PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 28, 1999

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, January 28, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

3:45 p.m.	Swearing-in of police officers
4:00 p.m.	Council questions and comments
4:15 p.m.	Land Management Code amendments
5:45 p.m.	Review of regular meeting

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 7, 1999

V CONSENT AGENDA

1. Acceptance of the Mayor and City Council disclosure statements for 1999 into the Official Minute Book

2. Ordinance approving 1312 Park Avenue final subdivision plat

3. Ordinance amending the approval of a Record of Survey plat, Arrowood Condominiums, at Gilt Edge Circle, Park City, Utah

4. Resolution authorizing the Director of Capital Programs and Budget to execute, file and accept applications and assurances from the U. S. Department of Transportation

VI RESIGNATIONS AND APPOINTMENTS

Appointment of Lori Collett as Treasurer

VII ADJOURNMENT

Posted: 1/11/99
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 28, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Chuck Klingenstein; Shauna Kerr; and Paul Sincock**

Toby Ross, City Manager; Lloyd Evans, Chief of Police; Rick Lewis, Community Development Director; Myles Rademan, Public Affairs Director; Tom Bakaly, Budget and Capital Improvement Program Director; Bob Stephens, Administrative Services Director; Frank Bell, Olympic Planning Director; Pat Putt, Planning and Zoning Director; Kirsten Whetstone, Planner; Mark Harrington, Deputy City Attorney; Jodi Hoffman, City Attorney

1. **Swearing-in of police officers.** Chief Evans reported that these two officers complete the recruiting process for the Department and introduced David Edmunds and David Booth. The Mayor swore the officers into office.

2. **Council questions and comments.** In response to a question from Chuck Klingenstein regarding Flagstaff, Rick Lewis explained that there was a presentation to the Planning Commission from the village planner. This was a general overview and the City has not received an MPD application. Mr. Klingenstein complimented staff on the Film Festival and thanked the Public Works Director for the installation of traffic signs in neighborhoods. Hugh Daniels suggested that the City Manager's and City Attorney's reviews be scheduled in March and April. He thanked Jerry Gibbs for the north lot fence and snow plowing during the storms. Mr. Daniels discussed the City's web page and encouraged staff to include information on board and commission members. The grants subcommittee met this afternoon and is moving ahead funding the Historic Main Street Alliance projects. The Counseling Center received a matching grant from the School District and the subcommittee is waiting for RFP information before the Arts Council's grant is finalized.

The Mayor relayed that the annual retreat of the Council was held last week, but unfortunately Council members Klingenstein and Kerr missed portions of the session. He proposed that the Council and senior staff hold a mini-retreat to bring closure to certain issues. A retreat was scheduled at 9 a.m. on Friday, February 5 at the Mayor's house.

Shauna Kerr referred to the proposed 18,000 to 20,000 pillows of Phase 2 of The Canyons development, which is about what has been created in Park City over 40 years, including visitor beds and full-time residences. She felt that a joint presentation for Council and the County Commissioners would be helpful, and will talk with Commissioner Pat Cone about possible dates.

The crews did a great job on the streets. Paul Sincock stated that his issues have already been covered. Roger Harlan commented that the cross-country ski track at the golf course appears to be busy. Myles Rademan announced Leadership 2000 activities.

Lloyd Evans explained that there are taxi companies on both sides of the issue of enforcing the new ordinance. Some believe the City is too aggressive and others not aggressive enough. There is some flexibility with regard to placement of the sticker and these ordinance issues will be readdressed later in the year. There was discussion about the large number of shuttle companies in town, and Mr. Evans indicated that staff is making an effort in contacting different cab companies. The Mayor disclosed that he received a call from Ute Cab who wanted to assign a few vehicles to Park City. Tom Bakaly explained that not assigning a particular vehicle is difficult because each are inspected for compliance. Mr. Bakaly indicated he would follow-up, and the Mayor emphasized that he felt all vehicles should be licensed to do business in Park City, much like the airport licensing. There was discussion among Council members about sending taxis away from Park City empty, but the equity issue with licensing is more of a concern.

Bob Stephens reported that the City will receive a grant from ESRI which will provide the software for the GIS; it is valued at about $18,000. Frank Bell reported on his trip to St. Louis for the papal visit at the invitation of the Secret Service. The papal mass was the largest indoor event ever held with 105,000 attendees in one building, and he observed security and related services to accommodate special events. This was very informative in light of the strong federal presence anticipated at the Olympics. Mr. Bell represented the Utah Public Safety Command in St. Louis.

2. **Land Management Code amendments.** Pat Putt explained that there is no public hearing scheduled tonight, but urged Council to accept input from the public in attendance. The document has been substantively reformatted and rewritten and the General Plan was considered in its application to individual zones. Over many work sessions, the Planning Commission directed staff on specific revisions, and a well attended public work shop was held in August. Subsequent to the work shop, staff made several significant changes to the document. Mr. Putt stated that a couple of public hearings were held and the last was on December 2, 1998. At that time the Planning Commission forwarded a recommendation which is the document in front of Council tonight. He explained the two format versions distributed to Council, a redline draft and a margin comments draft. There was an effort to include all related information for one zone in its chapter for distribution to the public. This will still be referred to as the Land Management Code, but will be Title 15 of the Municipal Code. He explained the new numbering system and pointed out that related zoning districts are ordered together. There will be a map of the location of the zone at the beginning of its chapter, which will tie into Folio©.

At the invitation of the Mayor, the public in attendance declined to comment until after the conclusion of the presentation. Mr. Putt explained that the purpose of the rewrite is to reformat the document, reorganize to clarify inconsistencies, update and address current issues, reflect the General Plan, make chapters as all-inclusive as possible, and to provide illustrations. Chapter 1 is the administrative section; Chapter 2 definitions; Chapter 3 districts and regulations; Chapter 12 non-conforming uses; and Chapter 13 off-street parking. A major change in Chapter 1 is the elimination of the 51% property owner signatures for zone amendments and the time for Planning Commission action has been extended. State statue standards have been included to clarify the provisions of a temporary zoning ordinance. Infrastructure language has been replaced with HR-1 and HRL review criteria, the termination of projects process modified, violations from Class C misdemeanors per state law changed, the appeals process clarified, a takings review added, and the noticing matrix amended.

Mr. Putt continued that in Chapter 2, definitions, regulatory language has been eliminated and definitions have been clarified and reorganized. In Chapter 3 for the HR-1 and HRL zones, the floor area ratio has been eliminated, and volumetric formulas have been included to address building massing and footprints. This was developed from the 1996 design forum. The total front and rear yard setbacks have been reduced back to 20 feet; the minimum setback will still be ten feet. It is felt that the current total setback of 30 feet with the additional 10 feet impacts historic houses, and there are limitations on footprints. MPDs have been eliminated in all of the historic districts as it is believed that they increase density beyond what would be achieved with permitted uses and generally resulted in development patterns which are inconsistent with surrounding development patterns. He added that duplexes are a conditional use, and tri-plexes have been eliminated as a conditional or permitted use in the HR-1 zone. There is a conditional use process for both zones regarding building on slopes in excess of 30%. The conditional use process reviews site design, access, and building height through the subdivision process, HDC design review, and the building plan review. This also enables neighbors to comment on proposals. He referred to projects on the down slope of Ridge Avenue which prompted massing, construction staging, and snow release issues. The CUP process could result in a larger building, and Mr. Putt pointed out an example on Ontario Avenue. He discussed height limitations; the vertical garage element is not a "given" and there would be a public process for review. There is an allowed use and a permitted use. An application for 800 square feet represents a medium-sized historic residence, and it would only require a design review process. If an applicant wants more square footage and a garage, and is building on a part of the lot that exceeds 30%, the conditional use permit process would be utilized. Mr. Sincock suggested that the base square footage be more, like 1,000 square feet because of economics. Mr. Putt added that if a single family or a duplex is proposed in the RC zone, the application is reviewed by the Historic District Guidelines and the height and setbacks are the same as the HR-1 zone, but the steep slope criteria does not apply.

Pat Putt commented that the HCB zone includes Swede Alley design criteria and the rear facades of the Main Street buildings have been reduced in height from 30 feet to 24 feet. There will still be a volumetric at a 45° angle to accomplish a two story expression. Bars were changed from a CUP to a permitted use. Heights were reduced in the HRC zone from 35 feet plus five feet to 32 feet plus five as the Planning Commission felt there needs to be a transition and MPDs were eliminated in this zone. The HRM zone is new and is located in the lower Park Avenue area; Sullivan Road criteria and Historic District design review are included in the document. The maximum building height with a pitched roof is 33 feet and 27 feet is proposed to be more consistent with historic structures in the area. There is a provision made for neighborhood commercial uses on lower Park Avenue as part of the CUP. The development credit formula in the RC zone has been replaced with a FAR of one. Support commercial uses are a conditional use and there is Historic District review within two blocks of the Historic District.

Mr. Putt continued that the heights were reduced in the LI zone from 35 feet to 30 feet to be more consistent with predominant building heights in the area. Residential is a conditional use and the open space requirements have been increased from 20% to 30%. It is proposed to modify the front setbacks in the single-family residential zones from 25 feet to 25 feet for garages and 20 feet for houses, which is more liberal and an incentive to encourage defining the structure with porches and decks, not garages. Bed and breakfasts are allowed as a CUP in the single-family zone, and support retail to RD, RDM, and RM, triplexes are now a CUP in the R1 zone. In the ROS, E, and the E40 zones, all uses in ROS, except for conservation uses, would be a CUP. Included in the CUP would be agriculture. There is no change in height in any of these zones. The E40 is a result from the General Plan which creates a larger parcel zone which could be implemented as part of an annexation or master plan. Some of the uses in the Estate zone have been modified.

Mark Harrington interjected that there was a request from the Public Works Department to make public works projects permitted uses throughout the districts or implement an abbreviated administrative conditional use by staff. The Planning Commission did not support this concept. Construction of pumps stations was discussed as an example. Mr. Harrington explained the land use table which will be reworked so that it is more understandable, and more specifically explained non-conforming uses and less intensive uses. With regard to Chapter 12, the non-conforming use section, non-conforming uses and structures are defined. The current Code does not make that distinction which is problematic when an application is for an addition to a non-conforming building as there is only criteria for an expansion to a non-conforming use, which is particularly difficult for the Board of Adjustment in its decision-making. There are changes with regard to defining burden of proof and presumptions of non-conforming status. He continued that currently a non-conforming building could be rebuilt to the same configuration in the event of a natural catastrophe eliminating the non-conforming use. Consistent with many cities, if the damage is more than 50%, a person can't rebuild to the dimensions of the non-conforming use and would have to meet the existing code. He added that damage is not subjectively measured, but rather by ICBO standards.

Mr. Putt stated that the new lighting standards and landscaping provisions for parking lots have been added to Chapter 13. He discussed the parking ratio table and the parking impacts of businesses are more accurately reflected. There are bicycle parking requirements and driveway standards for private drives in platted rights-of-way.

Through illustration of a zoning map, Mr. Putt pointed out that currently the lower Park Avenue area includes RM, HR-1, HCB, GC, and RC zones. There was an effort to arrive at one consistent zoning district with enough flexibility to recognize the existing variety of uses and development patterns and allow for some reasonable building parameters for new construction and redevelopment. There were a number of options, but given the fact that the majority of the area is zoned RM and the number of existing historic structures, the HRM zone was created. This is nothing more than the RM zone with Historic District Guideline review and a 27 foot height limit. The Park Station Condominiums will remain HCB with the exception of the undeveloped portion which would be zoned HRM. The existing HR-1 across the street with be up-zoned to HRM, which prompted a lot of Planning Commission discussion, but it was agreed that the overall benefit of consistent zoning offset any adverse impacts of up-zoning. The piece off of 12th Street, zoned RM changes to HRM; the RC zoning will remain the same, including the Texaco station and the Hulburt property, which is residential. The dealership parcel is currently zoned HCB and is proposed to be zoned HRM. It is proposed to zone the south end of City Park as ROS.

Mr. Putt pointed out that the Planning Commission discussed the history of Park Avenue which is a mixture of residential uses and neighborhood commercial uses, and the potential of allowing uses ranging from offices, small grocery stores, or laundromats. Staff drafted a conditional use process that allows lower intensity commercial uses, based on criteria outlined in Chapter 1 as well as neighborhood specific criteria dealing with rehabilitation of existing houses, compatibility of new structures, and parking. It is proposed that parking be provided on-site in a manner that won't diminish residential character of the property, i.e., paving over the front yard area., and on-street parking can not adversely impact adjacent residences or uses. This is similar to conditional use approvals on bed and breakfasts. Hugh Daniels pointed out that conceivably lower Park Avenue can turn into commercial if conditional use permits are approved. Mr. Putt hoped that the residents would comment on the implications of this proposal during the public process.

He added that there are two overlay zones, the HTO and the HR-2 which is confusing. Now, the overlay zone is designated as HR-2 and there are provisions for both areas. With regard to the Grant Avenue and Swede Alley area, one of the existing provisions only allows commercial use in an existing historic building. The Planning Commission recommended that new construction be allowed to have commercial activity if it meets all of the conditions of the HR-1 home design guidelines.

