,UTAH

WHEREAS, the owner of the property located at 201 Heber Avenue, has petitioned the City Council for approval of a plat amendment and condominium plat the Sky Lodge master planned development project; and

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

WHEREAS, on January 11, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

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

1. The Union Square/Sky Lodge project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC—Heber Avenue Sub-Zone) and Historic Commercial Business (HCB) Zoning Districts.

2. The project site is an infill parcel within HRC and HCB Districts.

3. The property is located within a federally designated Flood Zone.

4. Recorded access, utility, and drainage easements cross the subject property. Portions of these easement areas conflict with proposed building areas. Said easements need to be relocated, and dedicated for public use.

5. The project site includes three (3) historic buildings—the Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the “Tack” building (Salon Rouge).

6. The Union Square Master Planned Development, a Multi-Dwelling Unit hotel project for a maximum of 23 residential units, was approved by the Planning Commission on

November 10, 2004 and affirmed by City Council pursuant to call-up proceedings on January 13, 2005.

7. The approved Master Planned Development included up to 23 unit Multi-Unit Dwellings to be operated as a hotel and a new kitchen addition to the north end of the Zoom Restaurant. The size of the Union Square building is 71,104 square feet (not including under-building parking garage area). The overall square footage for the 1.13 acre property as submitted by the applicant is 85,524 square feet. Unit sizes range from 1,266 square feet to 2,788 square feet. Each unit is proposed to include no more than one (1) Lock-Out Unit.

8. The Development Agreement for the Union Square/Sky Lodge was reviewed by the Planning Commission on March 23, 2005 and ratified by the City Council on May 12, 2005.

9. The plat amendment application resolves historic plat issues and creates one 1.13 acre lot of record.

10. The proposed condominium plat creates 22 residential units and 25,495 square feet of gross commercial area (19,514 square feet net commercial area).

11. The subject condominium plat affects the three existing historic buildings. Zoom, Easy Street Brasserie, and Salon Rouge are identified as commercial units. The plat also designates all other private, common, limited common, commercial limited common area, public easements, and utility easements.

12. The parking requirement for the project is 46 spaces. The project includes 46 spaces in an under-building/underground parking garage. No tandem spaces are proposed as part the parking plan. The parking is intended for use by guests and patrons of the development. No fee is intended for the use of said parking.

13. Access to the parking garage is by way of a 20 foot wide private driveway on the east side of the property via Heber Avenue.

14. The project plan includes a redevelopment of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The Easy Street pedestrian walkway will be dedicated as a non-motorized, public pedestrian easement.

15. The zone height in the HRC zone is 32 feet from existing grade, plus an additional 5 feet pitched roofs (37 feet total). The zone height in the HCB zone is 45 feet from existing grade, plus 5 feet for pitched roof (50 feet total).

16. The proposed build design includes 4 primary roof planes ranging in building height above existing grade in the following approximate steps—12-17 feet, 35-37 feet, 53-55 feet, and 59-62 feet. Roof planes which exceed base zone height for the HRC and HCB Districts have been reviewed by the Planning Commission for a height

exception pursuant to Section 15-6-5(F) of the Land Management Code. Said building height exceptions are specifically limited to the proposed roof planes approved by the Planning Commission on November 10, 2004.

17. Staging construction in Old Town and within the Main Street/Heber Avenue neighborhood is difficult due to limited site area, parking, and vehicular and pedestrian traffic.

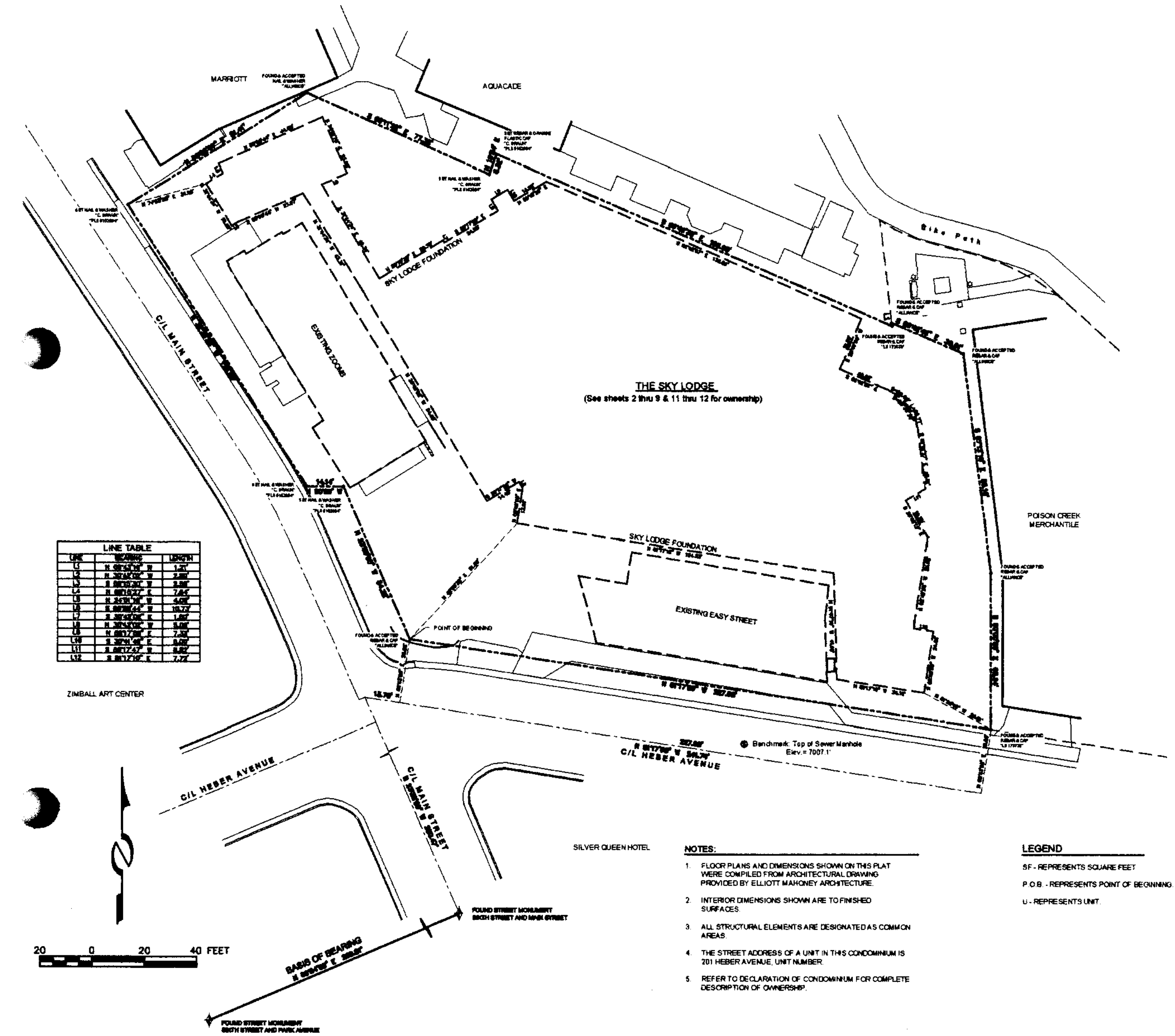
SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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

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

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. A utility, grading and drainage plan shall be submitted to the City Engineer for review and approval prior to the issue of a building permit.
3. This approval will expire one year from the date of final approval if no building permit has been issued.
4. The existing recorded access, drainage, and utility which cross the subject property shall be relocated/rededicated on the plat in a location and form approved by the City Engineer and City Attorney prior to plat recordation. Dedication on the plat of any additional necessary public utility and drainage easements as specified by the City Engineer is a condition precedent to plat recordation.
5. Dedication on the plat of the Easy Street pedestrian walkway and all other public pedestrian ways as non-motorized, public pedestrian trail easements in a form acceptable to the City Attorney and City Engineer is condition precedent to plat recordation.
6. This approval will expire one year from the date of City Council final action if no building permit has been issued.

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



NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

LEGEND

SF - REPRESENTS SQUARE FEET

P.O.B. - REPRESENTS POINT OF BEGINNING.

U - REPRESENTS UNIT.

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 5 by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the o Condominium Plat of UNION SQUARE, a Utah Condominium Project in accordance with the Utah Condominium A buildings and property are shown correctly.

