PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 1, 1996

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 1, 1996.

AGENDA

Work Session
Revised

3:00 p.m.	Process for Planning Commission interviews
3:20 p.m.	Paul Reed
3:35 p.m.	Michael O'Hara
3:50 p.m.	Karri Walzer
4:05 p.m.	Jon Brinton
4:20 p.m.	Chris Larson

Closed Session

4:35 p.m. Planning Commission appointments

Work Session

5:10 p.m. Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Community Development Department - Mark Dickens

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV MINUTES OF MEETINGS OF JANUARY 11, 1996 AND JANUARY 18, 1996

V PUBLIC HEARING

Ordinance approving the amendment to Lot #5 of the Morning Star Estates Subdivision Plat, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the amendment to Lot #5 of the Morning Star Estates Subdivision Plat, Park City, Utah

2. Ordinance approving the conversion to condominium ownership at 210 Daly Avenue, Park City, Utah

3. Land trade with DJK Properties (David Krajeski) in Swede Alley

VII RESIGNATIONS AND APPOINTMENTS

1. Two appointments to the Planning Commission for terms beginning February 1, 1996 to February 1, 2000

2. Acceptance of the resignation of Chuck Klingenstein from the Planning Commission and appointment to fill his unexpired term to February 1, 1999

VII ADJOURNMENT

Posted: 1/29/96

Note: It should be noted that the entry under public input occurred during the meeting and was not posted as an agenda item. It appears here for ease of reference.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 1, 1996

Present: Mayor Brad Olch, Councilmembers Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock

Toby Ross, City Manager; Bob Stephens, Administrative Services Director; and Jodi Hoffman, City Attorney

Absent: Hugh Daniels

1. **Planning Commission interview process.** Bob Stephens distributed a list of interview questions for Planning Commission candidates, some of which were submitted by the Council. The City Manager suggested that Council may want to consider questions that correlate to selection criteria. Mr. Stephens noted that at last discussion, criteria includes vision of Park City, conflict resolution skills, judgment, conflicts of interest, community involvement, and communication skills. Discussion ensued regarding the questions individual members felt were important among the 14 sample questions. With regard to Question 9, referenced below, the City Attorney advised that since the Town Lift bridge may be quasi-judicial, to not solicit an opinion. Mr. Klingenstein pointed out that if a member is not appointed until the Town Lift decision is made as the seated Planning Commission has requested, the concern is not germane. Ms. Kerr suggested that since Council will be making an appointment to fill an unexpired term and in consideration of having a quorum for voting, that that one be made at this time. Mr. Klingenstein stressed that he took office in the middle of the original Town Lift proposal and in retrospect, felt that it is unfair to the appointee and the applicant. It was indicated that no Commissioner has indicated a conflict resulting in abstaining from the Town Lift vote. The Mayor recommended a finite date for the appointment being set for March 1 or sooner if a vote is taken on the Town Lift. Bob Stephens distributed an evaluation sheet to rate interviews. The Mayor reminded the public that the interviews will be held in open session and a closed session will be held subsequently to make a decision. Candidates, of course, will not be allowed to hear other interviews.

Paul Sincock stated that he has checked the state code with regard to closed meetings and asked if decisions can be made in closed session. Jodi Hoffman explained that Council could not adopt an ordinance or a resolution in closed session, but could reach a consensus and direct staff to draft legislation in closed session. Council could reach a consensus regarding appointments in closed session, but the actual appointments will be voted on at the regular meeting. Mr. Sincock stated that he has talked with everyone on the Council regarding holding closed sessions to decide who should be interviewed and is dissatisfied with the recent process with regard to Planning Commission candidates. He agrees with the outcome but has problems with culling down the list so that the interview process takes less time and pointed out that it would have been less time to not hold a 50 minute closed session to cull down the list, when Council could have interviewed everyone in 45 minutes. He does not want to participate in any more closed sessions to cull down the list and would prefer to interview everyone that applies, and then have a closed session to determine appointments. Mr. Sincock felt that it was a mistake and felt that Council should reconsider this and interview all eight candidates for the Planning Commission and continues to feel uncomfortable about the process. Mayor Olch pointed out that Mr. Sincock agreed to the original process. Mr. Sincock agreed, but in retrospect, stated that he does not agree with the process unless there are many applicants, but in this instance Council is interviewing five out of eight applicants. Mr. Sincock clarified for Ms. Kerr that he would like to interview the three candidates that were rejected. Ms. Kerr felt that that would be very inappropriate. She would consider a different process in the future, but reminded Mr. Sincock that one of the commitments at the retreat was not to look back. Chuck Klingenstein stressed that Council agreed to a process up-front and stated that he will be consistent with that decision. Mr. Klingenstein added that he is more than willing to improve on a process in the future, but doesn't feel it productive as Council needs to move forward.

The following questions were asked in this sequence by individual Council members:

1. Mayor Olch - Why are you interested in serving on the Planning Commission? What is the major asset you will bring to the Commission if you are selected?

2. Chuck Klingenstein - Describe your position regarding private property rights and how those rights fit within the context of community rights and interests.

3. Shauna Kerr - Under what circumstances do you perceive that you would have a conflict of interest with your role on the Planning Commission? What percentage of the issues going before the Planning Commission would you expect to be a conflict of interest for you?

4. Paul Sincock - Please describe your vision of Park City as we enter the next century. What would you like to see the social and economic base of Park City be?

5. Roger Harlan - Have you ever had to make unpopular decisions? Tell me about an unpopular decision you had to make. Who did it affect? Why did the situation arise? How long did it take you to make the decision? How do you feel you handled it? What did you learn from this event?

Back-up questions include:

6. Shauna Kerr - As a Planning Commissioner, how would you approach annexation projects like Flagstaff and other master planned developments in an unbiased manner?

7. Chuck Klingenstein - In your own mind, what time commitment do you feel it takes to serve on the Planning Commission? Do you anticipate interruptions in your personal life as a result of being an appointed official?

Paul Reed - The Mayor introduced Mr. Reed to the Council members and thanked him for his interest in the position. In response to the Mayor's question, Mr. Reed stated that he is concerned about the future of Park City and wants to see that the residents of Park City are fully represented. He is extremely concerned about annexations and their impacts and trying to preserve the historic and resort nature of the community. Mr. Reed relayed his concerns for the need for affordable housing. His assets include a bachelor degree in empirical sociology, a masters degree in public administration and 20 years of law enforcement and research and development experience with the city of Long Beach, New York. Mr. Reed stated that he has extensive planning experience which is not only an art and a science, but a process.

With regard to property rights, Mr. Reed felt that there should be a balance. The community's rights are protected by zoning laws. The most difficult aspect is to balance rights with the environment and open space. With regard to conflicts of interest, Mr. Reed stated that his involvement in the community is being President of the Lions Club and serving on the Utah Ski Council; his investments are extraneous to Park City. Mr. Reed clarified that he has no business connections in Park City. With regard to a vision for the community, he hoped that Park City would have a stronger economic base aside from the resort, like a soft industry that could generate a higher level of income for more residents. This is a major issue as there are many people here that bring their incomes with them. He felt that Park City can grow economically and wants to make sure that residents are not left out. With regard to an unpopular decision, Mr. Reed relayed an experience as a police officer in New York involving the deinstitutionalizion of mental patients to senior citizen houses in the neighborhoods. He established a standard of care for the mental patients, which he felt protected citizens, but may have created hardships on the care of handicapped individuals.

Michael O'Hara - In response to the Mayor's questions, Mr. O'Hara responded that he is active in a variety of community organizations and has been interested in the Planning Commission because of the growth issue. He felt that his background in environmental affairs would be helpful. With regard to property rights, Mr. O'Hara relayed that you could probably do whatever you want if you're building one house on 40 acres, but pointed out that residential homes need to fit within the context of the neighborhood. He noted that his professional clients have been the city of Park City and also Summit County and did not see that there would be a conflict there. He added that Commissioner Tesch requested his services to analyze air quality in Park City which is a strong interest of his and again reiterated that he did not anticipate any potential conflicts of interest. Mr. O'Hara stated that he would not vote on an issue where he had a contractual relationship. With regard to a vision for Park City, Mr. O'Hara answered that decisions made today should be reflective of the fact that we will be living with them for 20 or 30 years. In response to the unpopular decision question, he stated that as a principal in a company, he is in a position to make decisions that no one likes to hear and bad decisions he has to live with. He assured Council that he would not back away from unpopular decisions because he would vote his conscience. There is a position of trust on the Commission that he would honor. Mr. Klingenstein pointed out the time commitment involved on the Planning Commission, and Mr. O'Hara stated that as a principal although he puts in long hours, it is at his discretion. He is quite flexible and was aware of the time commitment when he applied. With regard to annexations and/or large scale developments, Mr. O'Hara explained that he would be open-minded and discussed the dramatic changes in Park City since he moved here in 1982. If annexations are approved, there should be benefits to the community.

