PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 9, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Gary Hill, Budget Manager

Absent: **Council member Candace Erickson**

1. **Council questions and comments.** Roger Harlan expressed his appreciation of the efforts of Senator Bev Evans and Representative David Ure in protecting Park City's interests. The community meeting they hosted this week was very well attended. Marianne Cone commented on the alternative transportation committee meeting where many good ideas were exchanged. Jim Hier reported on the HMBA meeting where construction projects and Strike the Motherlode holiday program were discussed. There are few vacancies on Main Street despite the exorbitant rental cost of $45/square foot. The Mayor reported that the Talisker task force met during the week and thanked MCHT who provided affordable housing information. He spoke with representatives of the Village at East Canyon Creek, an assisted living project at Kimball Junction, about using data collected by Park City on housing in a way that could be interpreted by readers as Park City lending support to the project which is untrue. The Mayor asked that the work session discussion next week on the police facility highlight the green building elements of the project as it is important for the City to set an example. He expressed concern about the addition of a new real estate office on Main Street and there was discussion about considering an ordinance prohibiting new real estate offices on Main Street similar to the one enacted by Aspen. It was decided to hold a work session on this topic.

Marianne Cone commented on the dog sled race, an event associated with Winterfest, and asked about the County's involvement with regard to staging and parking. There were significant traffic problems with cars pulling off the road and parking on the shoulders. She assumed that the City did not involve the County in the process. Tom Bakaly relayed that her questions will be addressed in next week's manager's report.

2. **Legislative update.** Gary Hill reported that HB6, utility improvement districts, was defeated at the House. The legislators took exception to the proposed amendment to eliminate the 2/3rds of residents petitioning the City and replaced with a resolution passed by Council, although this is the process for creating all other types of improvements districts. He discussed in detail other components of the bill which set forth flexibility in assessing costs, corrects inconsistencies, and clarifies regulations. It seems likely that HB109, sales tax on food, will not pass but its status will be clearer once there is more information on forecasted state revenues. HB147, sales tax distribution, is now officially opposed by the ULCT and it appears that it will not move

forward. HB162, transportation funding amendments, regarding appropriation of federal dollars, is likely to die.

Mr. Hill emphasized that he was pleased at the level of participation at the community meeting and how informed our citizens were on HB170. the sponsors have agreed not to pursue the bill but there will be substitute bills. He urged Council to adopt the resolution opposing the bill at tonight's meeting. SB267, property rights ombudsman, is fairly innocuous. There is language about processing planning decisions with *reasonable diligence* and annual accounting regarding impact fees by development which is already required by statute.

The Mayor discussed significant concerns on a proposal for a bill to diminish the ability for the public to initiate referendums. Gary Hill indicated that there is little information on this at this point. He clarified that the ombudsman was not a component of SB170. It provides for an independent party to render non-binding opinions on administrative land use decisions. In the event a planning project is litigated, the losing party is obligated to pay attorneys' fees and the bill has the potential of taking shape next week. Jim Hier stated that the word *ombudsman* suggests an advocate role, and he felt that *arbitrator* is the more appropriate terminology. In addition, to interject another process seems contradictory to the concerns of developers. Mr. Hill explained that the ombudsman is required to remit a decision within 15 days. The language will be tailored to specific instances where there can be an appeal. He discussed the political back-drop and process and clarified that the ombudsman would likely appoint the independent mediator.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 9, 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, February 9, 2006. Members in attendance were Dana Williams, Marianne Cone, Roger Harlan, Jim Hier, and Joe Kernan. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; and David Maloney, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Myles Rademan announced upcoming events in Park City and Salt Lake City commemorating the 2002 Winter Olympic Games and invited the public to attend the Leadership 101 program next week.

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

The Mayor invited the audience to comment on any matter of City business. No input was rendered.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 26, 2006

Marianne Cone, "I move we approve work session notes and minutes of the meeting of January 26, 2006". Jim Hier seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

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 16, 2006)** – The Mayor requested a motion to continue this item to the meeting of the 16th. Snow Top was initially recommended to be continued to March 2, 2006. Jim Hier, "I so move". Marianne Cone seconded. Motion carried.

2. Ordinance approving the Sky Lodge plat amendment and condominium plat located at 201 Heber Avenue, Park City, Utah – Planner Brooks Robinson explained that approval creates a 1.13 acre lot of record, a condominium plat with 22 residential units, and 25,495 square feet of gross commercial area. It also designates various easements and cleans up property lines. He recommended approval with replacement language to Condition No. 6. *The plat must be recorded with Summit County within one year of City Council final action or this plat and approval are void.* In response to a question from Jim Hier, Mr. Robinson clarified that the size indicated in Finding of Fact No. 7, is the size of the building drawn on the plat. Council member Hier expressed concern that numbers are consistent with Planning Commission approvals before anything is built. City Attorney Mark Harrington stated that the Planning and Building Departments have better coordinated their efforts to ensure that review is conducted. The Mayor opened the public hearing and with no comments, closed the hearing.

3. Ordinance approving the amendment to the Second Amended Larremore Subdivision Plat located at 730 and 733 Woodside Avenue, Park City, Utah – Planner David Maloney explained that two historic homes sit on each proposed lot and setbacks are met for both lots with the subdivision. The Planning Commission forwarded a positive recommendation on January 25, as outlined in the ordinance. In response to a question from the Mayor about public input, Mr. Maloney explained that he discussed the project with Gary Bush, adjacent property owner, but there were no formal comments made during the public hearing. He added that if there was public input at the Planning Commission level, it would appear in the staff report. The Mayor opened the public hearing and with no comments, closed the hearing.

VI CONSENT AGENDA

Jim Hier made grammatical corrections to the Resolution. Gary Hill explained the meaning of Finding No. 5 and felt that SB150 could significantly compromise long-term planning with general plans. The City Manager explained that the draft was provided by the ULCT, but modified by the City. Jim Hier asked that Finding No. 9 be added, *Inhibits Park City's ability to provide affordable housing.* Council accepted the modifications. Roger Harlan, "I move that we approve the Consent Agenda with amendments to Items 1 and 2 as discussed". Marianne Cone seconded. Motion carried

Marianne Cone	Aye
Candace Erickson	Absent
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

1. Resolution expressing strong opposition to Senate Bill 170, Land Use Amendments, and requesting that Utah State Senators and Representatives vote against this bill – See staff report, work session discussion and comments above.

2. Ordinance approving the Sky Lodge plat amendment and condominium plat located at 201 Heber Avenue, Park City, Utah – See staff report and public hearing.

3. Ordinance approving the amendment to the Second Amended Larremore Subdivision Plat located at 730 and 733 Woodside Avenue, Park City, Utah – See staff report and public hearing comments.

VII ADJOURNMENT

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
SEAL
MARCH 1, 1884

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

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

PLANNING DEPARTMENT

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.