Christopher R. Braun L.S. 5152604 ______ Date

BOUNDARY DESCRIPTION

A parcel of land located within the South half of the Northeast quarter and North half of the Southeast quarter of 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah, more particularly described as

Beginning at the Southwest corner of Lot 18, Block 50, Amended Park City Survey, on file and of record in the off County Recorder, said point lies West, 90.71 feet and South, 58.93 feet from Southwest corner of the Southeast qua quarter of said Section 16; thence along the westerly line of said Lot 18 and the easterly right-of-way of Main Stree West a distance of 84.32 feet the Northwest corner of said Lot 16; thence leaving said Block 50, West a distance of right-of-way to a point on the boundary of the First Amended Subdivision Plat of The Town Lift Site; thence continui right-of-way and said boundary North 32°26'58" West a distance of 126.50 feet; thence leaving said right-of-way, al North 58°02'07" East a distance of 81.41 feet; thence leaving said boundary South 66°11'22" East a distance of 77.3 19°54'00" East a distance of 8.32 feet; thence South 66°46'30" East a distance of 186.96 feet; thence North 06°43'1 1.21 feet to a point on the boundary of Poison Creek Mercantile Condominium Project, on file and of record if the off County Recorder; thence along said boundary South 66°42'46" East a distance of 30.01 feet; thence continuing alo South 07°12'16" East a distance of 95.18 feet; thence continuing along said boundary South a distance of 60.64 fee northerly right-of-way of Heber Avenue; thence leaving said Poison Creek boundary and along said right-of-way N distance of 227.98 feet; to the point of beginning.

Contains 49,435.63 square feet, 1.13 acres

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner of the herein described tract of land, here caused this survey to be made and this Condominium Plat of Union Square to be prepared and consents to the reco Condominium Plat. The undersigned hereby submits the land to the Utah Condominium Ownership Act and dedicat easements shown on this Condominim Plat in accordance with an irrevocable offer of dedication.

EASY STREET PARTNERS, LLC

By: Alchemy Ventures, Group, LLC
Its: Manager

By: ______________________
David Wickline
Its: Manager

ACKNOWLEDGMENT

State of ____________)
_______) ss
County of ____________)

On this _____ day of ______________, 2006, personally appeared before me, the undersigned Notary Public, in and for said County and State, David Wickline, being duly sworn, acknowledged to me that he is the Manager of Alchemy Ventures, Group, LLC, and that he signed the above Owner's Dedication and Consent to Record on behalf of Alchemy Ventures, Group, LLC, the Manager of Easy Street Partners, LLC, the record owner of the land

____
Notary Public
My commission expires: __________

RESERVATION OF COMMON AREAS

In recording this Condominium Plat of Union Square, a Utah condominium project, the Declarant has designated certain areas of land as driveways and common areas, intended for the use by the owners for ingress, egress, recreation and other related activities. The designed areas are not dedicated hereby for the use by the general public, but are reserved for the owners as more fully outlined in the Declaration of Condominium for Union Square (the "Declaration"). The Declaration is hereby incorporated and made a part of this Condominium Plat and becomes effective upon the date this Condominium Plat is recorded in of official records of Summit County, Utah

Exhibit B

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

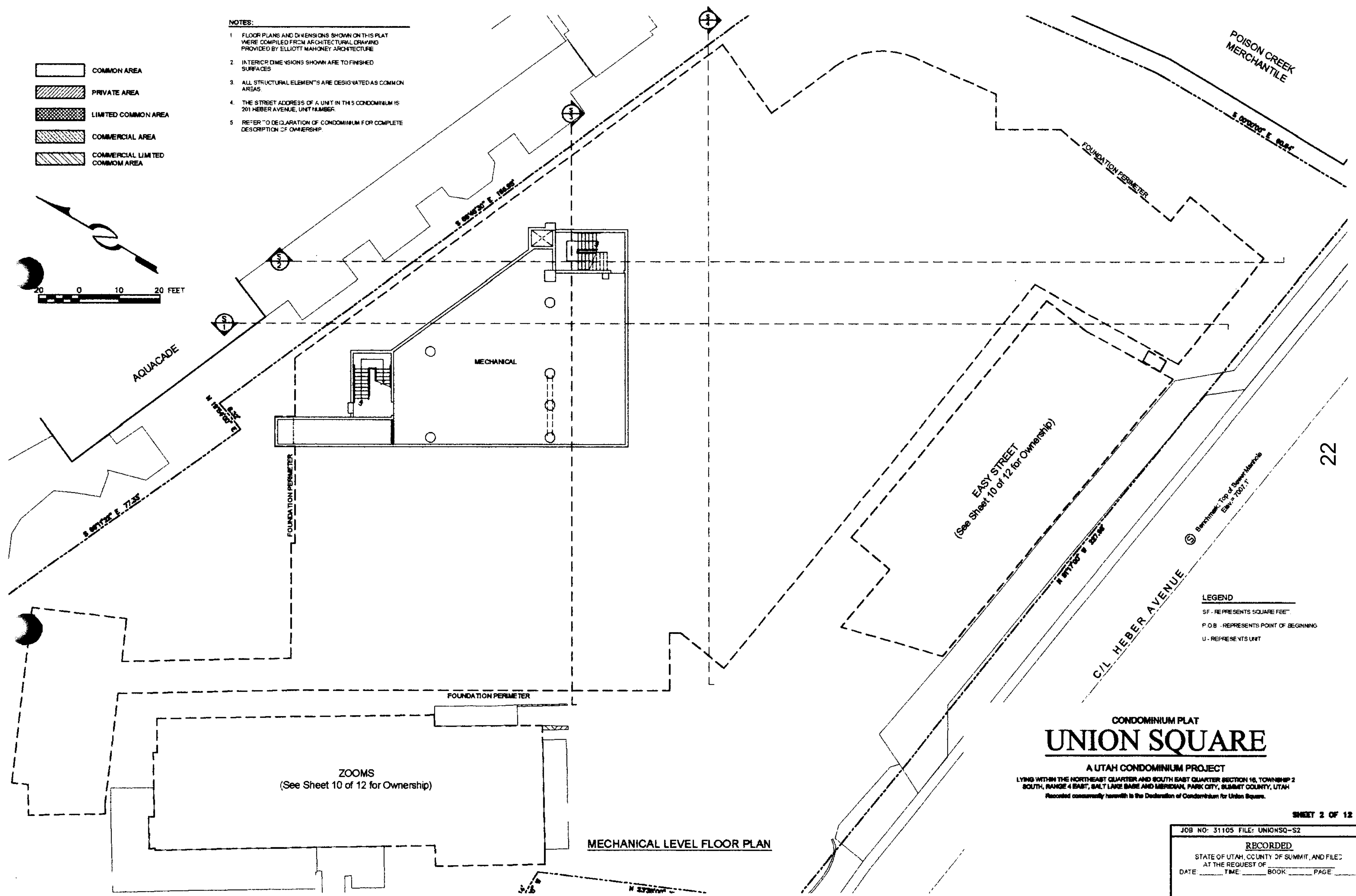
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

JOB NO. 31105 File: UNIONSQ-S1

SHEET 1 OF 12

PARK CITY SURVEYING	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
2041 SIDEWINDER DRIVE, SUITE 1 P.O. Box 3003 PARK CITY, UTAH 84060 (435) 649-2918	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF __________, 2006 A.D. BY: __________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2006 A.D. BY: __________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF __________, 2006 A.D. BY: __________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF __________, 2006 A.D. BY: __________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF __________, 2006 A.D. BY: __________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF __________, 2006 A.D. BY: __________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF __________ DATE ____ TIME ____ BOOK ____ PAGE ____ __________ FEE RECORDER



NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 2 OF 12

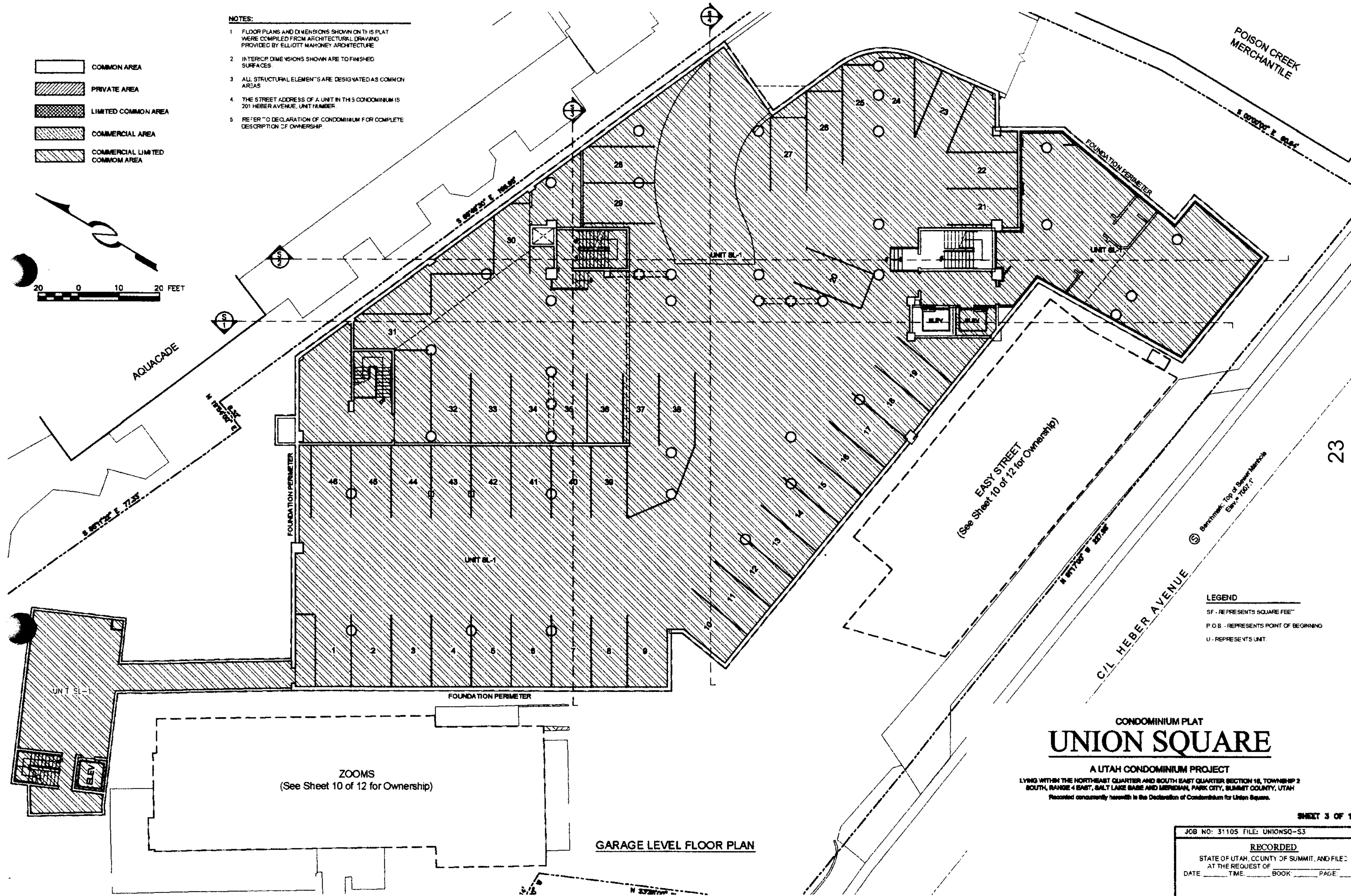
JOB NO: 31105 FILE: UNIONSQ-S2

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______

DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

______ FEE ______ RECORDER



NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMOM AREA

LEGEND
SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

GARAGE LEVEL FLOOR PLAN

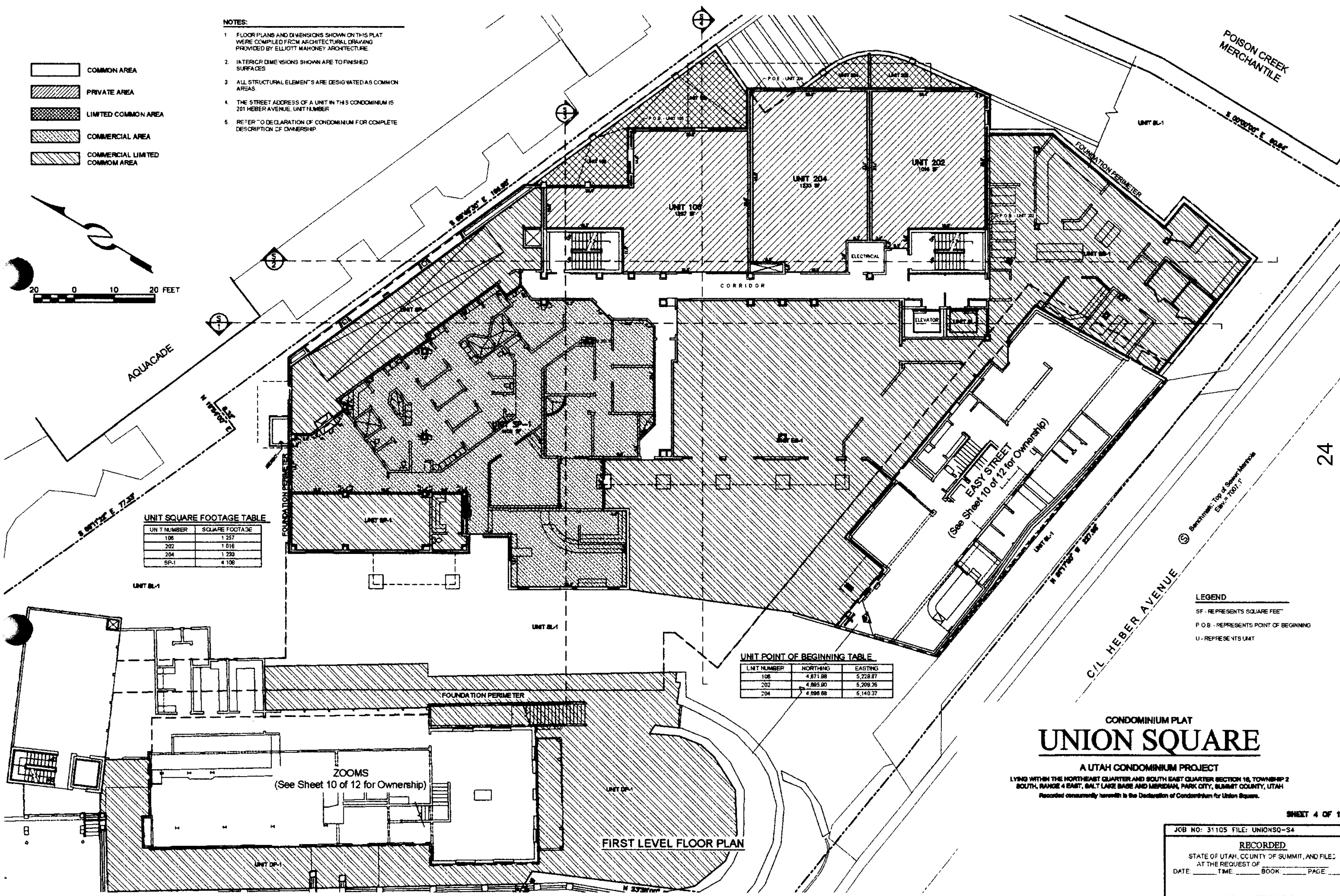
CONDOMINIUM PLAT
UNION SQUARE
A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 3 OF 12

JOB NO: 31105 FILE: UNIONSQ-S3

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

FEE ______ RECORDER



NOTES:

1 FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.

2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES

3 ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.

4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER

5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
106	1 257
202	1 016
204	1 233
SP-1	4 108

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
106	4,871.88	5,228.97
202	4,885.90	5,209.26
204	4,896.68	5,140.37