Karri Hayes-Walzer - Ms. Walzer stated that she wants to serve on the Planning Commission because she is concerned about what is happening in Park City. She continued that she has lived here for 25 years and has never had a problem with growth, but feels that the sense of community is dwindling and breaking apart, and that is why she applied. She feels that her long residency in Park City is an asset. With regard to private property and community rights, Ms. Walzer felt that everyone who owns property has the right to develop it as long it fits into the plan and vision for the future. As a housewife and not employed by a business, felt that she would not have conflicts of interest. With regard to the vision and future of Park City, Ms. Walzer recognized that there is a lot more to be built in this town that has been approved, but hoped that we can still maintain a sense of community. Growth was a major issue during the campaign; she would like to see things slow down a little bit and to pull people into the community instead of spreading it out so far that we become another Sandy where people don't know their neighbors. Her father moved here because of the great sense of community and that is why she wants to stay here. She discussed a difficult decision she had to make on the Recycling Board. The Ashton Oil Building was on the recycling site and the Historical Society really wanted to save it but it was soaked with oil and there was no economically feasible way to save the building. She made the decision to tear it down, which was difficult. Ms. Walzer stated that she makes time for her community involvement. As a writer, she feels that she can read over material very quickly and extract the information she needs. With regard to approaching large scale developments, Ms. Walzer stated that she would review a proposal and analyze its impacts. The Mayor asked Ms. Walzer to expand on her vision of Park City. She responded that in consideration of the 2002 Olympics that she would like the mountain to become more high-tech to keep up with improvements and facilities at other ski areas. Ms. Walzer added that there needs to be a good transportation plan.

Jon Brinton - Mr. Brinton stated that he would like to be a Commissioner because Park City is at a crossroad. There is tremendous pressure from the outside for new people to be a part of the community. He noted that he was here in the 50's, 60's, and 80's and saw the transformation of a mining community to a skiing community. He wants to make sure that developments are put through thorough reviews before they are allowed to occur. He is not a proponent of growth at any cost. He hopes that in 20 years Park City is just as unique as it is now. Mr. Brinton felt that his asset is his vested interest in the community. He described his property management company and added that he is a member of the Utah Ski Association Board of Directors, Utah Travel Council and participates in every way he knows how to make sure that tourism is a vital part of the community. With regard to private property rights and community interests, Mr. Brinton felt that ownership of property is something that everyone truly cherishes, but just because you own land doesn't mean you can do anything you want to do. As a Commissioner he would like to ameliorate people's wishes for use of private property to recognize that that use has to be sensitive to the community. As a property manager, he stated that he has never had a contractor ask for his input regarding a development. He does not feel that there would be a conflict of interest if a development goes through the approval process and becomes a property that he manages. There would be a conflict if he participates in the planning process with the understanding that if the applicant is successful that he has a better than even chance of being the recipient after the fact. He emphasized that he is not here for personal gain, and his purpose is to give back to the community. With regard to a vision for Park City, Mr. Brinton felt that Park City is a resort community and we should continue to pursue these fundamental economics. He added that there should be opportunities for people of all levels of income to be able to be a part of this community. Mr. Brinton would like Park City to be a small town, not a huge suburb, concerned about open space and the opportunity for us to enjoy our community rather than being forced together. With regard to unpopular decisions, Mr. Brinton indicated that he is not the type of person who walks away from conflict and is prepared to confront conflict. Conflict is a process where there is an opportunity to come into agreement. Mr. Brinton described the problems that arise in the hospitality business and the ways he tries to solve them. With regard to the review of large scale developments, Mr. Brinton feels that the Commission analyzes impacts of a development, determines alternatives and the value of a project objectively.

Chris Larson - Mr. Larson stated that his primary reason for applying for the Planning Commission was Alison Child stepping down as she did a good job of representing the Historic District. His interests are a little broader than the Historic District and he referred to the Flagstaff annexation, Town Lift, and non-motorized trails projects. The HDC has dealt with some tough issues, but by the time applications get to the HDC, they are just asked "to throw some paint at the project". He would like to have more input on projects. Mr. Larson discussed the fact that Park City is surrounded by private property, but that is where planning and zoning comes in as people have the right to plan and zone. People who own private property have the right to develop to a certain extent but there has to be a balance with the overall interests of the community. Mr. Larson did not feel that he had any potential conflicts of interest whatsoever other than owning a home. With regard to a vision for Park City, Mr. Larson expressed that it is his goal for Park City to remain a ski resort town based on a mining town heritage and those two features should be carried forward. With regard to making an unpopular decision, Mr. Larson stated that the hardest decision he had to make was denying Burnis Watts' application to tear his house down. This was symbolic of all of the culture clashes going on in Park City. He added that the height amendments were difficult because it pit the community against each other. The lessons learned are striking a good compromise and if you can't strike a compromise, you've got to take the hard line and follow your heart. Mr. Larson stressed that if he feels that he is doing the right thing, he will stand up and do it. With regard to large scale developments, Mr. Larson explained that as a Planning Commission you have to apply the code to the specifics of a project and then deal with the intangibles. Decisions have to based on the law.

The interviews were concluded and the Council decided to convene in closed session to deliberate on appointments, as advertised on the agenda. Shauna Kerr, "I move to close the meeting to discuss in confidence, the character and qualifications of the candidates". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Chuck Klingenstein	Aye
Shauna Kerr	Aye
Paul Sincock	Aye

The meeting opened at approximately 5:10 p.m.

2. **Council questions/comments.** Shauna Kerr encouraged the public to use the valet parking being tested. She thanked the bus drivers, police, and snow removal crews who worked hard through the Film Festival. The Mayor also recognized the efforts of the snow removal crew. Chuck Klingenstein noted that residents by the Education Center were impacted by erratic parking, and suggested that the Film Festival hire professionals as the volunteers are not effective. Shauna Kerr recommended implementing a master transportation plan and used the Franklin Quest golf tournament as an example. Paul Sincock added that the Film Festival guest is not likely to use the bus system and felt that Sundance should be encouraged to work on a transportation plan. As a follow-up to the retreat, Chuck Klingenstein suggested that the Council set a social date. It was decided to set aside February 29 as a ski day at Snow Basin.

The City Council discussed the three neighborhood meetings scheduled on February 5, 6, and 7; it was pointed out that not all members need to attend all meetings. With regard to the draft hand-out for the meetings, Paul Sincock discussed de-emphasizing "resort community" and making that feature equal with other priorities. He commended staff on the he growth management report.

Roger Harlan felt that certain streets in Old Town should prohibit patron parking during the Film Festival. Toby Ross pointed out that there were complications with the heavy snowfall. Although ticket sales were limited this year, Ms. Kerr felt that that resulted in more people congregating for tickets. She felt people should be discouraged from showing up if they don't have tickets. Ms. Kerr felt that mass transportation should be tied somehow with the ticket to the venue. She felt that the "will call" issue also needs to be addressed. Mr. Harlan discussed abandoned cars that needed to be towed on the main bus arteries.

The Mayor felt that Bonanza from the traffic light all the way up to the railroad tracks should be posted no parking at all times. Paul Sincock added that valet parking could be expanded during the Film Festival.

3. **Review of regular meeting.** See regular meeting minutes and attached staff reports.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 1, 1996

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 1, 1996. Members in attendance were Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Janice Lew, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Community Development Department - Mark Dickens, 1109 Empire Avenue, stated that the newly enacted Historic District amendments to the Land Management Code are an on-going concern of Old Town residents and property owners. He has personally volunteered his input, and at this point, it is disheartening to have the amendment pass without including the affected landowners in the decision. He added that he has a project in the process and has been trying to contact Rick Lewis for weeks and cannot get a return phone call. This is very frustrating and there needs to be some attention given to adequate staffing. Mr. Dickens indicated that he is personally willing to pay additional property taxes if spent in a productive manner. At the very least, he would appreciate the professional courtesy of having a return call or having someone available so his questions can be answered so he doesn't have to complain to the City Council. As Rick Lewis was in attendance, the Mayor directed Mr. Lewis and Mr. Dickens to get together tonight.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV MINUTES OF MEETINGS OF JANUARY 11, 1996 AND JANUARY 18, 1996

Chuck Klingenstein made a correction to the work session notes of January 18, 1996 and advised that Rick Lewis and Myles Rademan be included in the roll of the Memorandum of Closed Session. Roger Harlan pointed out a typographical error in the minutes of the meeting of January 18, 1996. Chuck Klingenstein, "I move approval of the minutes of the meeting of January 18, 1996, as corrected, and the minutes of January 11, 1996. Paul Sincock seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye

Paul Sincock	Aye

V PUBLIC HEARING

Ordinance approving the amendment to Lot #5 of the Morning Star Estates Subdivision Plat, Park City, Utah - Chuck Klingenstein disclosed that he will be abstaining from discussing and voting because he reviewed this application as a Planning Commissioner. Planner Janice Lew explained that this is a request to change the building zone location providing a larger setback from the road and better landscaping in the area. The proposed building zone will be extended to the east and an equal portion will be eliminated from the northeast as it currently exists so the total area will remain the same. The Planning Commission has forwarded a positive recommendation with the findings, conclusions of law, and conditions as stated in the staff report. There was some public input, but no one is in opposition of the application. Hearing no comments or questions from the public or the City Council, the public hearing was closed.