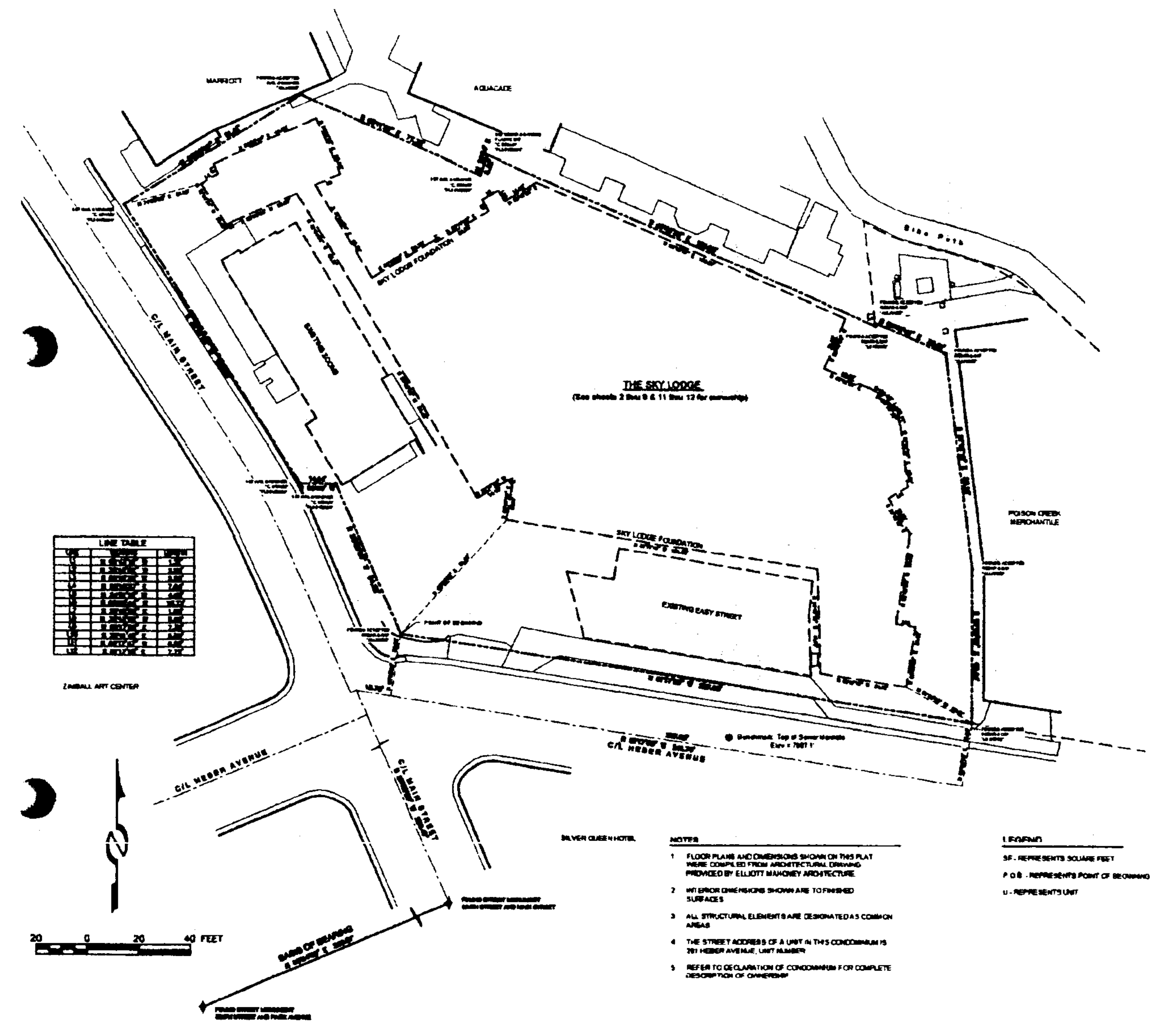
SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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. [illegible] 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 [illegible] Condominium Plat of UNION SQUARE, a Utah Condominium Project in accordance with the Utah Condominium [illegible] buildings and property are shown correctly.

Christopher R. Braun L.S. [illegible] ______ Date

BOUNDARY DESCRIPTION

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

Beginning at the Southwest corner of Lot 18, Block 58, Amended Park City Survey, on file and of record in the [illegible] [illegible]

Contains [illegible] square feet, 1.12 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, have caused this survey to be made and this Condominium Plat of Union Square to be prepared and consents to the [illegible] Condominium Plat. The undersigned hereby submits the land to the Utah Condominium Ownership Act and [illegible] easements shown on this Condominium Plat in accordance with an irrevocable offer of dedication.

EASY STREET PARTNERS, LLC

By: Alchemy Ventures Group, LLC
Its: Manager

By: ______________
David Wilkins
Its: Manager

ACKNOWLEDGMENT

State of ______)
) ss
County of ______)

On this ____ day of ______, 2008, personally appeared before me, the undersigned Notary Public, in and for said County and State, David Wilkins 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 designated areas are not dedicated hereby for the use by the general public, but are reserved for the owners as more fully defined in the Declaration of Condominium for Union Square (the "Declaration"). The Declaration is hereby incorporated and made a part of the Condominium Plat and becomes effective upon the date this Condominium Plat is recorded in the official records of Summit County, Utah.

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

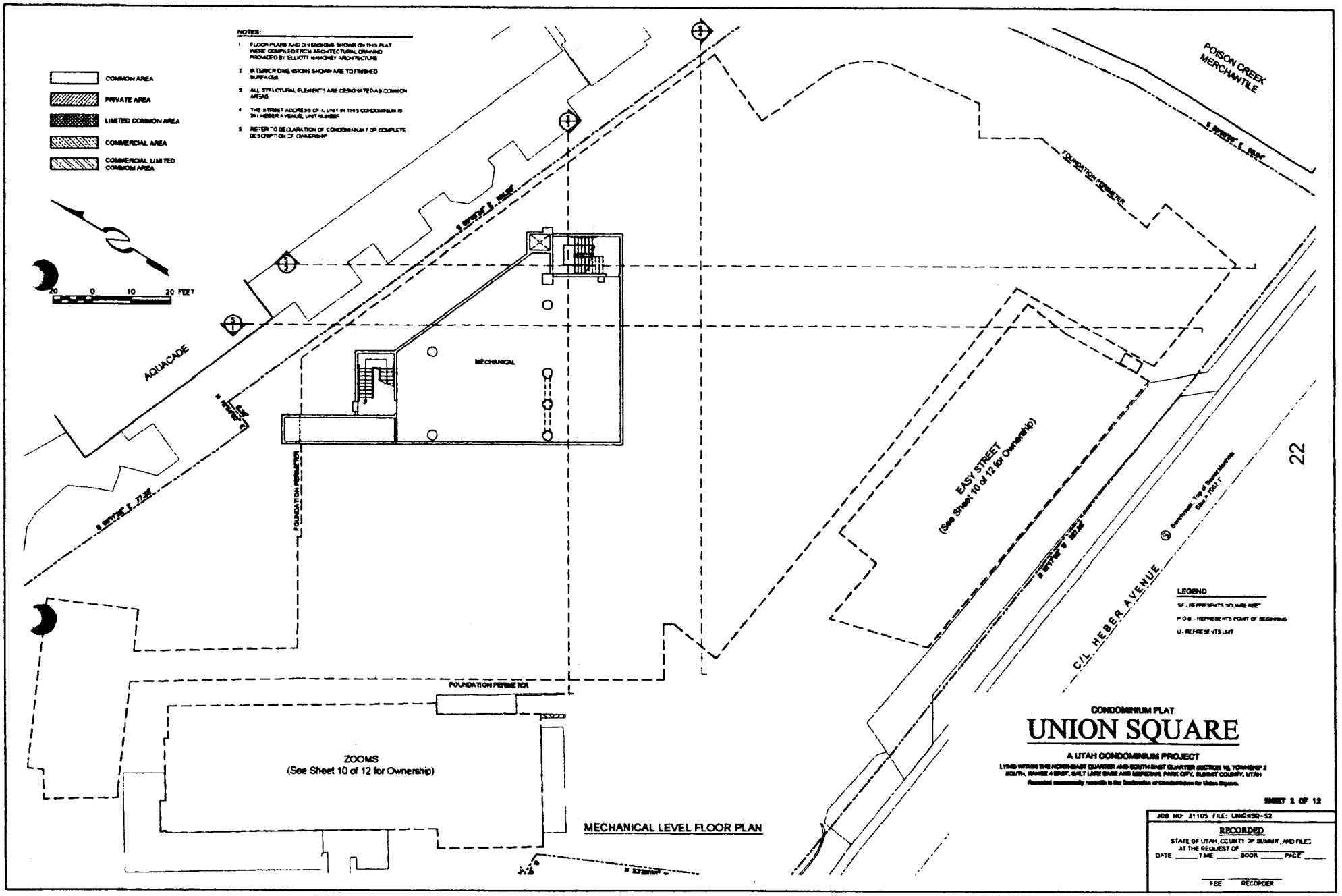
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