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

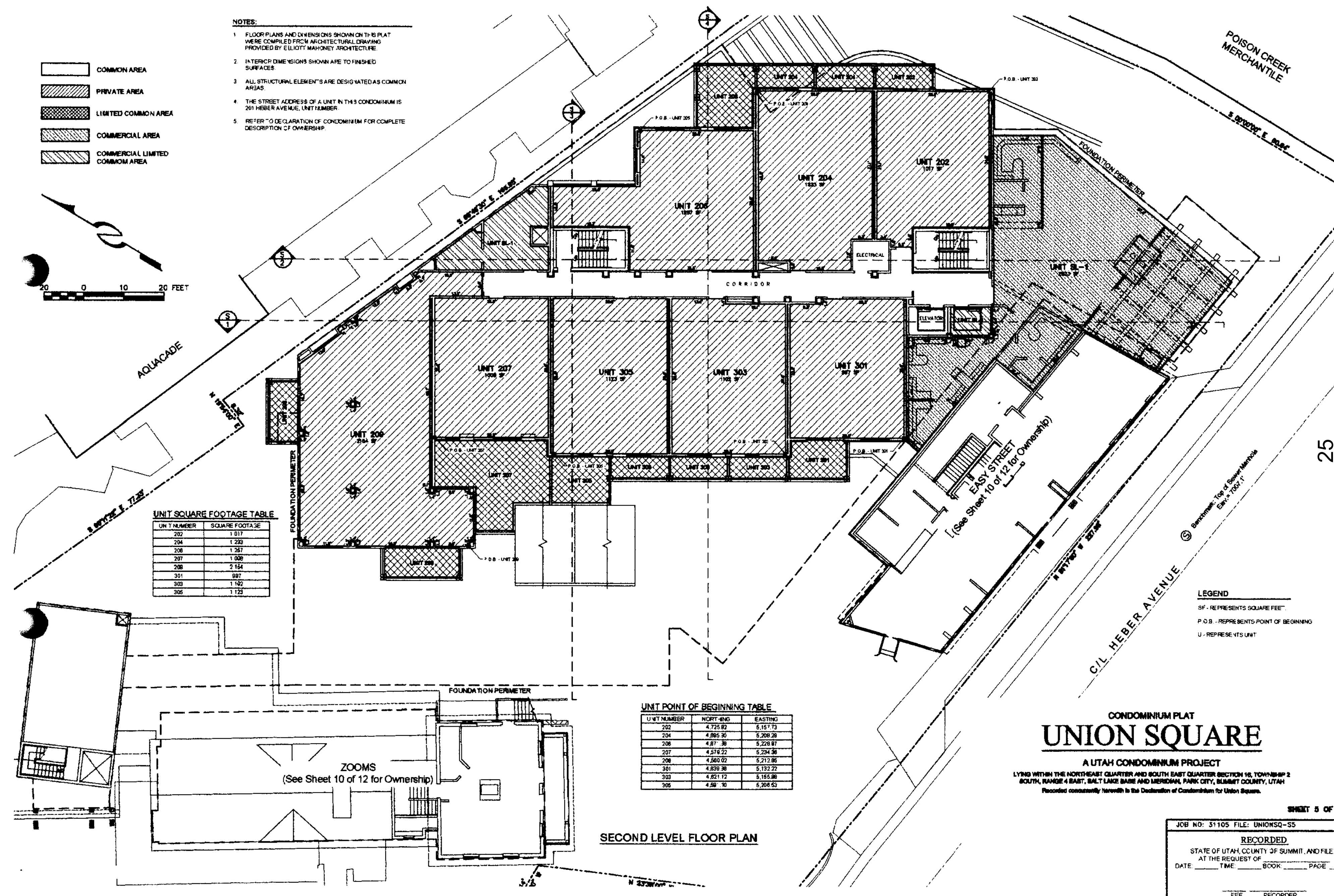
SHEET 4 OF 12

JOB NO: 31105 FILE: UNIONSQ-S4

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

FEE ______ RECORDER ______



NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
202	1 017
204	1 233
206	1 257
207	1 008
208	2 164
301	987
303	1 102
305	1 123

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
202	4,725.82	6,157.73
204	4,885.30	5,208.28
206	4,87[illegible].38	5,228.87
207	4,578.22	5,234.38
208	4,560.02	5,212.85
301	4,839.38	5,132.22
303	4,821.12	5,155.86
305	4,58[illegible].10	6,206.53

SECOND LEVEL FLOOR PLAN

LEGEND

SF - REPRESENTS SQUARE FEET

P.O.B. - REPRESENTS POINT OF BEGINNING

U - REPRESENTS UNIT

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 5 OF 12

JOB NO: 31105 FILE: UNIONSQ-S5

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______

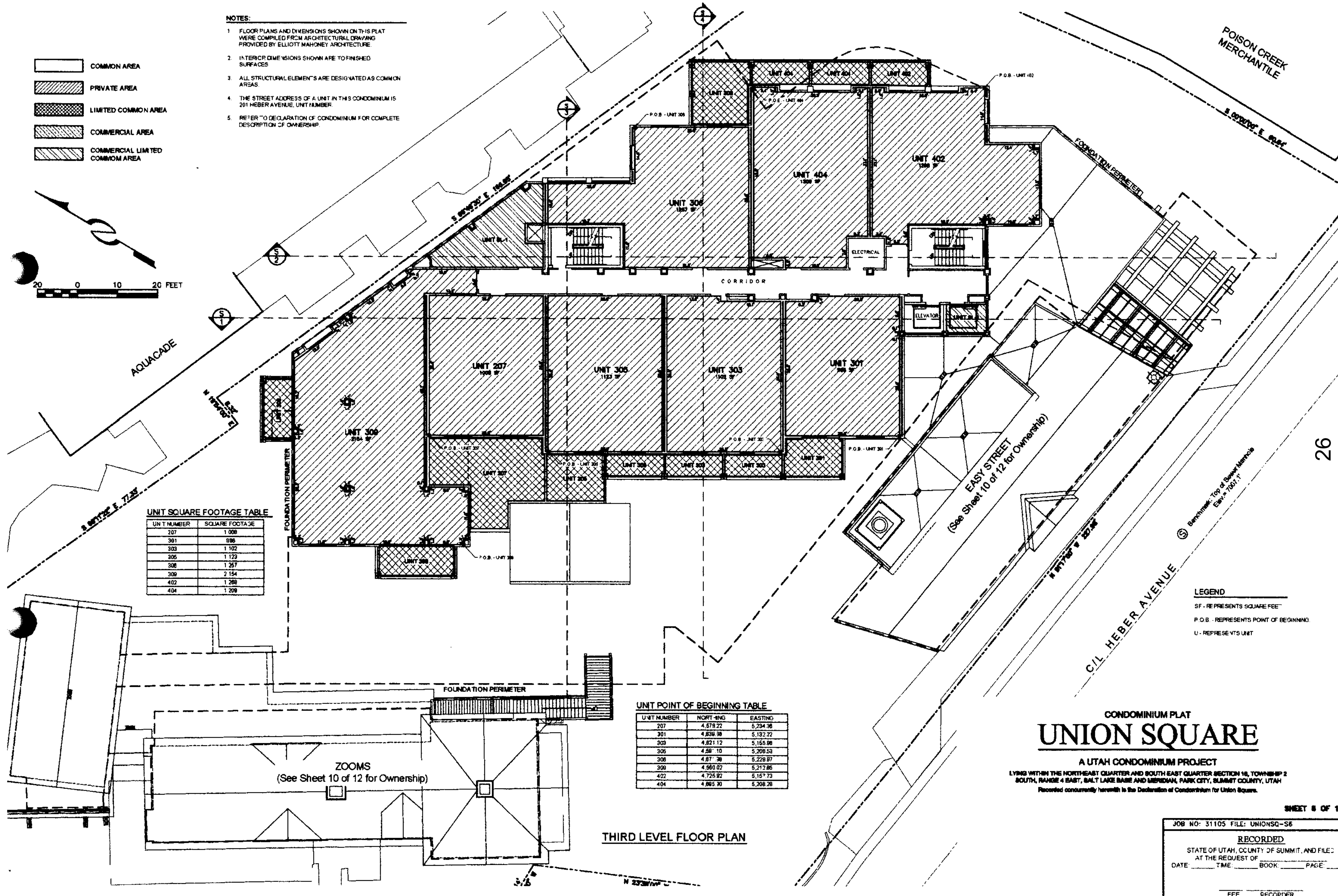
DATE ______ TIME ______ BOOK ______ PAGE ______

______ FEE ______ RECORDER

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMOM AREA



UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
207	1 008
301	986
303	1 102
305	1 123
306	1 257
309	2 154
402	1 268
404	1 209

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
207	4,579.22	5,234.36
301	4,839.38	5,132.22
303	4,821.12	5,155.88
305	4,581.10	5,206.53
306	4,871.38	5,228.87
309	4,560.02	5,212.85
402	4,725.82	5,157.73
404	4,885.30	5,208.28