There is a change from HR-1 to HRL for the southwest side of Rossie Hill. There was discussion for the zone change on the west side of the mine road, i.e., Prospect Avenue, but this was not supported. Paul Sincock pointed out the importance of the linkages of the code on Folio© and availability on the Internet for the public. Mr. Putt urged Council to provide direction on the zone changes, the lower Park Avenue commercial concept, and the changes in the HR-1 and HRL zones. This includes the elimination of the floor area ratio in lieu of the formula for the building footprint, the setback changes, and the steep slope review. At a Planning Commission public hearing, there were requests to prohibit nightly rentals in the HRL zone, and that change was made. Paul Sincock requested that Council be provided an inventory in that zone as there are property owners that would like that use continued. Expansion of the Sensitive Lands Ordinance is another consideration and height is measured differently in this document. Mr. Putt posed if there should be a Public Works exception for public works projects. With regard to call-ups and appeals, there are revisions which accurately reflect state statutes. Appeals of decisions other than CUPs and MPDs would go directly to the Board of Adjustments. The Planning Commission did not deliberate on the appeals process and deferred this matter to the City Council.

He explained the four alternatives for appeals of CUPs and MPDs. (1) Appoint a hearing officer with no Council call-up which would de-politicize the process but it is only "works as good as the hearing officer". Applicants, staff, or neighbors could file an appeal. (2) Appoint a hearing officer, but Council would retain the option for call-ups. Mark Harrington added that staff supports employing a hearing officer, but pointed out the importance of finding a competent hearing officer. This may be a challenge as Utah is not a land use state and there aren't a lot of people properly educated in this area and far enough removed from either side to be truly unbiased. Jodi Hoffman indicated that hearing proceedings create a very good record for the City if there is an appeal to District Court. There may be rumblings in the community if there is no avenue of review by the City Council, however the current Land Management Code is unclear and it is hoped that the rewrite will eliminate a great deal of ambiguity and decrease the number of appeals. She suggested to see if this is the case in a year, and if so, the hearing officer approach can be explored. (3) Maintain the current process. (4) All appeals would go to the Board of Adjustment and there would be no Council call-up. Council concurred to dismiss this option. Clarifying the master festival license process was discussed.

Mr. Putt explained that pending applications are reviewed using both documents; the most restrictive of the old code and the new code apply and examples were cited. This will be the practice until the final document is adopted. In response to a question regarding the process, Hugh Daniels felt there should be public input relatively early, rather than speculating how neighborhoods feel. Roger Harlan expressed concern about notifying out-of-state property owners about the amendments. Jodi Hoffman stated that there could be a mass mailing, although it would be expensive. Mark Harrington noted that there has been a special mailed notice to the Park Avenue residents. Paul Sincock felt that it would be appropriate to notice the lower Park Avenue residents, but would not support a mass mailing. He added that he is not interested in scrutinizing the draft line by line, but would prefer discussions on revisions limited to policy with regard to implementation and phasing, and of course it is helpful to hold a public hearing early in the process. Chuck Klingenstein agreed with Mr. Daniels that the public render opinions initially, and then hold work sessions along the lines that Paul Sincock suggested, and then a final public hearing could be held.

Mark Harrington estimated that the process may take a few more months. Ms. Hoffman encouraged the Council to submit all clerical corrections in the interim. Hugh Daniels disclosed that he is part-owner of a house at 222 Grant Avenue which is in the HR-2 zone and manages two bed and breakfasts in the Historic District. The Mayor acknowledged letters from the public and invited public comment.

Steve Elrick, King Road resident, stated that this is the first he has heard of the nightly rental issue in the HRL zone and this was not reported in the *Park Record.* The HRL is a small area but it is like any other part in the Historic District. There are findings that nightly rentals are not desirable in the HRL zone because of substandard streets, but this is true in the HR-1 zone as well, i.e, Prospect and upper Norfolk. King Road, on the other hand, is well plowed and accessible. He would like to have the option of nightly rental use, and believes his neighborhood supports nightly rental. He understood that people in the Rossie Hill area want nightly rentals prohibited, and painted a picture of wild keg parties at the public hearing, which he has never witnessed. Visitors are here for a limited amount of time and usually travel in one car from the airport. He continued that a plat amendment may take a couple of months, if the property is on a 30° slope or more there is a conditional use process which could take an additional couple of months, an then an application has to go to the Historic District Commission, and perhaps the Board of Adjustment. A considerable amount of time could be consumed for a property owner to build and ways to streamline the process should be explored.

Gary Knudson indicated that he submitted plans to the City. Application of the two codes was again explained. Mr. Knudson felt it would be more fair to apply the current code until the new code is adopted. Ms. Hoffman explained that if a complete application was submitted by December 2, then the old code would apply. From December 2 to the present, both codes are applied until the new code is adopted. Mr. Knudson added that the decrease of 33 feet to 27 feet in the HRM zone is very difficult to build and this is going too far. A couple of feet is not going to be very noticeable.

3. **Review of regular meeting.** Hugh Daniels noted the changes on his disclosure statement. Chuck Klingenstein requested that Item 4 under the Consent Agenda be removed and discussed under New Business. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 28, 1999

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, January 28, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; and Tom Bakaly, Director of Capital Programs and Budget.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not on the agenda.

Mayor's Youth Council - Jessica Jensen, Mayor's Youth Council, reported that they will be raising funds in February by selling flowers and singing telegrams. A dinner fund-raiser will also be held. Their main focus will be a teen house, organized and run by teens, with a teen "hot line". There will be a licensed psychologist there and links to Planned Parenthood and Valley Mental Health. There was discussion about the City-owned Park Avenue buildings; basement space at Z-Place may be an option. Paul Sincock felt it was great that the kids are taking the initiative to develop a teen center. The Mayor encouraged Ms. Jensen to visit Council on a regular basis for updates.

III COMMUNICATIONS FROM COUNCIL AND STAFF

City-owned Park Avenue Buildings - Shauna Kerr requested that staff investigate contacting Habitat for Humanity about moving the house on Park Avenue to a lot.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 7, 1999

Hearing no corrections or omissions, the Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Hugh Daniels seconded. Motion carried unanimously.

V CONSENT AGENDA

The Mayor requested a motion to move Item 4 to New Business. Hugh Daniels, "I so move". Shauna Kerr seconded. Motion carried unanimously. Chuck Klingenstein, "I move approval of the Consent Agenda, noting Mr. Daniels' changes". Shauna Kerr seconded. Motion carried unanimously.

1. Acceptance of the Mayor and City Council disclosure statements for 1999 into the Official Minute Book - Staff recommends approval.

2. Ordinance approving 1312 Park Avenue final subdivision plat - See staff report.

3. Ordinance amending the approval of a Record of Survey plat, Arrowood Condominiums, at Gilt Edge Circle, Park City, Utah - See staff report.

4. Resolution authorizing the Director of Capital Programs and Budget to execute, file and accept applications and assurances from the U. S. Department of Transportation - See New Business.

VI RESIGNATIONS AND APPOINTMENTS

Appointment of Lori Collett as Treasurer - Shauna Kerr, "I move approval". Hugh Daniels seconded. Motion unanimously carried.

VII NEW BUSINESS

Resolution authorizing the Director of Capital Programs and Budget to execute, file and accept applications and assurances from the U. S. Department of Transportation - See staff report. Tom Bakaly explained that the Resolution is a federal requirement to process the FTA grant for roughly $5.8 million. Some requirements include ethics, lobbying, civil rights, discrimination, disabled business enterprise, procurement, free and open competition, private enterprise protections, and use and transfer of real property. He continued that many of these requirements have been in place because of the bus grants the City has received in the past. An amount of $350,000 will go toward buses and $5.4 million will be allocated to the Old Town transit center. Mr. Bakaly emphasized that if the City spends $3 million on the transit center and then decides that it doesn't want to follow-through on the project, $3 million would have to be repaid to the federal government. There are also federal historic requirements tied to the transit center site. Staff feels comfortable that the City's programs are in place and that staff is capable of monitoring these programs. Paul Sincock commented on the huge number of regulations that the City must comply with to accept the grant and associated costs of its administration. Mr. Bakaly pointed out that the City will be able to reimburse itself for the transportation money spent. Chuck Klingenstein felt it is prudent to channel everything through one person and felt confident with staff, although there may be a time when the City may want to contract for extra help. In response to a question from Roger Harlan about administrative costs, Tom Bakaly felt that there needs to be one to two people dedicated to the grant program. Toby Ross added that these regulations escalate the cost of a project by 10% to 20%.

Chuck Klingenstein, "I move approval of the Resolution, as outlined in the staff report. Shauna Kerr seconded. Motion unanimously carried. Chuck Klingenstein relayed his thanks for Hope Bleecker's efforts in the past, and supported the new grant team.

VIII ADJOURNMENT

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

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The meeting for which these minutes were prepared as 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, City Recorder

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**January 22, 1999 (January 28, 1999 Meeting)**
DEPARTMENT:	**Planning and Legal Departments**
AUTHOR:	**Patrick Putt** PAT
TITLE:	**LMC Re-Write Phase 1; Section 1: General Provisions/Procedures, Section 2: Definitions, Section 7: Districts and Regulations, Section 12: Non Conforming Uses and Section 13: Off-Street Parking.**
TYPE OF ITEM:	**Work Session and Public Hearing**

SUMMARY RECOMMENDATIONS: Conduct a work session and public hearing on Phase I of the Land Management Code re-write, (Section 1: General Provisions/Procedures, Section 2: Definitions, Section 7: Districts and Regulations, Section 12: Non Conforming Uses and Section 13: Off-Street Parking), and proposed zone changes. No action is requested at this meeting.

A. **Background**. On December 2, 1998 the Planning Commission forwarded a positive recommendation on Phase I of the Land Management Code update to Council. Phase I consists of General Provisions/Procedures, Definitions, Districts and Regulations, Non Conforming Uses, and Off- Street Parking. The general philosophy of the rewrite is to:

*reorganize the document structure;
*clarify and resolve existing inconsistencies;
*update regulations to be consistent with the General Plan;
*provide self-contained (user-friendly) chapters;
*make the document easier to read; and
*provide graphics and illustrations.

The Council will be conducting its first work session and public hearing on Phase I of the Land Management Code on January 28, 1999. The updated LMC document, including a 3/4 margin version and a clean version have been distributed to the Council. The 3/4 margin version outlines the significant changes and additions to the document. A red-line strike-out version is not possible to produce. The major format and text changes make a red-line strike out version extremely difficult to read. Maps illustrating the proposed zone changes have also been distributed. A summary of the Phase I changes is attached.

B. Issues For Council Discussion. In addition to discussing issues raised during the public hearing, Staff recommends that Council specifically review the following issues:

1. Proposed Zoning District Changes: Four (4) primary zone changes are proposed. The changes include:

*rezoning lower Park Avenue's HR-1, HCB, GC, and RM to HRM and RC;
*rezoning E-zoned City Park property to ROS;
*rezoning HR-1 zoned lots in the Ontario Avenue/Thrill Hill area (east side of the Mine Road) to HRL; and
*combining the HTO zoning district into the HR-2 zone

Are the proposed zoning district map changes acceptable or should the current proposals be modified or reconsidered? Are additional zoning map modifications necessary ?

2. Neighborhood Commercial uses on Lower Park Avenue: The Planning Commission has forwarded a recommendation that neighborhood commercial uses be allowed with a conditional use permit in the proposed HRM zone along lower Park Avenue. Staff has drafted CUP criteria for considering such uses which could include limited commercial and office uses. Inasmuch this proposal represents the first time in recent history in which commercial uses on lower Park Avenue has been given serious consideration, Staff recommends that the Council take additional public/neighborhood input. Public comment to date has been mixed.

3. Proposed HR-1 and HRL Zoning District Changes: Are the proposed HR-1 and HRL District changes which include elimination of the Floor Area Ratio (FAR) in exchange for building height and building footprint limitations, and the establishment of a conditional use permit review for development on slopes over 30% appropriate?

4. Nightly Rentals in the HRL District: At the request of two HRL property owners, the Planning Commission recommends that nightly rentals be prohibited in the HRL zone. See attached letter from Carol Sletta and Mary Wintzer.

5. Sensitive Lands: Should the Sensitive Lands Overlay be expanded? Are there additional Sensitive Lands Vantage Points that we should identify? The Planning Commission recommends a modification in the SLO setback provisions from 50' to "50 vertical feet". This revision would push development further away from Ridge Lines and Very Steep Slopes.

