



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 22, 1998**

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 22, 1998.

A G E N D A

Closed Session - City Council Work Session Room - Main Level

3:45 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

4:15 p.m. Council questions and comments
4:45 p.m. Sign Code amendments - flags
5:15 p.m. Thaynes Canyon bus service
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

Paid parking update

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 8, 1998

V PUBLIC HEARING

1. Continuation of hearing on an Ordinance approving the 364 Main Street lot line adjustment, amending the Park City Survey to combine Lot 15 of Block 22 and Lots 16 and 17 of Block 69 at 364 Main Street, Park City, Utah

2. Ordinance approving the vacation of the Aspen Ridge Condominium Record of Survey, located at 1325 Crescent Road, Park City, Utah
3. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the 364 Main Street lot line adjustment, amending the Park City Survey to combine Lot 15 of Block 22 and Lots 16 and 17 of Block 69 at 364 Main Street, Park City, Utah
2. Release of covenant for 364 Main Street for 364 Main Street, subject to conditions of approval outlined in the Ordinance approving the Main Street lot line adjustment
3. Ordinance approving the vacation of the Aspen Ridge Condominium Record of Survey, located at 1325 Crescent Road, Park City, Utah
4. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah

VII NEW BUSINESS

1. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah
2. Thaynes Canyon bus service

VIII ADJOURNMENT

Posted: 1/20/98



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 22, 1998**

Present: Council members Hugh Daniels, Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Frank Bell, Olympic Planning Director; Alison Kuhlowl, Planner; Hope Bleecker, Transportation Director; Jerry Gibbs, Public Works Director

Absent: Mayor Brad Olch

1. Council questions and comments. In response to comments made by Ms. Kerr about promoting paid parking through the Lodging Association, Jerry Gibbs explained that the Chamber is purchasing a large number of tokens and putting together a program for merchants and commercial agents. Ms. Kerr reported that there is new graffiti on the Marc Cohen Building in Prospect. There was discussion about transportation to the City Council retreat. Mr. Harlan reported that the Parks and Recreation Board met last night where prioritizing structures to be refurbished on the Osguthorpe Farm and trails were discussed. Mr. Harlan expressed a merchant's concern about subletting to temporary businesses in town during the Olympics and Park City losing its character. Frank Bell, Olympic Planner, explained that subletting and temporary licenses are allowed and legal and this is one of the Olympic issues staff will be reviewing. Mr. Harlan asked how long-term businesses could lessen the impact of this activity. Mr. Bell felt there is a mixing of private business interests as subletting to temporary businesses has occurred during other Olympics and this is an option every private property owner has.

Paul Sincock pointed out that because of the change in the new area code, new stationery and business cards will have to be printed. The City Manager added that departments have not ordered yet as there have been changes in the e-mail address and there will be a comprehensive telephone system number change in the near future. Paul Sincock added that the Sundance Film Festival has been better run this year and thanked staff. In response to a question from Mr. Sincock, Hugh Daniels explained that the Venue Cities group has sent out a questionnaire to different cities. Mr. Sincock continued that there are currently six cars illegally parked along the access road to the Marsac Building lot, and felt there should be more ticketing. The City Manager believed that cars are being ticketed in shifts. Mr. Sincock stated that the informational piece for merchants was mailed out Tuesday and pointed out that the City is doing its best to address the concerns of the merchants. Mr. Daniels reported that he rode with the police last Saturday and it is always an educational experience. He felt it could be helpful for Public Works to drive around with the police to see where parking problems occur. He discussed the new tax and license data system which will

provide information on collections of property taxes, assessments, business licenses, and quarterly comparisons. This information will be very helpful in budgeting efforts.

Chuck Klingenstein discussed a complaint he received from a resident in Old Town about the lack of enforcement during late hours, and that the Police Department informed her that it is not doing the enforcement. Mr. Ross explained that Council changed the hours from 8 a.m. to 8 p.m. as opposed to 6 p.m. and the signs reflect this provision. The Police Department will not be enforcing time violations, but fire hydrant, double parking, handicap parking violations, etc. Chuck Klingenstein believed Council concurred with the request from the Historical Society for a longer-term lease. He discussed the minimal use of the shuttle from the Sandridge lot and doesn't think it makes sense to keep it running unless it is promoted in a program. Mr. Ross stated that staff plans to market this after the Film Festival and will evaluate the service. Mr. Klingenstein appreciated the letter from Mr. Pollard and hoped an alliance with the Rocky Mountain Elk Foundation could be developed for reseedling and habitat preservation efforts. Mr. Harlan agreed that Mr. Pollard's ideas are excellent. Mr. Klingenstein discussed proposed state legislation to reduce second home owners' property taxes and the City needs to be vigilant at the legislature.

2. Sign Code amendments - flags. Alison Kuhlow stated that she met with Hugh Daniels and Roger Harlan about the amendments along with the Chamber. She identified eight associations within Park City and has mailed them a copy of the current draft also enclosing a two page hand-out briefly describing some of the major changes. She is beginning to get comments back and has scheduled a public hearing on February 19. She explained that on free-standing, projecting, and hanging back-to-back signs, only one side is counted unless it diverges more than 30° and this has been clarified in the new draft.

Planner Kuhlow added that currently, the City doesn't regulate flags or number of flagpoles. She outlined three options including no regulation on the number of flags, the second option is regulating the number of free standing poles on-site and it is recommended to have three per site which is typical. The third option is to regulate the number of free-standing poles and building mounted flags. She showed slides of The Yarrow, the Radisson and Adolph's where there are flags.

Paul Sincock stated that he likes flags and the only regulation should be that they have to be uniquely different flags; celebrating diversity adds a lot to the community. There could be a maximum of ten flags and he didn't have a problem with three free-standing flag poles. Ms. Kerr felt that there shouldn't be both on site. Hugh Daniels felt it is appropriate to limit the number to three free-standing flags but disagreed with mandating the color of the pole. He likes multiple flags on buildings and agreed they should be different. Mr. Daniels suggested that corporate flags or for-profit logo flags are not allowed. He agreed that flag poles and flags on a building begin to look cluttered unless there is enough space like at The Yarrow, but doesn't believe that flags are a problem in town. In response to a question from Ms. Kerr, it was explained that flags will be limited

to 24 square feet or 4' x 6'. Ms. Kerr felt that the limitation of three free-standing flags is appropriate. She added that Adolph's is bit cluttered but has heard positive comments on the flags on that building and at The Yarrow. She could support a maximum of eight to ten flags, and favors regulating the color of the pole as it would look better and because it costs more, may encourage a more reasonable number of poles. Mr. Harlan believed that because of the cost of flags, that very few merchants will go this direction. He supported the painted flag poles although there may be a maintenance problem. Paul Sincock recalled that Park City Mountain Resort having a circle of flag poles which was festive in the plaza and didn't want to preclude this possibility. Hugh Daniels suggested that this be provided as part of the master festival license or special events. Ms. Kuhlow explained that flag poles are permanent and a master festival license would only cover a temporary event. Paul Sincock believed this could be a conditional use permit for special circumstances and Council concurred that there should be some flexibility. Chuck Klingenstein agreed with the number of flags, and the height of the poles. He supported some type of anodized metal, however, he didn't feel it fair to ask the private sector for compliance when the City wasn't willing to treat the UDOT crossing arms when it had the option. Ms. Kuhlow added that Council discussed reducing the 25 foot setback for subdivision signs, but the City Engineer believes the current 25 foot setback allows for clear view at intersections and protects the public utilities within the right-of-way. Hugh Daniels suggested that the new lighting ordinance be cross-referenced to in this section of the Code. He added that total sign area requirements was suggested at 20 square feet, which he objected to and staff reverted to 45 square feet which he believes is too much signage. This is too large especially in light of the Planning Commission's and staff's ability to add signage based on the building size. Mr. Daniels suggested 36 square feet versus 45 square feet and there was consensus among Council members. Chuck Klingenstein requested that staff identify examples of 36 square foot signs in a memo. Mr. Daniels believed that the height limit on a free standing sign should be eight feet as opposed to seven, to better accommodate snow accumulation. Staff explained that the original number is ten feet and the County has a six foot height limit. Ms. Kerr felt it appropriate that merchants shovel the snow around their signs and Mr. Daniels explained his concern is to make it easy for guests and customers to find businesses in the winter. Ms. Kerr reiterated that it is the business' responsibility. Chuck Klingenstein and Paul Sincock supported the staff recommendation of seven feet. There was discussion about free standing signs measured from final grade. In response to a question from Roger Harlan, Ms. Kuhlow explained that when there is a change in business, temporary signs are usually hung for a month to a month and a half before a permanent sign is installed. Banners are not allowed. Mr. Harlan stated that he could support temporary banners when there is a change in business, if regulated properly, as a window sign may not be adequate. Ms. Kerr emphasized that she didn't want to get involved with banners again and would prefer not to revisit this option.

3. Thaynes Canyon bus service. Hope Bleecker explained that this item is a proposed deviation in the Prospector and Thaynes Canyon bus route. The public meeting notice in Council's packet material was incorrect. Staff is willing to try the experiment; the only parameters staff would recommend is that ridership is tracked and service should achieve at least 13 to 14 riders per day.