THIRD LEVEL FLOOR PLAN

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 8 OF 12

JOB NO: 31105 FILE: UNIONSQ-S6

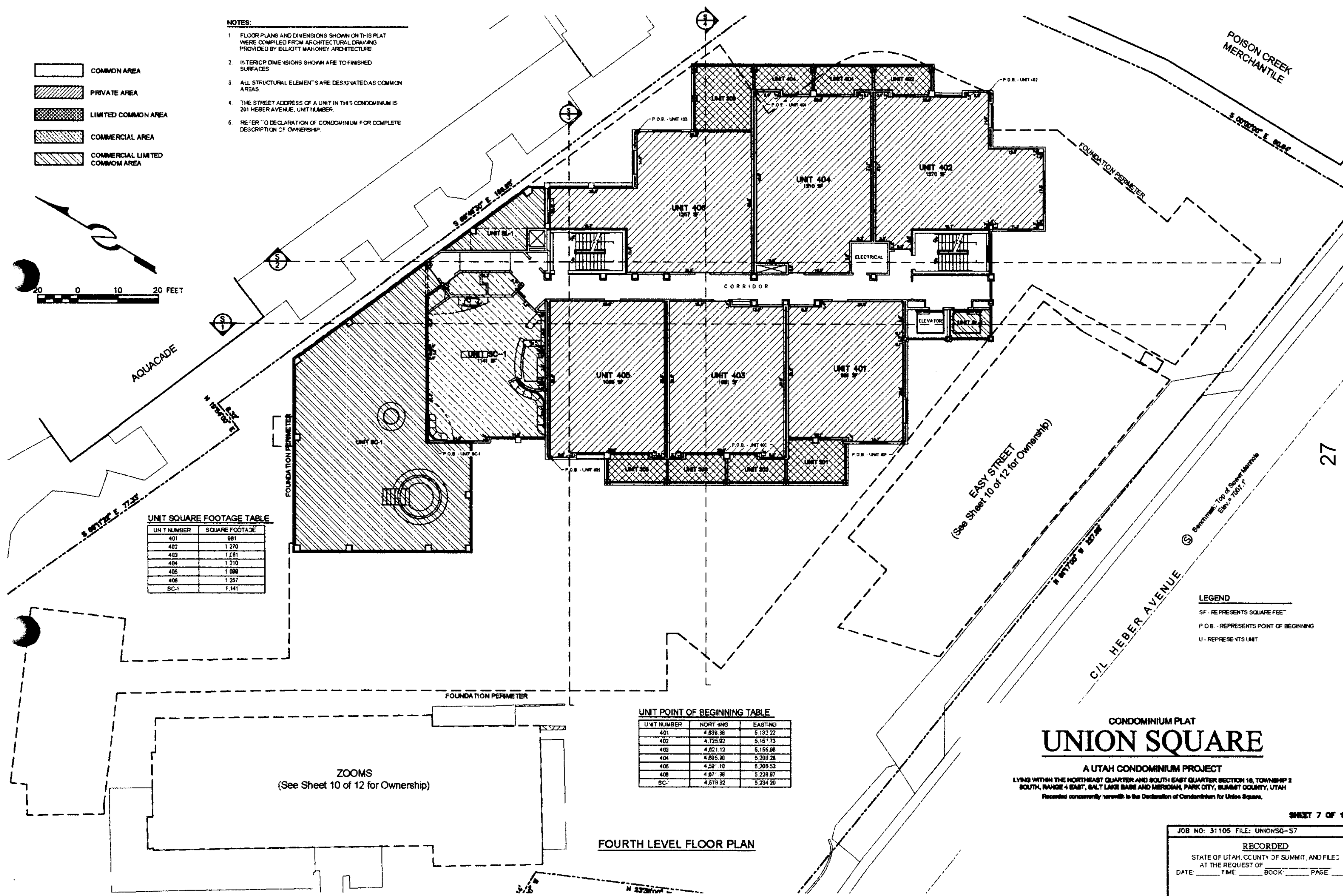
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______

FEE RECORDER

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.



UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	981
402	1 270
403	1,081
404	1 210
405	1 099
406	1 257
SC-1	1,141

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.38	5,132 22
402	4,725.92	5,157.73
403	4,621.12	5,155.98
404	4,695.30	5,208.28
405	4,59'.10	5,208.53
406	4,67'.38	5,228.87
SC-'	4,579.32	5,234 20

FOURTH LEVEL FLOOR PLAN

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 7 OF 12

JOB NO: 31105 FILE: UNIONSQ-S7

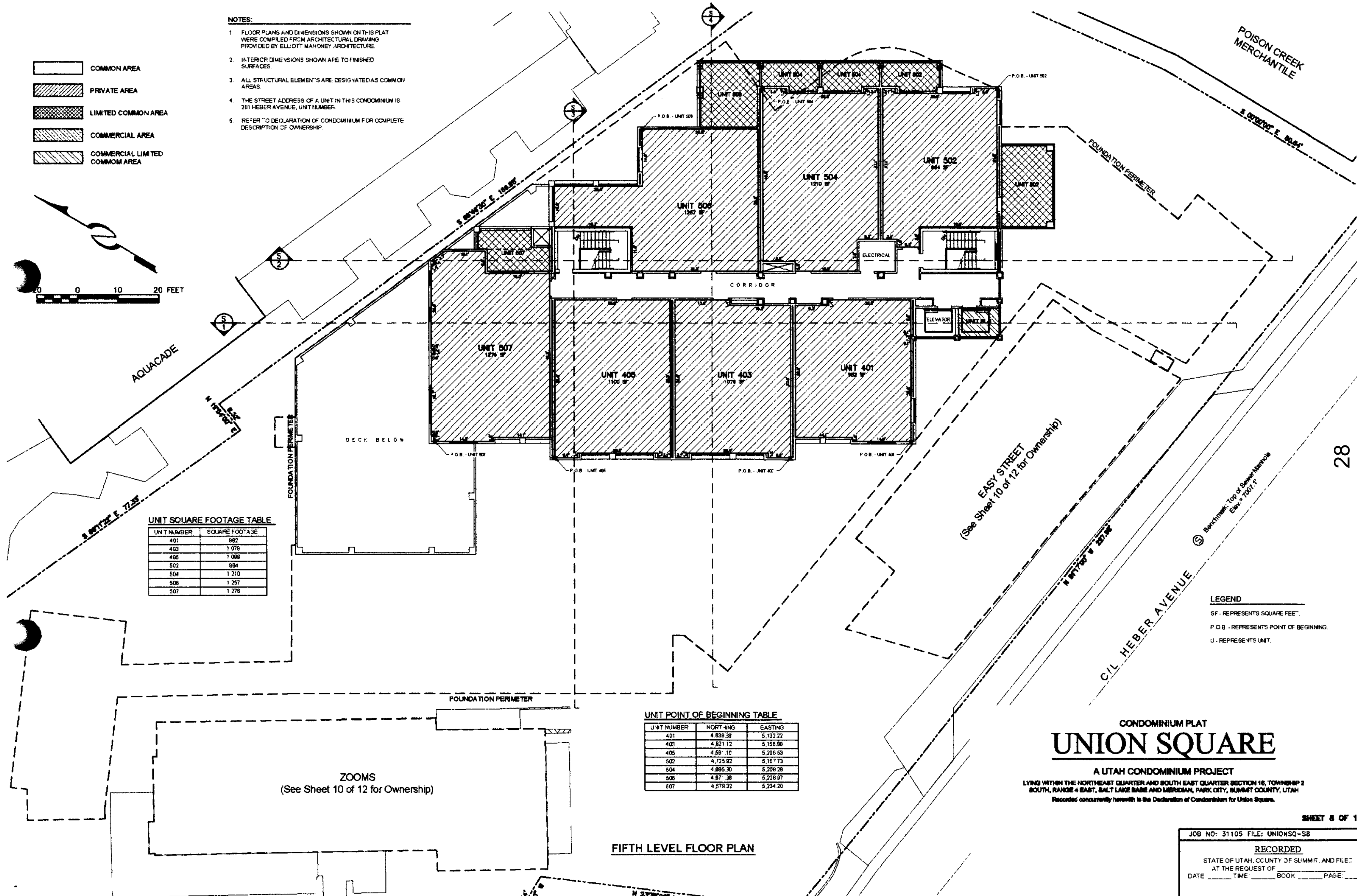
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

FEE RECORDER

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.



UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	982
403	1 078
405	1 098
502	984
504	1 210
506	1 257
507	1 276

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.38	5,132.22
403	4,621.12	5,155.98
405	4,591.10	5,206.63
502	4,725.92	5,157.73
504	4,695.30	5,208.28
506	4,871.38	5,228.97
507	4,578.32	5,234.20

FIFTH LEVEL FLOOR PLAN

LEGEND

SF - REPRESENTS SQUARE FEET.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