VI CONSENT AGENDA

Shauna Kerr, "I move approval of Consent Agenda Items 1 through 3". Paul Sincock seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye; Abstention Item 1 only
Paul Sincock	Aye

1. Ordinance approving the amendment to Lot #5 of the Morning Star Estates Subdivision Plat, Park City, Utah - See attached staff report.

2. Ordinance approving the conversion to condominium ownership at 210 Daly Avenue, Park City, Utah - See attached staff report.

3. Land trade with DJK Properties (David Krajeski) in Swede Alley - See attached staff report.

VII RESIGNATIONS AND APPOINTMENTS

1. Two appointments to the Planning Commission for terms beginning March 1, 1996 to February 1, 2000 - Shauna Kerr publicly thanked all of the individuals who applied for the Planning Commission and stated, "I am pleased to move for two appointments to the Planning

Commission for terms beginning March 1, 1996 serving until February 1,2000 for Michael O'Hara and Chris Larson". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

2. Acceptance of the resignation of Chuck Klingenstein from the Planning Commission and appointment to fill his unexpired term to February 1, 1999 - Roger Harlan, "I am delighted to accept the resignation of Chuck Klingenstein and thank him for the excellent work he has done on the Planning Commission and to nominate to the Planning Commission Karri Hayes-Walzer for an appointment that would begin on March 1, 1996 and would terminate on February 1, 1999". Paul Sincock seconded. Motion carried

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Mayor Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Shauna Kerr, "I move to close the meeting to discuss in confidence, the character and qualifications of the individuals candidates". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

The meeting opened at approximately 5:10 p.m.

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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

Janet M. Scott, Deputy City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

MEETING RECOMMENDATIONS

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: February 1, 1996
DEPARTMENT: Planning Department
AUTHOR: Stephen R. Call
TITLE: Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends the Council approve the proposed amendment to the Morning Star Estates Subdivision plat which reconfigures the platted building zone for lot #5 (known as 3781 Rising Star Lane).

DESCRIPTION:

A. Topic.

An amendment has been proposed to lot #5 of the Morning Star Estates Subdivision Plat which will reconfigure the platted building zone as shown on EXHIBIT A - Plat. Please refer also to EXHIBIT B - Location Map.

B. Background.

This application for a plat amendment was submitted by Kenneth and Jane Pigott, owners of lot #5 Morning Star Estates. In summary, the owners wish to change the location of the building zone to provide a greater setback of the house from the road (Rising Star Lane), hoping to improve the landscape buffer between the house and the road.

C. Analysis

Platted Building Zone:

The final plat for Morning Star Estates was approved by City Council on July 2, 1992.

The existing building zone is situated on a south-southwest facing hillside predominantly covered with gambel oak.

Proposed Building Zone modification:

As shown on the proposed Plat (EXHIBIT A), the proposed building zone is extended to the east and an equal portion to the northeast is deducted such that the total area of the building zone remains the same.

As proposed, the building zone modification does not increase the total size of the building zone and may improve the view shed for lot #4.

The proposed building zone change would provide the opportunity for an increased front yard setback, a potential benefit to the adjacent property owners and subdivision.

Staff believes that the increased front yard setback will not significantly impact or increase the visual impact of the structure on the site or to adjacent neighbors.

D. Department Review.

The Community Development Department and the City Attorney's office have reviewed this application.

On November 29, 1995, the Planning Commission reviewed this application and has forwarded it with a positive recommendation for City Council Approval.

ALTERNATIVES

A. Support Staff's recommendation to forward a positive recommendation to the City Council on the plat amendment for lot #5 of the Morning Star Subdivision Plat allowing the reconfiguration of the building zone.
B. Deny the plat amendment request.
C. Continue the item to the February 15, 1996 meeting for further discussion and input.

SIGNIFICANT IMPACTS:

Alternative A: This alternative will allow a house to be shifted further back on the lot, allowing an increase in the front yard setback, a potential benefit to the adjacent property owners and subdivision.

Alternative B: The owner will be required to build within the existing platted and approved building zone.

Alternative C: Defers action to a later date.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The owner will be required to build within the existing platted building zone.

PUBLIC NOTICE AND COMMENTS:

Notices were sent to all property owners in Morning Star Estates Subdivision and within 300 feet of Lot #5.

As of the time of this report (January 26, 1996) the following public comments had been received:

George Mazanec, property owner - 3800 Rising Star Lane: Mr. Mazanec was opposed to the plat amendment as originally proposed. However, at the time of this report, Mr. Mazanec doesn't believe he will have problem with the modified plat amendment as currently proposed.

Mrs. Romney, property owner - 3853 Rising Star Lane: Mrs. Romney is neither for nor against the proposed building zone change.

RECOMMENDATION: Staff recommends adopting the proposed plat amendment for lot #5 Morning Star Estates based upon the following findings and conclusions:

Findings:

1. The revised proposal is consistent with both the Park City Land Management Code and Comprehensive Plan.

2. The revised plan will increase the frontyard setback by approximately 25 feet and will not significantly impact or increase the visual impact of the structure on the site or to adjacent neighbors.

3. The aggregate size of the revised building zone will be no greater than the existing building zone.

4. The revised plat will allow the structure to be placed in an area that has optimal soil conditions and will provide for the most substantial support.

Conclusions of Law:

1. There is good cause for the plat amendment.

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

amendment.

Conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat in accordance with the Final Conditions of Approval and the Land Management Code.

2. All Standard Project Conditions shall apply as approved on July 2, 1992.

3. The aggregate size of the revised building zone will be no greater than the existing building zone.

EXHIBITS:

EXHIBIT A - Plat
EXHIBIT B - Location Map
EXHIBIT C - Ordinance

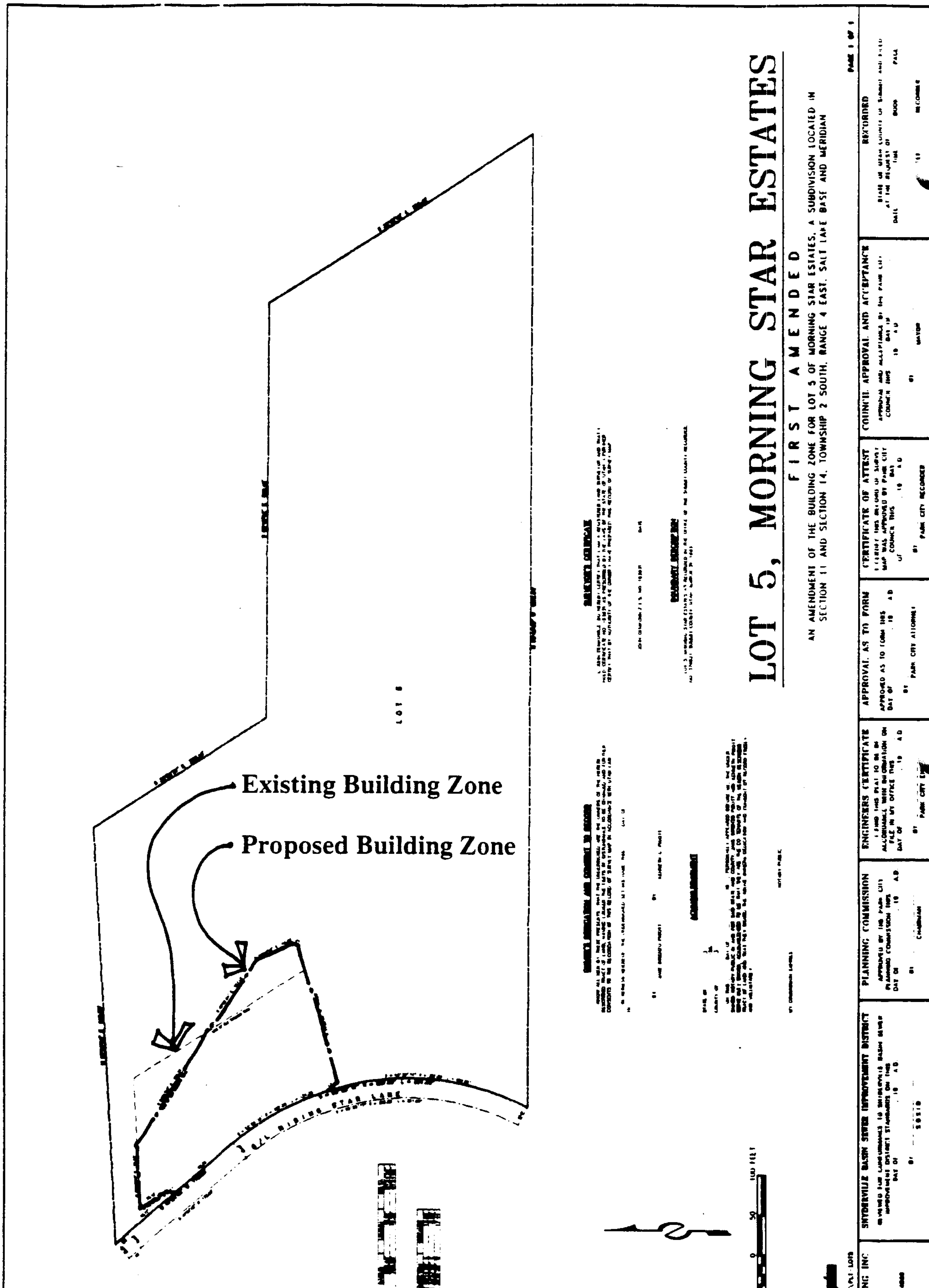


EXHIBIT A
Plat

MORNING STAR ESTATES SUBDIVISION

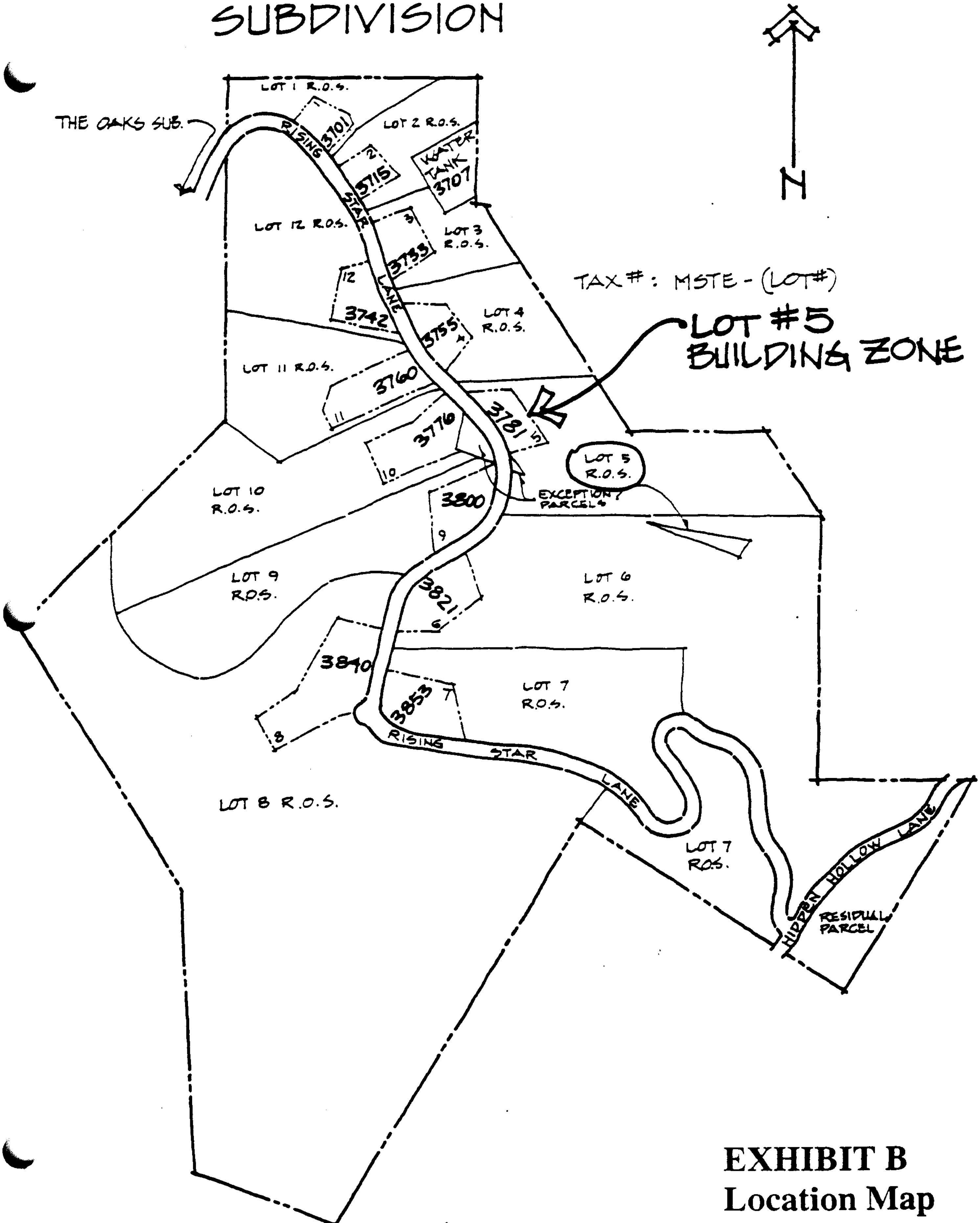


EXHIBIT B
Location Map

9/93

ORDINANCE NO. 96-___

AN ORDINANCE APPROVING THE AMENDMENT TO LOT #5 OF THE MORNING STAR ESTATES SUBDIVISION PLAT, PARK CITY, UTAH

WHEREAS, the owners of the property known as Lot #5 Morning Star Estates Subdivision have petitioned the City Council for approval of the amendment to final plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on February 1, 1996; and

WHEREAS, it is in the best interest of Park City to approve the amended plat; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat amendment,

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

SECTION 1. Plat Amendment. The amendment of the final plat of Morning Star Estates Subdivision, Lot 5 is approved as shown on the attached Exhibit A with the following conditions:

1. **Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat in accordance with the Final Conditions of Approval and the Land Management Code.**
2. **All Standard Project Conditions shall apply as approved on July 2, 1992.**
3. **The aggregate size of the revised building zone will be no greater than the existing building zone.**

DATED this 1st day of February, 1996.

PARK CITY MUNICIPAL CORPORATION

____

BRADLEY A. OLCH, MAYOR

ATTEST:

____

ANITA L. SHELDON, CITY RECORDER

APPROVED AS TO FORM:

____

MARK D. HARRINGTON, CITY ATTORNEY

EXHIBIT C
Ordinance

PARK CITY 1884

COUNCIL AGENDA REPORT

DATE:	**February 1, 1996**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Janice Lew**
TITLE:	**Condominium Conversion at 210 Daly Avenue**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS:
Adopt the ordinance approving the Condominium Conversion at 210 Daly Avenue.

DESCRIPTION:

A. Topic.
PROJECT STATISTICS

Project Name:	210 Daly Condominium
Applicant:	Donald E. Armstrong
Location:	210 Daly Avenue
Proposal:	Condominium Conversion
Zoning:	HR-1
Adjacent Land Uses:	Residential
Project Planer:	Janice Lew
Recommendation:	Approve with conditions

B. Background.

The applicant owns several lots between Ridge Avenue and Daly Avenue. Last year, the property owner began development of his property and a duplex was constructed at 210 Daly Avenue. This request is to formally condominiumize the duplex which will enable the property owner to sell the units separately.

C. **Analysis.**

The condominium conversion is reasonably straightforward and the staff has no outstanding concerns about the request. The applicant has agreed to dedicate a ten foot non-exclusive public and snow storage easement along Daly Avenue as well as an easement from the rear of the building to the edge of pavement along Ridge Avenue.

D. **Department Review.**

The Community Development Department and City Attorney's Office have reviewed this application. This application was reviewed by the Planning Commission on January 24, 1996. A recommendation of conditional approval was forwarded to the City Council at that hearing.

ALTERNATIVES:

A. Approve the proposed amendment thereby allowing individual ownership of each unit.

B. Deny the condominimization and retain the current form of ownership.

C. Continue the item and request additional evaluation from the staff.

SIGNIFICANT IMPACTS:
The proposal results in a record of survey which allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
If the Commission denies the condominium conversion as proposed, the property will remain under single ownership.

PUBLIC INPUT: The property was posted and legal notice sent to all property owners within 300 feet. As of January 24, 1996, no public input has been received in opposition of the proposal.

RECOMMENDATION:

The Staff recommends approval of the proposed condominium conversion for 210 Daly based upon the following:

Findings of Fact:

1. The proposed record of survey changes the type of ownership to condominium.

2. The applicant has agreed to dedicate a ten foot non-exclusive snow storage and public utility easement along Daly Avenue.

3. The applicant has agreed to dedicate a non-exclusive snow storage and public utility easement from the rear of the building to the edge of pavement along Ridge Avenue.

4. The proposal is consistent with both the Park City Land Management Code and Comprehensive Plan in that the HR-1 district allows duplex structures on lots with a minimum lot area of 3750 square feet.