6. **<u>Appeals/Council Call-Up:</u>** To comply with state code requirements, all appeals **other than CUPs and MPDs** will now go straight from the Planning Commission to the Board of Adjustment. The Planning Commission was reluctant to recommend any changes in the Council appeals and call-ups of CUPs and MPDs. They deferred to Council on this issue. There are several alternatives that the Council could consider regarding CUPs and MPDs appeals. Council may consider the following options:

> **a. <u>Hearing Officer/No Council Call-Up</u>.** Commission CUP and MPD appeals could go directly to a hearing officer and eliminate City Council call-ups. This would eliminate the "politicalization" of appeals and limit appeals to a "error of law" review on the record created by the Commission. This option would be only as successful as the quality of the Hearing Officer.
>
> **b. <u>Hearing Officer/Call-Up Option</u>.** CUP and MPD appeals could go directly to a hearing officer, but retain the option for City Council call-ups. This would still eliminate the "politicalization" of appeals and would limit appeals to a "error of law" review on the record created by the Commission. However, the Council could hear a matter "de novo" as a supra-Planning Commission if it were a matter of great import.
>
> **c. <u>Current Process/Specify Scope and Standard of Review</u>.** The Council could maintain the current procedure with appeal to, and call-up by, the City Council, but it could specify what the scope of review (the current code is silent, allowing the Council to decide on a case by case basis). The "Error of law" standard is most commonly used on appeals. This limits the appeal to the record created by the Commission, and the Council would only overturn the Commission if it mis-applied a provision of the LMC as a matter of law. Another option would be "de novo" review which means that the Council would re-hear the entire matter and act as a supra-Planning Commission.
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> **<u>d. Board of Adjustment Only.</u>** All appeals would go to the Board of Adjustment. Staff would also recommend an "error of law" standard of review. Council call-up would be eliminated.

7. **Master Festival Licensing:** Master Festival Licenses are currently handled as a temporary business license matter under the Municipal Code of Park City, with no Planning Commission nor LMC review. Is the Council supportive of continuing this practice? Would the Council like to see some delineation of the license as a temporary use, subject to an Administrative Permit or a CUP?

D. Recommendation. The purpose of Thursday's meeting is to allow Council an opportunity to acquaint itself with the proposed changes and issues related to the LMC Phase I changes. No formal action is requested. The Planning Department recommends that the Council open the public hearing and take specific input concerning the current Phase I draft and proposed zone changes. Staff further recommends that the Council provide direction on necessary modifications, additions, and/or deletions along with specific input on any unresolved issue(s).

LAND MANAGEMENT CODE

COMPREHENSIVE and SUBSTANTIVE RE-WRITE
SUMMARY OF CHANGES as of January 22, 1999

1. Purpose of the Re-Write:

a. Reformat existing layout.
b. Reorganize chapters to make the code more user friendly.
c. Clarify and resolve current inconsistencies.
d. Update and propose changes to current regulations, including zone district and boundary changes, reflective of the current General Plan.
e. Make Chapters all-inclusive (move information that is currently buried in other Chapters, into Chapter 7 and individual zoning districts).
f. Added graphics.

2. Phase I consists of the following chapters:

a. Chapter 1 General Provisions
b. Chapter 2 Definitions
c. Chapter 7 Districts and Regulations
d. Chapter 12 Non-conforming uses
e. Chapter 13 Off-street parking

3. Chapter 1 Changes:

a. Reorganized, clarified, and updated.
b. Eliminated 51% lot owner signature requirement for zone amendments within platted subdivisions.
c. Expanded time-frame for Commission action from "next meeting" to 30 days, added provision for Council to act if Planning Commission does not.
d. Inserted state standards and clarified limitations and requirements for Temporary Zoning Ordinance (TZO).
e. Removed details of submittal requirements from LMC and include them on the application forms.
f. Replaced infrastructure language (already in Uniform Building Code (UBC) and Uniform Fire Code (UFC) with more stringent review criteria for steep slopes and lots with questionable access/utilities.
g. Modified process and requirements for termination of projects when no action has occurred after six months.
h. Changed violations of the LMC to a Class C misdemeanor, per State Law.

i. Reorganized and clarified the Appeals, Reconsideration, and Call-up process;
j. Included Constitutional Takings Review & Appeal (reflect State law);
k. Amended Noticing Matrix for consistency and clarity.

4. **Chapter 2 Changes:**
   a. Removed regulatory language from definitions.
   b. Clarified, organized, and updated definitions.
   c. Changed definition of building height, basement, common area, open space, bed and breakfast inn, agriculture, crawl space, grade, kitchen, office, and screen.
   d. Added definitions such as: accessory use, architectural detail, bakery, bay window, bill board, blank wall, building envelope, building pad, boarding house, business, cafe, cluster development, compatible, construction activity, construction mitigation plan, disabled care, building facade, first story, existing grade, group care facilities, grubbing, hardship, historic, hospital and limited care hospital, inaction, indoor entertainment facility, kitchenette, landmark, neighborhood convenience commercial, office uses, parcel, preservation easement, resort support commercial, ridge line area, satellite receiving station, steep slope, street scape, slope, suitability determination, TDR open space, significant wetland, and vehicular control device.

5. **Chapter 7 Changes:**
   a. **HR-1:** Conditional Use Permit (C.U.P.) process and review criteria added for development on the portion of a lot that exceeds slopes greater than 30%; eliminated Floor Area Ratio (FAR); added building footprint limitations and formulas for achieving compatible building volume, mass, and scale; reduced total front and rear setbacks to 20' from 30' for standard lot; eliminated MPDs; changed duplexes to a conditional use permit; and modified criteria for bed and breakfast inns.
   b. **HRC:** Height reduction from 35' to 32', left Heber Ave Sub-zone in place, commercial uses greater than 2,000 sf allowed in historic and non-historic buildings only with a CUP, and eliminated MPDs.
   c. **HCB:** Added Swede Alley development criteria, reduced Swede Alley building facade height to 24' from 30', added facade stepping requirements for property adjacent to residential districts, eliminated MPDs, changed bars to permitted use.
   d. **HTO/HR-2:** Combined HR-2 zone and HTO overlay into new HR-2 zone, added two sub-areas, less intensive commercial uses allowed in historic and historically compatible new structures, commercial uses on Park Avenue only permitted in subterranean spaces, all new construction to meet HR-1 site and design requirements, eliminated MPDs, prohibit tri-plexes.
   e. **HRL:** C.U.P. process for development on the portion of a lot where slopes exceed 30%; included HR-1 changes; elimination of Floor Area Ratio (FAR); addition of building footprint limitations; propose change of HR-1 property southeast of Ontario and Marsac; leave west side of Marsac in HR-1; eliminated MPDs.

f. **HRM:** New zone, similar to RM with added Historic District review; added Sullivan Road development criteria; reduced max. height from 33' to 27'; propose applying to all RM, HCB, and HR-1 property along Park Avenue (north of 10th) to 15th Street. Propose changing GC on west side of Park Avenue to RC. Propose changing RM property on west side of Park Avenue, north of 15th street, to RC.

g. **GC:** Updated and reorganized uses, require C.U.P. for residential uses, decreased front and increased rear setbacks for parking in rear.

h. **RC:** Replaced development credits with unit equivalents; added Floor Area Ration of 1.0; mandatory Historic Commission Review for single family and duplexes within two blocks of Historic District; added support commercial uses as C.U.P.

i. **SF:** Modified setbacks to set front facing garage facade back from plane of house, allowed Bed and Breakfast as C.U.P., eliminated cemeteries and riding academies.

j. **SF-N:** Eliminated chapter, included in SF zone, added Prospector Village regulations for nightly rental.

k. **RD, RDM, RM:** Increased garage setbacks; added support commercial retail as a C.U.P.

l. **R-1:** Change tri-plex to C.U.P, include Historic District Commission (HDC) design review criteria, increased garage setbacks.

m. **E:** Added Bed and Breakfast as C.U.P, eliminated residential other than single family and duplex, added parking lots and common garages, eliminated commercial recreation uses, added nurseries as CUP.

n. **E-40:** Created new "holding zone" annexation tool, one unit per 40 acre density restriction.

o. **ROS**: All uses except Conservation Activities now require a conditional use permit. No change in height.

p. **LI:** Require residential uses as a C.U.P.; reduce heights from 35' to 30'; increased front setbacks by 10'; increased open space requirement from 20% to 30%.

q. **RCO:** Added as C.U.P -boarding house, hostel, transportation services, heliports.

r. **SLO, FPZ:** Added Sensitive Lands Overlay and Frontage Protection Overlay criteria from related ordinances and from Chapter 8.

6. **Chapter 12 Changes:**

a. Added new standards for enlarging, altering and moving non-conforming uses.

b. Added more restrictive criteria for change of non-conforming use.

c. No continuation of non-conforming use if damage is more than 50%

d. No restoration of non-complying structure if building is damaged by more than 50%.

e. Entire chapter brought into conformance with Utah State law regarding non-conforming uses.

f. Put definitions into Chapter 2.

g. Added a table to compare non-conforming uses of similar or less intensive land use types.

7. **Chapter 13 Changes:**
   a. Included lighting standards for parking lots.
   b. Proposing new landscape guidelines for parking lots.
   c. Changed to allow tandem spaces in all zones for SF and duplex units.
   d. Expanded parking ratio table to be consistent with land use table.
   e. Deleted old multi-family table, incorporated new ratios in residential table.
   f. Changed parking ratio for multi-family uses- consistent throughout city.
   g. Added bicycle parking requirements and guidelines.
   h. Added driveway standards for private driveways within platted, unbuilt city streets.
   i. Changed parking ratios for offices uses.

8. **Proposed Zone Boundary Changes** -as mentioned above, including but not limited to the following:
   a. Propose changing to the new HRM zone, the RM, HR-1 and HCB zoned properties located on Park Avenue, north of Tenth Street and south of 15th Street. Propose changing GC zoned property on the west side of Park Avenue to RC. Propose changing RM property, north of 15th Street, to RC. Propose changing E zoned City Park property to ROS.
   b. Propose changing to the HRL zone, the HR-1 properties located south and east of Ontario and Marsac Avenues.
   c. Propose changing to the new HR-2 zone, current HTO/ HR-2 property located east and west of Main Street, with the exception of property owned by the City along Marsac and Swede Alley.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Hugh A. Daniels and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

617 Woodside Avenue

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

The Old Miners' Lodge, Inc.	President/General Mgr.
Utah Inns Company	Vice President/General Mgr.
Silver-King, L.L.C.	General Mgr.

4. That I have the following investments and personal interest which could cause a conflict of interest:

Part ownership of Property at 222 Grant Avenue

5. That I do not represent and do not intend to represent or assist any persons or business entities in transactions which involve Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure statement at my earliest opportunity.

FURTHER Affiant sayeth naught.

DATED this ___ day of January, 1999.

____
Hugh A. Daniels

Subscribed and sworn before me this ___ day of January, 1999.

____
Notary Public

PARK CITY
1884

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Roger Harlan and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2558 Geronimo Court

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or which do, or intend to do business with Park City Municipal Corporation):

N/A.

4. That I have the following investments and personal interest which could cause a conflict of interest:

Home at 2558 Geronimo Court, Park City
Board member of Habitat for Humanity

5. That I do not represent or intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 19th day of January, 1999.

Roger E. Harlan

Roger Harlan

Subscribed and sworn before me this 19th day of January, 1999.

Janet M. Scott

Notary Public

22B

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Shauna L. Kerr, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

3130 American Saddler Drive
Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Owner of law practice:
Ross & Kerr L.L.C.
1741 Sidewinder Drive, Suite 200
Park City, Utah 84060

Part-time ski host and seasonal employee - Deer Valley ski areaDecember 1998 to April 1999.

Husband Lewis G. Dragolovich, President/Owner
Wasatch Employee Benefit Service, Inc.
102 West Fifth South, Suite 205
Salt Lake City, Utah 84101

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

I have a legal practice within Park City (see above address). I will update this disclosure as needed if even the appearance of conflicts occur.

My husband's company, Wasatch Employee Benefit Service, Inc., has contracts for benefit services with the following companies doing business in Park City : Royal Street Land Company and Deer Valley Resort, U.S. Ski Team and Snowboard Association, Web Bank, Valley Mental Health, Swiss Mt. Enterprise, and Planned Parenthood of Utah

Own home at 3130 American Saddler Drive

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this ___ day of January, 1999.

____
Shauna L. Kerr

Subscribed and sworn before me this ___ day of January, 1999.

____
Notary Public

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now C. P. Klingenstein, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at:

2131 Lucky John Drive
Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

C. P. Klingenstein Planning Services, Inc., Owner/President
Contract employee of University of Utah

4. That I have the following investments and personal interest which could cause a conflict of interest:

Property Owner 2131 Lucky John in Park Meadows
Glenwood Cemetery Assoc. - Board member

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure statement at my earliest opportunity.

FURTHER Affiant sayeth naught.

DATED this 7 day of January, 1999.

C.P. Klingenstein
C. P. Klingenstein

Subscribed and sworn before me this 7 day of January, 1999.

Janet M Scott
Notary Public

NOTARY PUBLIC
JANET M. SCOTT
446 Marsac Ave. P.O. Box 1480
Park City, Utah 84060
My Commission Expires
March 11, 2000
STATE OF UTAH

PARK CITY 1884

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Bradley A. Olch and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2571 Lucky John Drive, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or does, or intends to do business with Park City Municipal Corporation):

None.