Shauna Kerr asked if this could just be a weekend service as it seems it would primarily be used by kids, or if that would be too confusing. Ms. Bleecker noted that there was limited weekend service previously; the ridership tallies weren't bad, but felt it important that the goal of the transit service remain to increase ridership and not decrease it. She is unable to predict ridership until it is advertised and implemented. A weekend service was not requested but she didn't feel it would be difficult to explain to the public. Mr. Harlan brought up Monday holidays which should be added to accommodate kids. Paul Sincock found the weekend service idea interesting as he believed the service would primarily be for kids. He observed that this proposal would provide three buses per hour where last time, it was once every hour and the ridership is drastically lower. Ms. Bleecker explained that in the previous counts, Adolps was included, and ridership is counted by disembarking riders. The ridership in 95-96 was much higher and the actual recommended criteria was proportionate to an hourly service. Ms. Bleecker explained the current service route. Mr. Sincock indicated that when cars are parked on both sides of the street on Thaynes Drive, it is very narrow for large buses. Ms. Bleecker noted that the route wouldn't be considered if determined too dangerous. In response to another question from Paul Sincock, Ms. Bleecker stated that she envisions that the same bus stop pattern would be used as the original experiment which totaled four through the neighborhood. There was discussion about plowing out bus shelters and posting no parking signs by the bus stops.

Chuck Klingenstein heard concerns about the width of the street, and Jerry Gibbs indicated that snow removal would become a higher priority and there may be additional no parking zones. He reiterated that if there is a safety issue with the buses, the route will be discontinued until problems can be corrected. Jerry Gibbs explained the snow storage area in Thaynes. Chuck Klingenstein pointed out the congestion problem created by parked cars around the golf course, and Ms. Bleecker noted that this isn't much of an issue and about half of the time, and smaller vehicles could be used. The new stock was discussed. There was suppose to be a delivery of smaller vehicles by January 1, and the City has an inventory of vehicles that have been delivered from Thomas Bus Industries in lieu of the other delivery, however she does not have three of those vehicles and is currently using some of the smaller vehicles when there is a failure of the trolley. She continued that there will be times when a 35 foot Gillig will be used on that route and the vehicle will travel in the neighborhood at 20 mph and an experienced full-time driver could be used. There was discussion that there would be more distance from a bus stop for White Pine Touring. The Transportation Director noted that there has been a recommendation to combine Park Meadows and Thaynes Canyon and to service the area with the "shopper shuttles". The shopper shuttle could also extend through Payday Drive and Thaynes Canyon. Those recommendations were conceptual and Harris consultants are finalizing plans so that bus services are not duplicative. Chuck Klingenstein invited the audience to comment. Paul Sincock asked if it was possible to report the weekend ridership two years ago. Ms. Bleecker stated that the information is easily available as it was only a weekend service with a period for school holidays.

Tim Lapage, Thaynes Canyon resident, referred to his petition and emphasized that they talked to people who would be impacted by bus noise. He relayed that the person complaining about the narrowness of the street has a current construction project in progress prompting construction vehicles parked on both sides of the street. He felt it unfair to demand a ridership total. He felt that the bus will be used by more people than just kids. He suggested the possibility of putting in additional stops so that the service is convenient. The school does not provide service in Thaynes Canyon and this service could be used in lieu of school bus service. He felt that the bus will create a safer situation as it will be traveling slowly and will help alleviate the parking problems at the Park City Mountain Resort. The bus service also creates security in the neighborhood.

Carol Shackelford, Thaynes Canyon Drive resident, stated that she has lived there for 15 years. There used to be service which was discontinued and then started up a couple of years ago. Her family uses bus service and her son currently uses City service from his school. She would prefer a service that is more convenient and closer for him. Ms. Shackelford currently takes a bus from the Resort Center to go to Main Street. She felt because of the move, White Pine Touring will not be impacted by the bus system. She added that all buses run empty during certain times of the day and emphasized that everyone will not support the service, but in this case there is an overwhelming majority of Thaynes Canyon residents that would like a bus service, which should carry some weight with the Council. The survey didn't include those living on the cul-de-sacs but people on Thaynes Canyon Drive who would be primarily impacted. Ms. Shackelford concluded that there are kids in Aspen Springs who take the bus, and City service would be used by Iron Canyon and Aspen Springs residents.

Fred Prettnner, Keystone Court resident, stated that he has lived in the area for 25 years. He believed there was full summer and winter service and there were few riders. In the winter, the roadway is 20 feet wide at the most and the buses present a traffic problem for cars and pedestrians. It is an annoyance when the usage is so small and he expressed that there are only three families in the area that will use the bus. He felt service is a waste of taxpayers' money for service to so few people.

Rob Slettom, resident on Thaynes Canyon Drive, stated that he is not against the bus service and served on prior committees to help develop the bus system. It is important for all residents in Park City to have access to transportation, but it is equally important for the guests and tourist; Park City is a tourist community. He cannot support a large bus and relayed that residents Howard and Carolyn Edwards would like service but a small bus or no bus. There may be other alternatives like on-call service. He suggested a private-public partnership with taxis. As a property manager, he would like guests provided with timely service. He felt it important to get guests to White Pine Touring and walking across SR224 is dangerous. Mr. Slettom discussed direct service, and stated he is not trying to keep the buses out of Thaynes Canyon. The City may be getting to the point of looking at two types of systems; one for the tourists and one for residents. He noted that

Kathy Sturgis had to leave the meeting but both Kathy and Charlie Sturgis of White Pine Touring are definitely concerned about the location of the bus stop.

Nancy Stacey, resident, agreed that safety is a premiere issue and that her kids use the bus regularly. If the City takes care of its residents, then the streets are left open for visitors. Parking and congestion are alleviated with a transportation system.

Ken Poulson, Thaynes Canyon Drive resident, requested that full bus service be initiated. As a retired person, he skies more than weekends. He didn't find Thaynes Canyon Drive any more narrow than other streets during the winter and suggested that buses will slow drivers down. Mr. Poulson indicated that he was involved in developing the service two years ago, and doesn't believe that there will be decent ridership if it is run only for one season. He urged the Council to approve the bus service in Thaynes Canyon.

Tonya Lapage, resident, she felt that the kids who currently drive will use a bus to get to the ski area. It is difficult to walk further distances in ski boots and equipment and people need this bus service to be convenient.

Faye Slettom, Thaynes Canyon Drive resident, was pleased that the Council has driven the area. She is not supportive of a large bus driving through their quiet neighborhood. She felt that the narrow road is a public safety issue as there are pedestrians, runners, and roller-bladers. With all of the activity on the road, she could not envision the bus traveling safely. Ms. Slettom could not support the bus system in the area, a bus stop in front of her yard, and restricted parking to accommodate a bus stop.

Rebecca Champion, resident, believes it is "crazy" to revisit this issue. As Mr. Prettnner mentioned, the history of ridership in the Thaynes Canyon area has been minimal as was proved two years ago. People who signed the survey may have thought it was a good idea, but aren't actually going to use it. She felt that Payday Drive is already a thoroughfare and a bus will make it more congested and worsen the traffic situation. Ms. Champion emphasized that this is a public safety issue. Additionally, there are no sidewalks or enclosed bus stops.

Bob Linton, Thaynes Canyon Drive resident, presented a letter to the City Council. He stated that he is in support of the bus service. He uses the bus, more during the week, and uses it to go to Main Street and the ski area. He believes that some of the negative comments are hypothetical and safety issues can be addressed. A bus service would be a convenience to the neighborhood and would meet the objectives of the City by getting cars off the street and slowing down traffic. There is no additional cost for the service. He questioned the history of ridership, because things have changed dramatically over the years and is in favor of continued bus service through the week and through the summer.

Chuck Klingenstein thanked the public for its comments and invited Council input. Paul Sincock indicated that the bus system is primarily designed for tourists. He has also heard from Park Meadows residents wanting better service and the City is moving toward full bus service. He asked if there could be smaller buses for local pick-ups for residents which could parallel the resort based system. Ms. Bleecker referred to the current Harris study. Adding a residential system cannot be done overnight, but the City is in the process of addressing some of the concerns of the residents. Currently there isn't an adequate inventory of buses for a residential system and would not be an option this year. Paul Sincock liked the idea of running the service only on the weekends and holidays and recognized that there will be more buses in the neighborhood which will drive the ridership down. Mr. Sincock indicated that he has ambivalent feelings about the route.

Hugh Daniels commented that he generally supports some residential service throughout the City. The previous experiment was barely successful and he is uncertain if the new ridership number will be reached. He pointed out that there is a cost, although currently budgeted, and is not compelled to test a new system as it is too soon. Mr. Daniels believed smaller buses are more residential friendly. He recognized White Pine's difficulties this year and the current system is more convenient for them; at this point he can't support changing the system.