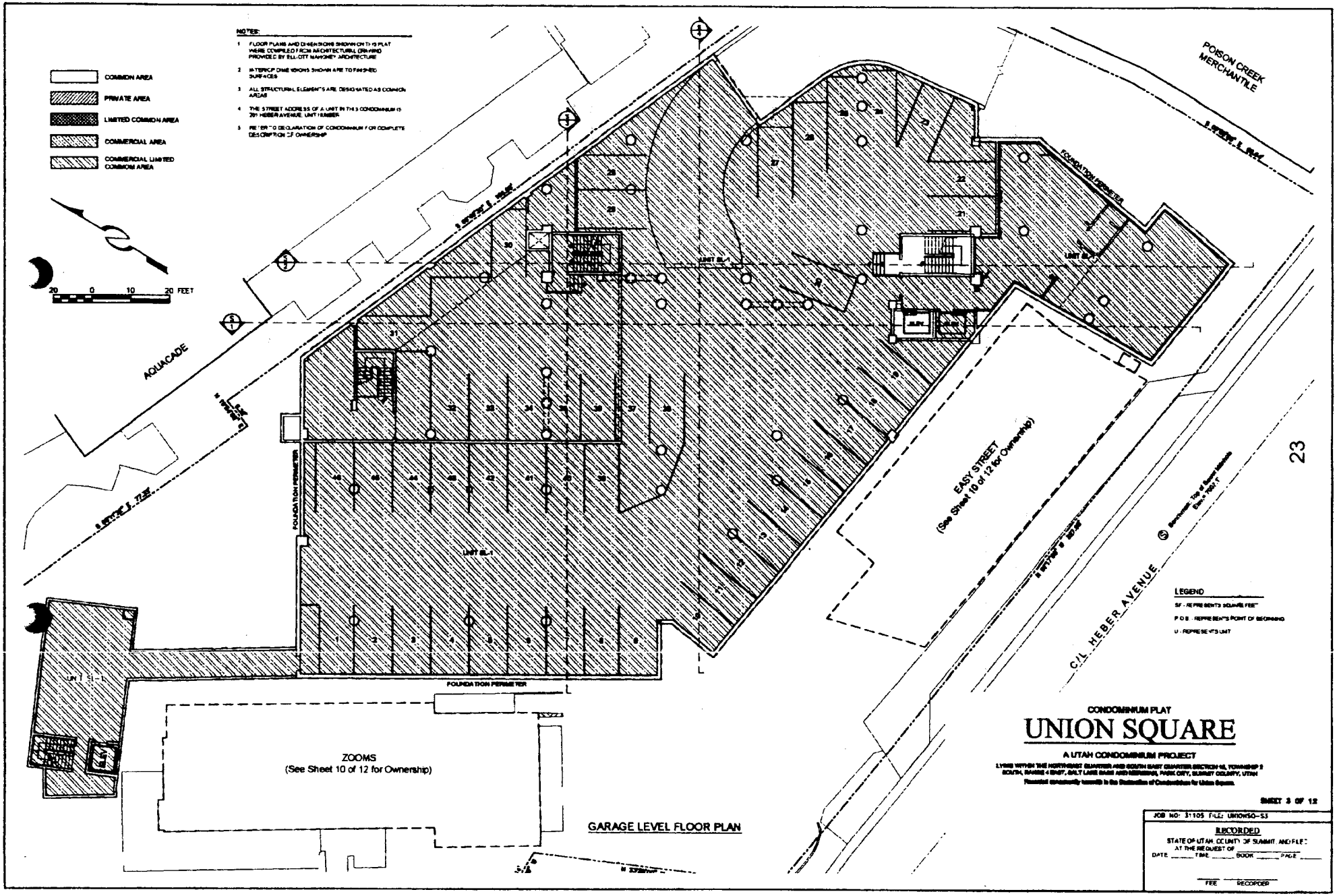
JOB NO. 31105 File: UNIONSQ-S1

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 ________ 2008 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________ 2008 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________ 2008 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________ 2008 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________ 2008 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________ 2008 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER

Exhibit B


COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA
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 391 HEBER AVENUE, UNIT NUMBER
5 REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP
20 0 10 20 FEET
AQUACADE
MECHANICAL
FOUNDATION PERIMETER
EASY STREET
(See Sheet 10 of 12 for Ownership)
POISON CREEK MERCHANTILE
FOUNDATION PERIMETER
C/L HEBER AVENUE
ZOOMS
(See Sheet 10 of 12 for Ownership)
FOUNDATION PERIMETER
MECHANICAL 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
SHEET 1 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



GARAGE LEVEL FLOOR PLAN

CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHWEST 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 in the Declaration of Condominium for Union Square

SHEET 3 OF 12

JOB NO: 31105 FILE: UNIONSQ-S3

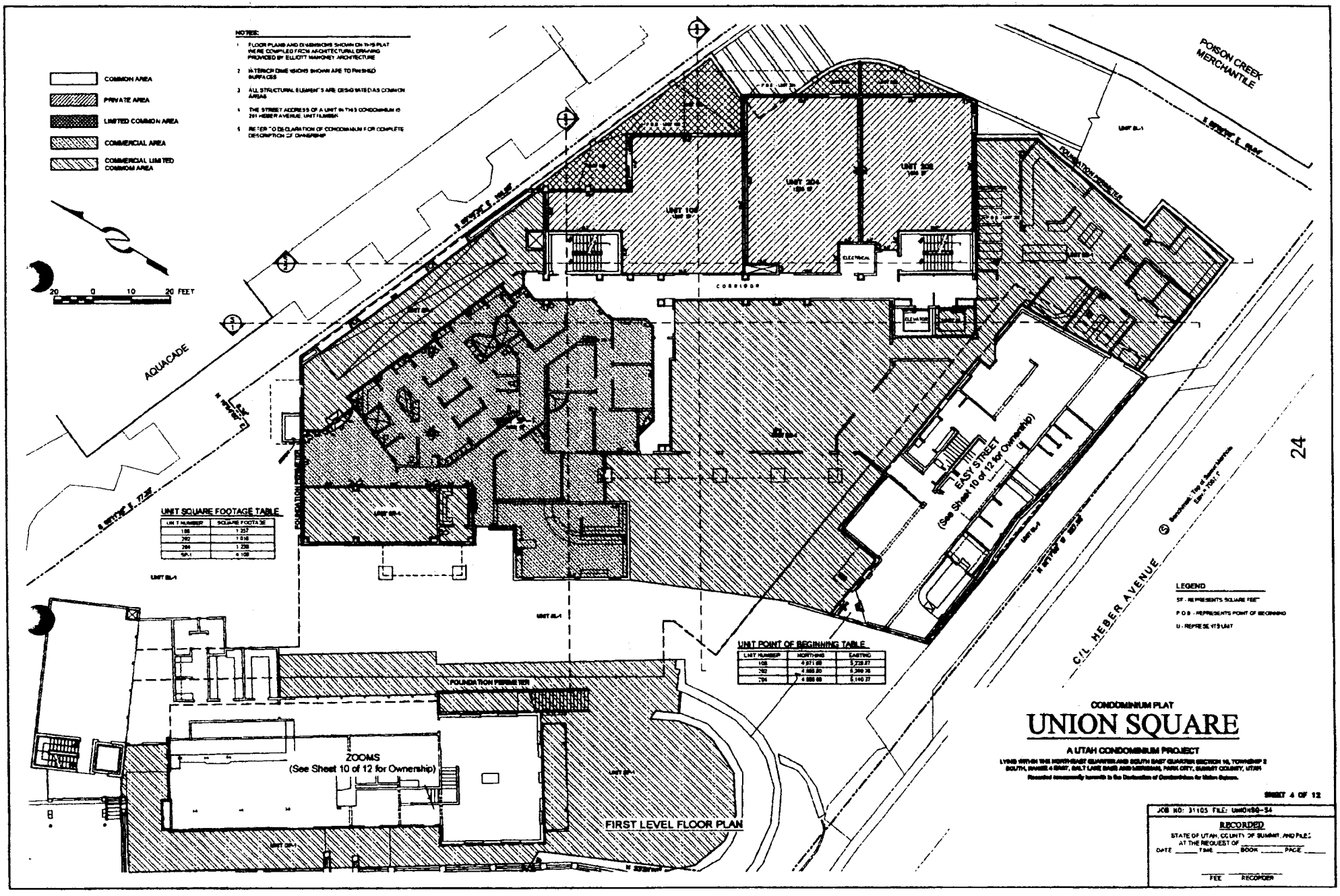
RECORDED

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

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER

23



NOTES:

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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
108	1,257
202	1,016
204	1,238
SP-1	4,108