4. That I have the following investments and personal interest which could cause a conflict of interest:

Home at 2571 Lucky John Drive

5. That I do not represent nor do I intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increases the potential to conflict with my duties as a city Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 11 day of January, 1999.

Bradley A. Olch

Bradley A. Olch

Subscribed and sworn before me this 11 day of January, 1999.

NOTARY PUBLIC
JANET M. SCOTT
445 Marsac Ave. P.O. Box 1480
Park City, Utah 84060
My Commission Expires
March 11, 2000
STATE OF UTAH

Janet M. Scott

Notary Public

26

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Paul Sincock and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at

2925 Estates Circle.

3. That I am an officer, director, agent, employee or my spouse is the owner of a substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

P. F. Sincock & Co., Owner
Uniglobe Peregrine Travel, Vice-President, Director

4. That I have the following investments and personal interest which could cause a conflict of interest:

Same as No. 3

5. That I do not represent nor do I intend to represent or assist any persons or business entities in a transaction which involve Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 7 day of January, 1999.

Paul Sincock

Subscribed and sworn before me this 7 day of January, 1999.

Janet M. Scott
Notary Public

NOTARY PUBLIC
JANET M. SCOTT
[illegible]
Park City, Utah [illegible]
My Commission Expires
March 11, 2000
STATE OF UTAH

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: January 21, 1999 (January 28, 1999 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP
TITLE: 1312 Park Avenue
TYPE OF ITEM: Final Subdivision plat

SUMMARY RECOMMENDATION: Approval as conditioned.

DESCRIPTION:
A. Topic

PROJECT STATISTICS:

Applicant: John Riley, owner
Location: 1312 Park Avenue
Zoning: RM- Residential Medium Density
Adjacent Land Uses: Single family residences, condominiums, and City Park
Date of Application: December 23, 1998

B. Background

On July 22, 1998 the Planning Commission approved a sketch and preliminary subdivision plat for 1312 Park Avenue. On December 23, 1998 the applicant submitted a request for a final subdivision plat. The plat combines four unplatted metes and bounds parcels into one building lot for four new condominium unit. The property is zoned RM, Residential Medium Density. On December 2, 1998 the Planning Commission forwarded a recommendation to the City

Council to rezone lower Park Avenue to HRM, Historic Residential Medium. There is an existing historic structure on the property that will remain. Architectural review was discussed at the time of preliminary plat approval and the Commission determined that revisions to the existing historic house and all new construction should be reviewed and approved by the Historic District Commission in compliance with the Historic District Design Guidelines. Pursuant to the Sullivan Road access Resolution 30-97, approved by City Council in December of 1997, the preliminary plat was approved with a combination of access to Park Avenue and Sullivan Road.

On January 27, 1999 the Planning Commission will hold a public hearing and vote to forward this item to the City Council. The Planning Commission's recommendation will be presented to the City Council at the January 28 meeting.

C. Project Description

Location

The parcel is located on the east side of Park Avenue, between Park Avenue and City Park just south of the fire station (see Exhibit A). The property is situated between two single family residences on Park Avenue and adjacent to the Coalition Lodge on Sullivan Road. The property (Exhibit B), currently, consists of four (4) metes and bounds parcels, one 7,071 square foot parcel (parcel A), one 2,185 square foot parcel (parcel B), one 1,820 square foot parcel (parcel C), and one fragment parcel of 1,799 square feet (parcel D).

Sketch and Preliminary Plat

A sketch and preliminary plat was approved by the Planning Commission on July 22, 1998.

Final Subdivision Plat

The applicant is requesting approval of a final subdivision plat to create a single development lot from 4 unplatted metes and bounds parcels. A public hearing before the Planning Commission, with final approval by the City Council, is required before the plat may be recorded and final building permits issued. This final subdivision plat shall be reviewed for conformance with the preliminary plat and all recommended conditions of preliminary approval. Before any units may be sold, a final record of survey plat (for the condominium project) shall be submitted to the City for review and approval by the Planning Commission and City Council.

Land Management Code Requirements for the RM zone

The property is a total of 12,875 square feet in area and is located in the RM zone. The Planning Commission forwarded a recommendation to the City Council on December 2, 1998 to rezone this lower Park Avenue area from RM, Medium Density Residential, to HRM, Historic Medium Density Residential. At this time both the current LMC, February 25, 1998, and the December 2, 1998 Land Management Code revisions before the City Council, apply, as do requirements of both zoning districts. Single family homes, duplexes, and tri-plexes are permitted uses in the RM zoning district. Building heights in the RM district are allowed at 33' to the peak of a pitched roof. The proposed building height in the HRM district is 27' to the peak. The following table illustrates development parameters for this site:

	Code Requirements*	
	Single Family	**Duplex**
Lot Size	2,812	3,750
Setbacks		
• Front	15 feet (new front facing garages proposed to be 20')	15 feet (new front facing garages proposed to be 20')
• Rear	10 feet (15 feet if adjacent to a street)	10 feet (15 feet if adjacent to a street)
• Sides	5 feet	5 feet
Parking	2 per dwelling unit	2 per dwelling unit
Height	27'**	27'**
Square Footage FAR	no requirement in the RM or HRM zone	
Open Space	none	none

***LMC Code requirements are subject to change with the current LMC re-write.**
****Height compliance is determined at the time of building permit application.**

Existing Historic Structure
There is an existing historic single family structure on the parcel which is being rehabilitated. Planning Commission approval of the preliminary plat included a condition of approval that no certificate of occupancy on any building on the new lot shall be issued prior to completion of the rehabilitation of the historic structure. Staff also recommends a condition of approval on the final plat that no further building permits be issued on the new structures until the historic structure is secured on a proper foundation. Staff recommends that a preservation facade easement agreement, between the applicant and the City, for 1312 Park Avenue, be recorded prior to issuance of a certificate of occupancy for any building in this subdivision.

Utility Plan
A utility plan has been submitted to the City Engineer for review and approval. A 10' snow storage easement along Park Avenue has been provided on the plat. A sanitary sewer easement, to serve the entire project from Park Avenue is dedicated on the plat. Any outstanding utility issues will be resolved to the satisfaction of the City Engineer and Fire Marshall prior to recording of the final plat. All construction shall conform to UBC and Fire Code applicable at

the time of building permit application. The applicant is not proposing to extend utilities from Sullivan Road, with the possible exception of telephone and power, which are existing. See below "Landscaping Plan" for tree preservation issue regarding installation of utilities at this site.

Landscape Plan
Staff recommends that a landscape plan, to address the best solution to providing utility access while preserving the two large trees along the north property line, be required as part of the building permit application, and as a condition of plat approval. In addition, the landscape plan shall indicated how the site will be re-vegetated and landscaped after construction is complete, The parcel is located within the Prospector Soils and Maintenance area and is subject to the Prospector Landscaping and Maintenance of Soils Ordinance dated December 8, 1988.

Access
Resolution 30-97, a Resolution Requiring Conditional Use Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park, was adopted by City Council in December of 1997. This Resolution requires enhanced site plan considerations including increased setbacks and open space, decreased potential density, and pedestrian-scaled elements such as porches and windows facing the streets in exchange for vehicular access to Sullivan Road. The final plat is consistent with the approved preliminary plat regarding access to Sullivan Road.

Architectural Guidelines
Resolution 30-97 also strongly encourages the use of the Historic District design review process to strengthen the character, continuity, and integration of multifamily and single family along Park Avenue, Sullivan Drive, and Eastern Avenue. Staff recommends that all new development, including additions or remodels to the existing house be reviewed for compliance with the Historic District Design Guidelines.

D. Analysis

The final plat, as conditioned, complies with the approved proposed sketch and preliminary plat of July 22, 1998. The final plat is consistent with all requisite requirements of the Land Management Code, specifically Section 7.8 for development within the RM zoning district and Section 15 for development of a subdivision. In addition, the final plat is consistent with all requisite requirements of the December 2, 1998 Land Management Code revisions, pertaining to development in the proposed HRM zoning district.

The proposal, as conditioned, retains the mass and scale of 1312 Park Avenue by requiring any additions to or remodels of the existing structure to follow HDC guidelines with final approval by the Historic District Commission. New construction will be compatible with the existing structure and the historic structures on Park Avenue by adhering to the HDC guidelines.

Proposed site and utility plans are consistent with the Planning Commission's and Parks Board's review criteria as stated in the two Resolutions of May 29 and October 22, 1997. A final utility plan shall be reviewed and approved by the City Engineer prior to plat recordation. A financial guarantee for completion of all required public improvements shall be submitted to the City prior to plat recordation. A landscape plan shall be reviewed and approved by the Community Development Department prior to issuance of a full building permit. Special utility installation methods may be required in order to preserve the existing trees.

E. Planning Commission Action

On January 27, 1999 the Planning Commission will hold a public hearing on this request. The Commission's recommendation will be forwarded to the Council at the meeting on January 28.

F. Public Input

Notice of this amendment and the public hearing were properly published and posted. Letters were sent to property owners within 300' of the property on January 5, 1999. As of the date of this report, staff has not received any input on this final plat from affected property owners.

G. Department Review

City staff most recently reviewed this proposal at the January 5, 1998 staff meeting. Any issues raised have been mitigated through conditions of approval. The City Attorney and City Engineer will review the final plat and development plans, for compliance with the Land Management Code, Utah State Subdivision law, and all conditions of approval prior to recordation of the plat.

ALTERNATIVES:

A. Approve the final subdivision plat as proposed to create a single development lot from four metes and bounds parcels at 1312 Park Avenue for the purpose of developing a condominium project consisting of 4 new single family detached units and the rehabilitated historic structure.

B. Deny the final subdivision plat as proposed, and provide direction to staff and the applicant on acceptable alternatives.

C. Continue the item and request further evaluation from the City Staff.

SIGNIFICANT IMPACTS:

The proposed subdivision plat and site plan will result in one platted lot at 1312 Park Avenue. The plat will allow construction of four single family homes on this lot with a record of survey plat required to transfer ownership of the units. The plat preserves the mass and scale of an existing historic structure. Given the required setbacks, historic district design review, and preservation of existing vegetation and open area along Park Avenue, the proposed subdivision plat and associated site plan will result in structures which are smaller than adjacent land uses of a single large condominium building.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision plat is not approved as proposed, the applicant could apply for an addition to the Historic structure and apply for individual subdivisions on each metes and bounds parcel.

RECOMMENDATION:

Staff recommends the City Council approve the proposed final subdivision plat based on the following:

Findings of Fact

1. The property is located in the RM, Residential Medium Density, zoning district. The December 2, 1998 Land Management Code revisions recommend that 1312 Park Avenue be rezoned to HRM, Historic Residential Medium Density, zoning district.

2. There is an existing historic house and detached garage on this property. The house contributes to the historic street scape along Park Avenue due to the building's general mass and scale.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community as a whole and to Park Avenue, which is the entry corridor to the Park City Historic District.

4. There are several large existing trees on the north property line. Preservation of the trees is necessary to preserve the street scape and to screen the new development.

5. The proposed subdivision plat creates one platted lot for the purpose of allowing construction of 4 new single family structures and rehabilitation of an existing structure in development of a condominium complex at 1312 Park Avenue. The site is approximately 12,875 square feet in area.

6. The City Council adopted Resolution 30-97, Resolution Requiring Conditional Use Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park, on December 18, 1997. This Resolution requires utility considerations, enhanced site plan considerations, preservation of historic structures and landscape features, design review under the Historic District Standards, incorporation of pedestrian and landscape improvements, and parking mitigation in order to be permitted limited vehicular access onto Sullivan Drive.

7. The project fronts City-owned Sullivan Drive and City Park.

8. The project is located on Park Avenue with high intensity residential uses and with minimal construction staging area.

9. Dedication of a ten (10) foot non-exclusive snow storage easement along Park Avenue is

necessary to provide adequate snow removal services.

10. The existing historic structure on the newly created lot is non-conforming (front yard setback).

11. The project is located in a neighborhood that includes several single-story historic structures.

12. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

13. The applicant stipulates to the conditions of approval.

14. According to the title report, this property is located in an area subject to the Prospector Landscaping and Maintenance of Soils Ordinance.

15. On July 22, 1998 the Planning Commission approved a sketch and preliminary plat for this subdivision at 1312 Park Avenue. On January 27, 1999 the Commission held a public hearing on the final subdivision plat.

Conclusions of Law

1. The final plat is consistent with the July 22, 1998 approved sketch and preliminary plat.

2. There is good cause for the subdivision as increased setbacks can be provided and overall density can be reduced.

3. Neither the public nor any person will be materially injured by the proposed subdivision.

4. The proposal is consistent with the Park City Land Management Code Chapter 7, including the proposed December 2, 1998 LMC revisions to Chapter 7, as well as Chapter 15 and State subdivision requirements.

5. The proposal complies with Resolution 30-97.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the plat for compliance with the LMC and conditions of approval is a condition precedent to plat recordation.

