PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 2, 1995

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 2, 1995.

A G E N D A

Work Session

5:00 p.m. Council questions and comments
5:15 p.m. Holiday Village Apartments
5:30 p.m. Review of regular meeting

Regular Meeting - To be held in the Work Session Room

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Representative David Ure

III MINUTES OF MEETING OF JANUARY 19, 1995

IV PUBLIC HEARING

1. Continuation of hearing of Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40 and 50 Sampson Avenue, Park City, Utah

2. Continuation of hearing of amendment to the Land Management Code on height restrictions in the HR-1 and HRL zones

V CONSENT AGENDA

1. Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40 and 50 Sampson Avenue, Park City, Utah

2. Award of engineering contract to Echoff, Watson and Preator for preliminary evaluation report in an amount not to exceed $10,361

3. Ordinance approving the 710 Main Street, Summit Watch Phase 1A final condominium plat

4. Authorize staff to enter into a contract with Royce Industries L.C. for installation of a hazardous materials storage building in an amount not to exceed $75,000

VI REPORTS FROM COMMISSIONS AND BOARDS

VII COMMUNICATIONS FROM COUNCIL AND STAFF

VIII ADJOURNMENT

Posted: 1/30/95 noon
Revised: 1/30/95 3 p.m.

Note: It should be noted that the entry under Public Input was added after the meeting and appears here on the agenda for reference purposes.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 2, 1995

I ROLL CALL

Mayor Pro Tem Miller called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 2, 1995. Members in attendance were Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Rick Lewis, Community Development Director; and Janice Lew, Planner.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda. This testimony did not occur at this point in the meeting, but appears in the Minutes here for reference purposes.

Representative David Ure - For the benefit of David Ure, Utah State Representative, the staff and Council explained the Holiday Village Apartment situation. Mr. Ure will contact the Director at FmHA. See work session notes. He updated the Council on the impact fee legislation which will not be acted upon but studied until July; equalization will be a consideration. He wasn't sure if cities could spend monies collected for school impact fees. Representative Ure discussed conservation easement and rural medical service legislation. Mr. Ure also commented on a proposal with regard to empowering Boards of Education with making determinations on out-of-state entrants in Utah schools and Lou Hudson debated some of the features of that legislation that he perceived as unfair. Ms. Kerr asked the status of the court surcharge legislation and Mr. Ure was unaware of the new language.

With no further comments, the public input session was closed.

III MINUTES OF MEETING OF JANUARY 19, 1995

Ruth Gezelius, "I move approval of the Minutes of the meeting of January 19, 1995". Roger Harlan seconded. Motion unanimously carried.

IV PUBLIC HEARING

1. Continuation of hearing of Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40 and 50 Sampson Avenue, Park City, Utah - See work session notes. The expense of a sprinkler system was discussed and Ruth Gezelius pointed out that they run between $12,000 to $20,000 to service the

recommended house sizes. Mr. Hudson couldn't understand why a owner wouldn't want a system for protection. Ms. Schneckloth responded that the cost of her lots will increase by $20,000 and will not be as attractive to buyers. She also pointed out that the Fire Department has indicated that it can respond and the Mine Road, behind her house, acts as a fire break in the event of wildfire.

Ms. Miller asked if Ms. Schneckloth had not requested a subdivision, would she have been able to build on her lots. Mr. Lewis explained that the lots are fragmented and there are difficulties with access to Sampson which rendered the lots pretty much unbuildable without a subdivision action.

Ms. Schneckloth reiterated her concerns about Condition No. 3 regarding an easement provision on Lot 2 expressed in work session and asked again why the City wouldn't have asked other property owners for their rights-of-way. Mr. Ross responded that it is not typical for the City to do that unless there's an application. In the event the City would need the property, the City Attorney explained that the City would have to buy it. Leslie Miller felt that this condition is unnecessary. Ruth Gezelius repeated the suggested language discussed in work session that it is not the intention of the easement to interfere will any historic wall or structure. Roger Harlan reminded the Council that the easement to the City would only occur if there is a catastrophe and that this issue is somewhat moot. Ms. Kerr clarified that there are two remote events that would trigger obtaining the easement; first a catastrophe and then the City's need for the easement. The City Manager suggested striking the language dealing with Lot 2 in Condition No. 3. The reason the City obtains easements is for unforeseen circumstances and Mr. Ross further explained that it is difficult for owners to have utility work done without easements. If the City were to install drainage, for instance, it would have to purchase property not granted to the City as an easement. Mr. Ross emphasized that in this instance, it is "no big deal" but would not be a desirable practice or policy of the City. Ms. Schneckloth suggested that the City obtain easements at the time of building permit issuance; the City Manager again responded that the City does not have the authority.