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.

Conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.

2. All Standard Project Conditions shall apply.

3. A ten foot non-exclusive public snow storage and utility easement shall be dedicated by the applicant along Daly Avenue.

4. A non-exclusive snow storage and public utility easement from the rear of the building to the edge of asphalt on Ridge Avenue shall be dedicated by the applicant.

5. Prior to recordation, the Property Owners Conditions, Covenants and Restrictions shall be reviewed and approved by the City Attorney's office.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Ordinance and Proposed Amended Plat

Ordinance No. 96-

AN ORDINANCE APPROVING THE CONVERSION TO CONDOMINIUM OWNERSHIP AT 210 DALY AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property indicated above, Donald E. Armstrong petitioned the City Council for approval of the Condominium Conversion; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing on January 24, 1996 and the City Council conducted a public hearing on February 1, 1996 to receive testimony on the proposed record of survey; and

WHEREAS, on January 24, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council, with conditions regarding snow storage and public utility easements; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

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

SECTION 1. **CONCLUSIONS OF LAW** The City Council hereby concludes that there is good cause for the above-mentioned condominium conversion and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. **EFFECTIVE DATE** This ordinance shall become effective immediately.

SECTION 3. **PLAT APPROVAL** The amendment to the Millsite Reservation of the Park City Survey for Lot 29, Block 74, is approved as shown on Attachment A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.

2. All Standard Project Conditions shall apply.

3. A ten foot non-exclusive public snow storage and utility easement shall be

dedicated by the applicant along Daly Avenue.

4. A non-exclusive snow storage and public utility easement from the rear of the building to the edge of asphalt on Ridge Avenue shall be dedicated by the applicant.

PASSED AND ADOPTED this 1st day of February, 1996

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

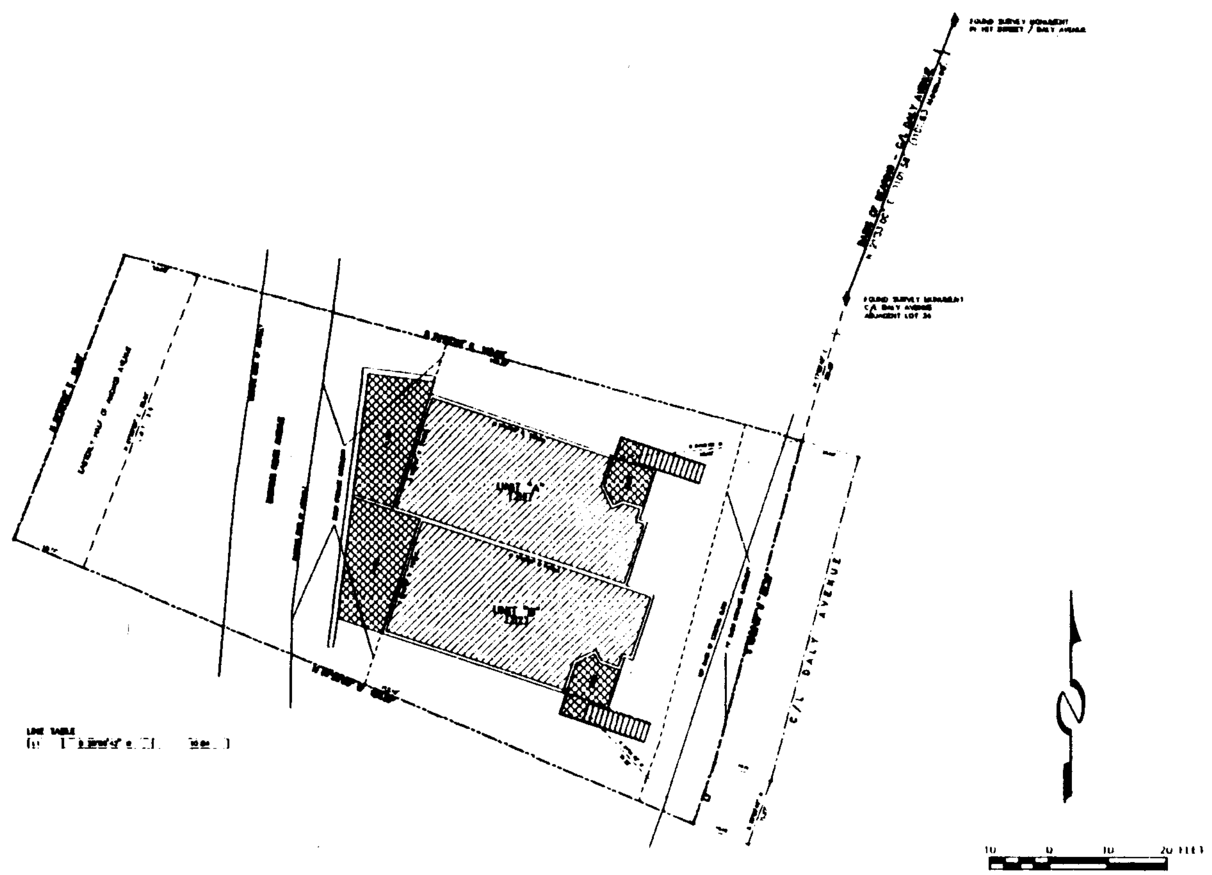
Approved as to form:

____

Mark D. Harrington, Assistant City Attorney

RECEIVED

PARK CITY
PLANNING DEPT.



SURVEYOR'S CERTIFICATE

I, John Dembowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163031 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on the plat and described hereon and subdivided said tract of land into Units, Common Areas and Limited Common Areas to be hereafter known as 210 DALY CONDOMINIUM in accordance with Utah Code Section 57-8-13.

JOHN DEMBOWICZ, L.S. #163031 — DATE

LEGAL DESCRIPTION

All of Lot 28, Block 74, MILLSITE RESERVATION TO THE PARK CITY SURVEY, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.
Also the Easterly half of the vacated Archer Avenue adjacent to said lot.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into Units, Common and Limited Common areas, as provided in the Utah Condominium Ownership Act (Section 57-8-1), as set forth on this Record of Survey Map to be known hereafter as 210 DALY CONDOMINIUM, does hereby consent to the recordation of this Record of Survey Map in accordance with Utah Law.

IN WITNESS WHEREOF, the undersigned set his hand this ____ day of ________, 19__.

by DONALD E. ARMSTRONG
Declarant

ACKNOWLEDGMENT

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

On the ___ day of ________, 19__, DONALD E. ARMSTRONG, personally appeared before me, the undersigned Notary Public, who being by me duly sworn, did say that he is Donald E. Armstrong, and that the herein Certificate of Consent to Record was signed freely and voluntarily for the purpose therein mentioned.

Notary Public

My Commission Expires: ________

NOTES:

1. Boundary Survey October 1994. See recorded Survey No. S-1818 in the office of the Summit County Surveyor's office.
2. A Declaration of Condominium has been executed and recorded simultaneously herewith.

LEGEND:

INDICATES STREET ADDRESS ON DALY AVENUE

COMMON AREA

UNIT (PRIVATE OWNERSHIP)

LIMITED COMMON AREA

RECORD OF SURVEY

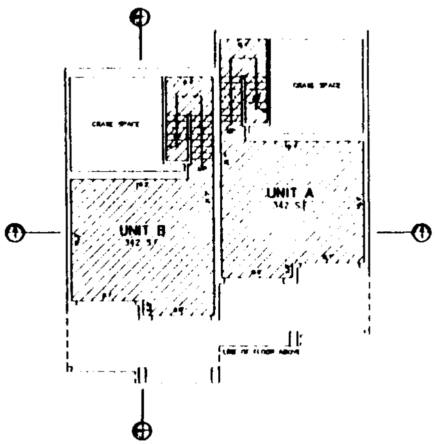
210 DALY CONDOMINIUM

LOCATED IN THE SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

[redacted]

...10 95 PCS\P\ARMS\ARMSP1

ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
BOX 2664 MAIN STREET CITY, UTAH 84060) 649 9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ___ DAY OF ______, 19__ A.D. BY ______ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF ______, 19__ A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF ______, 19__ A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ___ DAY OF ______, 19__ A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ______, 19__ A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ______ 19__ A.D. BY ______ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______ DATE ___ TIME ___ BOOK ___ PAGE ___ FEE ______ RECORDER



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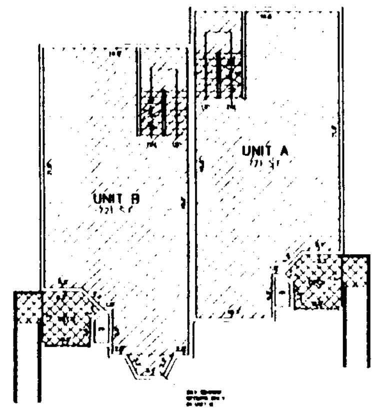