2. A ten (10) foot non-exclusive snow storage easement along Park Avenue shall be dedicated to the City on the plat.

3. Design of all construction, including rehabilitation and addition to the historic house shall be reviewed for compliance with the Historic District Design Guidelines and all relevant design criteria set forth in City Council Resolution 30-97, Resolution Requiring Conditional Use

Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park.

4. All Standard Project Conditions shall apply.

5. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

6. The applicant shall work with the Planning Department and City Engineer to develop an alternative utility plan which preserves and protect the existing evergreen trees. Measures to protect said trees shall be included the Construction Mitigation Plan.

7. No certificate of occupancy on any building in this subdivision shall be issued prior to completion of the restoration to the historic structure and recordation of a preservation facade easement agreement with City, for the historic structure at 1312 Park Avenue.

8. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

9. A construction mitigation plan shall outline specific measures, including soils testing and management, to be undertaken during construction to preserve existing vegetation, identified on the landscape and site plan, and to ensure compliance with the Prospector Landscaping and Maintenance of Soil Cover requirements of Title 11, Chapter 15 of the Municipal Code.

10. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

11. Prior to plat recordation the applicant shall submit to the City for review and approval a final landscape plan, consistent with the construction mitigation plan and utility plan, showing how the site will be re-vegetated and landscaped. A landscape guarantee will be collected at the time of building permit issuance in conformance with standard City requirements.

12. Prior to issuance of any building permits the applicant shall comply with all requirements of the UBC and Fire Codes in effect at the time of building permit application.

13. City Engineer review and approval of grading, utility, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

EXHIBITS:

Exhibit A- Proposed plat
Exhibit B- Location map
M:\CDD\KAW\CC\CC99\PRK1312.REP

Ordinance No. 99-

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR 1312 PARK AVENUE, PARK CITY , UTAH

WHEREAS, the owner of the property known as 1312 Park Avenue has petitioned the City Council for approval of a final subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 27, 1999 to receive input on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final subdivision plat for 1312 Park Avenue.

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The property is located in the RM, Residential Medium Density, zoning district. The December 2, 1998 Land Management Code revisions recommend that 1312 Park Avenue be rezoned to HRM, Historic Residential Medium Density, zoning district.

2. There is an existing historic house and detached garage on this property. The house contributes to the historic street scape along Park Avenue due to the building's general mass and scale.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community as a whole and to Park Avenue, which is the entry corridor to the Park City Historic District.

4. There are several large existing trees on the north property line. Preservation of the trees is necessary to preserve the street scape and to screen the new development.

5. The proposed subdivision plat creates one platted lot for the purpose of allowing construction of 4 new single family structures and rehabilitation of an existing structure in development of a condominium complex at 1312 Park Avenue. The site is approximately 12,875 square feet in area.

6. The City Council adopted Resolution 30-97, Resolution Requiring Conditional Use Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park, on December 18, 1997. This Resolution requires utility considerations, enhanced site plan considerations, preservation of historic structures and landscape features, design review under the Historic District Standards, incorporation of pedestrian and landscape improvements, and parking mitigation in order to be permitted limited vehicular access onto Sullivan Drive.

7. The project fronts City-owned Sullivan Drive and City Park.

8. The project is located on Park Avenue with high intensity residential uses and with minimal construction staging area.

9. Dedication of a ten (10) foot non-exclusive snow storage easement along Park Avenue is necessary to provide adequate snow removal services.

10. The existing historic structure on the newly created lot is non-conforming (front yard setback).

11. The project is located in a neighborhood that includes several single-story historic structures.

12. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

13. The applicant stipulates to the conditions of approval.

14. According to the title report, this property is located in an area subject to the Prospector Landscaping and Maintenance of Soils Ordinance.

15. On July 22, 1998 the Planning Commission approved a sketch and preliminary plat for this subdivision at 1312 Park Avenue. On January 27, 1999 the Commission held a public hearing on the final subdivision plat.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat, that neither the public nor any person will be materially injured by the proposed amendment. The final plat is in conformance with the approved preliminary plat of July 22, 1998 and is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The final subdivision plat for 1312 Park Avenue is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat for compliance with the LMC and conditions of approval is a condition precedent to plat recordation.

2. A ten (10) foot non-exclusive snow storage easement along Park Avenue shall be dedicated to the City on the plat.

3. Design of all construction, including rehabilitation and addition to the historic house shall be reviewed for compliance with the Historic District Design Guidelines and all relevant design criteria set forth in City Council Resolution 30-97, Resolution Requiring Conditional Use Review For Limited Vehicular Access On Sullivan Drive--The Access Drive For City Park.

4. All Standard Project Conditions shall apply.

5. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

6. The applicant shall work with the Planning Department and City Engineer to develop an alternative utility plan which preserves and protect the existing evergreen trees. Measures to protect said trees shall be included the Construction Mitigation Plan.

7. No certificate of occupancy on any building in this subdivision shall be issued prior to completion of the restoration to the historic structure and recordation of a preservation facade easement agreement with City, for the historic structure at 1312 Park Avenue.

8. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

9. A construction mitigation plan shall outline specific measures, including soils testing and management, to be undertaken during construction to preserve existing vegetation, identified on the landscape and site plan, and to ensure compliance with the Prospector Landscaping and Maintenance of Soil Cover requirements of Title 11, Chapter 15 of the Municipal Code.

10. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

11. Prior to plat recordation the applicant shall submit to the City for review and approval a final landscape plan, consistent with the construction mitigation plan and utility plan, showing how the site will be re-vegetated and landscaped. A landscape guarantee will be collected at the time of building permit issuance in conformance with standard City requirements.

12. Prior to issuance of any building permits the applicant shall comply with all requirements of the UBC and Fire Codes in effect at the time of building permit application.

13. City Engineer review and approval of grading, utility, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

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

PASSED AND ADOPTED this 28 th day of January, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

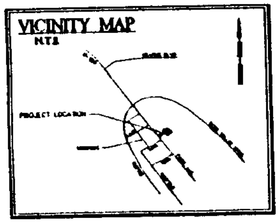
Approved as to form:

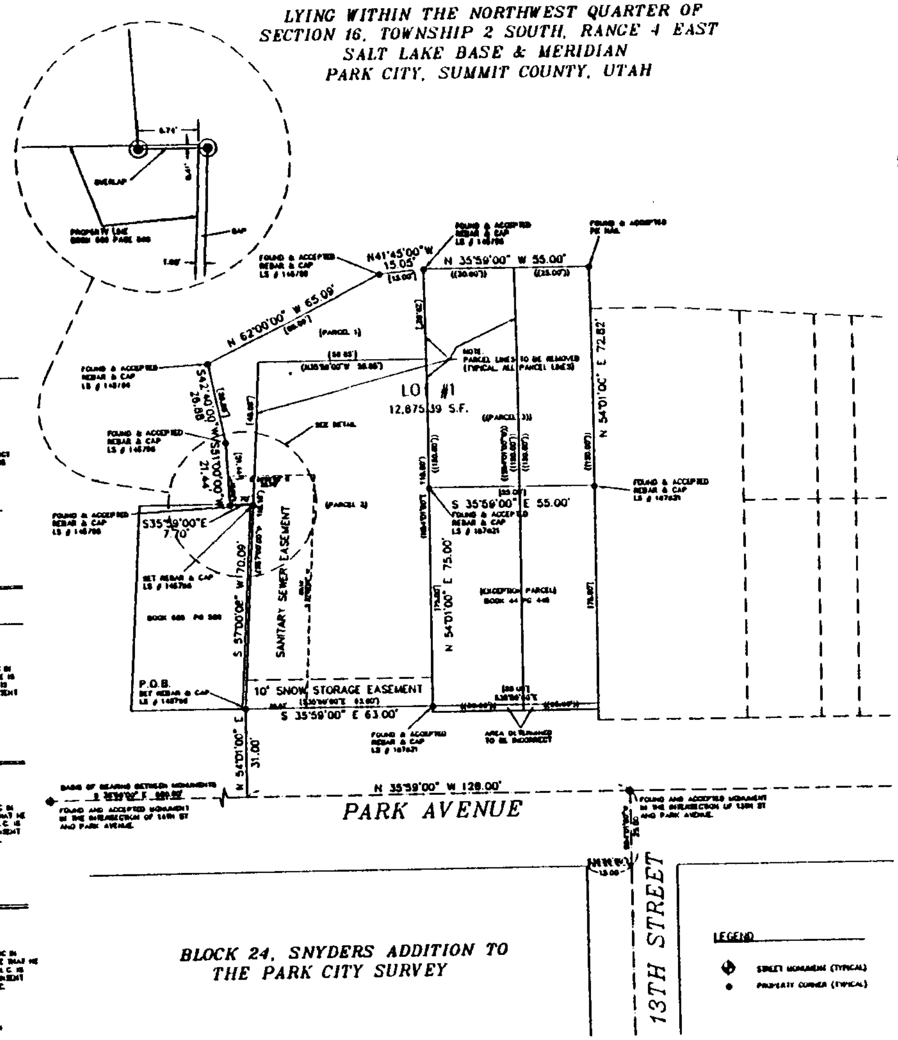
____

Mark D. Harrington, Deputy City Attorney

SUBDIVISION PLAT OF "COTTAGES ON THE PARK"
– A ONE LOT SUBDIVISION –

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





OWNERS DEDICATION AND CONSENT TO RECORD

JOHN P. RILEY, MANAGER
I.S.W. INVESTMENT, L.L.C.

RONALD B. KADZEL, MANAGER
I.S.W. INVESTMENT, L.L.C.

STEVEN L. HONEYWELL, MANAGER
I.S.W. INVESTMENT, L.L.C.

ACKNOWLEDGEMENT(S)

STATE OF UTAH
COUNTY OF SUMMIT } JOHN P. RILEY

NOTARY PUBLIC

STATE OF UTAH
COUNTY OF SUMMIT } RONALD B. KADZEL

NOTARY PUBLIC

STATE OF UTAH
COUNTY OF SUMMIT } STEVEN L. HONEYWELL

NOTARY PUBLIC

LEGAL DESCRIPTION
OVERALL PROPERTY BOUNDARY
(AS SURVEYED)

LEGAL DESCRIPTION
EXISTING PARCELS 1, 2 & 3 PROPERTY BOUNDARIES

PARCEL 1:

PARCEL 2:

PARCEL 3:

THE ADDRESS OF LOT #1 IS:
1312 PARK AVENUE
PARK CITY, UT 84060

SURVEYORS NARRATIVE:

SURVEYOR'S CERTIFICATE

ROBERT W. POHL

DATE:

CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ________ A.D. 1998.	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ________ A.D. 1998.	PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS ____ DAY OF ________ A.D. 1998. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AS TO FORM ON THIS ____ DAY OF ________ A.D. 1998.	NO. ____ STATE OF UTAH. COUNTY OF SUMMIT. RECORDED AND FILED AT THE REQUEST OF:
CHAIRMAN	CITY ENGINEER	MAYOR / CITY RECORDER	CITY ATTORNEY	COUNTY RECORDER

SNYDERVILLE BASIN S.I.D.
AD 1998.

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DEC 30 1998
PARK CITY
PLANNING DEPT.

Evergreen Engineering, Inc.