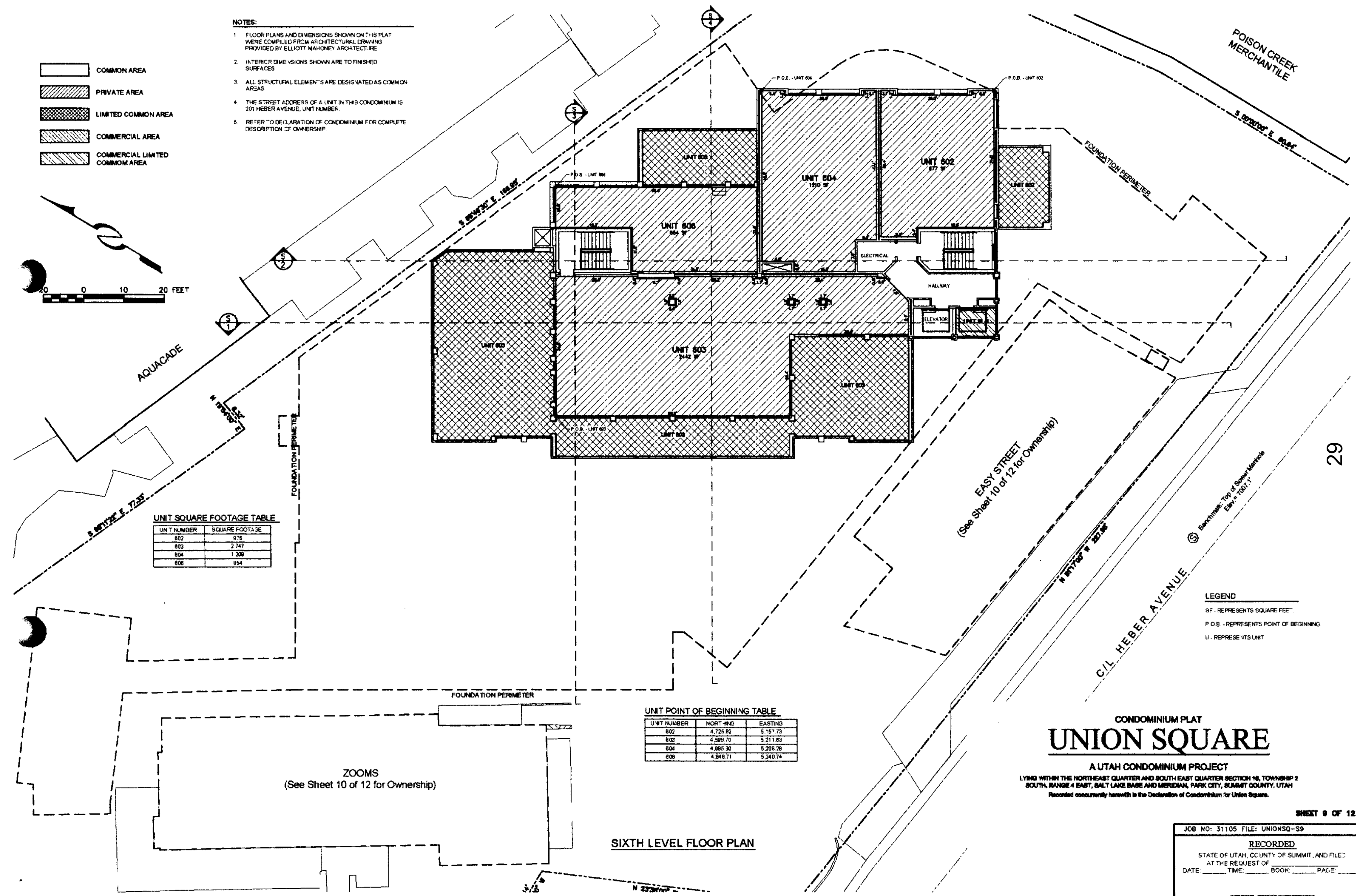
SHEET 8 OF 12

JOB NO: 31105 FILE: UNIONSQ-S8

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________
DATE ______ TIME ______ BOOK ______ PAGE ______

FEE ______ RECORDER ______



NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
602	876
603	2 747
604	1 208
606	854

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
602	4,726.82	5,157.73
603	4,589.70	5,211.63
604	4,895.30	5,208.28
606	4,848.71	5,240.74

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

SIXTH LEVEL FLOOR PLAN

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

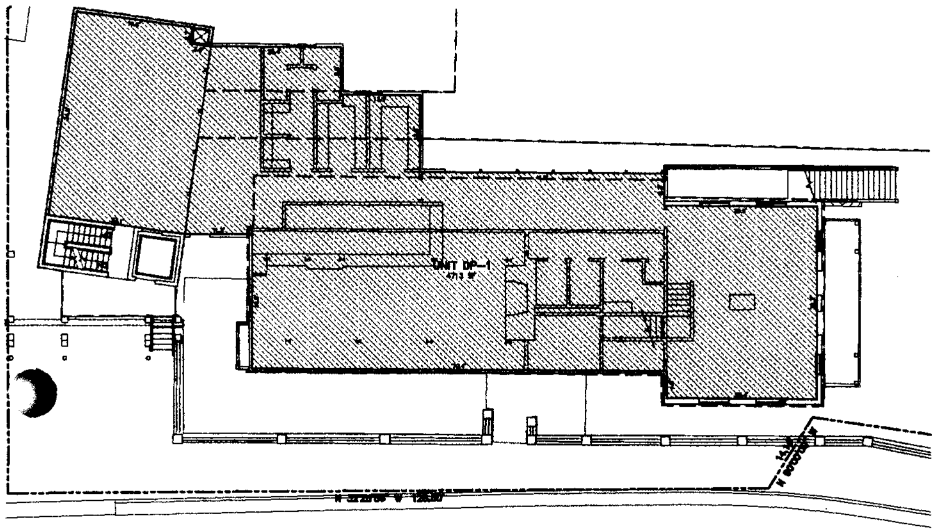
SHEET 9 OF 12

JOB NO: 31105 FILE: UNIONSQ-S9

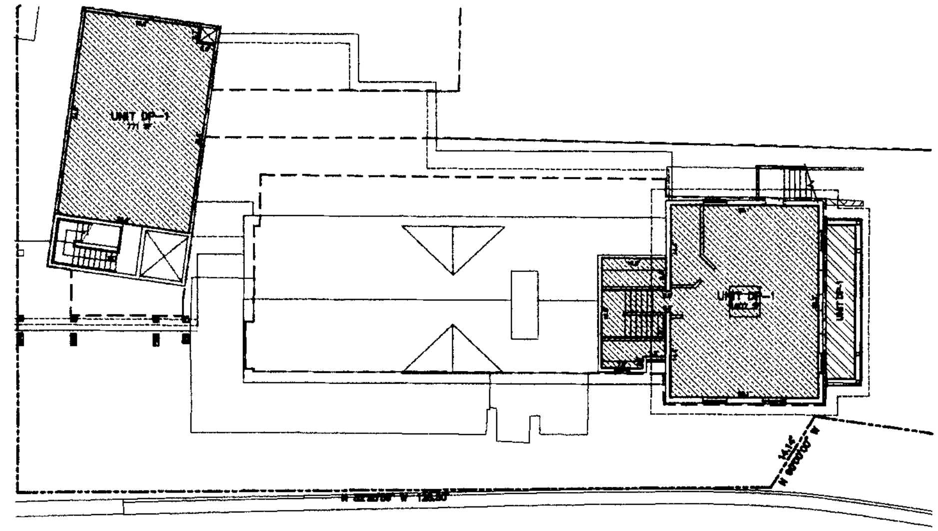
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ________
DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