Ms. Miller stated that she understands the logic of the sprinkler system but didn't feel that the requirement for Lot 2 in Condition No. 3 is appropriate. Ms. Schneckloth reiterated her feelings about the fairness issue and Ms. Hoffman emphasized that every similar situation for a plat amendment and/or lot combination will involve this same consideration.

With no further comment or questions, the public hearing was closed.

2. Continuation of hearing of amendment to the Land Management Code on height restrictions in the HR-1 and HRL zones - Janice Lew explained that the proposed amendment would eliminate the standard 33 foot height and reduce the maximum height of structures on the street-side to 25 feet to the peak of the roof measured from natural or final grade, whichever is more restrictive. At a point ten feet back, the height would increase to the maximum of 33 feet to the peak of the roof. On the rear of a downhill facade, the house then steps down again to the last five feet of the structure to that 25 foot maximum. Included with these changes is a deletion of the floor area ratio for single family dwellings so that the height and setbacks would restrict the size of the house. Ms. Lew added that architects were included in the discussions regarding this proposal. In some instances, residences may be larger than if the floor area ratio formula were used.

Ruth Gezelius emphasized that the stepping of roof lines is not historic and feared that these roof lines may not be effective for snow shedding. Since half of the Old Town stock is new in-fill, she suggested that homes be designed to fit the scale of adjacent structures and that the Land Management Code be written so that it is understood by the general public. Leslie Miller and Lou Hudson also agreed that this calculation is difficult to understand.

Through illustration of slides and an overlay, Ms. Lew explained the concept for both a downhill and uphill site. An earlier draft provided staff with more discretion in altering the facade shifts and the language has been revised by the Planning Commission with more specific criteria. She discussed the language which defines height measurement. Ruth Gezelius again brought up the importance of considering the height and scale of existing buildings as it relates to aesthetics and snow shedding as the current ordinance only applies to 50% of Old Town.

Ms. Lew discussed David Belz's concerns with regard to measuring natural or finished grade on steep grades which may restrict a homes to one story. Some public input suggested that flat roofs for decks be specifically addressed in the Land Management Code. Ms. Lew felt this could be better addressed in the Design Standards and it is not prohibited in this legislation.

Quentin Scott, architect, felt that there is nothing wrong with two story houses and warned Council about concerns regarding "historical density" as it was much denser 100 years ago in Park City. He emphasized that using this proposal on the downhill side of a street could lead to the design of a structure with just a one-story front door and a garage as a streetscape. Through a slide presentation, Mr. Scott illustrated his point and the difficulties with measuring from natural grade. He explained the problems with a project he is designing on Woodside if this ordinance is approved where a front door and garage are presented on a street. The Mayor Pro Tem asked if there is a compromise. Discussion ensued regarding not specifying a height but basing criteria on two floors at the standard eight foot height. Mr. Scott added that instead of involving natural grade to consider the street level because that is how the structure will be experienced and the garage should be at street level. Ms. Lew pointed out that steep downhill lots could go to the Board of Adjustment, but Ms. Miller felt that if this problem is known in advance, to adjust language in the Land Management Code. Ms. Kerr suggested that this information should be remanded back to staff before Council is asked to act on this ordinance.

Roger Harlan pointed out that the in-fill lots in Old Town are harder to build on, and felt that the process could be tedious for the applicant and staff. Ms. Miller felt that it is important not to just have garages on a street. Chris Larson, Historic District Commission Chairman, stated that the two story concept is a dangerous precedent; he felt that if there are height limitations it needs to be based on angles and numbers.

With no further input, the public hearing was closed.

V CONSENT AGENDA

Ruth Gezelius, "<u>I move that we remove Consent Agenda Item No. 1 for the purpose of discussion and move it under New Business</u>". Shauna Kerr seconded. <u>Motion carried unanimously</u>.

Ruth Gezelius, "<u>I would further move that we approve Consent Agenda Items 2, 3, and 4</u>". Shauna Kerr seconded. <u>Motion carried unanimously</u>.

1. <u>Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40 and 50 Sampson Avenue, Park City, Utah</u> - See New Business.

2. <u>Award of engineering contract to Echoff, Watson and Preator for preliminary evaluation report in an amount not to exceed $10,361</u> - See staff report.

3. <u>Ordinance approving the 710 Main Street, Summit Watch Phase 1A final condominium plat</u> - See staff report.

4. <u>Authorize staff to enter into a contract with Royce Industries L.C. for installation of a hazardous materials storage building in an amount not to exceed $75,000</u> - See staff report.