EXHIBIT A

1312 Park Ave

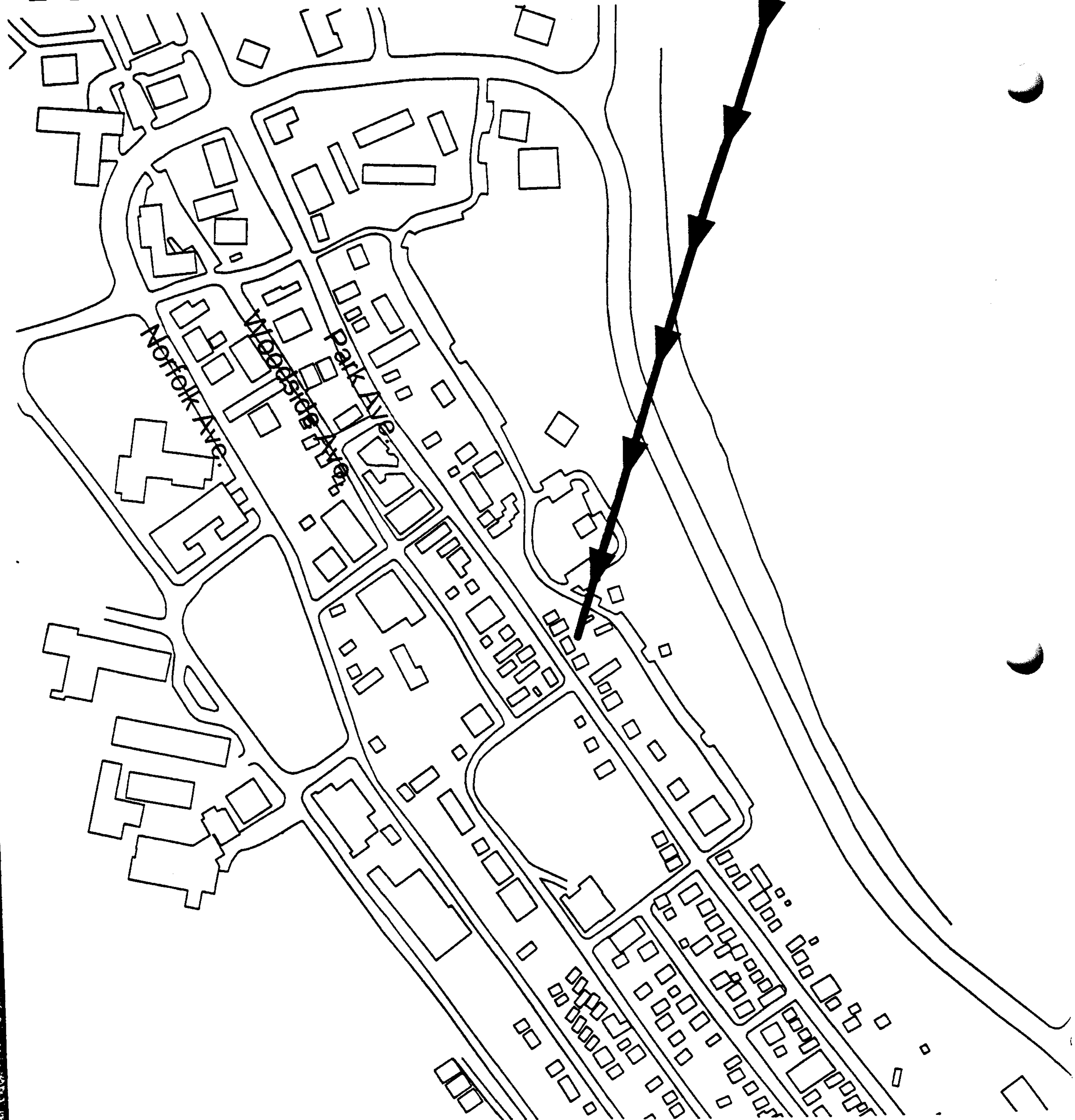


Exhibit - **B**
Vicinity Map

41

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE:	January 28,1999
DEPARTMENT:	CDD
AUTHOR:	Megan B. Ryan MBR
TITLE:	Arrowood Condominiums, Gilt Edge Circle
TYPE OF ITEM:	Extension of approval for Record of Survey Plat with minor modifications.

SUMMARY RECOMMENDATIONS: Discuss and consider adopting ordinance for three unit Record of Survey plat as conditioned.

DESCRIPTION:

A. Topic.
Record of Survey plat for three unit development at Gilt Edge Circle.

B. Background.
The City Council approved this plat on September 25, 1997. The project was opposed by the neighboring Owners Association, Queen Esther 3. Litigation ensued and a settlement was reached in November of 1998. The Council approval of the plat expired on September 25, 1998. The applicant did not submit an extension request at that time as the litigation had not been settled. The plat has not been recorded, nor executed by the City.

The applicant is requesting that an extension of the original approval be granted with slight modifications to the site plan as decreed by the settlement agreement.

C. Analysis.
The settlement agreement called for slight adjustments to the site plan. The pool area was removed from the project and the footprint of Unit 2 was slightly enlarged. Unit 2 was also reduced to 26.5' in overall height. Other modifications include changes to limited and private area designations and snow storage areas. The site plan changes are in compliance with the original intent of the site plan.

D. Department Review
The Community Development Department and the City Attorney's office have reviewed this report.

ALTERNATIVES

A. Approve as conditioned.
B. Remand to the Planning Commission for hearing and action.
C. Continue the item for further discussion and/or additional input from Staff.

SIGNIFICANT IMPACTS:
The Record of Survey will allow the units to be sold individually.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Unit 1 and 3 are already constructed and will remain under single ownership if the plat is not approved.

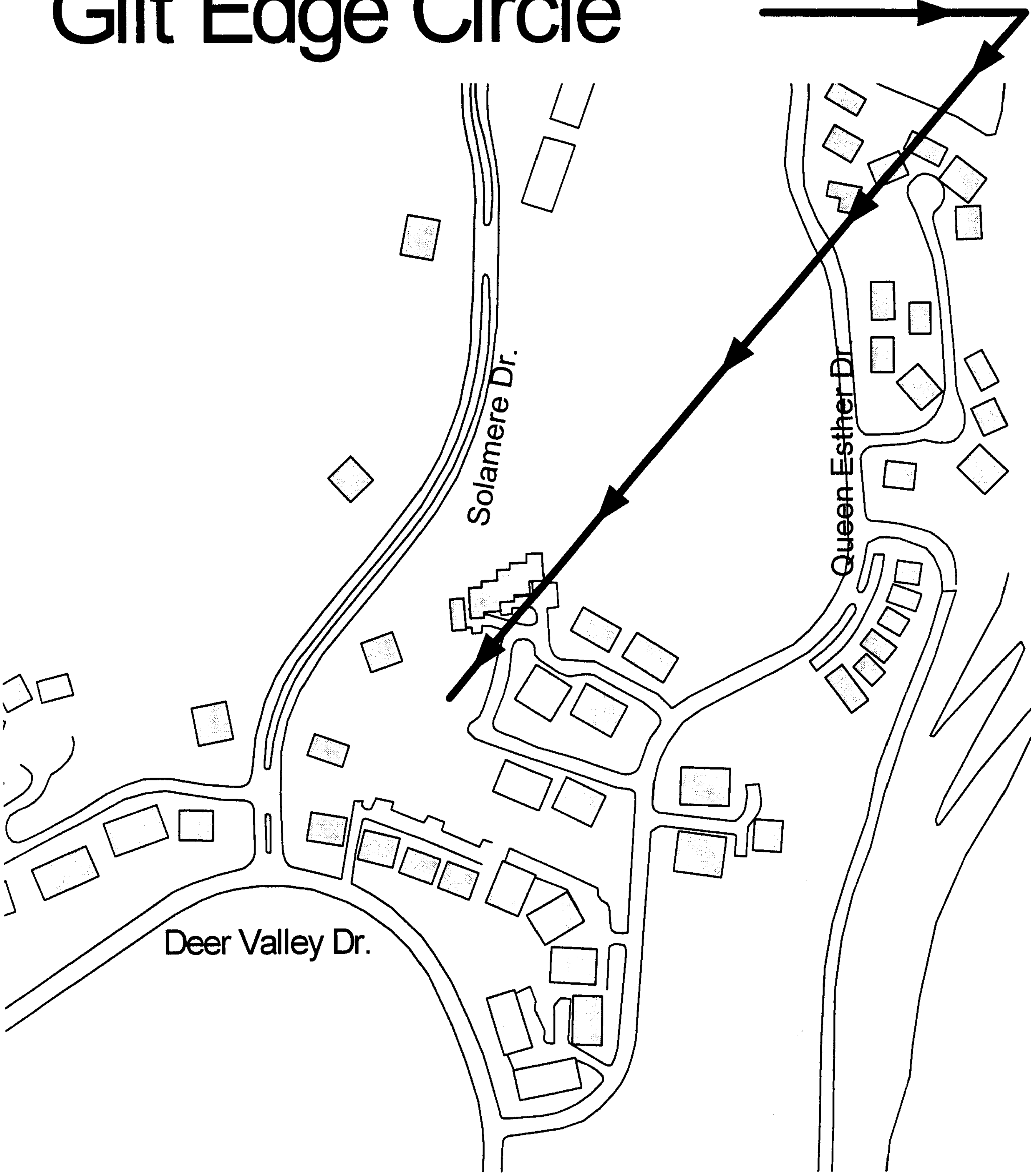
RECOMMENDATION:
Approve the amendment to Ordinance 97- 44, as shown on the attached Exhibit E, as follows:
Findings of Fact:
1. The project is located in the RD Zoning District.
2. The condominium plat will result in three detached condominium units with shared recreational amenities. Living area is approximately 2,850 square feet for each unit. This use is permitted under the Residential Development District and meets all Land Management Code requirements concerning heights and setbacks.
3. Gilt Edge Circle is a private road, over which the applicant has an easement.
4. An open space buffer to the North has been offered by the applicant to be restricted as unbuildable. This restriction will prohibit any future development on this portion of the applicant's property and provide significant open space on the site.
5. The property has two significant sewer easements that traverse the site. A fifty foot easement runs through the northern section of the parcel and a twenty foot easement runs through the center of the parcel. Due to the site's physical constraints and the restricted open space parcel, careful construction planning on this site will be necessary.

Conclusions of Law:
1. There is good cause for the Record of Survey, as a significant portion of the property will remain unbuildable.
2. The proposed Record of Survey is consistent with the Park City Land Management Code, Section 7.5 and the State Condominium Ownership Act requirements.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions:
1. The final Record of Survey and CC& R's shall be reviewed and approved by the City Engineer and City Attorney for compliance with State law, the Land Management Code and these conditions of approval as a condition precedent to plat recordation.
2. The site plan as submitted on January 5, 1999 will be the site plan by this process. Setbacks must conform to Chapter 7.5 of the Land Management Code. For the purpose of setback calculations, Gilt Edge Circle abuts the front of the parcel and the Solamere subdivision abuts the rear.
3. Signs for the project shall be limited to the building face of one structure and shall be governed in size and materials by the Municipal Sign Code.
4. All exterior security lighting shall be high-pressure sodium light sources that are shielded and down directed.
5. The northernmost parcel of this property and the 50' wide sewer easement shall be restricted in a form acceptable to the City Attorney that delineates that area as unbuildable. A note indicating such shall be recorded on the Record of Survey plat.
6. Approval of a Construction Management Plan for the site, which details at a minimum staging, vehicle and material storage and Limits of Disturbance fencing, shall be submitted, by the Chief Building Official is a condition precedent to any building permit issuance on the site. The open space area shall be used for temporary construction staging, material or vehicular storage during construction only if no other location on site can be utilized. Any site disturbance in this are shall be revegetated to ensure that the site is returned to a passive, landscape area and sureties shall be posted to ensure this at time of the building permit issuance.
7. The plat shall be recorded within one year of the date of this approval or this approval is null and void.

Exhibit A - Location Map
Exhibit B - September 1997 approved plat
Exhibit C - Letter from applicant
Exhibit D - Final Condominium Plat, January 5, 1999
Exhibit E - Ordinance

Gilt Edge Circle



PARK CITY
1884

Exhibit A
Vicinity Map

45

Exhibit B - September 1997 approved plat

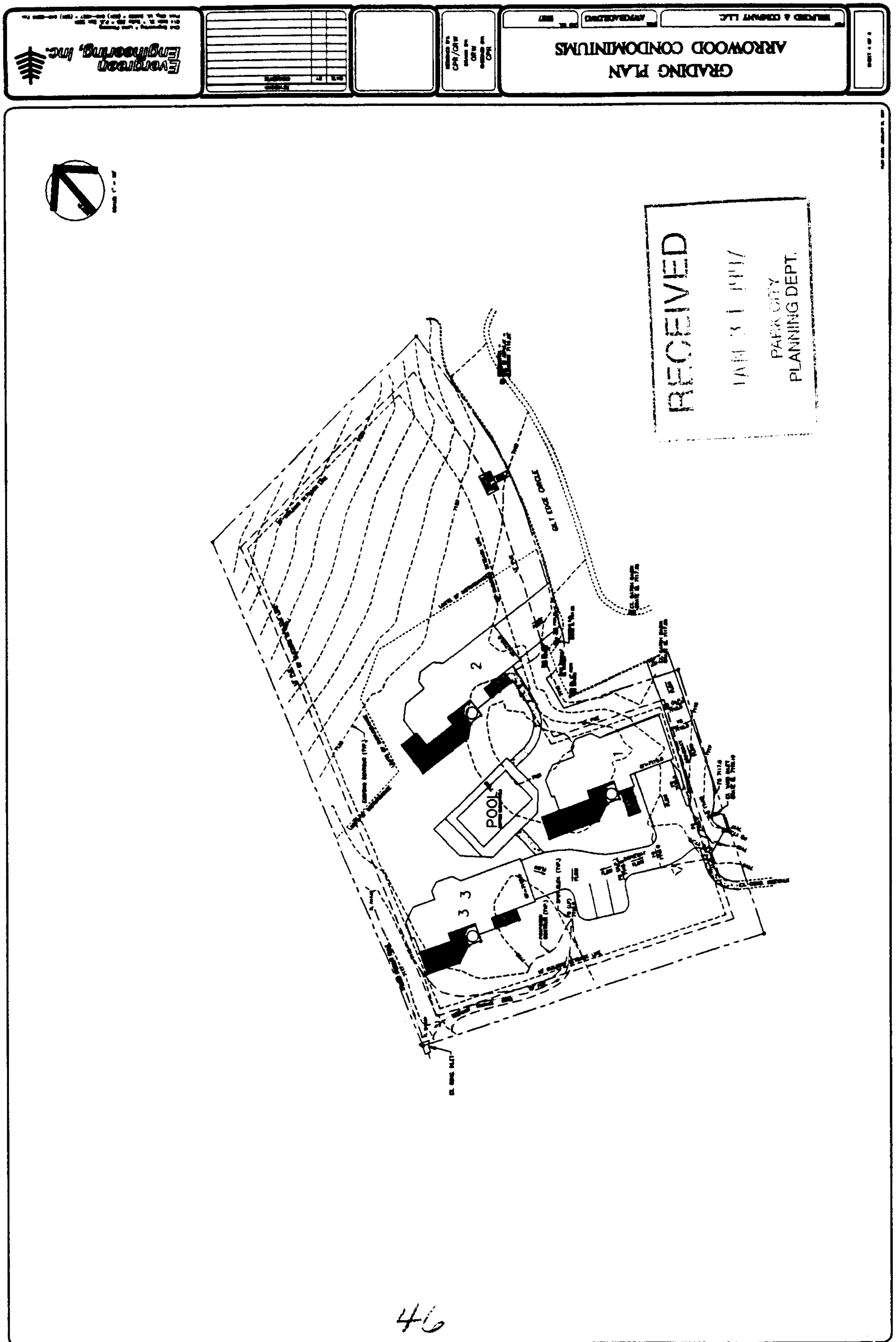


Exhibit C - Letter from applicant

LAW OFFICE OF THOMAS HOWARD

Attorney at Law

Prospector Square
1912 Sidewinder Drive, Suite 216
Park City, Utah 84060

Telephone: (801) 649-4660
Facsimile: (801) 649-0660

January 4, 1999

Megan B. Ryan
Planning Department
Park City Municipal Corporation
442 Marsac Avenue
Park City, Utah 84060

Re: Arrowood Condominiums at Gilt Edge Circle, Park City, Utah
Approved Record of Survey Plat
REQUEST FOR EXTENSION to obtain final approvals for
Plat Site Plan

Dear Ms. Ryan:

I was advised this morning by Evergreen Engineering after Mr. Wolbach spoke with you, that there appear to be some problems associated with obtaining final approvals for the Arrowood Condominium Project. I write this letter as legal counsel for Belford & Company to request any extension which the city deems necessary to finally sign off on this project.