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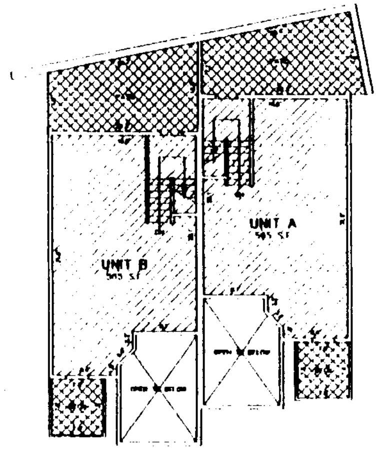
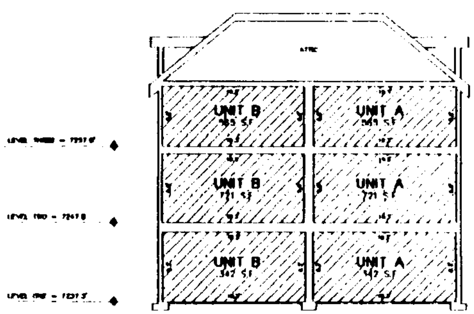
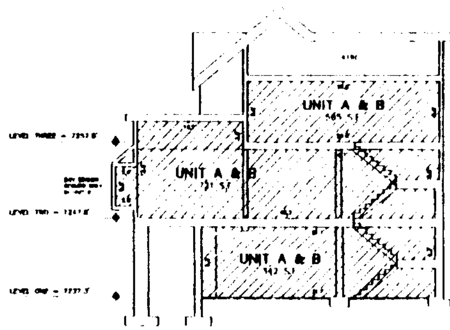


LEVEL 3



SECTION A1



SECTION B1

COMMON AREA

UNIT (PRIVATE OWNERSHIP)

LIMITED COMMON AREA

8 0 8 16 FEET

RECORD OF SURVEY

210 DALY CONDOMINIUM

LOCATED IN SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AN
AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______

FEE RECORDER

JOB NO. 8-10-98

PARK CITY 1884

COUNCIL AGENDA REPORT

DATE: February 1, 1996
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, City Engineer, B.S., M.S., P.E.
TITLE: Land Trade with DJK Properties (David Krajeski) in Swede Alley
TYPE OF ITEM: Approval of Land trade

SUMMARY RECOMMENDATIONS: Authorize the Mayor and City Recorder to execute a Quit-Claim Deed to DJK Properties (for a 58.95 square-foot parcel) in exchange for a 44.60 square-foot parcel as described in the staff report.

DESCRIPTION:

A. Topic: There is an 8-foot-wide space between the historic Elks Building on Main Street and the adjacent historic Masonic Building, which houses Great Garb and Riverhorse. The Elks Building is one of Main Street's most authentically preserved historic buildings. The City owns some property along Swede Alley behind both buildings. David Krajeski, doing business as DJK Properties, owns the 8-foot-wide space and desires to build an 8-foot-wide building there. Copies of portions of the building plan are attached as Exhibits A, B, and C. The Historic District Commission has approved the plans.

B. Background: Mr. Krajeski discovered a title problem on 58.95 square feet of the Swede Alley side of his proposed building. Title is vested in Park City Municipal Corporation. Mr. Krajeski's property includes a 4.27-foot-wide unbuildable strip where some bushes are planted. This strip is not useable to Mr. Krajeski, and it forms the 44.60-square-foot trade parcel.

C. Analysis: The City Staff is supportive of Mr. Krajeski's request to build his 8-foot-wide building. Doing so will help solve long-term drainage and structural problems affecting both adjacent historic buildings, as described in Mr. Krajeski's letter dated January 9 (copy attached as Exhibit D). The new building will also house a handicapped-accessible restroom in the area of the land trade at the Swede Alley end of the building. Some City-owned landscaping is affected (specifically one white-bark birch tree, 1½-inch caliper, and two rocks, 2½-foot caliper). However, City Landscape Architect Steve Call feels the loss of landscaped area will be offset by the creation of a clean "hard edge" in lieu of the 8-foot gap between historic buildings, which has a cold, dark appearance year 'round. The City's Parks staff will transplant both the tree and the rocks, and Mr. Krajeski's contractor will repair the remaining damage to the landscape, such as the lawn area disturbed by the foundation excavation. A sketch of the entire area is attached as Exhibit E.

D. Department Review: The land trade and the new building have been reviewed by the HDC, the Planning staff, the Parks staff, and the building department. No unresolved concerns remain.

ALTERNATIVES:

A. Approve the Request: By authorizing the Mayor to deed the 59-square-foot parcel to DJK Properties, we will allow the construction of the building to proceed, with very few negative impacts as discussed above. The legal description of the two trade parcels are attached.

B. Deny the Request: If the Council chooses to deny the request, the new 8-foot-wide building won't meet the Building Code as far as access and exiting is concerned and the new building probably won't get built. This would cause the existing drainage and structural problems to continue on the up-gradient side of the Elks Building, which is undesirable.

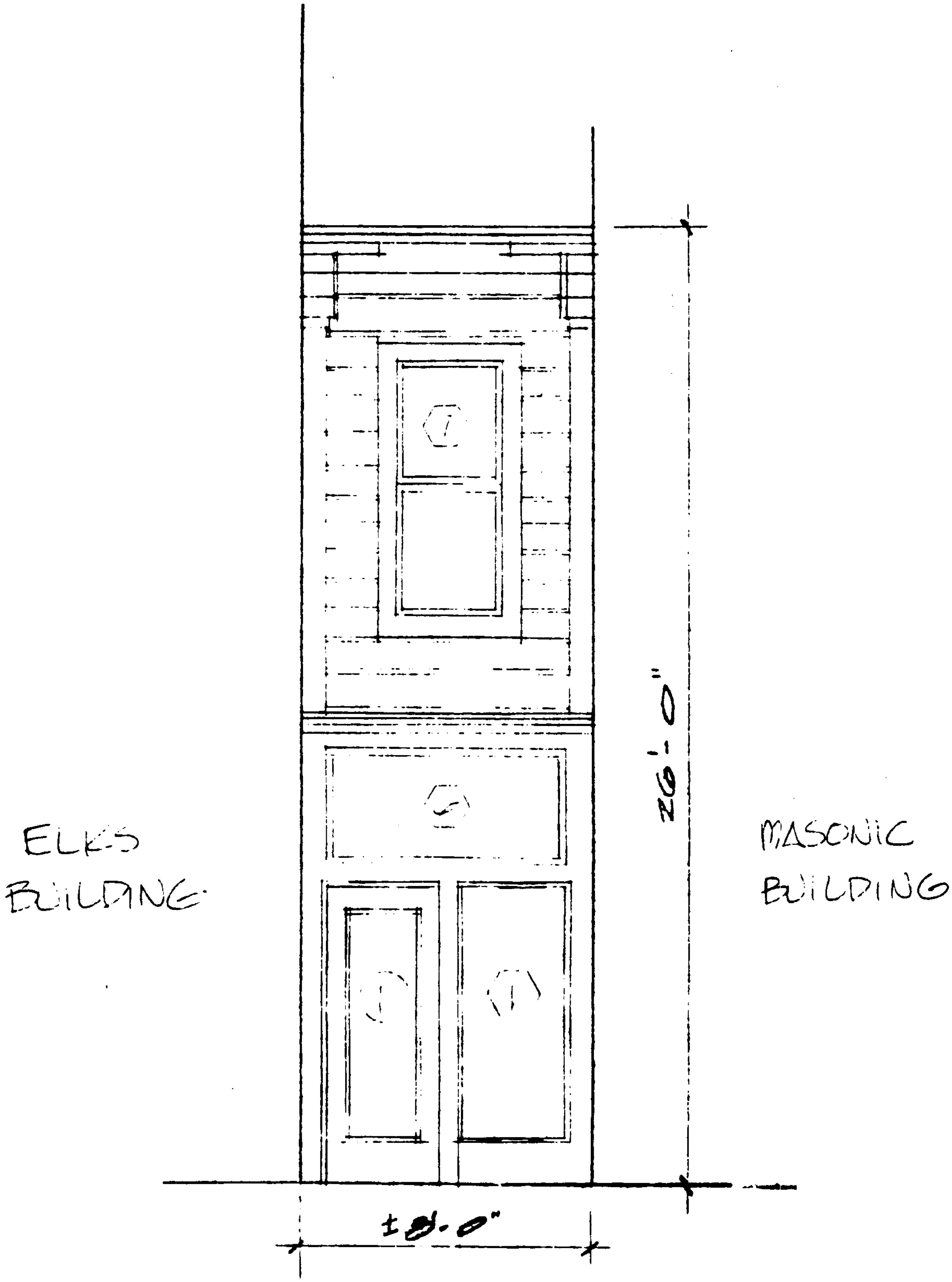
C. Continue the Item: If the Council would like to tour the site or receive more information, the request could be continued, although the City Engineer is available at 645-5026 to conduct a guided tour at any time.