VI NEW BUSINESS

1. Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40 and 50 Sampson Avenue, Park City, Utah - Ruth Gezelius regretted that the applicant left the meeting. She added that it is unfortunate when the process becomes burdensome. Although she respects Ms. Schneckloth's position, she also respects staff's position in terms of the conditions approved by the Planning Commission. Building on the existing lots was not realistic and there is a benefit for the applicant to have the area legally subdivided into three lots. Lou Hudson emphasized that all similar applications should be treated the same. Shauna Kerr, "I move to approve this plat amendment with the deletion of the second part of Section 3 (Condition No. 3) dealing with the historic walls, with all of the other conditions applied, and the deletion of the last line". Lou Hudson seconded. Motion unanimously carried. For clarification, Condition No. 3 will read:

3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A ten foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. ~~The following note shall be placed on the plat in regard to Lot 2:~~

~~"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a ten foot wide non-exclusive public utility easement along and abutting Sampson Avenue."~~

VII REPORTS FROM COMMISSIONS AND BOARDS

Meg Ryan reported on the Planning Commission meeting; minutes of which are available in the Planning Department. Janice Lew reported on the Historic District Commission retreat.

VIII COMMUNICATIONS FROM COUNCIL AND STAFF

IX ADJOURNMENT

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

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The meeting for which these minutes were prepared was noticed by posting 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
Deputy City Recorder

PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
FEBRUARY 2, 1995

Present: **Brad Olch, Roger Harlan, Shauna Kerr, Leslie Miller, Ruth Gezelius, Lou Hudson, Toby Ross, Jodi Hoffman, Meg Ryan, Rick Lewis, Janice Lew, Frank Bell, Ron Ivie**

Michelle Sako, Holiday Village Apartments; Fr. North, ICTHOS; Debbie Schneckloth, Sampson Avenue

1. **Council questions and comments.** Lou Hudson reported that he has received calls regarding the Holiday Village Apartment situation and processing plat amendments. Roger Harlan stated that the Recycling Center is now making money on recyclables. Shauna Kerr suggested that the Film Festival be reevaluated as there are many negative impacts including parking and congestion. Ms. Kerr noted that this event should be rescheduled during the shoulder season as many of the event patrons don't ski. Chief Bell interjected that this was discussed a few years ago, and Sundance indicated that rescheduling was not a possibility and urged Council to be specific about concerns and consequences. Leslie Miller stated that this is one of her favorite events; the community should host cultural events and the press is good. Ms. Kerr also noted that the presale "local" tickets didn't reach the residents and that there should be better controls. The Mayor recommended that this be discussed in a future work session.

2. **Holiday Village Apartments.** Meg Ryan reported that she contacted the Farmer's Home Administration regarding the application for prepayment of the loan so that the owner can take advantage of other equity loans. She spoke with Wendy Robinett who indicated that FmHA was not in support of accepting the prepayment. The prepayment would remove the subsidy currently in place. FmHA has invited public comment until February 18 and the City has sent a letter, indicating our lack of support for the prepayment and has also sent housing data; the District Director will make a final determination on the application. Michelle Sako, former manager of Holiday Village Apartments, stressed that if rents are raised, many people will be displaced. There are senior citizens, handicapped individuals and Hispanics who live there who don't have housing alternatives. Residents are writing letters; Roger Harlan felt that letters in Spanish would be a powerful statement. A tenant asked if there was interest in buying the complex. Fr. North explained that ICTHOS is the only rural non-profit corporation in Utah and it is exploring a purchase through the Utah Housing Finance Authority as well as with the FmHA so that on a long-term basis, it remains affordable housing. He added that the current owners are simply asking for an advance payment on the loan because of depreciation, but eventually this problem will reoccur. This project has been fairly well maintained which makes it more attractive for purchase. The Mayor expressed the City's concern on this matter and will follow-up.

3. Review of the regular meeting.

Ordinance approving the amendment to the Park City Survey Plat regarding 30, 40, 50 Sampson Avenue. Through illustration of a map, Rick Lewis explained the location of the three proposed lots. The Planning Commission rendered a positive recommendation with conditions. This application will reduce overall density as there were about six to seven lots. The maximum square footage for Lot 1 is 3,000, Lot 2 is 3,500, and Lot 3 is 3,000 and 400 square feet for garages. Siting of the homes will occur with the building permit issuance.