Shauna Kerr expressed that she is split on this decision as she has been a vocal proponent of getting buses into neighborhoods. On the other hand, it has only been two years since the system was tested. There is also the argument that the City has had a change of circumstances with paid parking on Main Street and at the ski resorts. After driving the route three times during the week she found the first time after a snow storm and parked cars, Thaynes Canyon was reduced to one lane and on other occasions it was more typical. She didn't think there would be adequate ridership Monday through Friday and felt that service could be implemented on weekends. Ms. Kerr could support this weekend service if the neighborhood is cooperative in policing vehicles off the street, as there are enough enforcement pressures on the City at this time. She could support Friday, Saturday and Sunday and emphasized the importance of getting guests from the Radisson to the resort in a timely manner.

Roger Harlan understood that there would be no time delay with the new route or additional cost to the City. He supports the new daily bus route because as the City moves toward a larger designed system, the Thaynes neighborhood will provide a clear indication whether we are moving in the right direction. If this fails a second time, there will be information on serving neighborhoods with the City bus system. He feels this is a worthy experiment as there are more locals using the system. He agreed with Ms. Kerr's comments about enforcement. He believed the value and the convenience of the bus service is becoming more popular and the Thaynes neighborhood could be an indicator of whether Council is moving in the right direction.

Chuck Klingenstein believes that changing the snow removal priority will be helpful and things have changed significantly. There are more permanent residents in this area with

children. There are a number of elementary school age kids and the criteria for middle school and high school kids is two miles. He felt that 20 minute service will encourage use because it is convenient. He agreed with Ms. Kerr that the neighborhood should police itself. It has been a goal of Council to develop a mass transit ethic and this is an opportunity to encourage that goal. Within the next year, the City will review an alternate transit system as an option.

Mr. Klingenstein recognized that there is one negative vote, two Council members supporting weekend only service, and two weekly service votes. There was discussion about the length of time for the test. Ms. Bleecker explained that the bus runs all year; seasonal service runs until the closing of the Park City Mountain Resort which is between April 23 to May 1. Hugh Daniels noted that there is a consensus for weekend service. Chuck Klingenstein felt that deviating the route on the weekends would be confusing to users. Ms. Bleecker stated that they would do their best to market weekend service; the request was not necessarily for weekend only. Roger Harlan again pointed out special holidays where children would not be able to use the service and weekend only may create significant gaps. Ms. Kerr believed there are parental responsibilities and Presidents Day is the busiest ski holiday. She felt that the bus working for our guests during that week is more important than neighborhood service.

As there was no more time left for work session, there was discussion about continuing this item until the Mayor could be in attendance to break a tie. Mr. Klingenstein felt this could be discussed at the end of the regular meeting if there is time, otherwise this will again be noticed for another meeting.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 22, 1998**

I ROLL CALL

Mayor Pro Tem Chuck Klingenstein called the regular meeting of the City Council to order at approximately 6:35 p.m. at the Marsac Municipal Building on Thursday, January 22, 1998. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Kevin LoPiccolo, Planner; Mark Harrington, Deputy City Attorney; and Pat Putt, Planning and Zoning Director.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda. Hearing no comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Paid parking program - Jerry Gibbs reported that all of the meters are now working. There have been some problems with vandalism. There has been good response to the hang-tags and there will be 500 arriving January 30 so that the demand will be met. He noted that Council member Sincock did an excellent job on the "survival kit" packet and the Chamber worked very hard in getting this information to the merchants. The Chamber has committed to purchasing 12,500 tokens for a Main Street Merchant program. The Smart Cards have been mailed out to residents. There were some problems worked out with regard to service vehicles and construction vehicles in permit residential areas. There was discussion about residential guest passes which would be valid until April and it is anticipated that five passes will be delivered to residents. Shauna Kerr believed that this would be "opening up a can of worms", and suggested that residents personally pick them up, and sign an acknowledgment that they are the responsible party. If they are passed out, permits will be traded in town and permits could become marketable. Roger Harlan agreed and felt that to make them available at the Public Works Building is reasonable. Paul Sincock felt that having them also at the Marsac Building would be convenient as this building is open 24 hours a day. Mr. Gibbs relayed that a complaint and comment log has been created and Council will receive reports. There are three full-time front desk employees working, plus Brian Anderson, and the department is looking at additional personnel in the next couple of weeks so there is adequate staff to deal with the issues. With regard to enforcement, 3,100 tickets have been issued, 1,800 warnings; there has been collection efforts on 200 tickets, and 12 handicap violations. The Public Works Director felt that

Ampco is doing a good job and Main Street, Swede Alley, and the residential areas are patrolled on a regular basis. In response to a question from Roger Harlan, he noted that there will be adjudication tracking and a monthly summary. Mr. Gibbs reported on negotiating with sign companies. He emphasized that the Marsac lots are over-capacity and staff is considering some sort of illumination so that people can more easily locate the paid parking machines. In response to a comment from Paul Sincok, Mr. Gibbs did not feel that a larger sign is better as it may create clutter. In response to a question from Mr. Daniels, he noted that the Christmas decorations will come down in April. The meters will accept American Express by February 1.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 8, 1998

Hugh Daniels made a couple of corrections to the Work Session Notes and a correction to the Minutes. Roger Harlan made a correction to the Minutes. Hugh Daniels, "I move approval of the Work Session Notes and Minutes of the Meeting of January 8, 1998, as corrected". Motion unanimously carried.

V PUBLIC HEARING

1. Continuation of hearing on an Ordinance approving the 364 Main Street lot line adjustment, amending the Park City Survey to combine Lot 15 of Block 22 and Lots 16 and 17 of Block 69 at 364 Main Street, Park City, Utah - Planner Kevin LoPiccolo explained that this lot combination will allow the applicant to construct an addition in the outdoor dining area of the Barking Frog on Lots 16 and 17. In the Condition No. 5, Roger Harlan suggested adding language \$14,000 "per space" to add clarification. Mr. Daniels questioned if the triangular setback identified in No. 6 is detailed enough and Mr. LoPiccolo explained that the Code provides for a 25 foot setback for a clear view of the intersection. Mr. Daniels suggested additional language in that condition, "as required by the Land Management Code" as he felt this should be clear. Ms. Kerr emphasized that the legal description in the Restrictive Covenant be accurate. The language is not clear enough with regard to the potential sidewalk behind 350 Main Street if there is construction and the parking goes away. Mark Harrington noted that this is addressed in Item 5 of the Covenant. He agreed that the language could be changed to a "five foot pedestrian easement shall be dedicated *and constructed*". Ms. Kerr wanted it to be clear that the sidewalk goes from the south end of 350 Main connecting with the as-built sidewalk and continues for the length of 350 Main to the end of the Olch property. With regard to No. 6 of the Covenant, Ms. Kerr asked if the prior parking covenant allowed charging for parking. Mark Harrington advised that this is not different in that respect and it is also consistent with any parking on-site. Ms. Kerr reiterated that this is an identical provision of the past covenant.

The Mayor Pro Tem invited the public to comment.

Russ Wong, Main Street Mall, stated that he has followed this through Planning Commission and was surprised that the parking covenant is scheduled on the agenda as he thought

action would only be on the lot combination. He was concerned about the sidewalk adjacent to other properties as 350 Main Street is not part of the lots being combined. He believes there is parking behind 350 Main Street and by transferring parking rights from one area to another, the City really hasn't gained anything. Ms. Kerr explained that the reason this was not discussed at the Planning Commission level is because the Planning Commission doesn't have jurisdiction to deal with the parking covenant. She noted that she had the same concern about the four parking spaces, and explained the gain to the City is that the building could be built to the curb in Swede Alley and those spaces would be lost. The City has nothing that requires those spaces to remain or a fee in lieu of those spaces. The other party is agreeing to restrict those spaces in perpetuity for parking, unless a parking fee is paid at \$14,000 per space. In response to comments about the 350 Main Street building expanding into the parking spaces and floor area ratios, Planner LoPiccolo explained that this is something currently being reviewed with the Historic District Commission. There is an application and it is something that could be achieved. Ms. Kerr added that the City will also acquire a pedestrian walkway. In response to a question from Mr. Wong, Chuck Klingenstein explained that the old agreement stipulated \$10,000 per parking space and the Council increased the parking space fee to \$14,000 last year. Mr. Wong referred to an easement for a tunnel to the Main Street Mall for deliveries and expressed concern that the sidewalk may impede use of the tunnel. Mr. Wong again expressed his confusion that action would only be on the lot combination and the Deputy City Attorney noted that the parking covenant is noticed under the Consent Agenda.

With no further comments, the public hearing was closed.

2. Ordinance approving the vacation of the Aspen Ridge Condominium Record of Survey, located at 1325 Crescent Road, Park City, Utah - Planner Kevin LoPiccolo explained that the original plat was approved in 1989 for five units. The applicant is requesting vacating four of the pads and converting this parcel into one single family lot.

The Mayor Pro Tem invited the Council and the public to comment. Hearing no input, the public hearing was closed.

3. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah - Chuck Klingenstein disclosed that Council has received an additional letter on this matter today. Planning and Zoning Director Pat Putt explained that this is consideration on an application for a combined preliminary and final subdivision plat which has been submitted by Anchor Development. Mr. Putt displayed computer assisted illustrations of the site which is located off the downside area of Ridge Avenue before the upper switchback to King Road. He discussed the switchback area and other angles of the property. The site is very steep by Ridge Avenue but benches out on the bottom of the property where the old historic homes were originally located and the existing sewer easement is located at the extreme end of the property. He described the property area and the encumbrance of the Nieman property which also extends on to Ridge Avenue. The property is located in the HRL zone and the proposed amendment would result

in four new single family homes located on the downhill side of the property. There is a reservation of a parcel for the portion of the property that the Nieman house, etc. are located on; he pointed out the utility and right-of-way easements. The dedication of Ridge Avenue through the property is proposed at a width of 20 feet. In response to a question from Shauna Kerr about the existing right-of-way of Ridge Avenue, Eric DeHaan responded it is 12 feet wide.

Pat Putt displayed a plat which represents the first submittal for the project. The original application occurred several years ago at the same time as the 55 - 57 King Road application. Mr. DeGroot submitted a plat amendment application for seven new units in the HR-1 zone. Shortly before the Planning Commission's first review last summer, staff discovered the property is actually zoned HRL and the plan had to be modified, specifically the HRL requires larger lots and precludes duplexes. The next application included five single family residences plus leaving some of the property out of the application. The Planning Commission directed that the Nieman lots be incorporated into the plan and to reduce the density proposed down to at least four. This was requested to widen the lots to provide the opportunity for more architectural interest and eliminating the garage barage. He displayed the proposed plat and described the easements for the Sewer District. The Planning Commission believed that widening the lots and eliminating a lot were positive aspects of the plan. There was considerable discussion about accessing Lot 4 and the garage problem, and although the direction was not unanimous, it was recommended to proceed to explore side access. Mr. Putt explained that the proposed driveways would require a retaining wall which would be approximately 130 feet long. The height of the retaining wall would range from three feet to 20 feet with a guard rail adding another three feet.

Mr. Putt continued that this plan again went before the Planning Commission as a public hearing and several adjacent property owners expressed concern over the impact of the construction of the retaining wall, specifically the danger of sliding materials damaging their properties. Other concerns included snow accumulation on top of the wall which could slide into their homes and the scale of the houses. He illustrated a conceptual plan of the scale and the massing of the project and pointed out existing residences. These buildings conform with the 27 foot height limitation with a garage exception provision. The Commission recommended that there be a finding made that the access to Lot 4 come in from the side, which is Finding No. 16 and Condition No. 14. Lot sizes range from approximately 5,300 square feet to 11,000; habitable area would range from 2,800 square feet to 4,400 square feet, not including the garage. The applicant is proposing to limit the maximum building pad. There would be minimum setbacks but the building pad would be further restricted with regard to the building footprint.

Pat Putt explained that in the HR-1 and HRL zones there is a height exception that would allow at least a one story element off the street, 18 feet high and 34 feet back. Under the Code someone could build that volume all the way back from the street and the Planning Commission was concerned about the vertical element and wanted other interest than the garage door, but not more than that. The applicant voluntarily proposed to limit the amount of square footage, enough to get

a garage, and would minimize the tower element on the building. Those range in area from about 823 square feet to 713 square feet. Hugh Daniels recognized that the 713 square foot reduction would probably change without a side entry garage. The Planning and Zoning Director described the location of the 34 foot setback line. After considerable deliberation, the Planning Commission agreed to move forward with this proposed set of controls on the square footage and the building pad, which is still part of the application. He emphasized that there is a condition of approval that explained how the limitations of square footage would work and read the condition. *"The building area within the building height exception per the Land Management Code, Section 8.17(d) shall include a horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District."* The Planning Commission was concerned that there would not be enough horizontal variation in the buildings as well as vertical articulation, and the applicant agreed to the condition of approval. Any construction would have to comply with the HRL zoning requirements in place at the time, which the applicant also agreed to. Mr. Putt explained that Mr. Nieman filed for quiet title to the property appurtenant to his house in December, just prior to the Planning Commission action. If the resolution of this action is not in favor of Mr. DeGroot, he would have to pull out the portion of those four partial lots from the plat, or he would have to have Mr. Nieman sign a consent on the plat, which is outlined as a condition of approval. Mr. Putt explained that Council could approve the plat amendment, as proposed; approve a revised plat amendment with Lot 4 having direct driveway access from the upper portion, eliminating the side garage access; or deny the plat amendment. The implications of denial would mean that the existing lots could be built on through a series of administrative lot combinations, which could total six single family structures, each approximately 2,600 square feet. If there are questions that haven't been answered or other solutions, the Council could continue this matter. Staff is recommending approval of the plat amendment as recommended by the Planning Commission. Chuck Klingenstein invited the Council to comment.

Roger Harlan felt that the construction impacts on the downhill residences have not been adequately addressed. The best measures do not guarantee that everything turns out right. He felt that the chain link fence described in the staff report is inadequate and there should be a financial guarantee in the event of injury or loss of property. Mr. Harlan emphasized that the garage issue doesn't concern him as they are not visible to many people. Paul Sincock asked the applicant if underground parking was a consideration. Mr. DeGroot responded that it was considered, but it would be very disruptive as it is a difficult site. Discussion ensued about guest parking and snow storage. Pat Putt explained that the street will be widened from its approximate 12 to 13 feet to 20 feet, but parking cars would still be difficult. Paul Sincock felt this should be addressed in an additional condition. In response to a question from Shauna Kerr, Mr. Putt explained that Parcel 8 would serve to accommodate a utility easement for the water line and it is large enough for some snow storage, but it is uphill, so snow storage may be by the houses. Mr. Sincock asked if there would be more open space on Lot 4 if there is garage access from the road and no retaining wall. Applicant Paul DeGroot indicated that this was not discussed and emphasized that a plat is a plat and

this is a design issue, but added that he would prefer to have open space at the south end of the lot. It is proposed that the building footprint would be 2,020 square feet. Mr. DeGroot discussed the levels of the homes which forces articulation and is not anticipating building single story houses. Paul Sincock shared Mr. Harlan's concerns regarding safety precautions during construction. Mr. DeGroot stated that he is amenable to some sort of controls. Chuck Klingenstein added that he spoke with the Chief Building Official, and a construction mitigation process would definitely address this and there is technology to build substantial retention systems. The Mayor Pro Tem opened the public hearing to the audience.

Steve Elrick, 97 King Road, attended the Planning Commission meetings and pointed out that many people are not here tonight that attended the Commission hearings. He urged Council to read the Planning Commission minutes and their testimony. He added that the minutes don't reflect how the Commission agonized over a decision. Commissioner O'Hara indicated that he prefers to see no development on such a steep slope and Commissioner Hays concurred. Mr. Elrick believed there were so many meetings that it was felt that a decision had to be made. His home is in the HRL zone and he believed that there is a requirement for a 15 foot setback from the property line. He is glad that they did this as there is guest parking in front of their home without cars projecting into the street. Parking in Old Town is a huge issue. He understood that the homes are 28 feet but by putting garages on top of them so that they are at street level, would increase heights in the 40 foot range, which doesn't fit with the character of Old Town. In response to a question from Mr. Elrick, Mr. Putt indicated that Parcels 8 and 9 are part of the Nieman quiet title action. Mr. Elrick reminded Council that until a court makes a decision, this area cannot be identified as snow storage. There will be no storage on the downhill side of the switchback area once that property is developed which is owned by Mr. Christensen. He suggested Council purchase this property for open space, similar to the Colman purchase. If Council approves this project, he urged that construction impacts be examined. He suggested that Mr. DeGroot's crew park on the project site or be shuttled to the site. Mr. Elrick hoped that Council would make the best decision.

Brad Dicks, Daly Avenue resident, stated that the scale of the houses are something that will be definitely visible from street level on Daly Avenue. He added that the density is too great looming over Daly. He believed it is misleading that the structures meet the 28 foot height, because of the garage exception. Are they 28 feet or 40 feet? A 4,382 square foot house on Lot 4 is a large structure and out of scale with existing structures. He believes this project is a detriment to adjacent property owners.

Debbie Elrick, Daly Avenue resident, emphasized that Old Town was not meant to be Park Meadows. This is an odd site and she has a problem with the heights and the size of the homes. It doesn't conform and is out of place. In response to a question from Ms. Elrick, Mr. Putt described the width of the lots. She preferred to see driveways come in from the side so that the height and mass are lower. Since the homes are so large now, she didn't believe it would take away from the square footage. She suggested that Mr. DeGroot not widen the road if that would allow a

driveway coming in from the side and they would be south facing. She added that there is not enough parking in Old Town. Paul Sincock understood her comments that the driveway on the side would be constructed the entire length to serve garages underneath the houses and would not be accessed from Ridge Avenue at all. Ms. Elrick clarified that each lot would have its own side driveway and continued that the height is outrageous and there will be more people complaining once they are built. She is pleased that there is concern about accidents to downhill residences; and discussed a recent truck accident.