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
108	4,971.88	5,228.87
202	4,885.80	5,269.36
204	4,888.88	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

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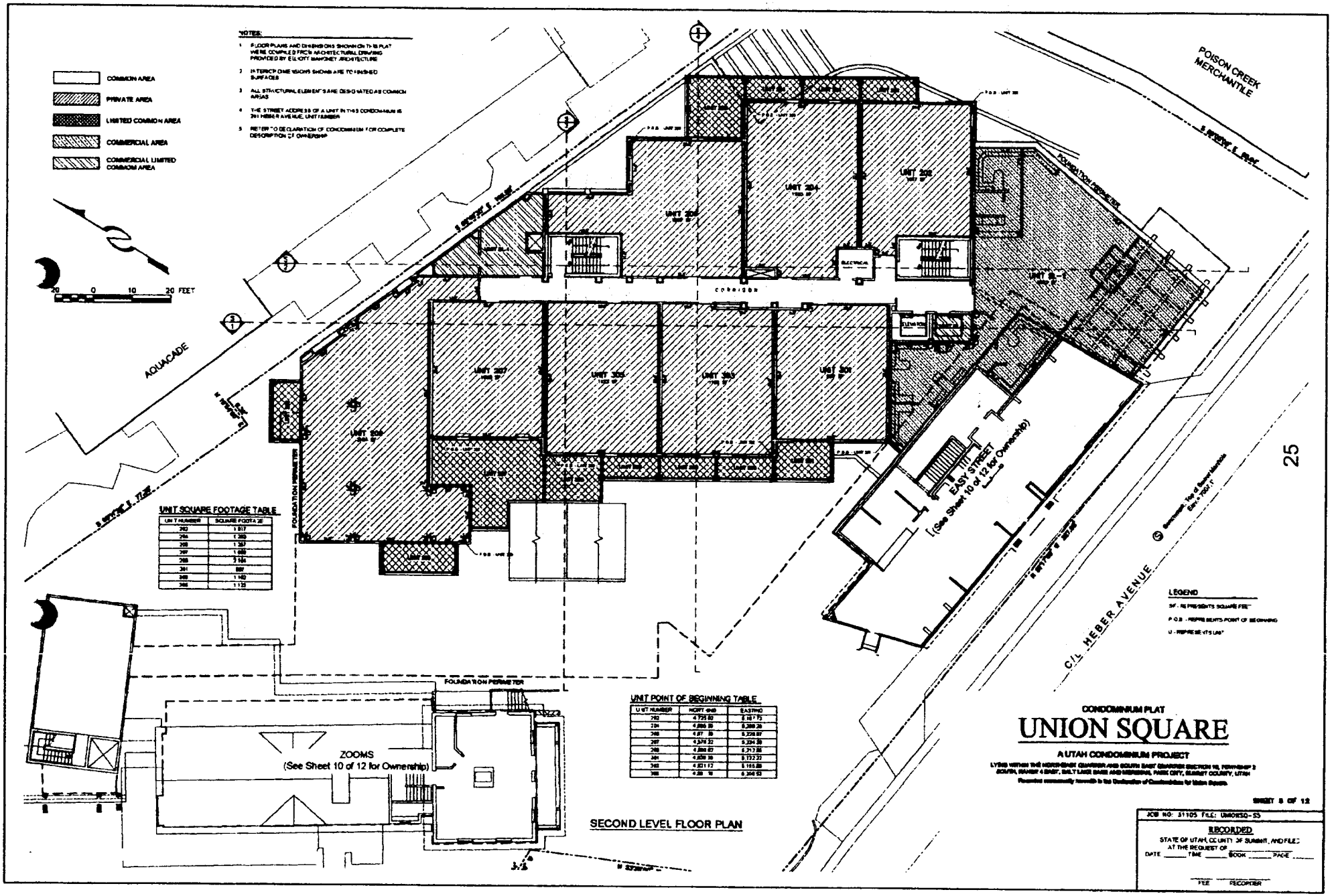
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____

24



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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
202	1,817
204	1,260
206	1,267
207	1,088
208	2,164
301	887
303	1,162
305	1,125

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
202	4,725.82	5,167.73
204	4,686.39	5,200.20
206	4,677.39	5,220.87
207	4,576.22	5,224.28
208	4,588.82	5,212.88
301	4,609.39	5,132.22
303	4,621.12	5,155.88
305	4,58[illegible]	5,204.53

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 10, 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-S3

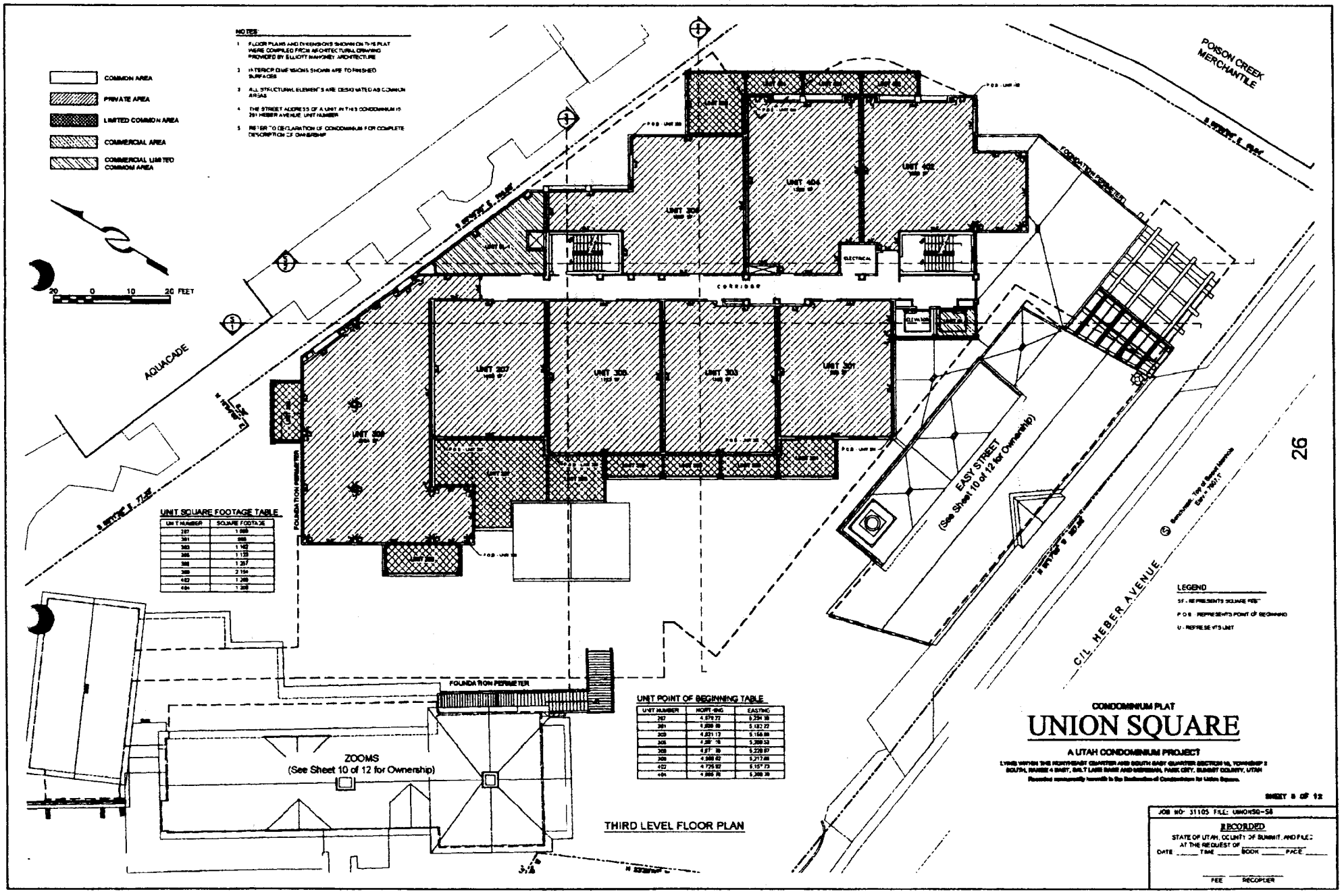
RECORDED

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

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER

25



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

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
207	1 [illegible]
301	[illegible]
303	1 162
305	1 123
308	1 257
309	2 154
402	1 [illegible]
404	1 [illegible]