The Planning Commission recommended seven conditions with findings. Condition No. 1 requires a modified 13-D sprinkler system for all new construction on Lots 1 and 3. Mr. Lewis explained that Sampson Avenue is a prescriptive right, not a platted road, and is only 15 feet wide. The Fire Code requires that there be a 20 foot wide paved road to provide fire protection services. The Fire Chief has the authority to look at alternatives and in this case, it would be onerous for the applicant to upgrade the road and Ron Ivie is recommending the 13-D sprinkler system. There are other subdivisions that have this same requirement, because the City has some discretion. Individual building permits are permitted uses and this condition wouldn't be imposed. If the subdivision were larger, an upgrade of the road would probably be recommended. Discussion ensued regarding existing substandard roads and the prospect of amending the Land Management Code to require that everyone building, not just subdivision applications or plat amendments, be required to sprinkle under certain circumstances. Rick Lewis stated that the practice of requiring sprinkling was recently implemented because of distance from fire stations or wildfire interfacing.

Rick Lewis continued that there is a requirement that the Schneckloths provide a ten foot non-exclusive utility easement along Sampson Avenue for Lots 1 and 3. If the existing home on Lot 2 was destroyed and had to be rebuilt, the front yard setback would be applied and an easement would be granted to the City. Debbie Schneckloth stated that this condition bothers her the most because of the historic outbuildings and retaining wall by the street. Mr. Lewis stressed that the City's need for the easement is remote. Leslie Miller asked why the City is requesting the easement if it is so remote. The City Manager explained that often easements are used for working in the street and in reality this condition is more of a notice to the owner and eventual buyer, because if the house burned down, they would have to comply with setbacks which are already in place. Discussion ensued about drafting language which would indicate that it is not the intent of the easement to jeopardize the historic structures. Ms. Schneckloth complained that no one else on the street is required to do this and in 1982, granted a right-of-way to the City and the City has made no effort to obtain rights-of-way from her neighbors. Ms. Schneckloth noted that the property owner who recently built on Sampson was given considerations and actually received a setback variance. Toby Ross explained that the Board of Adjustment allowed a variance from the setback, so that the owner didn't have to back up five feet plus the normal setback from a road that is not in existence (Utah Avenue); the land is still owned by the City.

Mayor Olch asked the applicant why she didn't appeal the conditions of the Planning Commission to the Council or discuss her concerns with the Commission during its review. Ms. Schneckloth felt that if she objected that her application wouldn't be approved.

With regard to fire sprinkling, Ron Ivie explained that staff has discretion in instances of subdivisions as opposed to permitted uses. If the ordinance were strictly enforced, an upgrade would have been required and he felt that sprinkling is reasonable and often applied in other areas. Mr. Ivie indicated that he could support an amendment to the Land Management Code for installation of a fire sprinkling system for a permitted use in an area with fire protection difficulties. Although her home does not have to be retrofitted, Ms. Schneckloth felt this is not fair as the whole neighborhood is not sprinkled. Mr. Ivie pointed out that the in-fill lots are typically more difficult to build on. Ms. Kerr felt that the City's policy for fire protection has been consistent over the years and stated that she supports retaining this condition and amending the Land Management Code. Ms. Gezelius agreed.

With no time left in the work session, the regular meeting of the City Council convened.

Prepared by Janet M. Scott

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	February 2, 1995
DEPARTMENT:	Community Development Department
AUTHOR:	Janice Lew
TITLE:	Amendment to Park City Survey Plat - 30, 40, and 50 Sampson Avenue
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: Adopt the ordinance approving the plat amendment for 30, 40, and 50 Sampson Avenue, to combine several lots into three larger parcels.

DESCRIPTION:

A. Topic:

PROJECT STATISTICS

Project Name:	**30, 40, 50 Sampson Avenue**
Applicant:	**Craig J. and Debra M. Schneckloth**
Location:	**Sampson Avenue**
Proposal:	**Plat Amendment**
Zoning:	**HRL**
Adjacent Land Uses:	**Historic Residential, Single-Family**
Date of Application:	**October 7, 1994**
Project Planner:	**Janice Lew**
Staff Recommendation:	**Approve with conditions**

B. Background:

This request is to amend a portion of the Park City Survey Plat along Sampson Avenue. The property consists of several Old Town lots, a portion of platted Utah Avenue which was deeded by the City to the applicants, and an historic structure (Exhibit B). The request was reviewed by the

Planning Commission on December 14, 1994. A recommendation of approval with conditions was forwarded to the City Council at that hearing.

C. Analysis:

PUBLIC INPUT

Public noticing for the City Council hearing occurred on January 9, 1995. The staff received several phone calls requesting information, but no specific comments. The Planning Commission held a public hearing on December 14, 1994 and there was no public input.