Hearing no further comments, the public hearing was closed. In response to a question from Roger Harlan, Mr. Putt stated that driveways coming in from the side, suggested by Ms. Elrick, was not discussed. Mr. DeGroot explained that side access for Lots 3 and 4 was not supported by the Commission because the lots are not very wide and the amount of paving was not a good trade-off. Paul Sincock suggested a private driveway, garages under the houses and not access it above. Mr. DeGroot guessed that a driveway serving more than one unit would have to be at least 15 feet wide, and didn't feel there is enough room.

VI CONSENT AGENDA

Hugh Daniels, "I move that we remove Item 4 from the Consent Agenda and move it under New Business". Roger Harlan seconded. Motion unanimously carried. Shauna Kerr, "I move approval of Consent Agenda Items 1, 2, and 3, with the changes made to the covenants on 364 Main Street as indicated on the paper that Mark (Harrington) had and the comments we had clarifying the five foot sidewalk in the back, and the language we had talked about the five foot easement dedicated to the City, the easement dedicated and built. What I would ask is on the addition on to 350 Main, that we make sure that the sidewalk is in at the time of occupancy of the addition, because the other sidewalk has a condition that it be built by 2001, but I think the other sidewalk should come in when the addition happens at 350 Main Street". Paul Sincock seconded. Motion unanimously carried.

1. Ordinance approving the 364 Main Street lot line adjustment, amending the Park City Survey to combine Lot 15 of Block 22 and Lots 16 and 17 of Block 69 at 364 Main Street, Park City, Utah - See public hearing and attached staff report.
2. Release of covenant for 364 Main Street for 364 Main Street, subject to conditions of approval outlined in the Ordinance approving the Main Street lot line adjustment - See public hearing on Item 1 above and attached staff report.
3. Ordinance approving the vacation of the Aspen Ridge Condominium Record of Survey, located at 1325 Crescent Road, Park City, Utah - See public hearing and attached staff report.

4. Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah - See New Business.

VII NEW BUSINESS

Ordinance amending the Millsite Reservation No. 2 Subdivision, resubdividing Block 75, Lots 27-32 and 72-83, Park City, Utah - Roger Harlan stated that he is not comfortable with voting on this this evening as there are too many unresolved issues, and recommended that Council consider postponing this to a date uncertain. He continued that he would like to see substantive language regarding protection of properties during construction. The height on the street side should be just to the top of the garage pitch and off-street parking needs to be addressed. Pat Putt emphasized that Council is not approving specific designs tonight and there is an ability to provide off-street parking which is not shown on the exhibit. Each house would go through a specific site review by HDC. He suggested there be a condition of approval that there be adequate provision for additional parking, but without designing the buildings, could not be done now. Ms. Kerr stated that the topography itself dictates whether or not it is buildable. This land has not changed; it has always been steep and is currently undeveloped because it isn't easy to build upon. She is not convinced that changing this to a four lot subdivision really improves the current plan. She understands that a six lot subdivision may produce about a total of 14,000 square feet, but as she adds up these numbers, this plan is about 12,000 or 13,000 square feet. These houses could be larger than under the old scenario, although there would be more street cuts with six homes. She didn't feel much is being accomplished, although generally supports lot combinations and reductions in density. Ms. Kerr isn't sure this site is one that should or could be developed, not because the Code renders it unbuildable, but because of the topography. She is not persuaded that the Lot 4 retaining wall/driveway solution adds anything to the mix; the garage barage does not offend her on this site. It is not as bad as the site problems in building a 20 foot retaining wall creating many opportunities in something going wrong on this steep slope above existing residences. The downhill lots will be negatively impacted through the construction and the snow plowing option is not going to work in consideration of the quiet title action and storing it on an uphill area. Ms. Kerr felt the negative impacts on the downhill property owners are insurmountable. The staff has worked a long time to try to arrive at some sort of solution, but she is not convinced that there is a solution, and agreed to continue for further discussion. She is not sure that four lots are better than six, and if the Council is leaning toward an approval, the driveways should be off of Ridge Avenue without a retaining wall.

Hugh Daniels agreed that this is a difficult area to build upon, but once the value is there, people will build on anything at any cost. He added, however, that owners have property rights and property can be developed to some reasonable degree. He agreed with Ms. Kerr to some extent that six smaller houses may not be worse than four large houses. The City has the responsibility to provide utilities. If the property is offered for sale, the price would be high; the City was lucky with the Colman land and he is pleased that it was acquired, but it is also more visible from other places in town than this parcel. It is unfortunate that design issues are discussed when

the matter is a combination of lots. Mr. Daniels expressed difficulty balancing the right of the owner to reasonably develop his property, providing reasonable return, and doing something that is best for the community. He is not enamored with the long retaining wall. He understands the thought behind the Planning Commission about garages on streets, however, this is not the place to take that stand. There has to be a conclusion; it is not fair to drag this on for an extended period of time. He would like to look at it again from a couple of different angles and would like to know if left as is, what potentially could be built there.

Paul Sincock added that these structures are going to require extensive excavation into the hillside because of the steepness and is concerned about guest parking. His first preference is underground garages with a private common driveway from the side. With regard to snow storage, the driveways could be heated. He reiterated that he has a problem with the narrowness of the street, snow storage, and guest parking. Mr. Sincock would prefer four garages rather than a huge retaining wall, and would rather have a retaining wall and no garages above if there are underground garages. The architecture would be more interesting and he would like this option reviewed. He supported the item being continued.

Chuck Klingenstein noted that he has a lot of respect for the work done on this by staff and the Planning Commission. He believed it important that this is done right, would like more options, and is concerned about the house sizes. Under an administrative lot combination approval, house size may be 2,250 square feet plus 400 square foot garage which is more in scale, but again, he doesn't know what that would look like.

Pat Putt summarized Council comments. He believes Mr. Harlan is requesting substantive language that would give some guarantees about impacts to the houses below on Daly Avenue. It seems to be the general concurrence that were this to be approved, that the garages off the street are no taller than what the exception would allow and would be preferable to the retaining wall on the plan. There should be a condition of approval at HDC design review that would require a provision for additional guest parking. Mr. Putt added that Mr. Daniels requested an additional in-depth analysis beyond just the six houses at 2,600 square feet and what they would look like. Mr. Sincock requested consideration of a common private driveway, like an alley behind the houses.

Shauna Kerr, "I move that we continue this item with the direction given to staff to a date uncertain". Paul Sincock seconded. Hugh Daniels stressed that moving it to a date uncertain would not drag it out. Pat Putt added that staff will get this back to Council as quickly as possible. Motion carried unanimously.

2. Thaynes Canyon bus service - See work session notes. Hugh Daniels pointed out that Council should consider that he and the Mayor will be gone for two weeks. Paul Sincock asked if Council could agree to three days a week and if there is sufficient ridership, the service could be extended to weekdays. Shauna Kerr pointed out that the kids are already taking the bus, and a

change in service will not increase ridership drastically, but will redistribute it more conveniently. Chuck Klingenstein preferred not to split the service as it is too confusing. Mr. Klingenstein added that instead of splitting the service, he would rather not change it, recognizing that the service is functioning well. This would be a deviation halfway through the season and he would just as soon stay the course, with the recognition that there is a transit plan coming together rapidly. He felt a decision should be made tonight. Ms. Kerr and Paul Sincock indicated they could support no change in service. This was the consensus of the majority of Council members. Chuck Klingenstein encouraged that this decision be reported in the newspaper.

VIII ADJOURNMENT

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

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Roger Harlan, "I move to close the meeting to discuss property acquisition". Shauna Kerr seconded. Motion unanimously carried.

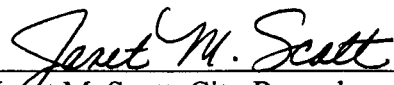
The meeting opened at approximately 4:15 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott




Janet M. Scott, City Recorder

DATE: January 22, 1998
DEPARTMENT: Public Works
AUTHOR: Hope Bleecker, Transportation Director
TITLE: Thaynes Canyon Bus Service
TYPE OF ITEM: ~~Public Hearing~~ WORK SESSION

SUMMARY RECOMMENDATIONS: Hold a public hearing regarding realignment of the Thaynes Canyon Bus Route as requested by the Thaynes Canyon Neighborhood Association. Direct staff regarding policy for the route and the recommended date of implementation.

DESCRIPTION:

A. Topic: Thaynes Canyon Bus Route Realignment.

B. Background:

The Park City Public Works Department continues to receive requests from the Thaynes Canyon Neighborhood Association for bus service along Payday Drive and Thaynes Canyon Drive. The Department agreed to experiment with weekend hourly deviated service during the 1995/96 season in order to provide service to the Park City Mountain Resort. The criteria established at the inception of the experiment in 1995 required daily ridership counts equal to one third of the daily counts at stops which were eliminated as the result of hourly deviations through the northwest portion of the neighborhood. The experiment yielded approximately 8 riders per day over a three month period. Because of the failure to achieve the recommended criteria of 10 riders per day, the service was discontinued during the 1996/97 season.