SIGNIFICANT IMPACTS: Approval of the land trade will facilitate the construction of an 8-foot-wide building on Main Street, which in turn will create a certain amount of temporary congestion and annoyance. If the new building is not built, the spalling of the Elks Building wall will continue in the area which otherwise would have been covered by the new building. The proposed trade will necessitate the transplanting of one tree, two rocks, and a sprinkler head.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the land trade is not consummated, the status quo will continue, and people in wheelchairs who need to use a restroom will possibly face a more difficult time finding one that is accessible.

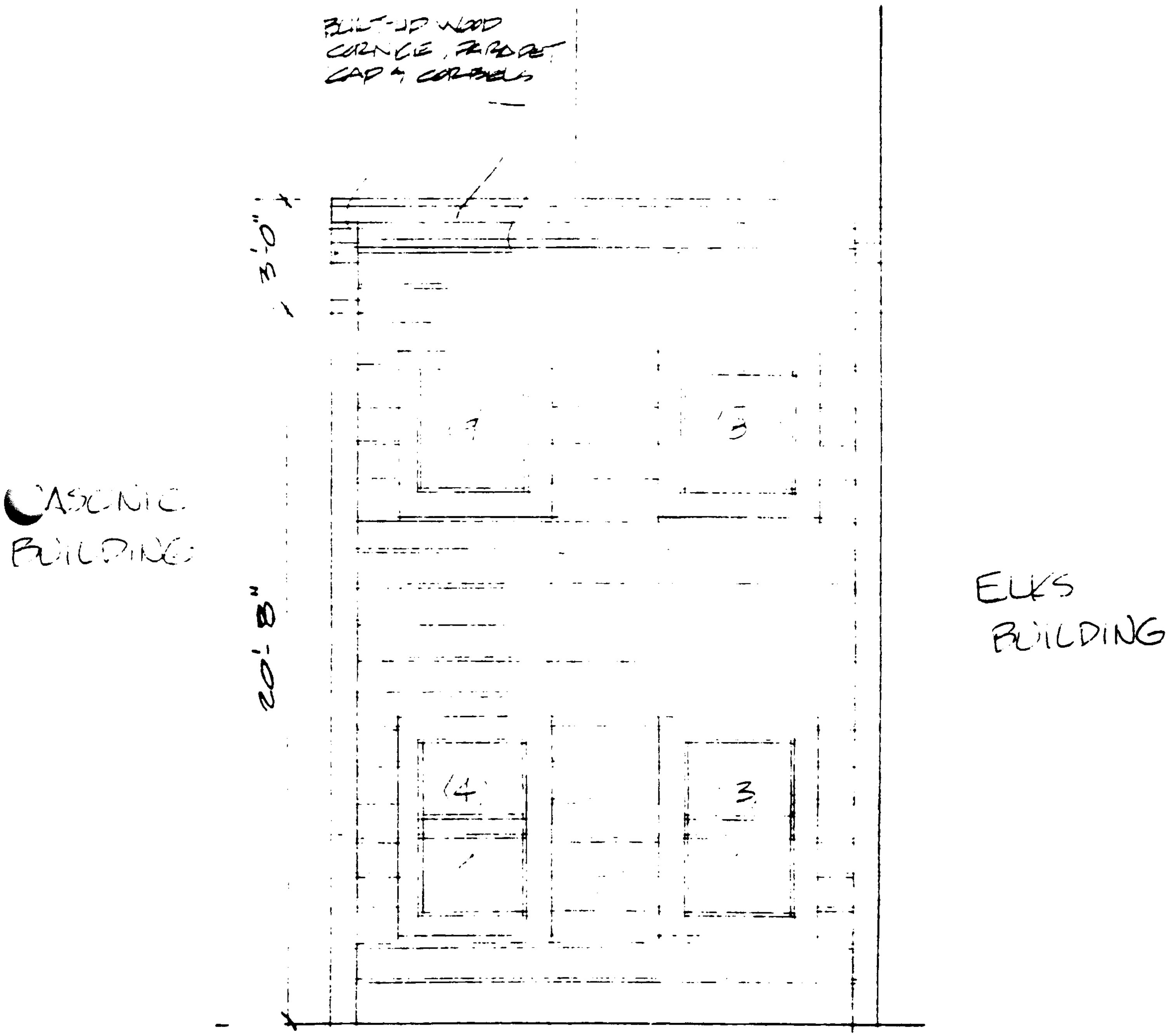
RECOMMENDATION: The City Council should authorize the Mayor and City Recorder to execute a quit-claim deed to DJK Properties (for the 58.95 square-foot parcel) in exchange for a deed to be approved by the City Attorney for the 44.60 square-foot parcel.

EXHIBIT A



MAIN ST. ELEV.
1/4" = 1'-0"

EXHIBIT B



EAST ELEV. (SWEDE ALLEY)
1/4"=1'-0"

EXHIBIT C

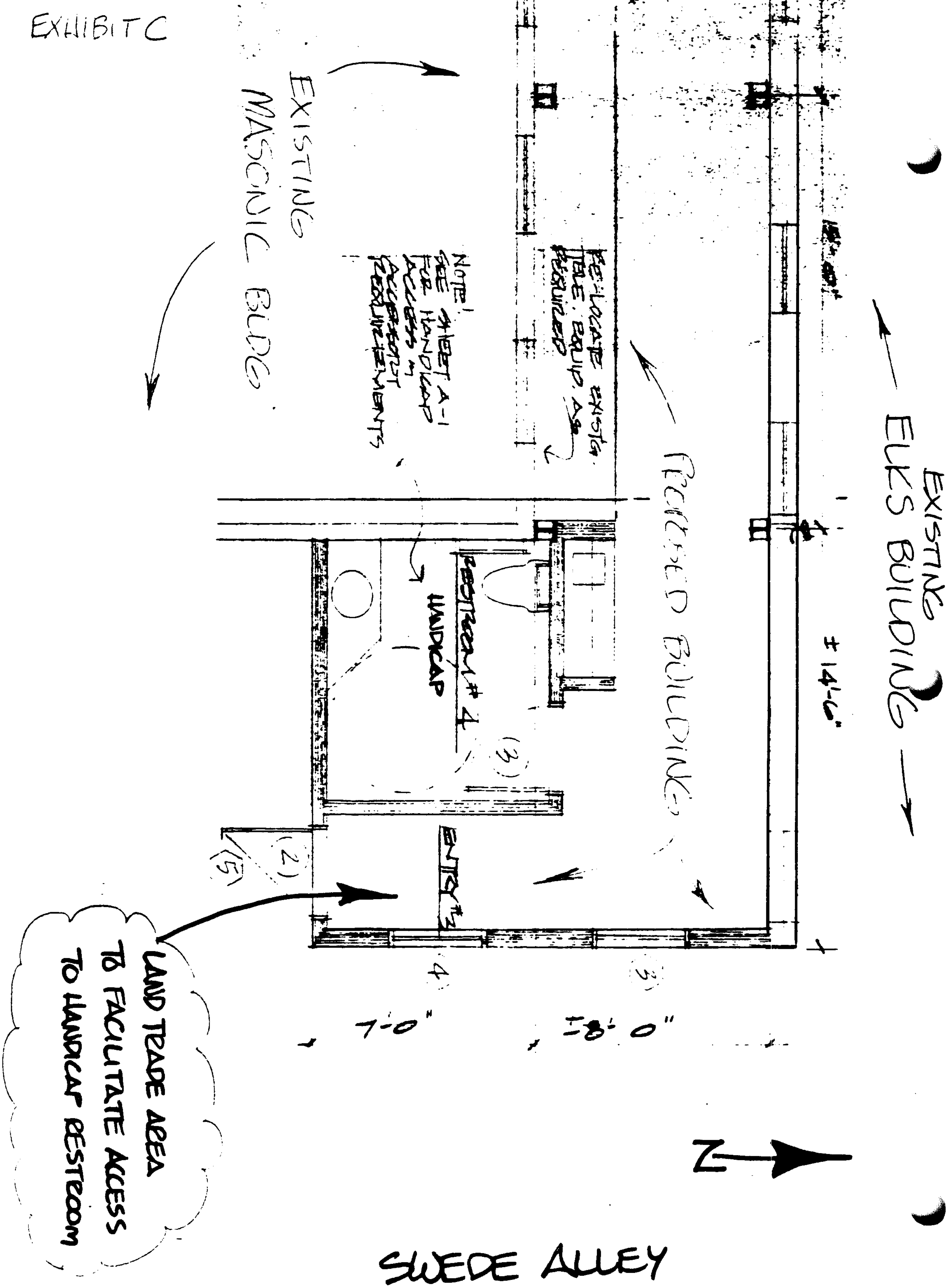

EXISTING ELKS BUILDING
14'-6"
EXISTING MASONIC BLDG
PROPOSED BUILDING
RE-LOCATE EXIST'G. TELE. EQUIP. AS REQUIRED
NOTE! SEE SHEET A-1 FOR HANDICAP ACCESS & ACCESSORY REQUIREMENTS
RESTROOM # 4
HANDICAP
ENTRY #2
LAND TRADE AREA TO FACILITATE ACCESS TO HANDICAP RESTROOM
7'-0"
18'-0"
N
SWEDE ALLEY

EXHIBIT D

January 9, 1996

Eric DeHaan
City Engineer - Community Development
P.O. Box 1480
Park City, Utah 84060

Dear Eric,

Attached are the drawings that show the parcels of ground to be traded between Park City Municipal and DJK Properties owned by JoAnn Krajeski and myself. As we have discussed in the past this realignment would be necessary for us to complete the building as we had originally designed and approved by Ron Ivy and the HDC. This building needs to have the additional footage in order for it to meet the ADA requirements for a bathroom and access needs.