ISSUES

1. Fire Protection. Chief Building Official and Fire Marshall, Ron Ivie has consistently requested a note be attached to all new plats and lot combinations requiring both interior and exterior fire sprinkler systems for lots such as these proposed with very limited access for firefighting equipment. Mr. Ivie also is recommending a note be attached to the plat indicating wood roofs will be prohibited.

2. Site Disturbance. Because of the potential safety and traffic problems created when development occurs in areas with substandard streets, complete plans for construction staging, construction parking, grading, erosion control, and vegetation protection (Limits of Disturbance) will be required prior to individual building permit issuance for each lot.

3. Utilities. All utility and construction plans will be reviewed by the City Engineer. Water laterals must be to current City standards. Because the City has no right-of-way for Sampson Avenue, a 10 foot easement for public utilities along the front of the proposed lots will be required. An easement is currently shown on the plat for both lots 1 and 3. An easement on lot 2 will be granted to the City, if a new structure is built on the parcel. Additionally, the Snyderville Basin Sewer Improvement District requested a note be placed on the plat indicating service laterals are not available to several lots.

4. Building Size. The Planning Commission requested the applicant add a note on the plat to further limit the house size as currently permitted by the Floor Area Ratio requirements. The compatibility of new development in mass and scale with historic structures was of concern. The applicant has agreed to add this note.

5. Existing Structure on Lot 2. The Community Development Department will have the applicant verify the location of the existing structure in relation to the new lot lines. Minor adjustments to the final plat prior to recordation may be necessary to remedy any discrepancy between existing conditions and current setback requirements.

DETERMINATION OF FINDINGS

1. Emergency and fire equipment access to the site is currently inadequate because of the substandard width and grade of streets and is a safety concern. The staff

therefore recommends a modified 13-D sprinkler system or other system as recommended by the Fire Marshal be installed in all new construction on the three lots. Wood roofs will be prohibited to further mitigate fire hazard.

2. Development on this project will create traffic and safety impacts on the surrounding neighborhood, therefore the staff is recommending complete plans for construction staging, construction parking, grading, erosion control, and vegetation protection (LOD) prior to individual building permit issuance for each lot.

3. The owner has agreed to dedicate a ten foot utility easement for public utilities because the City has no right-of-way for Sampson Avenue.

4. The owner has agreed to place a note on the plat regarding sewer lateral connections.

5. The proposal is consistent with both the Park City Land Management Code and Comprehensive Plan in that the HRL district allows single family homes on larger lots because of steep terrain and poor access.

6. The lot reconfiguration will reduce the density in a difficult area to develop.

7. Historic buildings are valuable assets which contribute to the distinct character of the community. It is therefore desirable to encourage new construction of residential structures which is compatible with the mass and scale of the historic context.

8. The applicant has agreed to attach a note on the plat indicating the maximum sizes of homes to 3000 square feet for Lot 1, 3500 square feet for Lot 2, and 3000 square feet for Lot 3.

CONCLUSIONS OF LAW

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review:

This request has been reviewed by the Community Development Department and the City Attorney's Office.

<u>**ALTERNATIVES**</u>:

A. Approve the proposed amendment thereby allowing the reconfiguration of the property.

B. Deny the proposed amendment and retain the current lot configuration.

C. Continue the item and request further evaluation and recommendation from the staff.

SIGNIFICANT IMPACTS:

The lot reconfiguration will reduce the density in a difficult area to develop and provided access to each lot from Sampson Avenue. Impact from the proposal have been mitigated to a level of non-significance by including conditions of approval.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendment as proposed, the applicant retains the right to develop the property on the originally approved and platted lots.

RECOMMENDATION:

The Planning Commission recommends approval of the proposed amendment to the Park City Survey Plat in substantially the same form subject to the following conditions:

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required for all new construction excluding additions to the historic structure on Lot 2 and wood roofs are prohibited.

2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control, and vegetation protection (LOD) shall be approved by the Community Development Department.

3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A ten foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regards to Lot 2:

   "In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10 foot wide non-exclusive public utility easement along and abutting Sampson Avenue."

4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.

5. All Standard Project Conditions shall apply.

6. The maximum sizes for residential structures on the lots shall be:
   Lot 1 - 3000 square feet
   Lot 2 - 3500 square feet
   Lot 3 - 3000 square feet
   An additional 400 square feet may be added to the total floor area for a garage for each lot.

7. The location of the existing structure in relation to the new lot lines shall be verified prior to final plat recordation and minor adjustments to the plat shall be made, if necessary, to remedy any discrepancy between existing conditions and current setback requirements.