Following the closure of Adolph's Restaurant, representatives of the Neighborhood Association alerted the City that ridership quotas could be achieved because of lack of demand for the Webster Court location. They have requested that the route be diverted from Prospector Drive westbound onto Pay Day Drive and southbound to Thaynes Canyon Drive. The realignment would eliminate two bus stops, one at Prospector Drive, and one at Webster Court. Riders are counted when they disembark from the vehicle. The current ridership at these two locations yields an average of 13.75 passengers per day according to December statistics. Riders who currently disembark these locations are visitors from the Radisson Hotel who walk across the Highway 224 to gain access to Snow Creek Crossing. An average of 27% disembark at Payday Drive, and an average of 73% disembark at Webster Court.

C. Analysis:

Realignment of the bus route would provide a link to the system for residents in Thaynes Canyon and Iron Canyon. Residents of Prospector Drive who currently use the system would be required to wait for the bus on Payday Drive. Residents of Webster Court would be required to walk several yards west to Thaynes Canyon Drive. The Radisson visitors would be required to use the Park Meadows bus to gain direct access into Snow Creek Crossing. Access to cross-country skiing would be achieved from Thaynes Canyon Drive on the west side of the golf course. Cross-country skiers are not expected to be a factor, as transit ridership to this location has never been significant. Any changes to the current routing should be tested for the duration of the season and a minimum ridership criteria of 13 riders per day should be required.

D. Department Review:

This proposal has been reviewed by the City Manager and the Director of Public Works. The proposed changes have been noticed through posting on Park City Transit Vehicles.

ALTERNATIVES:

- A) Hold a Public Hearing on Realignment of Bus Service in Thaynes Canyon.
The Council should agree to hear comments from neighborhood residents regarding a proposed realignment. If the service is put into effect, it should yield an average daily ridership equal to what is currently occurring at the stops which are proposed for elimination. If the Council decides to implement the service, it should be tested for the duration of the season until April 30.
- B) Do Nothing.
This action would leave the existing system in its current alignment along Webster Court and Payday Drive.
- C) Continue the Item.
This alternative would result in continuation of the existing service until a decision is rendered.

SIGNIFICANT IMPACTS:

There are no costs associated with the route change. If a recommendation to realign the service were to proceed, staff recommends service dates of Saturday January 24-April 30. If the service does not yield an average daily ridership of at least 13 riders per day, it should not be reintroduced.

RECOMMENDATION:

Hold a public hearing on the route realignment requested by representatives of the Thaynes Canyon Neighborhood Association. This recommendation is being forwarded to the Council because complaints were received from some residents on Payday Drive who objected to the 1995/96 hourly service which was conducted on weekends between the hours of 8:00 a.m. and 6:00 p.m.

PUBLIC MEETING NOTICE

January 23, 1998 AT 6:00 pm

Thaynes Canyon Bus Service Realignment

Notice is hereby given that the Thaynes Canyon Neighborhood Association has requested a realignment of the existing Thaynes Canyon Bus Route, which currently operates on Prospector Drive and Thaynes Canyon Drive between the hours of 8:00 a.m. and 11:00 p.m. The Neighborhood Association has requested elimination of the Thaynes Canyon bus route from Prospector Drive to Webster Court, and has proposed a realignment of the service to Payday Drive and upper Thaynes Canyon Drive. This request will be considered during the regular meeting of the Park City Council, which begins at 6:00 pm on January 23, 1998. The meeting will be held in the Council Chambers which are located at 445 Marsac Avenue in Park City. Those citizens who wish to attend the meeting and require special assistance due to physical disability should contact the Public Works Department, which is located at 1053 Ironhorse Drive, Park City, Utah. (Telephone 645-5120, Fax 645-5172).

January 15, 1998

Honorable Mayor Brad Olch
Park City Council
Hope Bleecker

During the winter ski season of 1995 and 1996, my Thaynes Canyon neighborhood was split about bus service. I had more signatures opposing bus service in the area than favoring it. But, the city council voted to try an experiment for one season to see if bus ridership justified service in the area. When ski season was over, bus ridership was below targeted numbers, so service was discontinued along Payday Drive and Thaynes Canyon Drive.

Now, two years later, the proponents of buses in Thaynes Canyon would like the council to take another look at reinstating another bus service experiment. This is a very bad idea because the facts have not changed in two years; in fact there are more second home owners and therefore less ridership than two years ago. The streets are too narrow to run bus service through the Payday-Thaynes Canyon Drive area. The buses are too big and noisy for our residential neighborhood. They also scare the existing wildlife that makes Thaynes Canyon such a special place to live.

Presumably, you are being provided a survey by the proponents of busing in our neighborhood and I believe it is not a fair representation of our neighborhood views and it was done in a biased manner. I have already done a petition in our neighborhood two years ago that showed more people were against buses that favored them. I believe that fact has not changed. I do not need to spend time doing another petition to prove the same thing. Therefore, I am asking the city council to forget taking another trial bus experiment to see if buses are needed in our neighborhood.

Respectfully,

Rebecca M. Champion

Rebecca M. Champion

9-4570

Thaynes Canyon Bus Service.

To: Members of the Park City Council.

From: Tim Lapage - Thaynes Canyon Resident.

Further to a representation made by several concerned residents to the council on December 18th, we have taken the trouble to take a survey to every one of the households on Payday Drive and Thaynes Canyon Drive who would be in any way impacted by the city bus running along these roads.

Please note that NO attempt has been made to contact those not impacted, such as those on cul de sacs set back from the route.

The wording of the survey was simply as follows:

A proposal is again in place to run a bus service along Payday Drive and then onto Thaynes Canyon Drive to the ski resort at least during the ski season.

This will run every 20 minutes, unlike the previous experiment in 1986, so will give a genuine service to residents. It replaces the existing run which goes by the old Adolph's building, and now picks up no passengers.

Kindly sign this as indicated below, if you have any queries please call Tim Lapage - 649 4655.

Name	Address	Approve	Disapprove	Don't care
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The results were as follows:

Total no of households directly impacted : 50

Households No: Approve : 31

Households No: Disapprove : 4

Households No: Don't care : 6

Households No: Unable to contact : 9

The signature sheets and colored plat map indicating preferences are attached for your assessment. Based on this information, we hope that you will be able to give your approval to this service with immediate effect.

A proposal is again in place to run a bus service along Payday Drive and then onto Thaynes Canyon Drive to the ski resort at least during the ski season.

This will run every 20 minutes, unlike the previous experiment in 1986, so will give a genuine service to residents. It replaces the existing run which goes by the old Adolph's building, and now picks up no passengers.

Kindly sign this as indicated below, if you have any queries please call Tim Lapage - 649 4655.

Name	Address	Approve	Disapprove	Don't care
Tim Lapage	10 CLANTS RD	INITIAL ONE	Yes	Not impacted.
✓ U & M Ayers	50 Thaynes	yes mpa		
✗ Jan & Mike Derison	57 Thaynes			✓
✓ Bob Shugan	52 Thaynes	yes	yes	
✓ Bob Linton	54 Thaynes		u ne	
✓ A. Measelle	56 Thaynes	Yes AM.		
✓ Everett W Benton	64 Thaynes	yes	SB	
✓ LES + Soot Dixon	61 Thaynes	yes		
✓ Chan Peterson	66 Thaynes	yes cap		
○ Annie Kalstein	67 Thaynes Canyon			AK
✓ Carol Shackelford	71 Thaynes Cyn Dr.	YES	GR	
✓ Carlos Cousins	3 Hidden Splendor	YES	cw.c	
✓ James Lane	4 HIDDEN SPLENDOR	YES	ABSOLUTELY	
✓ ROBERT RAYMOND	77 THAYNES CANYON DR	YES	RR	
✓ Gary Rodolay	79 Thaynes Cyn Dr	yes		
✓ Susan Bevins	2354 Morning Star Drive	Yes!!	SB	
✓ Polley Bethke	83 Thaynes Cyn Dr.	YES!!		
✓ Sandra Jackson	78 Thaynes Cyn Dr	yes!!!		lg
✓ Karen Williams	#4 Selun Creek	Yes	(K)	
✓ James	27 PAYDAY DR	YES	Kak	
✓ Mark	#4 BONANZA CT.	YES	TM	

A proposal is again in place to run a bus service along Payday Drive and then onto Thaynes Canyon Drive to the ski resort at least during the ski season.

This will run every 20 minutes, unlike the previous experiment in 1986, so will give a genuine service to residents. It replaces the existing run which goes by the old Adolph's building, and now picks up no passengers.

Kindly sign this as indicated below, if you have any queries please call Tim Lapage - 649 4655.

Name	Address	Approve	Disapprove	Don't care
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○ Tom Miller	Payday ^{INITIAL ONE} 23			7/1
✓ Celeste Pudett	Payday 14 years!			
✓ Jon Manuwan	Payday 18 yrs			
* John Champion	Payday 5		NO	
* Pat Tucker	Payday 7			
✓ Felix	Payday 5			
	FOR SALE 9			
* DICK KYLER	10 PAY DAY		NO. (DK)	
✓ Stanley Black	Payday 11			
✓ Amy C. J. W. T.	12 PAYDAY	Yes		
✓ GENE HAMBLE	16 PAYDAY	Gene Hamble	yes	
✓ Leo R. Walker	#13 PAY DAY Dr.	Yes		
✓ Mary Schlopy	17 Payday yrs			
* Cat King	Thaynes Canyon 18		NO	
	19 out 21 out			
	11			

A proposal is again in place to run a bus service along Payday Drive and then onto Thaynes Canyon Drive to the ski resort at least during the ski season.