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
207	4,579.77	5,234.39
301	4,[illegible]	5,132.22
303	4,821.12	5,156.[illegible]
305	4,[illegible]	5,200.53
308	4,[illegible]	5,228.87
309	4,[illegible]	5,217.[illegible]
402	4,725.82	5,157.73
404	4,[illegible]	5,[illegible]

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

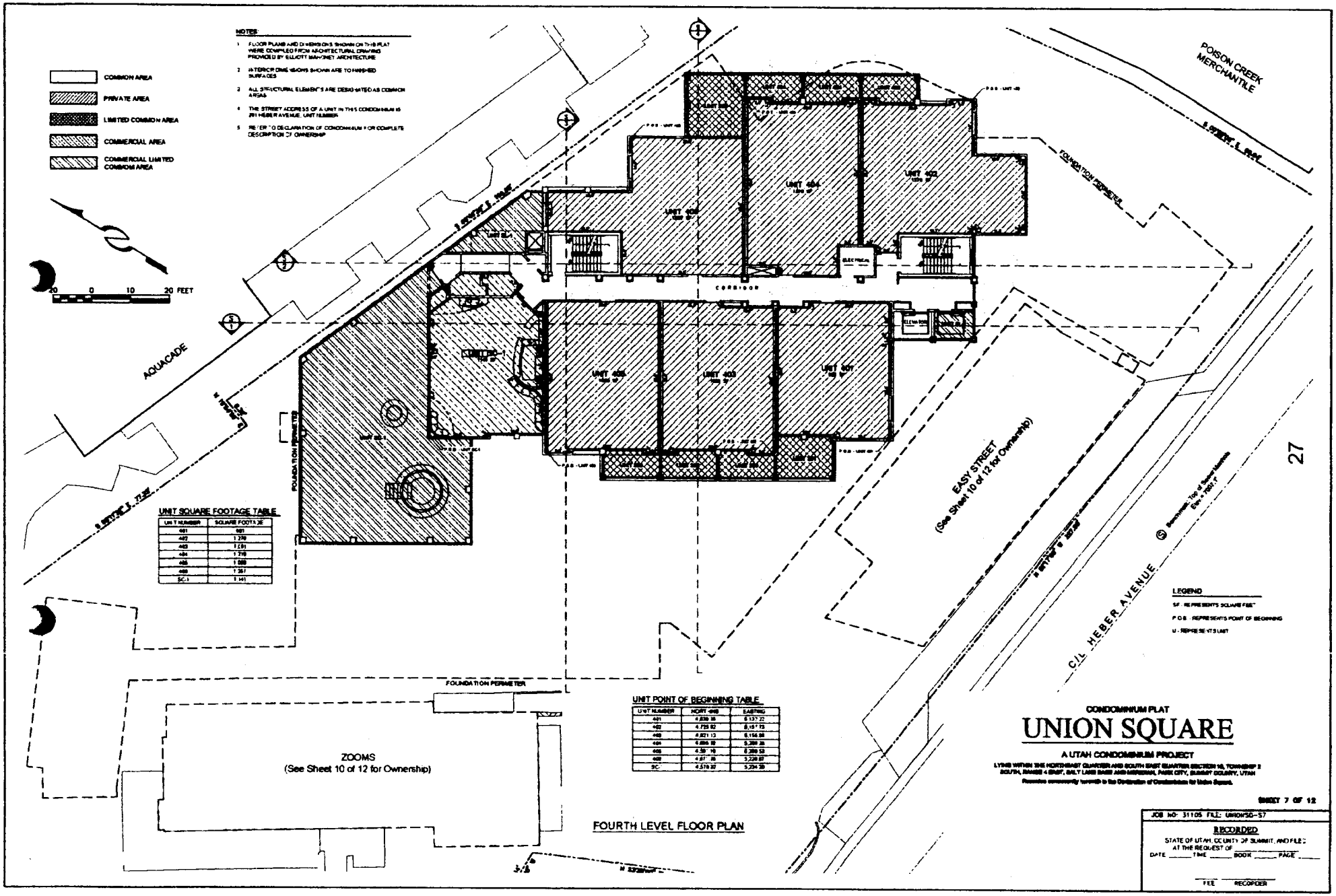
JOB NO: 31105 FILE: UNIONSQ-S8

RECORDED

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

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____ RECORDER _____


COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA
NOTES
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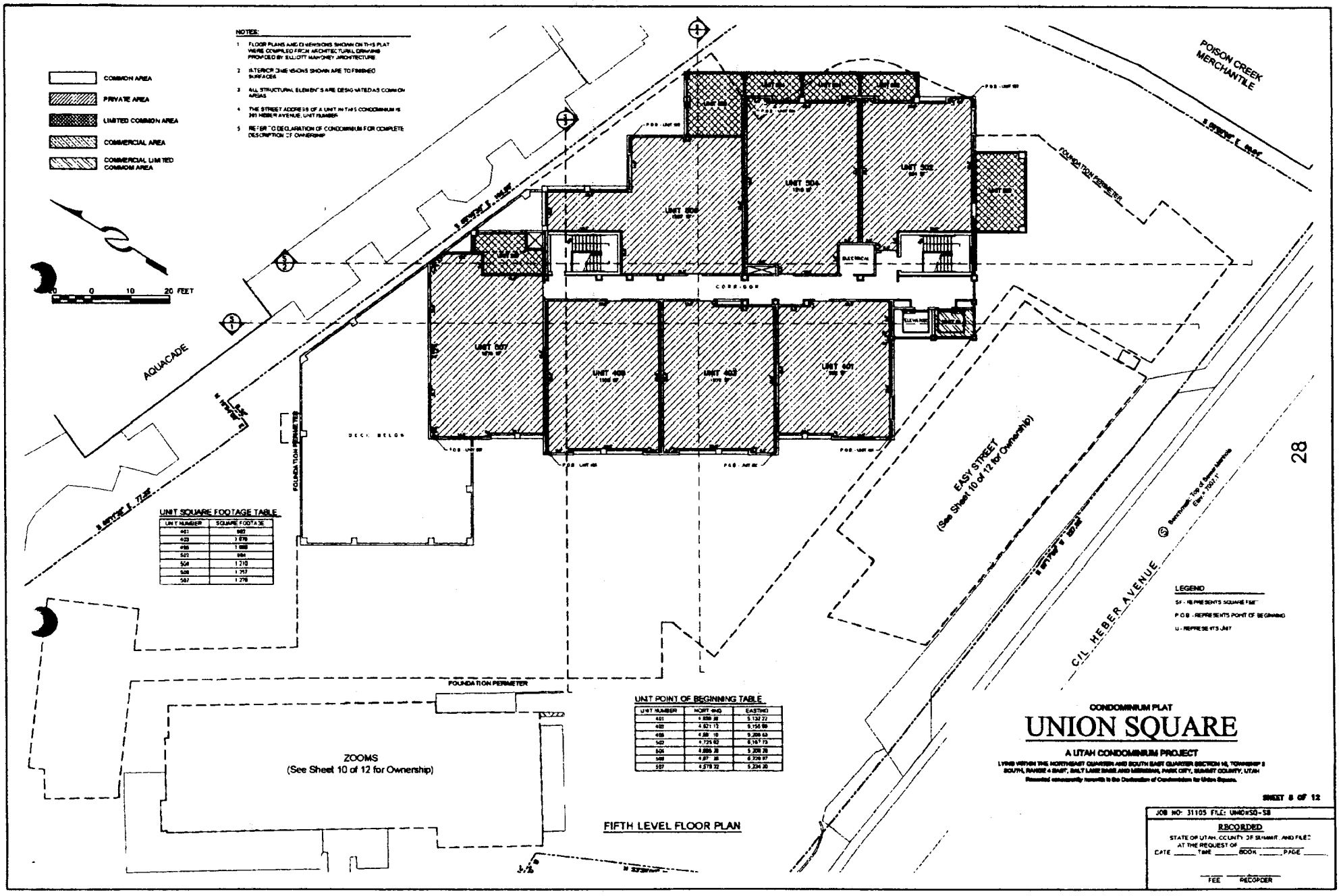
5 REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP
20 0 10 20 FEET
AQUACADE
POISON CREEK MERCHANTILE
FOUNDATION PERIMETER
CORRIDOR
ELECTRICAL
EASY STREET
(See Sheet 10 of 12 for Ownership)
C/L HEBER AVENUE
ZOOMS
(See Sheet 10 of 12 for Ownership)
FOURTH LEVEL FLOOR PLAN
UNIT SQUARE FOOTAGE TABLE
UNIT NUMBER
SQUARE FOOTAGE
UNIT POINT OF BEGINNING TABLE
UNIT NUMBER
NORTHING
EASTING
LEGEND
SF - REPRESENTS SQUARE FEET
P.O.B. - REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT
CONDOMINIUM PLAT
UNION SQUARE
A UTAH CONDOMINIUM PROJECT
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