<u>EXHIBITS</u>:

Exhibit A - Area Map
Exhibit B - Proposed Plat Amendment

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: February 2, 1995
DEPARTMENT: Community Development Department
AUTHOR: Janice Lew, Planner I
TITLE: Amendments to the Land Management Code Regarding Height Requirements in the HR-1 and HRL Districts
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve the proposed amendments to the Land Management Code.

DESCRIPTION:

A. Topic:

Land Management Code amendments regarding height requirements in the HR-1 and HRL Districts.

B. Background:

The Planning Staff and Historic District Commission began discussions to amend the Land Management Code height requirements for the district some time ago. Amendments to the LMC regarding floor area ratios, setbacks, downhill facade height requirements and triplex prohibition were adopted in April of 1993. At that time, the HDC directed the staff to work with local architects to explore methods to limit the mass of new construction in Old Town. The committee of architects suggested that in order to reduce the mass and scale of new construction, the height should be reduced. If the height limits were approved, the architects felt the floor area ratio could be eliminated on single lots.

The staff and HDC worked on the height standards over the summer of 1993 and presented a package to the Planning Commission in December of 1993. During the Planning Commission meeting of January 12, 1994, the Commission requested the HDC further review the changes. The Planning Commission felt the proposed amendments did not achieve the goal of limiting the mass of new construction and were inconsistent with the character of Old Town. The Planning Commission indicated they would support a more restrictive building height requirement. Although the Planning Commission asked the HDC to reconsider the amendments, a public hearing was held on January 26, 1994.

The staff and HDC took another look at the language and presented a revised package to the Planning Commission. The Planning Commission reviewed the proposed amendments at public hearings held on November 17, 1994 and January 11, 1995 and voted to forward a positive recommendation for approval of the amendments by the City Council.

The Planning Commission and staff received input form several members of the community (Exhibit A). The staff and Planning Commission considered the concerns expressed during the process and present the attached amendments for review.

The amendments to the Land Management Code regarding height are summarized below.

1. Reduce the maximum height of structures on the street-side to 25 feet to the peak of the roof measured from natural or final grade, which ever is more restrictive. At a point ten feet back, the height could increase to a maximum of 33 feet to the peak of the roof.

2. The current 28 foot maximum to the peak of the roof downhill facade requirement would be changed to 25 feet as well. The height of the structure may then increase 5 feet from the rear of the structure to a maximum of 33 feet to the peak of the roof.

3. Delete the floor area ratio for single standard Old Town lots (1875 square feet). The current formula will continue to regulate the size of structures on parcels larger than one standard lot.

C. Analysis:

The staff has prepared the following response to the comments received during the public hearing process.

1. **The inclusion of language which gives the Planning Department discretion to vary the length of facade shifts.**

This language has been revised based upon direction from the Planning Commission. Specific criteria has been added to the street-side section and the language eliminated from the downhill or rear facade section.

2. **The language which defines height measurements. David Belz believes the Code should**

read, " the least restrictive of natural or finished grade" to allow two stories at the front and rear elevations.

The Planning Commission did not direct the staff to revise this language. The purpose of the standard is to help preserve the historic scale of the area. Primary facades of new development should be one or two stories high so that they do not impact neighboring historic structures. If there is an unusual situation specific to the site, the property own does have the option to apply for a variance to the requirement.

3. Some of the public comments suggested that flat roofs for decks be specifically addressed in the Land Management Code.

Neither the LMC nor the Historic District Design Standards specifically prohibit roof decks in the Historic District. Given the basic concept of the typical roof pitch and the range of shapes found historically, a wide variety of designs is possible. Flat roofs are generally not permitted because they were not used historically. However, decks have been approved if a primary hip or gable roof form was maintained and the Design Standards were followed. The issue is basically one of providing a compatible design solution which meets the criteria set forth in the Historic District Design Standards. The staff therefore would prefer to modify the Design Standards to provide additional guidance if needed, rather than have the issue addressed in the LMC.

Department Review:

The amendments were reviewed by both the Legal and Planning Departments. The Historic District Commission and Planning Commission both pass a recommendation to the City Council to adopt the proposed amendments.

ALTERNATIVES:

A. Review the amendments, receive public testimony and introduce the attached ordinance which approves the proposed amendments for formal adoption at the City Council meeting scheduled February 16, 1995.

B. Conduct the public hearing, take no action at this time and direct the staff to make modifications to the amendments.

SIGNIFICANT IMPACTS:

A considerable amount of time was spent drafting the amendments and the staff believes these are important standards which should help preserve the character of the Historic District.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the City Council denied the proposed amendments, the Land Management Code will remain as it is currently written.

RECOMMENDATION:

Review the proposed amendments, receive public testimony, and provide direction to the staff on any further changes.