This will run every 20 minutes, unlike the previous experiment in 1986, so will give a genuine service to residents. It replaces the existing run which goes by the old Adolph's building, and now picks up no passengers.

Kindly sign this as indicated below, if you have any queries please call Tim Lapage - 649 4655.

Name	Address	Approve	Disapprove	Don't care
Rebecca Bowen	#2 Claim Jumper INITIAL	✓fb		
Ken Poulson	60 Thaynes Canyon	RPF		
○ Mary Polychin	45			MA
○ Pip Prother	19 Payday			CP
○ Bert Walker	#1 Payday			
✓ Kathy Gold	15 Payday	✓fg		
- Earl Zasbach	62 Thaynes Canyon	✓\$26 by phone		
- Marc Lamm	#4 Payday Dr.	✓mt		

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: November 13, 1997
Department: Community Development Department
Title: 364 Main Street Plat Amendment to the
Park City Survey, Lot 15 Block 22 and Lots 16 &
17, Block 69
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and adopt the attached Ordinance approving a plat amendment as conditioned to combine Lot 15 of Block 22 and Lots 16 & 17 of Block 69 of the Park City Survey.

Description:

A. Topic:

Applicant: Aaron Hofmann
Location: 364 Main Street
Proposal: Replat lot 15 of Block 22 and lots 16 & 17
of Block 69.
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Commercial/Public Right-of-Way
Project Planner: Kevin LoPiccolo
Date of Application: June 9, 1997

B. Background

On October 22, 1997, the Planning Commission voted to forward to City Council a positive recommendation to approve the final plat amendment to combine 3 lots at 364 Main Street. A public hearing before the City Council was continued on

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December 9, 1997 to allow the Council time to consider the applicants proposed terms to release the parking covenant on Lots 16 and 17.

The property at 364 Main Street consists of Lot 15 of Block 22, and Lot 16 of Block 69 of the Park City Survey. The applicant's property is located on the east side of Main Street between Fourth Street and the Trouts building, and backs up to Swede Alley. Lot 15 is the former site of the outdoor patio for the Barking Frog Restaurant. The City Council approved a Plat Amendment for this parcel in January 1997. This request separated lot 16 (Barking Frog restaurant, now Chimayos) from lot 15 (outdoor patio) and combined lots 15 of Block 22 with lot 16 of Block 69 into one lot of record. Lot 15 of Block 22 is currently under construction and was approved as an addition to the Barking Frog restaurant by the Historic District Commission in 1995. The building under construction is entirely on a separate lot of record and is not connected in any way to Chimayos.

C. Analysis

The proposed plat amendment is a request to replat Lot 15 of Block 22 and Lots 16 & 17 of Block 69 into one lot of record. The proposed plat amendment will result in one L-shaped lot of approximately 4,560 square feet in area.

Land Management Code: The proposed plat amendment, as conditioned, is consistent with all requisite Land Management Code requirements.

Parking: The applicant's property located next to Swede Alley (Lot 16 and 17 of Block 69) is subject to a 1986 restrictive parking covenant that requires the property owner to maintain the lot for parking purposes unless an in-lieu fee is paid to Park City.

The Covenant states that 22 parking spaces "are provided" on the property at 340 Main (Bald Eagle) and the applicant's (behind Chimayo). The Covenant is silent as to how the spaces are allocated between the properties. In 1994, the City interpreted the Covenant to impose a 10 space obligation on 340 Main. Jon Olch was not seeking to release the Covenant at that time, he was just enclosing the parking. The question was relatively narrow- Does replacing surface parking with an enclosed garage meet the obligation imposed by the Covenant? The City determined that since the new construction resulted in the loss of one net parking space, Olch had to pay \$10,000 (the amount set by the Covenant for per space release of the Covenant). Olch's garage actually contains ten spaces, but one does not meet code dimensions. The Covenant was not released as it applies to Jon Olch's lots, but was re-drafted to specify the ten space requirement at the request of subsequent owners.

Discovery of a 1984 Site Plan appeared to later confirm the approached used in allocation of 10 spaces to 340 Main (Olch's) and 12 spaces to Lots 16 and 17 (the current application), although the Site Plan only showed 9 spaces on 340 Main. The Covenant had other lots designated, but these lots were crossed out prior to execution of the and recording of the Covenant. We think that some of the areas with the parking spaces on the Site Plan are the lots that got crossed out, probably at the last minute.

Mr. Hofmann now wishes to build on his lots and requires release of the Covenant. Brent Gold, representing Mr. Hofmann, submitted a proposal to pay off the \$120,000 (12 spaces x \$10,000).

Mr. Hofmann's proposal is as follows:

	<u>Minimum Value</u>	
1. Pay \$60,000 in cash	\$60,000	(6 spaces)
2. Execute a new Covenant for 4 spaces on his property along Swede alley at the current fee resolution rate of \$14,000 per space	\$56,000	(4 spaces+)
3. Dedicate and construct a 5' sidewalk along the rear of his lots along Swede Alley from 4th Street up to 350 Main (@660 sq.ft.)	\$20,000+	(2 spaces)
Total	<u>\$136,000</u>	= 12 spaces+

Conditions of approval have been included addressing the timing of the above and incorporating the Council's additional conditions as discussed when the proposal was last reviewed (the easement will be extended to the area of the new parking covenant if it is paid off and restrictions on construction above the easement). \$20,000 (the min. value of the easement) will be transferred from the Old Town Utilities and Streets Master Plan fund (#31-42079) to the parking in-lieu fee fund.

This proposal has been reviewed by the City Engineer and Legal Departments, and has been discussed previously by the City Council. The old and new parking covenants are attached as Exhibits D and E.

Sidewalk: The applicant shall install a sidewalk from Fourth Street south to 350 Main Street Seafood and Oyster Company along Swede Alley. A sidewalk will allow people to avoid walking in Swede Alley as the only path of pedestrian travel. Since the property owner owns several lots along Swede Alley, this will be the optimum time to install the sidewalk, with anticipated construction between Fourth Street and 350 Main Street.

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D. Department Review

The City's Staff Review Team and City Attorney's Office have reviewed this request.

Public Input

All owners within the affected plat were noticed on November 3, 1997. No comments have been received at the time of this staff report, and there was not any input from the public at the Planning Commission meeting on October 22, 1997.

Alternatives

- A. Approve the proposed plat amendment creating one 4,560 square foot lot.
- B. Deny the plat amendment and retain the original form of the parcels.
- C. Continue the item and request further evaluation from the staff.

Significant Impacts

Approval of the plat amendment will allow the combination of three lots into one lot of record. Ultimately, the creation of one lot will allow an addition to the 364 Main Street building that is currently under construction.

Since no water or natural gas is available in Swede Alley to facilitate the separate development of Lots 16 & 17 in Block 69, the City Engineer supports the plat amendment so water and gas for these lots can come from Main Street. Because the parcel will now be at the corner of Swede Alley and Fourth Street, a triangular setback is required of the future building, if any, to provide a clear view for the intersecting streets.

Consequence Of Not Taking The Recommended Action

Denial of this application would preclude the applicant from constructing an addition to the 364 Main Street building other than on the property which formerly was on Lot 16 of Block 69. Under the current lot configuration, the construction of a building on Lot 16 may not be feasible, therefore the lot combination of three lots allows the property owner greater flexibility and allows the addition to 364 Main Street.