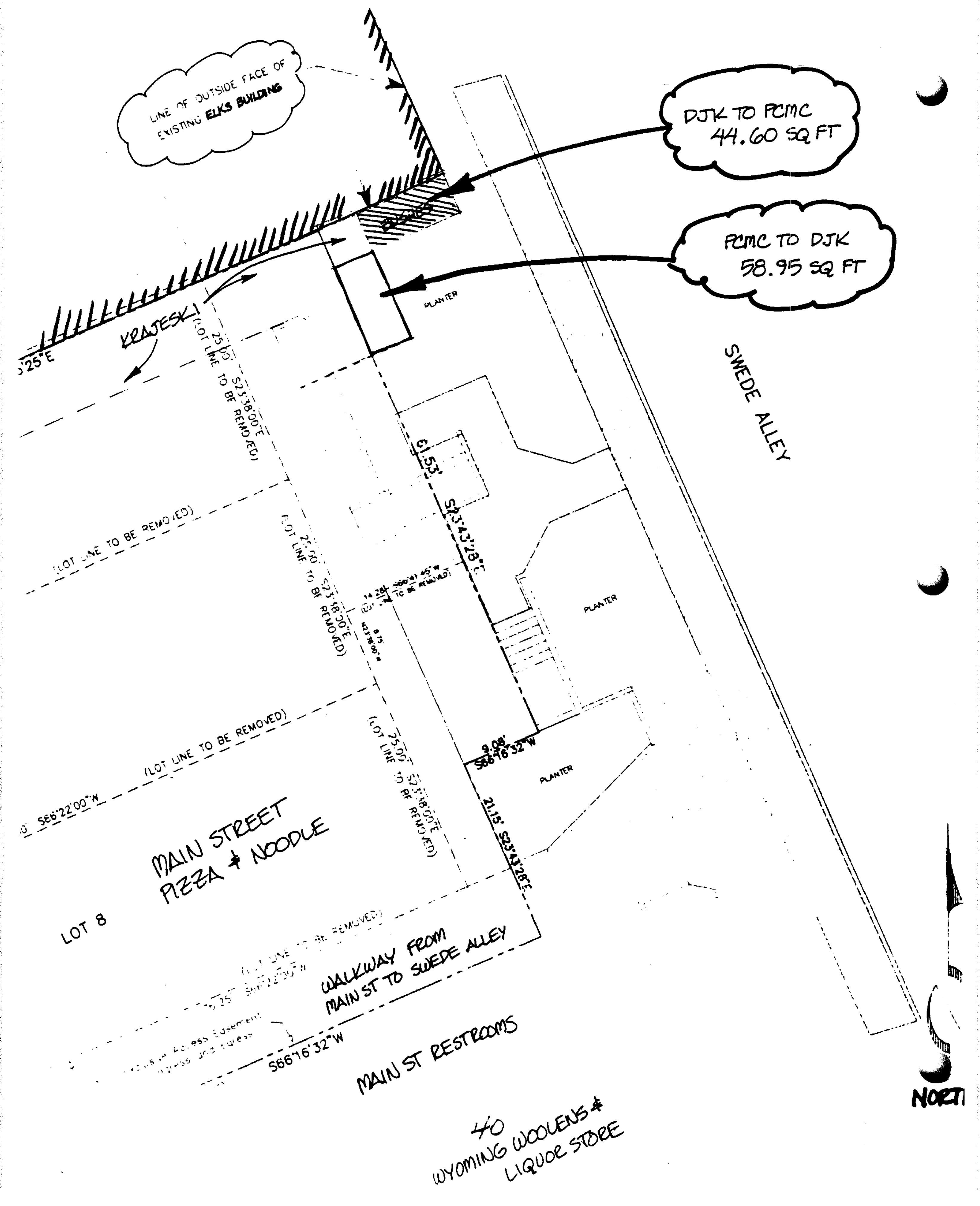
The building has been designed to alleviate a very severe drainage problem that exists between the Elks building and the old Masonic Temple building. The Elks building roof sheds to the south all the water that accumulates on its surface in the winter time. The condition creates icicles that can be as long as forty feet. The thawing of these icicles will break them loose and come crashing down and explode through the windows on the north side of the Masonic building. If anyone happened to be back in this space were the telephone and some other services are and one of those icicles came down it could kill them. The second problem is that the Elks building has a condition caused by the thawing and freezing of the waters that runs down the exterior concrete wall of the structure. This has caused spaulding and cracking of the surface. With the construction of our building up against this area we can control the deterioration of the concrete exterior of the Elks building. The Elks had A fire escape that Ron Ivy condemned. This fire escape was attached to the Elks building, but the bolts were literally sheared off and the entire structure separated from the building. Our building in that area will repair that damage to their wall as well.

The city has already put some expense into the piece of ground that they will be receiving in this transaction: ie landscaping and sprinklers. As I mentioned the building has been reviewed and approved by the historic commission and all we need to do is resolve our plat with the city in order to continue our process for a building permit. If there is any additional information or documents that you need from me to continue the review of this issue don't hesitate to give me a call. I look forward to your response.

Thank You

David Krajeski

EXHIBIT E



LINE OF OUTSIDE FACE OF EXISTING ELKS BUILDING
DJK TO PCMC 44.60 SQ FT
PCMC TO DJK 58.95 SQ FT
PLANTER
KRAJESKI
SWEDE ALLEY
61.53' S23°43'28"E
(LOT LINE TO BE REMOVED)
PLANTER
9.08' S66°16'32"W
PLANTER
21.15' S23°43'28"E
S66°22'00"W
MAIN STREET PIZZA & NOODLE
LOT 8
WALKWAY FROM MAIN ST TO SWEDE ALLEY
S66°16'32"W
MAIN ST RESTROOMS
WYOMING WOOLENS & LIQUOR STORE
NORTH

40

Alliance Engineering Inc.

DJK TO PCMC
LEGAL DESCRIPTION
A PARCEL OF LAND LOCATED IN SWEDE ALLEY
EAST OF BLOCK 24, PARK CITY SURVEY
DECEMBER 1, 1995

BEGINNING at a point located N 23°38'00" W 49.27 feet and N 66° 20'56" E 19.54 feet from the Southeast corner of Lot 9, Block 24, Park City Survey, said point being on southerly outside face of an existing building (which building is commonly known as the Elks building, 550 Main Street, Park City, Utah); thence N 66°23'25" E along said outside face of said building 10.11 feet to the southeast corner of said building; thence along a line projected from said outside face of building N 66°23'25" E 0.35 feet; thence S 23°38'00" E 4.26 feet; thence S 66°22'00" W 10.45 feet; thence N 23°43'28" W 4.27 feet to the point of beginning.

DESCRIPTION CONTAINS 44.60 SQ. FT.

Y:\PCS\DJKPCMC.WPD

323 Main Street P.O. Box 2664 Park City, Utah 84060 801-649-9467 FAX 801-649-9475

Alliance Engineering Inc.

PCMC TO DJK
LEGAL DESCRIPTION
A PARCEL OF LAND LOCATED IN SWEDE ALLEY
EAST OF BLOCK 24, PARK CITY SURVEY
DECEMBER 1, 1995

BEGINNING at a point located N 23°38'00" W 45.00 feet and N 66° 22'00" E 14.22 feet from the Southeast corner of Lot 9, Block 24, Park City Survey; and running thence N 66°22'00" E 5.33 feet; thence S 23°43'28" E 11.06 feet; thence S 66°23'25" W 5.33 feet; thence N 23°43'28" W 11.06 feet to the point of beginning.

DESCRIPTION CONTAINS 58.95 SQ. FT.

Y:\PCS\PCMCDJK.WPD

323 Main Street **P.O. Box 2664** **Park City, Utah 84060** **801-649-9467** **FAX 801-649-9475**