EXHIBITS:

Exhibit A - Public Input
Exhibit B - Planning Commission Minutes

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: February 2, 1995
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Keetley Well
TYPE OF ITEM: Award of Engineering Services

SUMMARY RECOMMENDATIONS: Award engineering service contract to Eckhoff, Watson and Preator for a preliminary evaluation report to facilitate the drilling of a test well.

DESCRIPTION:

A. Topic. Developing new water sources for Park City is an ongoing goal and concern. A test well located east of the current Park City limits and west of Highway 40 would have the potential to provide us with a source that could easily be added to our system.

B. Background. An August 1992 engineering report from Hansen, Allen and Luce indicated a potential well site for Park City which would be located east of Fairway Hills and west of Highway 40. The Division of Safe Drinking Water requires that prior to drilling a well, a preliminary source protection plan be developed. The Department of Water Resources also requires an application to move water rights to the potential well. Eckhoff, Watson and Preator (EWP) will be providing the necessary services to provide documentation to both of these agencies.

C. Analysis. The time frame necessary to develop a well for municipal use is a minimum of 3-5 years. The physical drilling and construction of necessary transmission lines takes approximately one year. The remainder of this time is required to comply with State agencies. An example of this is the Treasure Mountain Middle School well which was completed in 1989 yet there are water rights applications still pending State Engineer approval.

The process becomes cumbersome when protests are initiated by downstream property owners. This well will be no exception. The advantage Park City has with this well is the United

States Geological Survey (USGS) has agreed to drill the test well as part of the Snyderville Basin Water Study. This should help streamline the approval processes necessary from Safe Drinking Water and the Division of Water Rights. USGS is proposing drilling approximately 800 feet into the Thaynes aquifer. This compares to 250-300 feet in the Park Meadows/Treasure Mountain Middle School wells. The cost to Park City from USGS is approximately $40,000.00 compared to $48,000.00 by using private sources.

City staff has received verbal authorization from the property owner to drill at the proposed well location. They will provide Park City with a temporary easement for the preliminary well and a permanent easement should the City develop a full production municipal well. The engineering services will provide a survey of the property and the necessary legal descriptions for our legal staff to prepare easement documents.

Water Supply and Distribution was a top priority in Council's **1994-96 Action Agenda**. This is part of our ongoing effort to locate and develop new water supplies for Park City.

D. Department Review. The development of a water supply for Park City has been discussed with Public Works, Legal, Community Development and Administration. All agreed this was a needed step in procuring Park City's water future.

ALTERNATIVES:

A. Approve the request to EWP for engineering services. The USGS is scheduled to begin drilling in mid-April. Due to the compressed time frame the RFP process was not considered. EWP has worked on numerous City projects and possesses all the skills necessary and resources to complete the project within the given time frame.

B. Deny the request.
A delay in drilling the well will postpone Park City's time schedule back approximately 4-6 months. A delay keeps us from determining if other viable water sources are available.

C. Do nothing.
This alternative has the same consequences as B.

SIGNIFICANT IMPACTS: It is important that Park City understands what water resources are available to meet the needs and demands of our community. Our ability to find and develop water in close proximity to Park City is becoming more difficult. This is one of only a few alternatives that remain. If water is not available at this location, it will increase the effort required to acquire new water supplies at a cost significantly higher.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The only consequence of delaying the test well is not knowing whether this site will provide a potential municipal supply well. Based on demand projections, a new water source will be required within the next five years. A delay will impact our ability on having a new source available when the need arises.

RECOMMENDATION: The recommendation is to award the contract to EWP for

$10,361.00 to provide a preliminary source protection plan to meet the Safe Drinking Water requirement; provide assistance to move water rights to the potential well site; develop easements for the well site and access; and coordinate our effort with USGS for the drilling of the well.

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COUNCIL AGENDA REPORT

DATE:	**January 31, 1995**
DEPARTMENT:	**Community Development Department**
AUTHOR:	**Nora Seltenrich, Special Projects Manager** NLS
TITLE:	**Summit Watch Phase IA Condominium Plat**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Approve with conditions.

DESCRIPTION:

A. **Topic.** The applicant is applying to condominiumize building A3. The plat is the first supplemental record of survey for the Summit Watch Project and the Declaration is the Second Amendment to Declaration of Condominium. The Plat and Declaration are an expansion of the existing recorded plat for the Summit Watch Project.

Building A3 consists of 28 units (1250 sq.ft. in size) and 6358 net sq.ft. of commercial space. Both Footing and Foundation and Full Building permits have been issued on the structure. The plat as proposed is consistent with the Planning Commission approval and with the approved building plans.