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

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	902
403	1,878
409	1,888
502	904
504	1,210
506	1,257
507	1,278

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,859.38	5,132.22
403	4,821.12	5,156.99
409	4,881.10	5,206.63
502	4,725.62	5,167.73
504	4,886.38	5,208.78
506	4,871.38	5,226.97
507	4,878.32	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-SB

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

DATE _____ TIME _____ BOOK _____ PAGE _____

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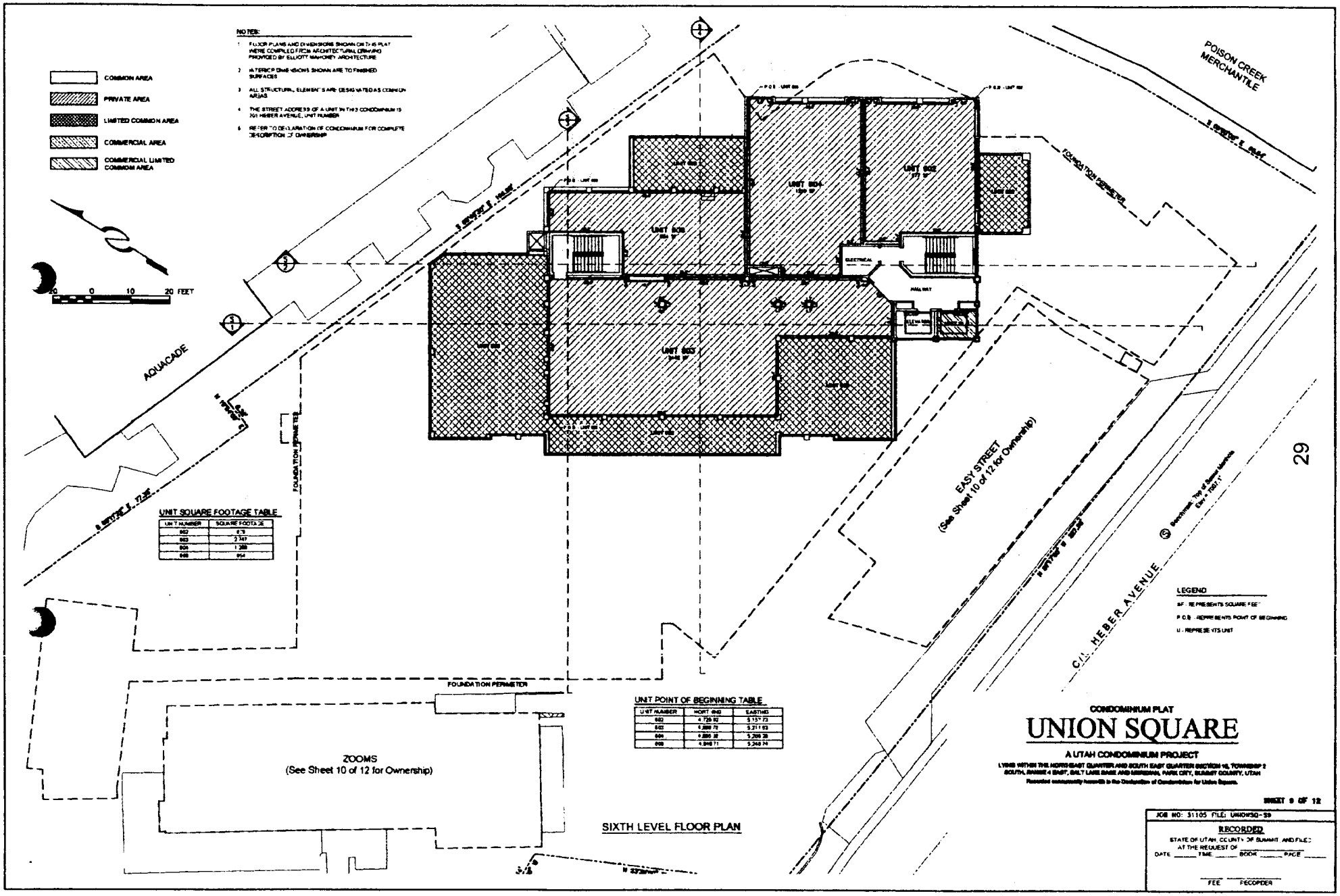
COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA
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5 REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP
20 0 10 20 FEET
AQUACADE
POISON CREEK MERCHANTILE
UNIT 604
UNIT 602
UNIT 605
UNIT 603
ELECTRICAL
HALL MAT
EASY STREET
(See Sheet 10 of 12 for Ownership)
HEBER AVENUE
FOUNDATION PERIMETER
ZOOMS
(See Sheet 10 of 12 for Ownership)
UNIT SQUARE FOOTAGE TABLE
UNIT NUMBER
SQUARE FOOTAGE
602
603
604
605
UNIT POINT OF BEGINNING TABLE
UNIT NUMBER
NORTHING
EASTING
602
603
604
605
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-SS
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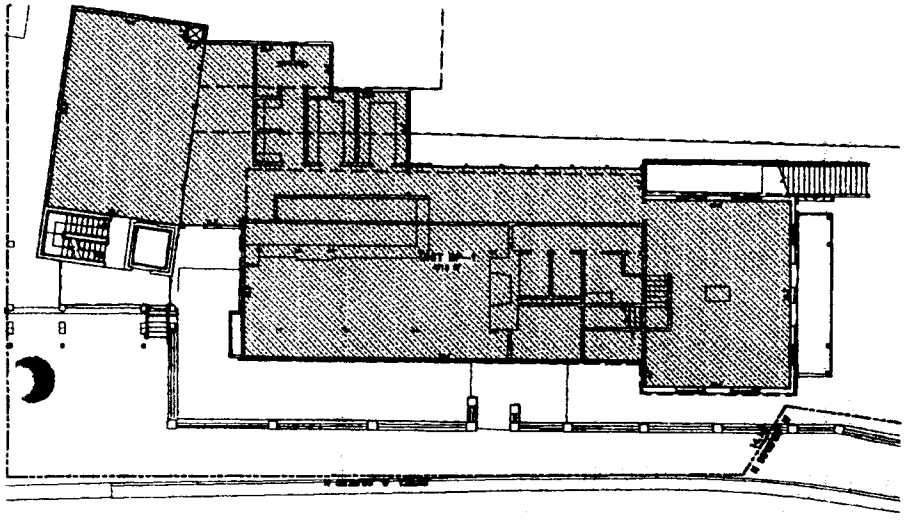
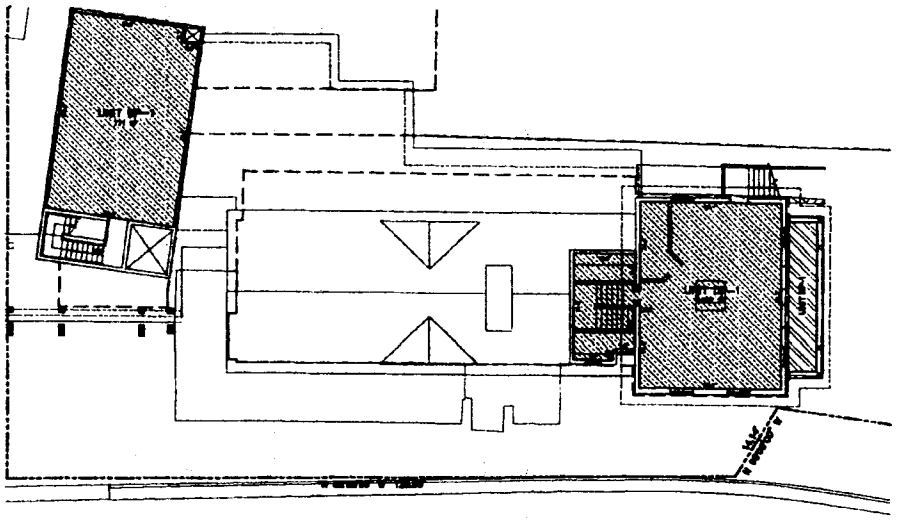
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF
DATE TIME BOOK PAGE
FEE RECORDER