FEE RECORDER



ZOOMS GROUND LEVEL FLOOR PLAN



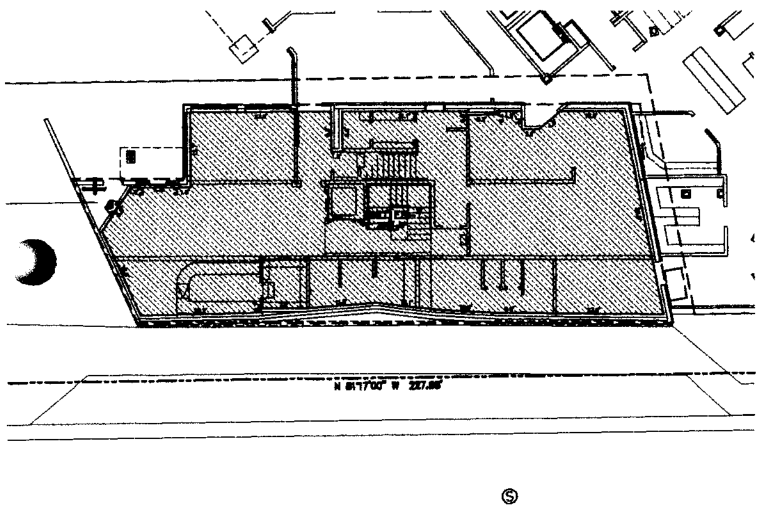
ZOOMS UPPER LEVEL FLOOR PLAN

LEGEND

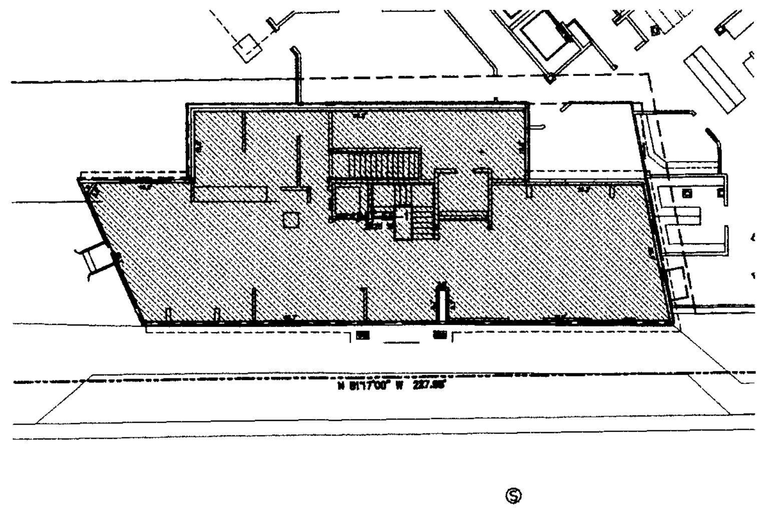
SF - REPRESENTS SQUARE FEET

P.O.B. - REPRESENTS POINT OF BEGINNING

U - REPRESENTS UNIT



EASY STREET GROUND LEVEL FLOOR PLAN



EASY STREET UPPER LEVEL FLOOR PLAN

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMOM AREA

20 0 10 20 FEET

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 10 OF 12

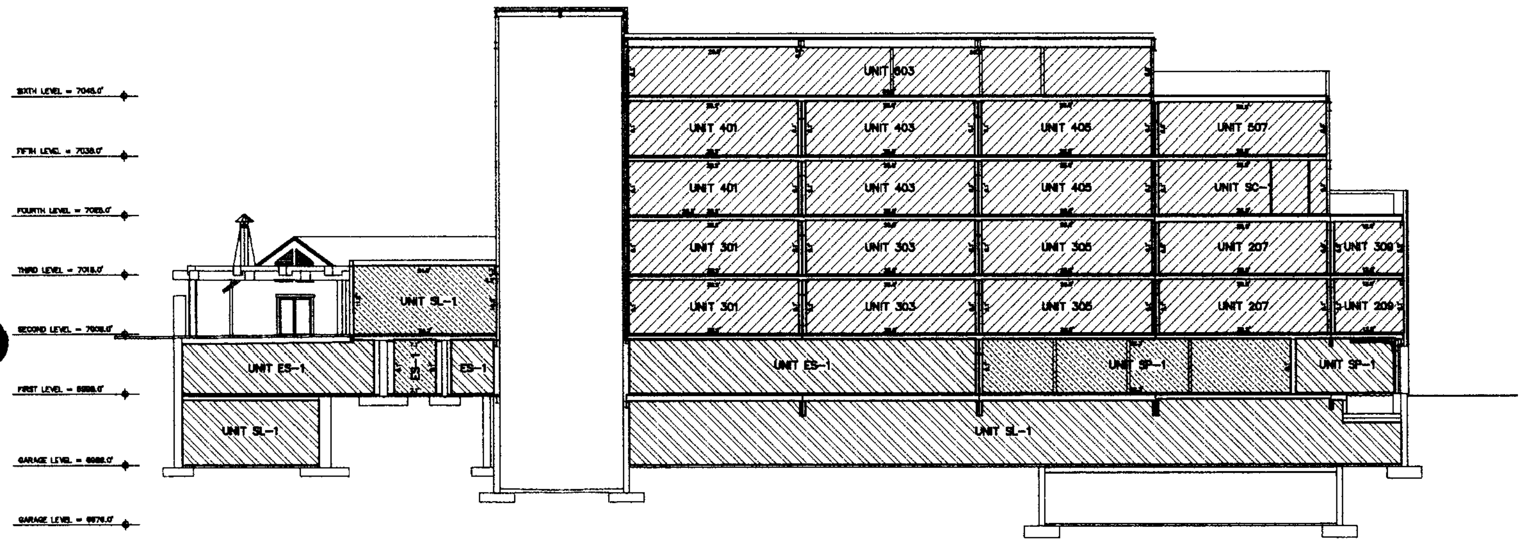
JOB NO: 31105 FILE: UNIONSQ-S10

RECORDED

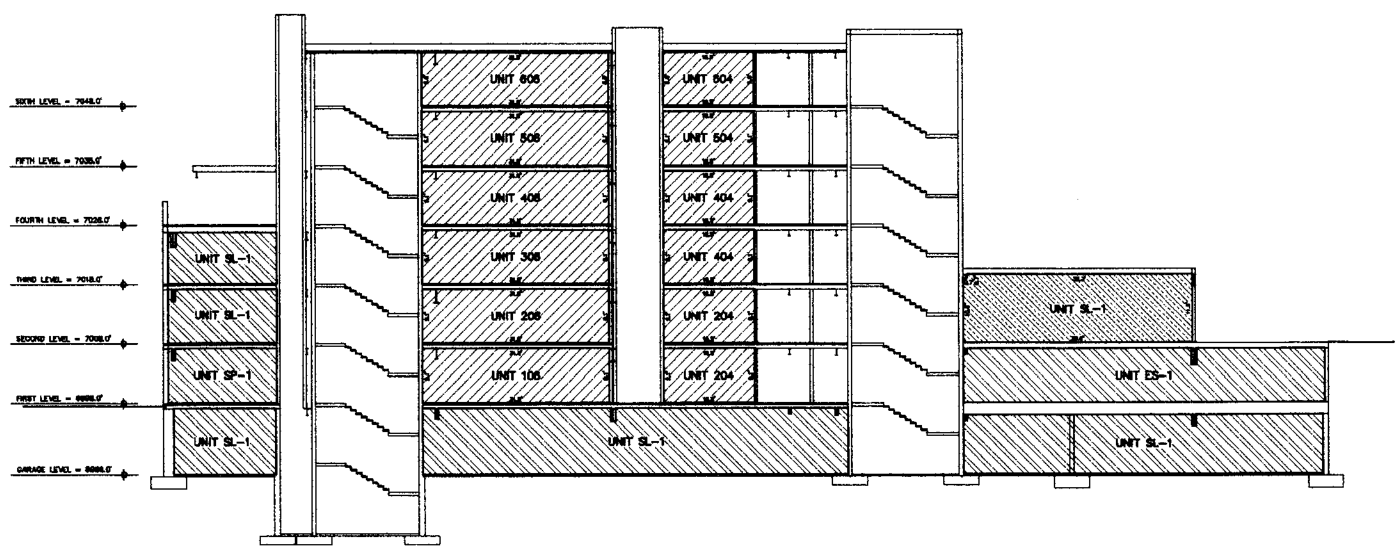
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE RECORDER



SECTION S-1



SECTION S-2

	COMMON AREA
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMERCIAL AREA
	COMMERCIAL LIMITED COMMOM AREA

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

20 0 10 20 FEET

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

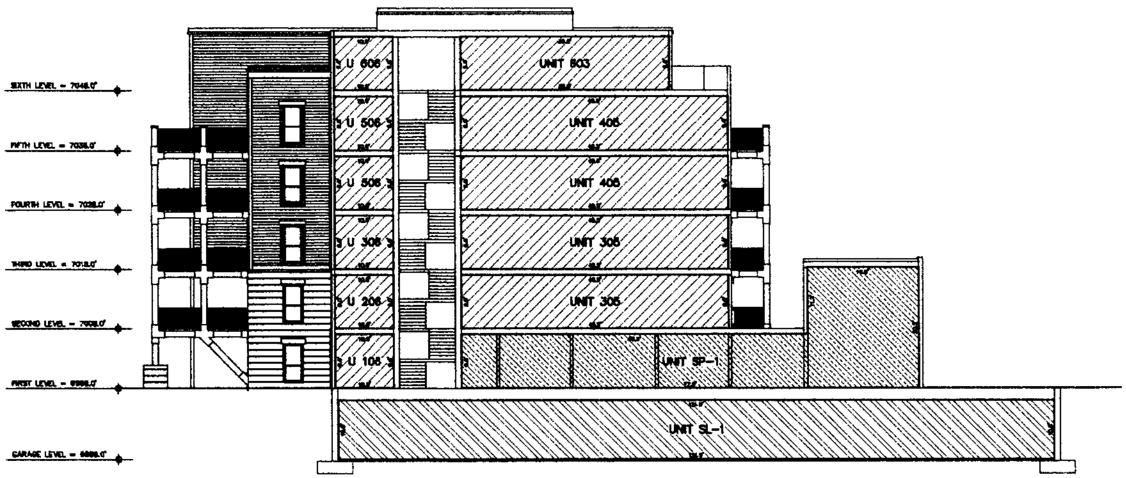
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 11 OF 12