As you may recall, the application for this project was initially submitted on January 18, 1996. Thereafter the city delayed approval of the initial record of survey because of the complaints of Queen Esther Association members, who insisted that the planned condominium units would be too large and too high, among other matters. After many months of hearings, the council ultimately approved the project in the Fall of 1997 with the understanding that the plat would be recorded within one year and after the City Attorney and City Engineer have reviewed the CC&Rs and final Record of Survey Plat.

As you may further recall, protracted litigation between the parties followed the city's initial approval and made it impossible for Belford & Company to comply with the year limitation. I am pleased to report that Belford & Company and the Queen Esther associations have amicably resolved their differences and this project may now be finally recorded, but doing so will require that the city extend the limitation period in order to grant final approvals.

The parties entered into a written Setlement Agreement signed by Mr. Belford on November 25, 1998, bearing a backdated effective date of September 30, 1998. The Agreement has been recorded and is a matter of public record. It gave the Queen Esther Associations the

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option to either bring the Arrowood Project into the existing Queen Esther 3 association or to allow Arrowood to become an independent association. On December 2, 1998 the associations elected to have Arrowood become an independent association and recorded documents in accordance with the Settlement Agreement to this effect. In accordance with the agreement, the lawsuit has been dismissed and a release of lis pendens and notice of such has been recorded. Because of the litigation, it was impossible for Belford & Company to comply with the one year limitation.

Now that all disputes have been resolved, the developer has moved forward with all possible speed to obtain the city's final approval. The site plan plat is ready for final approval and the CC&Rs (Declaration of Condominium) for Arrowood at Deer Valley Condominiums is ready for final approval.

It would appear to me that the extension we request is a mere formality and administrative adjustment, not requiring that Belford & Company begin the application process anew. I am available immediately to provide any of the legal documents which might assist in obtaining final approval. Evergreen Engineering is available to assist technically in any possible way.

Please advise me without delay of your requirements.

Very truly yours,

Thomas L. Howard

TLH/dbm

cc: Mark Harrington, City Attorney's Office
John Tracy, Belford & Company
Greg Wolbach, Evergreen Engineering

Exhibit D - Final Condominium Plat, January 5, 1999

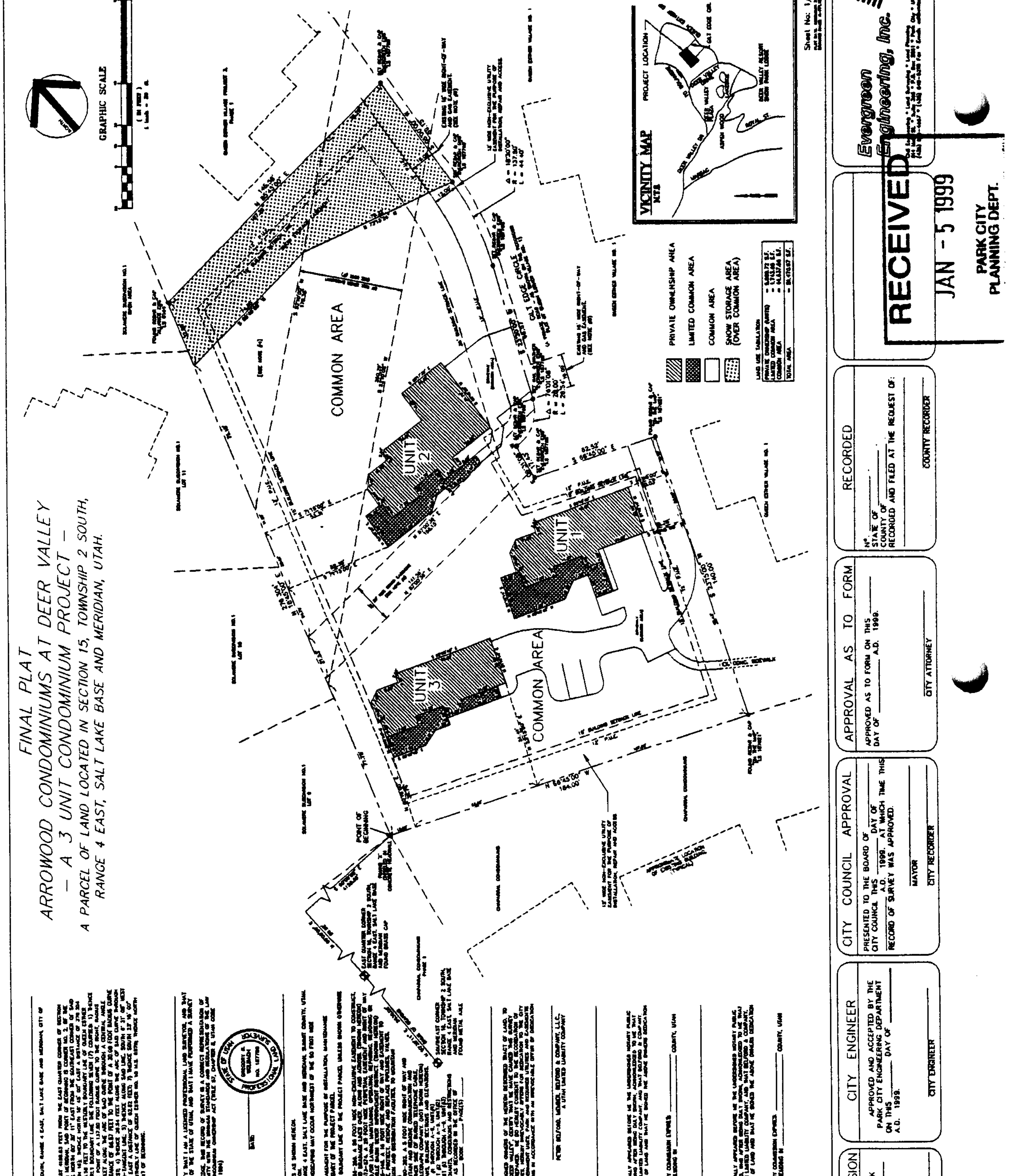

EXHIBIT E

ORDINANCE NO. 99-

AN ORDINANCE AMENDING THE APPROVAL OF A RECORD OF SURVEY PLAT, ARROWOOD CONDOMINIUMS, AT GILT EDGE CIRCLE , PARK CITY, UTAH

WHEREAS, the owners of the property known as Arrowood Condominiums petitioned the City Council for approval of a Record of Survey plat; and

WHEREAS, proper notice was sent and the City Council held a public hearing to receive input on the proposed amendment on February 13, 1997; and

WHEREAS, a plat was approved on September 25,1997 by the Park City Council; and

WHEREAS, a settlement agreement concerning the three unit development occurred between the applicant and the QE3 Owners Association on the 25th of November, 1998; and

WHEREAS, it is in the best interest of Park City to approve the Record of Survey, as a large portion of the lot remains in open space, and agreement has been reached with the adjacent neighbors; and

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

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

SECTION 1. Ordinance 97-44 is hereby amended as follows:

Findings of Fact:

1. The project is located in the RD Zoning District.
2. The condominium plat will result in three detached condominium units with shared recreational amenities. Living area is approximately 2,850 square feet for each unit. This use is permitted under the Residential Development District and meets all Land Management Code requirements concerning heights and setbacks.
3. Gilt Edge Circle is a private road, over which the applicant has an easement.
4. An open space buffer to the North has been offered by the applicant to be restricted as unbuildable. This restriction will prohibit any future development on this portion of the applicant's property and provide significant open space on the site.
5. The property has two significant sewer easements that traverse the site. A fifty foot easement runs through the northern section of the parcel and a twenty foot easement runs through the center of the parcel. Due to the site's physical constraints and the restricted open space parcel, careful construction planning on this site will be

necessary.

Conclusions of Law:
1. There is good cause for the Record of Survey, as a significant portion of the property will remain unbuildable.
2. The proposed Record of Survey is consistent with the Park City Land Management Code, Section 7.5 and the State Condominium Ownership Act requirements.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions:
1. The final Record of Survey and CC& R's shall be reviewed and approved by the City Engineer and City Attorney for compliance with State law, the Land Management Code and these conditions of approval as a condition precedent to plat recordation.
2. The site plan as submitted on January 5, 1999 is the site plan that is approved under this process. Setbacks must conform to Chapter 7.5 of the Land Management Code. For the purpose of setback calculations, Gilt Edge Circle abuts the front of the parcel and the Solamere subdivision abuts the rear.
3. Signs for the project shall be limited to the building face of one structure and shall be governed in size and materials by the Municipal Sign Code.
4. All exterior security lighting shall be high-pressure sodium light sources that are shielded and down directed.
5. The northernmost parcel of this property and the 50' wide sewer easement shall be restricted in a form acceptable to the City Attorney that delineates that area as unbuildable. A note indicating such shall be recorded on the Record of Survey plat.
6. Approval of a Construction Management Plan for the site, which details at a minimum staging, vehicle and material storage and Limits of Disturbance fencing, shall be submitted, by the Chief Building Official is a condition precedent to any building permit issuance on the site. The open space area shall be used for temporary construction staging, material or vehicular storage during construction <u>only</u> if no other location on site can be utilized. Any site disturbance in this are shall be revegatated to ensure that the site is returned to a passive, landscape area and sureties shall be posted to ensure this at time of the building permit issuance.
7. The plat shall be recorded within one year of the date of this approval or this approval is null and void.

<u>SECTION 2</u>. This ordinance shall take effect upon publication.
DATED this 28th day of January1999.
PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Jan Scott, Deputy City Recorder

APPROVED AS TO FORM:

Mark Harrington, Deputy City Attorney

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	January 28, 1999
DEPARTMENT:	Public Works
AUTHOR:	Hope E. Bleecker, Transportation Director 1-28-99
	Tom Bakaly, Finance Manager
TITLE:	Authorizing Resolution
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: Execute a resolution authorizing the Director of Capital Programs and Budget of Park City, Utah to execute, file, and accept applications and assurances required for financial assistance from the United States Department of Transportation.

DESCRIPTION:

A. **Topic**. Authorizing Resolution of Signatory for USDOT grants.

B. **Background**. The Federal Transit Administration (FTA) requires that grant recipients designate individual signatories for filing and accepting applications and assurances for financial assistance. A resolution was executed several years ago which designated the Transportation Director as authorized signatory on USDOT grants. This motion changes the signatory from the Transportation Director to the Director of Capital Programs and Budget.

C. **Analysis**.
Park City has been the recipient of numerous FTA grants in the past for start-up facilities under the FTA's Section 5309 program. The Division of Transportation prepares applications for short and long-range planning, capital construction, and vehicles. The staff maintains a very close working relationship with the Division of Finance. It is anticipated that the grant application recently filed with the FTA will require even more intensive coordination over the next several years.

Because of the increased workload related to grants management, the Division of Finance recently hired a new accountant with special skills related to grants. The new accountant will now report to the Director of Capital Programs and Budget within the Office of Capital Project Management. The signatory change is being recommended in order to ensure proper coordination, accountability, and concentration of records within one department.