29



ZOOMS GROUND LEVEL FLOOR PLAN



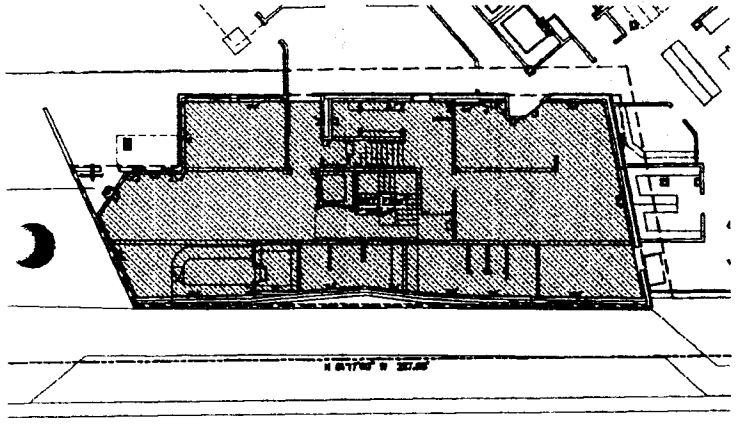
ZOOMS UPPER LEVEL FLOOR PLAN

LEGEND

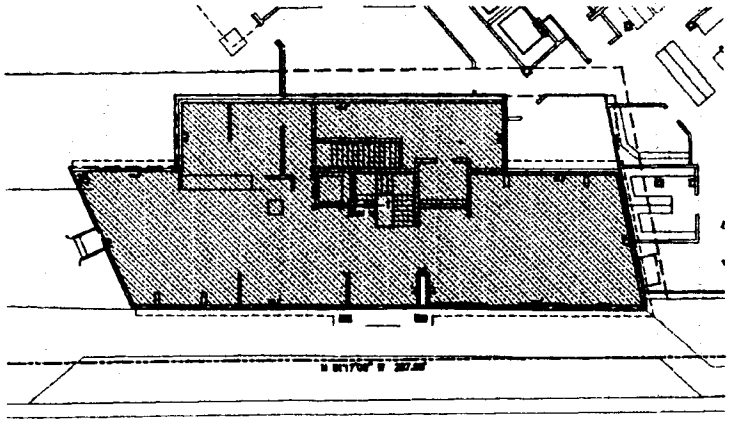
SF - REPRESENTS SQUARE FEET

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 COMMON AREA

20 0 10 20 FEET

30

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

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SHEET 10 OF 12

JOB NO: 31105 FILE: UNIONSQ-S10

RECORDED

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DATE ____ TIME ____ BOOK ____ PAGE ____

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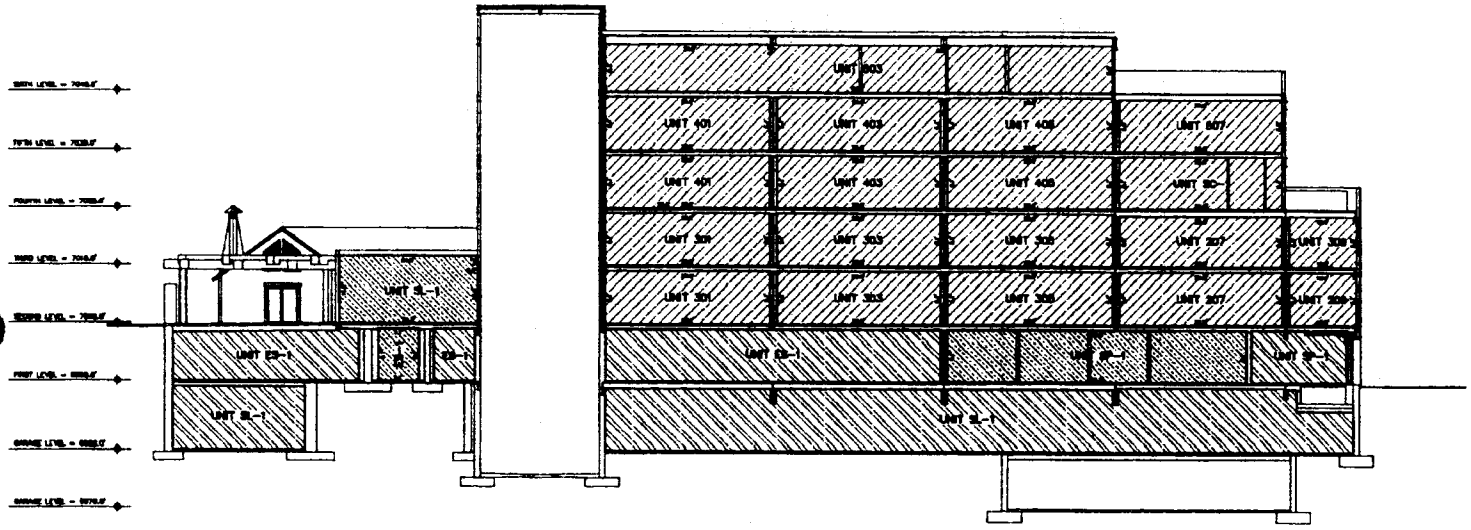
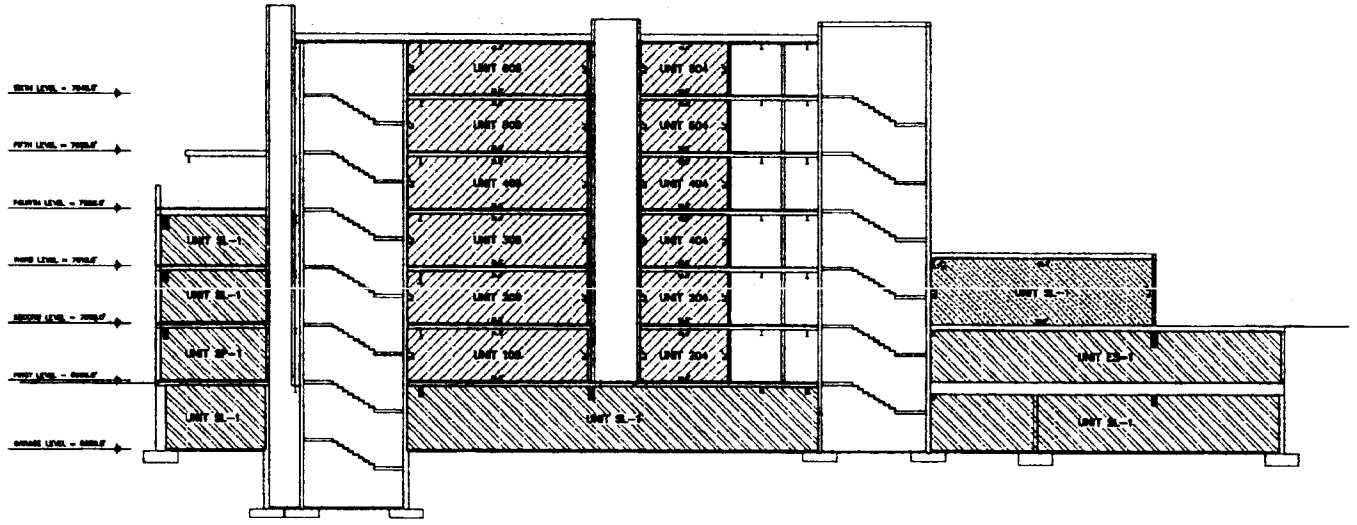