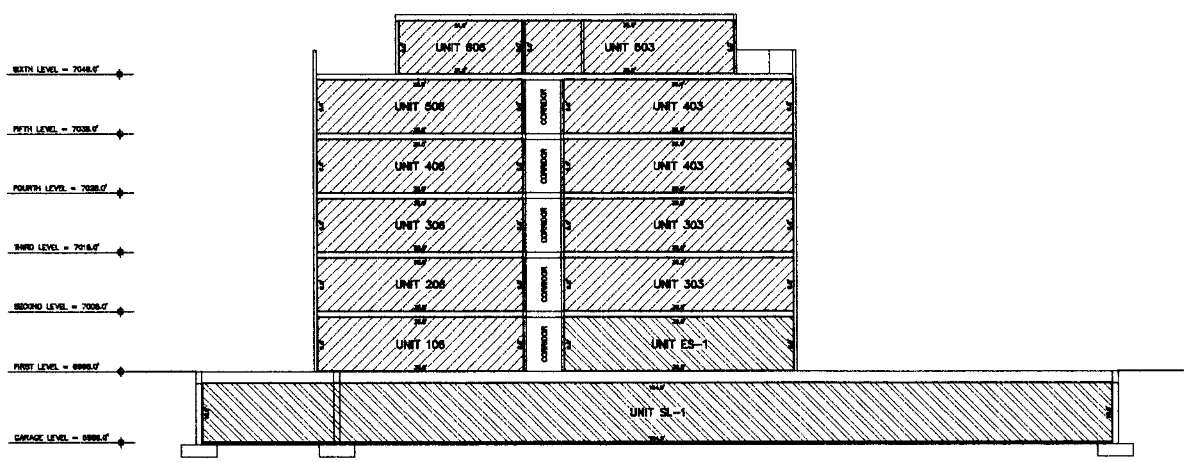
JOB NO: 31105 FILE: UNIONSQ-S11

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

FEE ______ RECORDER ______



SECTION S-3



SECTION S-4

COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMOM AREA

LEGEND

SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT

20 0 10 20 FEET

NOTES:

1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWING PROVIDED BY ELLIOTT MAHONEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 201 HEBER AVENUE, UNIT NUMBER.
5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 12 OF 12

JOB NO: 31105 FILE: UNIONSQ-S12

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

FEE ______ RECORDER ______

City Council Staff Report

PLANNING DEPARTMENT

Author: David Maloney
Applicant: Rick Otto for Ted Larremore
Subject: 730 & 733 Woodside Avenue
Date: February 9, 2006
Type of Item: Administrative
Zoning: Historic Residential District (HR-1)
Adjacent Land Uses: Low Density Residential (Historic and non-Historic), Recreation (Town Lift ski run).

Summary Recommendations:
The Planning Staff requests that the City Council open the public hearing on the proposed subdivision located at 730 & 733 Woodside Avenue, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council's consideration.

Background:
The applicant is proposing to amend the existing 'Second Amended Larremore Plat' in order to divide Lot 2 into two lots of record. The purpose of this plat amendment is to create two separate lots for each of the existing historic structures that sit on Lot 2 of the Second Amended Larremore Plat. The building addressed as 733 Woodside Avenue (primary residence) and the building known as 'Ted's Barn', addressed as 730 Norfolk (713 Norfolk Avenue as identified in the City's Historic District Inventory). The plat amendment is required in order to follow through with the applicant's desired purchase and renovations to 'Ted's Barn'. An application has been submitted concurrently in order to obtain a Conditional Use Permit to follow through with proposed renovations to 'Ted's Barn'.

Staff has determined the front yard of Lot 2A to be along Woodside, the sides along 8th Avenue and the property line on the south side, and the rear along the western property line. The front of Lot 2B is along 8th Street, the sides along Norfolk and the eastern property line, and the rear is the southern property line.

Analysis:
The proposal is to create two separate lots of record from the existing Lot 2 of the Second Amended Larremore Plat. Each proposed lot has an existing house; and this plat amendment is required in order to renovate and sell the house that exists on 730 Norfolk separately.

The lot addressed as 733 Woodside Avenue (to be known as Lot 2A) fronts onto Woodside Avenue. Currently there is a residential structure on this property with a footprint of approximately 1792.5 sq. ft. The dimensions of this proposed lot are approximately 70.59' by 78.67' for a total square footage of 5,123 sq. ft. The resulting footprint is under the maximum footprint allowed (1920.76 sq. ft) as per LMC 15-2.2-

3(D). The front yard setbacks are 18' and 7' while the rear is 24'. On the side yard, there is a 10' setback. These setbacks comply with the LMC 15-2.2-3(E) and (H), or are considered to be complying due to the historic nature of the house.

There is a house known as 'Ted's Barn' located on the proposed Lot 2-B, to be addressed as 730 Norfolk Avenue. The size of the proposed Lot 2-B is approximately 51.5' by 48.28' with an area of 2354.4 square feet. The footprint of the existing structure is approximately 732 sq. ft. After the proposed enclosure of the exterior stairs, the footprint of the house would be about 930 sq. ft. The maximum allowed footprint for a property of this size (according to LMC 15-2.2-3(D)) is 1031.32 sq. ft. The front yard setback for the existing structure is 8' which, does not comply with the LMC 15-2.2-3(E), which requires 10'. The existing rear yard setback of 9' also does not comply with the LMC requirements of 10', as only 7' is proposed. The existing structure has a side yard setback of 4.5' on the west side which does not meet HR-1 side yard setback requirements. However, the proposed 9.5' setback on the east side, as created by the new property line, is in compliance with LMC standards. Therefore, the new property line does not increase the degree of non-compliance.

Ted's Barn is a historic structure. LMC Section 15-2.2-4: Existing Historic Structures states that historic structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures. The proposed subdivision will create two lots of record for the two existing residential structures. No additional density will result as part of this application.

The applicant is seeking a Conditional Use Permit to be granted exceptions to the LMC setback requirements as per 15-2.2-4(A), to allow the enclosure of a staircase. This matter is under Planning Commission review as part of a separate application.

There are existing hot tubs on each of the proposed new lots, both located within 1.5 feet of the proposed new lot line. These hot tubs will have to be removed or relocated in order to meet the 5' setback requirement of LMC 15-2.2-3 (G)(8) and LMC 15-2.2-3 (H)(11).

Notice:
This application has been noticed in the Park Record, a sign has been posted on the property and letters have been sent to property owners within 300 feet of the subject property, in accordance with the noticing requirements outlined in the LMC 15-1-2. No public input has been received.

Department Review:
This application was reviewed at the November 17, 2005 Staff Review meeting. Representatives from the Planning and Engineering, Building, Legal, Public works departments as well as representatives from local utility organizations were in attendance.

Alternatives:

- The City Council may approve the final plat of amendment to the ‘Second Amended Larremore Subdivision’ with the conditions stated, or modify the conditions, or

- The City Council may deny the final plat of the amendment to the ‘Second Amended Larremore Subdivision’ and direct staff to prepare findings supporting this recommendation, or

- The City Council may continue the discussion to a later date.

Recommendation:
The Planning Staff requests that the City Council open the public hearing on the Final Plat of the amendment to the ‘Second Amended Larremore Subdivision’ at 730 & 733 Woodside Avenue, and take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council’s consideration as found in the Ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING THE AMENDMENT TO THE 'SECOND AMENDED LARREMORE SUBDIVISION PLAT LOCATED AT 730 & 733 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 730 & 733 Woodside Avenue have petitioned the City Council for approval of the amendment to the 'Second Amended Larremore Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 25, 2006, to receive input on the amendment to the 'Second Amended Larremore Subdivision;

WHEREAS, the Planning Commission, on January 25, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 9, 2006 the City Council approved the amendment to the 'Second Amended Larremore Subdivision'; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to the 'Second Amended Larremore Subdivision'.

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

SECTION 1. APPROVAL. The amendment to the 'Second Amendment Larremore Subdivision', as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1) The property is located within the HR-1 zoning district.
2) The proposal is to create Lot 2A and Lot 2B of the Second Amended Larremore Plat.
3) Lot 2A is proposed to have an area of 5123 sq. ft. and fronts on Woodside Avenue.
4) Lot 2B is proposed to have an area of 2354.4 sq. ft and fronts 8th Street.
5) The setbacks for Lot 2A meet the requirements of LMC 15-2.2-3(D) and (E).
6) The side setback for the east side of Lot 2B meets the requirements of LMC 15-2.2-3(D), however the west side yard setback does not.

7) The front and rear setbacks for the historic structure known as 'Ted's Barn' (Lot 2B) are not in compliance with the LMC requirements.
8) The applicant has applied for a Conditional Use Permit pertaining to LMC 15-2.2-4(A), with respect to allowing the enclosure of a staircase which does not meet the HR-1 setback requirements.
9) 'Ted's Barn' is a historic structure.
10) No additional density will result from this plat amendment.
11) Existing historic that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures (LMC 15-2.2-4).
12) The proposed plat amendment does not increase the degree of non-compliance.
13) There is a non complying hot tub on each of the proposed lots.

Conclusions of Law:

1) There is good cause for this plat amendment.
2) Neither the public nor any person will be materially injured by the proposed plat amendment.
3) As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1) The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4) The existing hot tubs, located on both proposed Lot 2A and 2B must be removed or relocated to satisfy HR-1 setback requirements.

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

PASSED AND ADOPTED this 9th day of February, 2006.

Exhibit A – Proposed Plat Amendment