This action will now authorize the Director of Capital Programs and Budget to formally execute the recently received FTA grant award which was obligated on December 21, 1998 for a federally funded amount of $5,849,629 (which requires a match of $1,462,408) for the purchase of buses and related equipment, the design and construction of the Old Town Transit Facility, and for transit planning activities. A copy of the notice, grant agreement, and budget detail are attached.

D. Department Review. This proposal has been reviewed by Public Works Director, the City Manager, and the Finance Manager.

ALTERNATIVES:

A. Authorize the Director of Capital Programs and Budget as signatory on FTA instruments.
B. Designate a signatory other the Director of Capital Programs and Budget.
C. Do nothing.

SIGNIFICANT IMPACTS:

The significant impact of the recommended action is that better departmental coordination will occur if the grant signatory is located within the Office of Capital Project Management.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Coordination of grant requirements and correspondence should be concentrated within the Office of Capital Project Management primarily because of the necessary coordination with the budget. The attached resolution will streamline filing, execution, and implementation processes and will ensure better coordination and resolution of financial issues.

RECOMMENDATION:

Execute a resolution authorizing the Director of Capital Programs and Budget of Park City, Utah to execute, file, and accept applications and assurances required for financial assistance from the United States Department of Transportation.

Resolution No. -99

A RESOLUTION AUTHORIZING THE DIRECTOR OF CAPITAL PROGRAMS AND BUDGET OF PARK CITY, UTAH TO EXECUTE, FILE AND ACCEPT APPLICATIONS CERTIFICATIONS AND ASSURANCES, AND AGREEMENTS REQUIRED FOR FINANCIAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE UTAH DEPARTMENT OF TRANSPORTATION

WHEREAS, it is in the best interest of Park City, Utah to authorize the filing of all applications with the Department of Transportation, United States of America and the Utah Department Of Transportation for planning, capital, training, demonstration, research *and* development, and/or operating assistance grants under the Federal Transit Act of 3.964, as amended and

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects and the Utah Department of Transportation administers several types of these grants; and

WHEREAS, Park City Municipal corporation is a Duly Created Political Municipality of the State of Utah, having the authority to accept grants from the federal and state government and to enter into contracts in order to obtain aid, assistance, and cooperation under federal legislation and state regulations; and

WHEREAS, contracts for financial assistance will impose certain obligations upon Park City Municipal Corporation, including the provision by it of local share of the project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of all applications for financial assistance, under the Federal Transit Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of Park City Municipal Corporation that minority business enterprise (disadvantaged business enterprises and women business enterprises) be utilized to the fullest extent possible in connection with all projects, and definitive procedures shall be established and administered to ensure that minority business enterprises shall have the maximum feasible opportunity to compete for construction contracts, supplies and equipment contracts and to provide consultant and other services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that:

1. The Director of Capital Programs and Budget for Park City Municipal Corporation is authorized to execute and file, all applications an behalf of Park City, Utah with the U.S. Department of Transportation and the Utah Department Of Transportation, to aid in the financing of all planning, capital, training, research and development, demonstration, and/or operating assistance projects.

2. The Director of Capital Programs and Budget is authorized to execute and file with such applications Certifications and Assurances or any other document required by the U. S. Department of Transportation and the Utah Department of Transportation effectuating the purposes of the proposed projects.

3. The Director of Capital Programs and Budget is designated to furnish such additional information as the U. S. Department of Transportation and the Utah Department of Transportation may require in connection with all applications.

4. The Director of Capital Programs and Budget is authorized to set forth and execute minority business enterprises (disadvantaged enterprise business and women business enterprise) policies and procedures in connection with procurement needs or all projects.

5. The Director of Capital Programs and Budget is authorized to accept and execute all grant agreements on behalf of Park City Municipal Corporation with the U.S. Department of Transportation and the Utah Department of Transportation to aid in the financing of all planning, capital, training, research and development, demonstration, and/or operating assistance projects. City Council approval must be received in conformance with the City budget policies and all contracts must be approved to form by the City Attorney's office

6. The City Council hereby approves the execution of the Grant Agreement FTA G-5 October 1, 1998 for $5,849,629.

PASSEDAND ADOPTED this 28Th day of January, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch.

CERTIFICATE

The undersigned duly qualified Recorder of Park City, Utah certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the City Council of Park City, Utah held on January 28, 1999.

____

Janet M. Scott
City Recorder

Approved As to Form:

____

City Attorney's Office

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT
(FTA G-5, October 1, 1998)

Upon execution of this Grant Agreement by the Grantee named below, the Grantee affirms the U.S. Department of Transportation, Federal Transit Administration (FTA) Award covering the Project described below and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(5), October 1, 1998, [Internet Address: http://www.fta.dot.gov/library/legal/agreements/1999/ma.html]; and
(2) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FINANCIAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS AFTER THE OBLIGATION DATE OF THE FTA AWARD.

FTA AWARD

Project No.: UT-03-0029-00

Grantee: Park City Municipal Corporation, Utah

Estimated Total Eligible Cost: Seven Million, Three Hundred Twelve Thousand, Thirty-Seven Dollars ($7,312,037)

Maximum FTA Amount Approved [Including All Amendments]: Five Million, Eight Hundred Forty-Nine Thousand, Six Hundred Twenty-Nine Dollars ($5,849,629)

Maximum Percentage(s) of FTA Participation: Percentages of Federal participation may be computed based on the data in the Approved Project Budget. Any other requirements or restrictions, if any, are included in the Conditions of Award.

Date of Department of Labor Certification(s) of Transit Employee Protective Arrangements: August 13, 1998

Project Description: (See Attached Approved Project Budget).

Obligation Date: December 21, 1998

Signature: ______________________
Louis F. Mraz, Jr.
Regional Administrator

EXECUTION OF GRANT AGREEMENT

This Grant Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect.

The Grantee affirms this FTA Award. By executing this Grant Agreement with FTA, the Grantee adopts and ratifies all statements, representations, warranties, covenants, and materials it has submitted to FTA, consents to this FTA Award, and agrees to all terms and conditions of this Grant Agreement.

Affirmed and Executed this __________ day of ______________, 19_____.

BY:	ATTEST:
____________________ Signature	____________________ Signature
____________________ Name	____________________ Name
____________________ Title	____________________ Title
____________________ Organization	____________________ Organization

Application for Federal Assistance

Part 3: Budget

PROJECT NUMBER: UT-03-0029-00

Project Budget

	Quantity	FTA Amount	Elig Proj Cost
SCOPE			
11100 BUS - PURCHASE ROLLING STOCKAND RELATED EQUIPMENT	2	$ 390,879	$ 488,599
ACTIVITY			
111302 TWO 35' BUSES	2	$ 384,479	$ 480,599
114210 TWO FAREBOXES		$ 3,200	$ 4,000
116203 TWO MOBILE RADIOS		$ 1,600	$ 2,000
117210 INSPECTION OF BUSES AT POINTOF MANUFACTURE		$ 1,600	$ 2,000
SCOPE			
11300 BUS - OLD TOWN INTERMODALTERMINAL		$ 5,068,750	$ 6,335,938
ACTIVITY			
113103 ENGINEERING AND DESIGN SERVICES		$ 400,000	$ 500,000
113303 CONSTRUCT AND EQUIP		$ 2,653,892	$ 3,317,365
117211 SUPPORT SERVICES: PROJECTADMINISTRATION		$ 60,000	$ 75,000
117591 PURCHASE APPROXIMATELY .04ACRES OF LAND		$ 400,000	$ 500,000
117691 DONATE APPROX. .42 ACRES OFLAND		$ 1,462,410	$ 1,828,013
117693 SITE PREPARATION		$ 87,448	$ 109,310
117694 APPRAISAL SERVICES		$ 5,000	$ 6,250
SCOPE			
41100 PLANNING ASSISTANCE		$ 390,000	$ 487,500
ACTIVITY			
411700 PROJ.DEV., ENVIRONMENTALANALYSIS, & CONCEPTUAL DESIGN		$ 390,000	$ 487,500

Alternative Fuel Codes

111302 TWO 35' BUSES	Diesel Fuel
111202 TWO 35' BUSES	Diesel Fuel
111302 FIVE 35' BUSES	Diesel Fuel
111304 FOUR SMALL BUSES	Diesel Fuel
111309 ONE TROLLEY BUS	Diesel Fuel

CONTINGENCY PROJECTS

UT-03-0029-00 Page 2

SCOPE	Quantity	FTA Amount	Elig Proj Cost
99900 CONTINGENCY PROJECTS	12	$ 8,448,840	$ 10,561,050
ACTIVITY			
111202 TWO 35' BUSES	2	$ 423,832	$ 529,790
111302 FIVE 35' BUSES	5	$ 1,040,000	$ 1,300,000
111304 FOUR SMALL BUSES	4	$ 160,000	$ 200,000
111309 ONE TROLLEY BUS	1	$ 206,000	$ 257,500
113103 ENGINEERING/DESIGN FOR INTER-MODAL TERMINAL		$ 200,000	$ 250,000
113207 PURCHASE AND INSTALL SURVEIL-LANCE/SECURITY SYSTEM		$ 300,000	$ 375,000
113220 PURCHASE AND INSTALL ON-BOARDITS SYSTEMS		$ 460,000	$ 575,000
113303 CONSTRUCT AND EQUIP INTERMODALTERMINAL		$ 2,346,108	$ 2,932,635
114210 PURCHASE TWELVE FAREBOXES		$ 19,200	$ 24,000
116203 PURCHASE TWELVE MOBILE RADIOS		$ 11,520	$ 14,400
117104 3RD PARTY CONTR: CONSTRUCTIONMGMT FOR INTERMODAL TERMINAL		$ 272,000	$ 340,000
117210 INSPECTION OF BUSES AT POINTOF MANUFACTURE		$ 1,600	$ 2,000
117691 DONATE APPROX .67 ACRES OFLAND FOR INTERMODAL TERMINAL		$ 2,336,028	$ 2,920,035
117693 SITE PREPARATION FOR INTERMO-DAL TERMINAL		$ 412,552	$ 515,690
411700 PROJ.DVL, ENVIRONMENTAL ANALY-SIS, & CONCEPTUAL DESIGN		$ 260,000	$ 325,000

Alternative Fuel Codes

111302 TWO 35' BUSES	Diesel Fuel
111202 TWO 35' BUSES	Diesel Fuel
111302 FIVE 35' BUSES	Diesel Fuel
111304 FOUR SMALL BUSES	Diesel Fuel
111309 ONE TROLLEY BUS	Diesel Fuel

PARK CITY
1884

DATE: January 21, 1999
DEPARTMENT: Finance/Administrative Services
AUTHOR: Robert W. Stephens
TITLE: Administrative Services Director
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:
Appoint Lori Collett, Finance Manager, as the City Treasurer.

DESCRIPTION:

A. Topic: Utah State statute and Park City Municipal Code require the City Council to appoint the position of City Treasurer. Tom Bakaly is the current City Treasurer, but with his new assignment it becomes necessary to appoint a new City Treasurer.

B. Background: The City Manager with the support of City Council has recently formed a new City function to be known as the *Office of Capital Management and Budget* and has selected Tom Bakaly to be the director. This move requires the realignment of a number of functions for which Bakaly has been responsible for as Finance Director. Functions remaining with Bakaly in his new role include *budget, CIP, enterprise & grant analysis, Olympic budget, and debt (bond issuance).* Remaining in the Finance Department under the management of the new Finance Manager, Lori Collett, will be the *day-to-day accounting operations (accounts receivable, accounts payable, payroll, water billing, and business license), the annual audit, fixed assets and the treasury duties.*

C. Analysis: With the large number of capital projects on the drawing board for the City to undertake in the next three years, the City Manager recommended and the City Council endorsed the creation of a Project Manager position during last summers budget discussion. After analyzing the number and scope of capital projects, the need for oversight of the federal funding opportunities and application requirements, and the direct connection with the City budget process, the City Manager felt it was in the best interest of the City organization to utilize the skills and experience of Bakaly to head up this important and complex task. With Bakaly's reassignment, The Administrative Services Director and the City Manager feel that Lori Collett is the most qualified candidate to fill the Finance Manager vacancy. Collett has been with the City's Finance Department since 1996 and is currently the Accounting Manager. Collett has been handling the day-to-day accounting operations for several years and has been the staff person responsible for coordinating the City's independent audit. Collett is a CPA and assuming the City Treasurer function is a natural next step in her professional development.

D. Department Review: This recommendation is endorsed by the Administrative Services Director (Stephens), the newly appointed director of the Office of Capital Management and Budget (Bakaly), and the City Manager (Ross).

ALTERNATIVES:

A. Approve the Request: Staff's recommendation.

B. Deny the Request: This would leave the City Treasurer responsibility with Tom Bakaly. With his new assignment, this would be one more responsibility added to an already full workload.

SIGNIFICANT IMPACTS:
No additional budget request are necessary. This will be absorbed into Collett's workload.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Leaving the Treasurer function with Bakaly would impact his effectiveness to focus on the critical tasks of Capital Management and Budget by giving him one more responsibility.

RECOMMENDATION: Appoint Lori Collett, the Finance Manager, as the City Treasurer.