B. **Background.** In November of 1994, the Planning Commission reviewed and approved a revised Large Scale MPD for the Summit Watch Project (aka Town Lift). At the same time, the Commission approved Phase 2 of the project which consists of building A3 and the Aquacade. Both structures are now under construction. The Planning Commission reviewed and approved the plat on January 25, 1995.

C. **Analysis**. The staff has reviewed the proposed plat and finds them to be be consistent with the Planning Commission approval and the subidivision ordinance. Conditions of approval are recommended to resolve any outstanding issues.

The City and the applicants have been working on Maintenance Agreements and Easement Agreements which commits Summit Watch to a level of maintenance necessary for emergency access purposes. Those documents have to be executed prior to issuance of any certificates of occupancy for building A3.

D. **Department Review.** The Planning, Engineering and Legal Staffs have reviewed the application.

ALTERNATIVES

A. Approve the plat with conditions.

B. Continue the item for further information.

C. Direct the staff to prepare findings for denial of the requested plat approval.

SIGNIFICANT IMPACTS: Approval of this plat will allow sales of the Timeshare Units in BuildingA3.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The applicants will be unable to record the plat and transfer sale of intervals of ownership.

RECOMMENDATION: The staff recommends that the City Council approve the request for approval of the condominium plat for Summit Watch, Phase 1A (Building A3) based upon the following:

Findings:

1. Building A3 is currently under construction and is consistent with the Planning Commission Large Scale MPD approval dated November 30, 1994.

2. This condominiumization expands the existing Summit Watch Project and will be a part of the Marriott Ownership Resorts program.

Conclusions of Law:

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

Conditions:

1. Final details on the landscape and plazascape shall be reviewed and approved by the staff and a security posted to ensure installation prior to any certificates of occupancy being issued on building A3.

2. The City and applicant shall execute the required maintenance and easement agreements prior to any certificates of occupancy being issued on Building A3.

3. Construction plans and details on the Main Street/Deer Valley Connection shall be reviewed and approved by the Community Development Department and construction commenced prior to certificates of occupancy being issues for building A3.

4. Prior to plat recordation, the City Engineer and City Attorney shall review and approve the plat and declaration of condominium.

5. All Park City Municipal Corporation Standard Projects Conditions shall apply.

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COUNCIL AGENDA REPORT

DATE:	February 2, 1995
DEPARTMENT:	Leisure Services/Parks and Golf
AUTHOR:	Pace Erickson
TITLE:	Administrative
TYPE OF ITEM:	Hazardous Materials Storage Building

SUMMARY RECOMMENDATIONS: Authorize the Parks Department to enter into an agreement with Royce Industries to install a pre-fabbed Hazardous Materials Storage Building.

DESCRIPTION:

A. **Topic.** Employee safety and environmental protection has been a concern for many years. Because of the potential for accidental releases and environmental contamination,. it has become increasingly important that we work to meet the State and Federal Regulations on hazardous material handling and storage.

B. **Background.** In 1992 several hazardous storage issues were presented to the Parks Department and how we do business. In meeting with the chief building official a solution was agreed upon, a pre-fabbed structure would satisfy his concerns as well as OSHA and the EPA.

C. **Analysis.** In 1987 when the Parks and Golf Maintenance Facility was completed there was no provision for hazardous materials storage. As we have grown, it has become a larger and larger issue mainly because of the fire hazard.

D. **Department Review.** This has been presented to the Building Department and the Planning Department. Their concerns were to conceal it as much as possible. We have addressed their concern through landscaping and burning.

ALTERNATIVES:

A. **Approve the request for a Hazardous Materials Storage Building.** Construct a permanent Hazardous Materials Storage Building. This would provide us with what is needed and comply with State and Federal Regulations but at a much higher cost estimated at $140,000.00

B. **Do nothing.**
One alternative to doing this project is do nothing. The disadvantage to delaying the project are non-compliance with the Fire Code and EPA 1910 Regulations regarding hazardous materials storage.

SIGNIFICANT IMPACTS: The cost of the project is $98,000.00. This includes the building, pad, secondary containment barrier, mix and load area, and landscaping. There is currently $101,600.00 in the capital improvements budget earmarked for the Hazardous Materials Storage Building.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Fortunately, we have been very lucky to not have any spills or serious accidents. State and Federal Regulations are in place at the present time. Although, State and Federal Inspectors have been lenient, they will be cracking down on violations in the near future.

RECOMMENDATION: The recommendation is to approve an agreement with Royce Industries for the installation of a Hazardous Materials Storage Building.