SECTION S-1



SECTION S-2

COMMON AREA

PRIVATE AREA

LIMITED COMMON AREA

COMMERCIAL AREA

COMMERCIAL LIMITED COMMON AREA

LEGEND

SF - REPRESENTS SQUARE FEET

P.O.B. - REPRESENTS POINT OF BEGINNING

U - REPRESENTS UNIT

20 0 10 20 FEET

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CONDOMINIUM PLAT

UNION SQUARE

A UTAH CONDOMINIUM PROJECT

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SHEET 11 OF 12

JOB NO: 31105 FILE: UNIONSQ-S11

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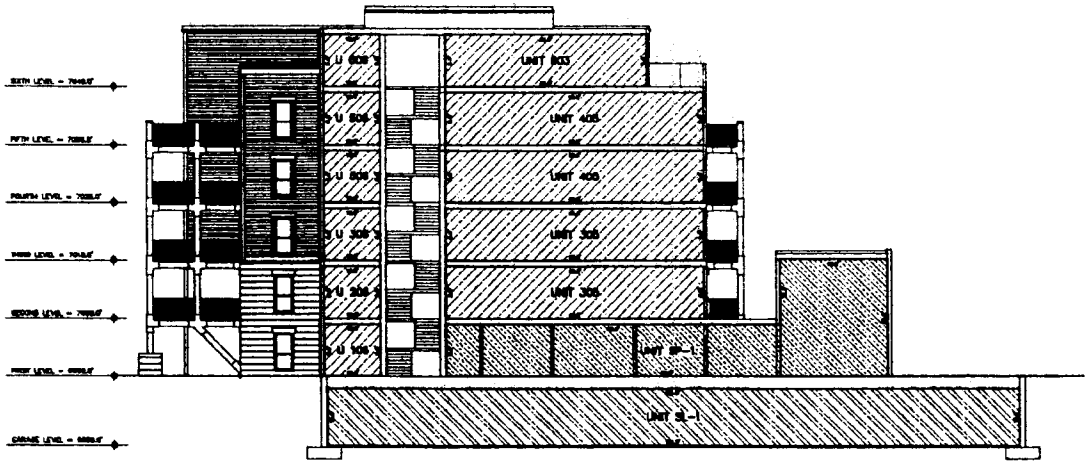
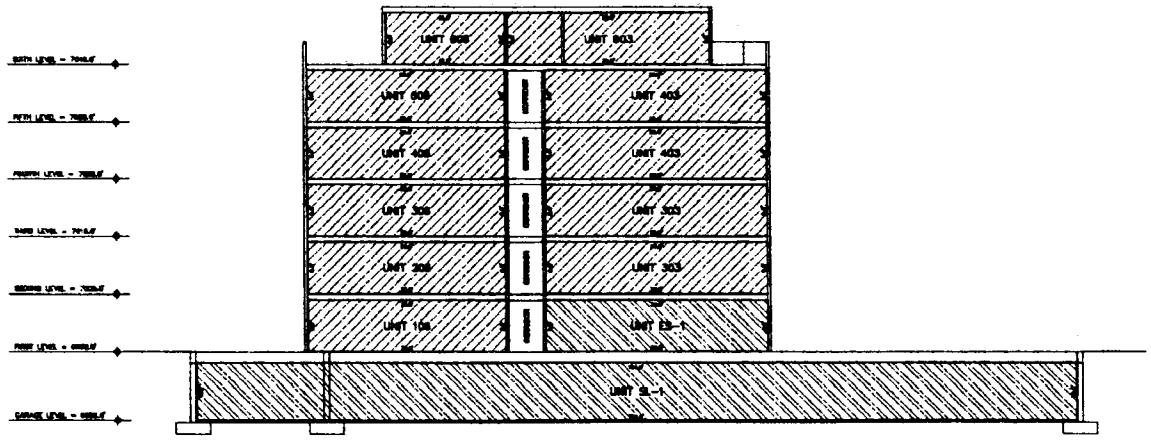
31



SECTION S-3



SECTION S-4

COMMON AREA

PRIVATE AREA

LIMITED COMMON AREA

COMMERCIAL AREA

COMMERCIAL LIMITED COMMON AREA

LEGEND

SF - REPRESENTS SQUARE FEET

P.O.B. - REPRESENTS POINT OF BEGINNING

U - REPRESENTS UNIT

20 0 10 20 FEET

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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

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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

32

City Council Staff Report

PARK CITY 1884

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.
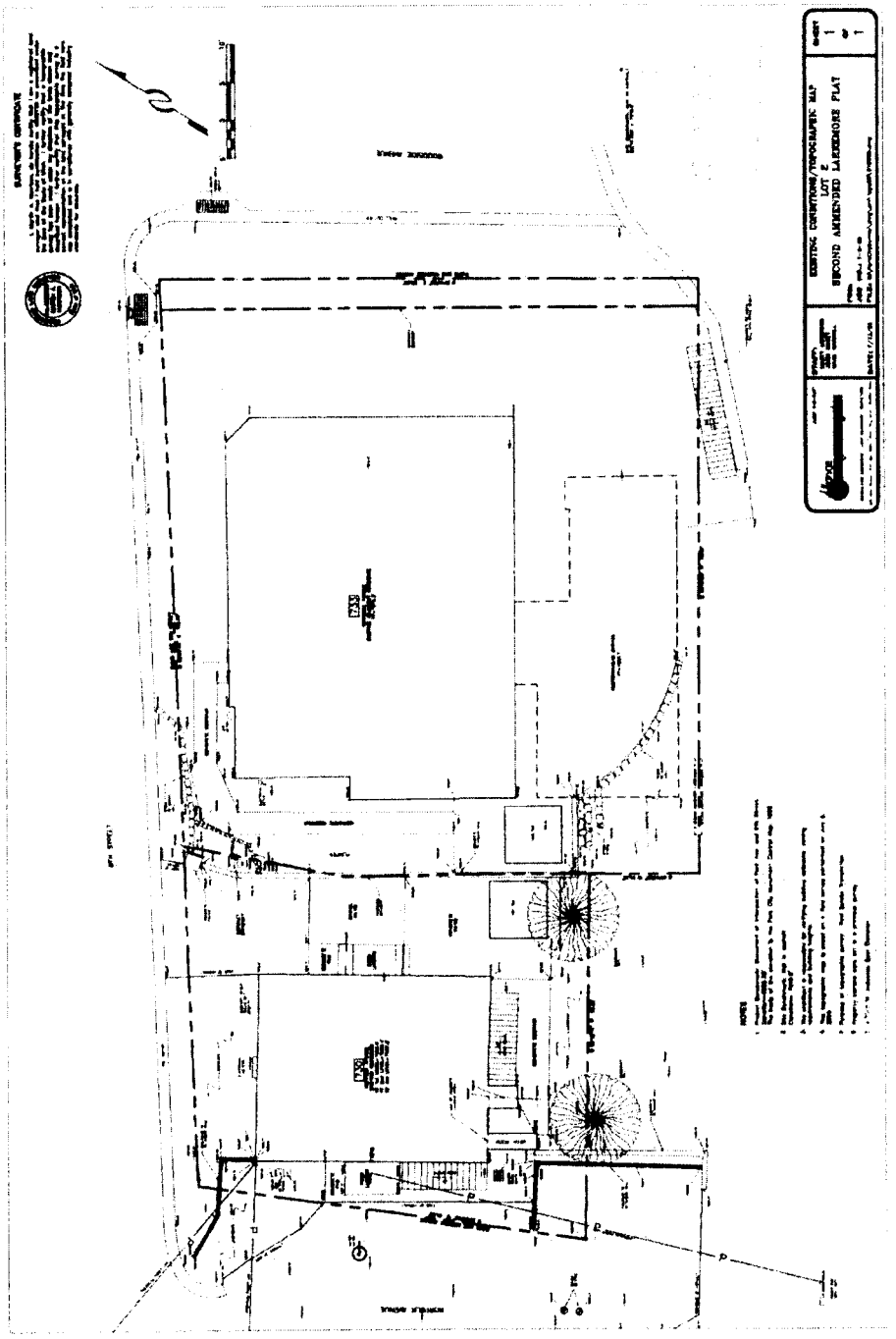
Exhibit A – Proposed Plat Amendment