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Recommendation

The Community Development Department recommends approval of the proposed ordinance attached as Exhibit A, approving the plat amendment subject to the following Findings of Fact, Conclusion of Law, and Conditions of Approval:

Findings of Fact

1. The project is located in the HCB zoning district.
2. The proposed plat amendment is required to allow a building addition to 364 Main Street. Currently the rear lots along Swede Alley is used for parking.
- 3 The applicant's property is subject to a restrictive parking covenant dated February 28, 1986, recorded at the Summit County Recorder's Office in Book 375, Page 384, which requires the property owner to maintain said portion of the property for the parking purposes, unless an in-lieu payment is made to the City.
4. The property owner is applying for a plat amendment to combine three lots into a single lot of record. The amendment will combine the property into one 4,560 square foot lot.
5. The newly created parcel abuts Swede Alley, a busy city street. No sidewalk or pedestrian access ways currently exist.
6. A triangular setback is required of the future building, if any, at the corner of Swede Alley and Fourth Street to provide a clear view of intersecting streets.
7. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat revision.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

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Conditions of Approval

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. A five-foot wide public pedestrian easement shall be dedicated to the City along Swede Alley from 4th Street to the northerly side of the 350 Main building. No gross building area shall be constructed above the easement, except that an enclosed walkway or covered deck or may be constructed above. That portion of the easement within this plat amendment shall be dedicated to the City on the plat. The remaining easement area shall be dedicated to the City on a plat amendment for the adjacent property or by an easement in a form approved by the City Attorney's Office.
3. The owner shall complete construction of a sidewalk or other walkway approved by the City to City standards along the easement from Fourth Street south to 350 Main Street prior to Certificate of Occupancy of any new construction or building addition constructed within this plat or upon any lot adjacent to the easement.
4. The owner shall pay \$60,000 in cash to the City prior to plat recordation.
5. The owner shall execute a new parking covenant for 4 parking spaces immediately behind the 350 Main Building at a release rate (currently \$14,000) as established by City resolution for HCB in-lieu parking fee. The new covenant shall be substantially in the same form as Exhibit E and approved as to form by the City Attorney's Office. If the parking covenant is paid off, the owner shall extend the easement granted in Condition of Approval #2 across the area subject to the new parking covenant. The easement shall have the same restrictions as specified in Condition of Approval #2.
6. A triangular setback will be required for the future building, if any, at Swede Alley and Fourth Street to provide a clear view of intersecting streets.
7. All Standard Project Conditions shall apply.
8. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time, this approval and the plat shall be considered void. Upon plat recordation, the City shall record a release of the old parking covenant attached as Exhibit D.

Exhibits:

Exhibit A - Ordinance
Exhibit B - Existing Plat

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Exhibit C - Vicinity Map
Exhibit D - Old Parking Covenant
Exhibit E - New Parking Covenant

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EXHIBIT A

Ordinance No. 98-

AN ORDINANCE APPROVING THE 364 MAIN STREET LOT LINE ADJUSTMENT, AMENDING THE PARK CITY SURVEY TO COMBINE LOT 15 OF BLOCK 22 AND LOTS 16 & 17 OF BLOCK 69 AT 364 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner, Aaron Hofmann, of the property known as 364 Main Street of Lot 15 of Block 22 and Lots 16 & 17 of Block 69 of the Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, on October 22, 1997 the Planning Commission held a public hearing to receive public input on the proposed final plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, 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.

WHEREAS, the proposed plat amendment combines Lot 15 of Block 22 and Lots 16 & 17 of Block 69 into one parcel;

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment;

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

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

1. The project is located in the HCB zoning district.
2. The proposed plat amendment is required to allow a building addition to 364 Main Street. Currently the rear lots along Swede Alley is used for parking.
3. The applicant's property is subject to a restrictive parking covenant dated February 28, 1986, recorded at the Summit County Recorder's Office in Book 375, Page 384,

which requires the property owner to maintain said portion of the property for the parking purposes, unless an in-lieu payment is made to the City.

4. The property owner is applying for a plat amendment to combine three lots into a single lot of record. The amendment will combine the property into one 4,560 square foot lot.
5. The newly created parcel abuts Swede Alley, a busy city street. No sidewalk or pedestrian access ways currently exist.
6. A triangular setback is required of the future building, if any, at the corner of Swede Alley and Fourth Street to provide a clear view of intersecting streets.
7. The applicant stipulates to all conditions of approval.

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

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat revision.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

SECTION 3. CONDITIONS OF APPROVAL. The proposed plat amendment attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. A five-foot wide public pedestrian easement shall be dedicated to the City along Swede Alley from 4th Street to the northerly side of the 350 Main building. No gross building area shall be constructed above the easement, except that an enclosed walkway or covered deck or may be constructed above. That portion of the easement within this plat amendment shall be dedicated to the City on the plat. The remaining easement area shall be dedicated to the City on a plat amendment for the adjacent property or by an easement in a form approved by the City Attorney's Office.
3. The owner shall complete construction of a sidewalk or other walkway approved by the City to City standards along the easement from Fourth Street south to 350 Main Street

prior to Certificate of Occupancy of any new construction or building addition constructed within this plat or upon any lot adjacent to the easement.

4. The owner shall pay \$60,000 in cash to the City prior to plat recordation.
5. The owner shall execute a new parking covenant for 4 parking spaces immediately behind the 350 Main Building at a release rate (currently \$14,000) as established by City resolution for HCB in-lieu parking fee. The new covenant shall be substantially in the same form as Exhibit E and approved as to form by the City Attorney's Office. If the parking covenant is paid off, the owner shall extend the easement granted in Condition of Approval #2 across the area subject to the new parking covenant. The easement shall have the same restrictions as specified in Condition of Approval #2.
6. A triangular setback will be required for the future building, if any, at Swede Alley and Fourth Street to provide a clear view of intersecting streets.
7. All Standard Project Conditions shall apply.
8. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time, this approval and the plat shall be considered void. Upon plat recordation, the City shall record a release of the old parking covenant attached as Exhibit D.

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

PASSED AND ADOPTED this 22nd day of January, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

5. John Lawrence L. testify that I am a registered land surveyor and that I have taken the 100 ft. line as prescribed by the laws of the State of Utah, and that this is the Adjustment Plot as prepared under my direction in accordance with the requirements of the Public City Manager. I further testify that this plot is an accurate representation of the property.

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1. **THUNDER**

[illegible][illegible]

State of _____)
County of _____) ss
On this _____ day of _____, 1997, personally appeared before me, the undersigned
Notary Public in and for said state and county, James A. Sullivan, being duly sworn, who testified to
the fact that he is the owner of said land and that he signed the above instrument in his
own name and in the presence of said Notary Public, and that he signed the same for the purpose
of conveying the same to said land and interests.

RECEIVED

PARK CITY
PLANNING DE

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LOT LINE ADJUSTMENT PLAT
364 MAIN STREET

LOCATED IN SECTION 10

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERRIAM PARK CITY, SUMMIT COUNTY, UTAH

SECRET

ALLIANCE ENGINEERING INC.

P.O. BOX 3644
323 MAIN STREET
PARK CITY, UTAH 84060

LYNDSDOWN IMPROVEMENT DISTRICT

REVIEWING FOR CONFORMANCE TO SUBJECTS' OWN
APPROPRIATE STANDARDS ON THIS
DATE OF 1987-08-01

PLANNING COMMISSION

LAUNCHING COMMISSION THIS
1997 A.D.

ENGINEERS CERTIFICATE

PO BOX 10074
SAN JOSE CA 95191

APPROVAL AS TO FORM

NO JUNE 1967 4.0

CERTIFICATE OF ATTEST

COUNCIL THIS DAY
OF 1997 A.D.

COUNCIL APPROVAL AND ACCEPTANCE

1997 A O
O v L 661
40 1997

ИЗДАНО В 1971

DATE _____ TIME _____

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EXHIBIT B - PROPOSED PLAT AMENDMENT

I, John Berners, certify that I am a registered land surveyor and that I had a copy of 183431 as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Map was prepared under my direction in accordance with the requirements of the Public Utility Management Act. I further certify that this map is an accurate representation of the property.

1. **Demographics**

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PAGE 1

beginning at a point North 23° 35' 00" East, 9.78 feet from the northeast corner of Lot 15 Block 22, 2nd City and County, thence North 68° 24' 30" East, a distance of 48.97 feet, thence South 77° 57' 00" East, a distance of 12.63 feet, thence North 66° 17' 30" East, a distance of 22.64 feet, thence North 27° 37' 00" East, a distance of 18.93 feet, thence North 56° 13' 48" East, a distance of 52.48 feet, thence 23° 35' 00" East, a distance of 28.63 feet, thence South 64° 36' 30" East, a distance of 52.65 feet, thence North 23° 35' 00" East, a distance of 34.90 feet to the true point

[illegible][illegible]

Author's Address: Andrew A. Hertzberg

[illegible]

On this day of 1967 previously reported before this subcommittee Public in and for said state and county, against a sufficient being duly sworn, personally and that he is the owner of the North American tract of land and he depose the above Oath and Declaration was taken to the said court, and he depose the above Oath and Declaration.

History Public
Lombardian edition

1111-1111-1111

LOCATED IN SECTION 10
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERRIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LOCATED IN SECTION 10

ADD NO. J1 06 97 FILE \PCS\WP 010407

ALLIANCE ENGINEERING INC.

P.O. BOX 2864
323 MAIN STREET
PARMA CITY, UTAH 84050

SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SMITHVILLE DAMM SCHEM
IMPROVEMENT DISTRICT STANDARDS ON THIS
DAY OF 1987 A.D.

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION MAY 1997 A.D.

ENGINEERS CERTIFICATE

FILE IN MY OFFICE THIS _____ 1967

APPROVAL AS TO FORM

APPROVED AS TO FORM 10/13
DAY OF 1987 A.D.

CERTIFICATE OF ATTEST

MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____ 1997 A.D.

COUNCIL APPROVAL AND ACCEPTANCE

COUNCIL HAS
DAY OF
1997 & D

REC

DATE _____ TIME _____
AT THE REQUEST OF _____

PAGE CITY, UTAH
1001) 843 8487

015M5

2M

CHAPTER 1

NAME CITY COUNCIL

PARK CITY ATTORNEY

Or

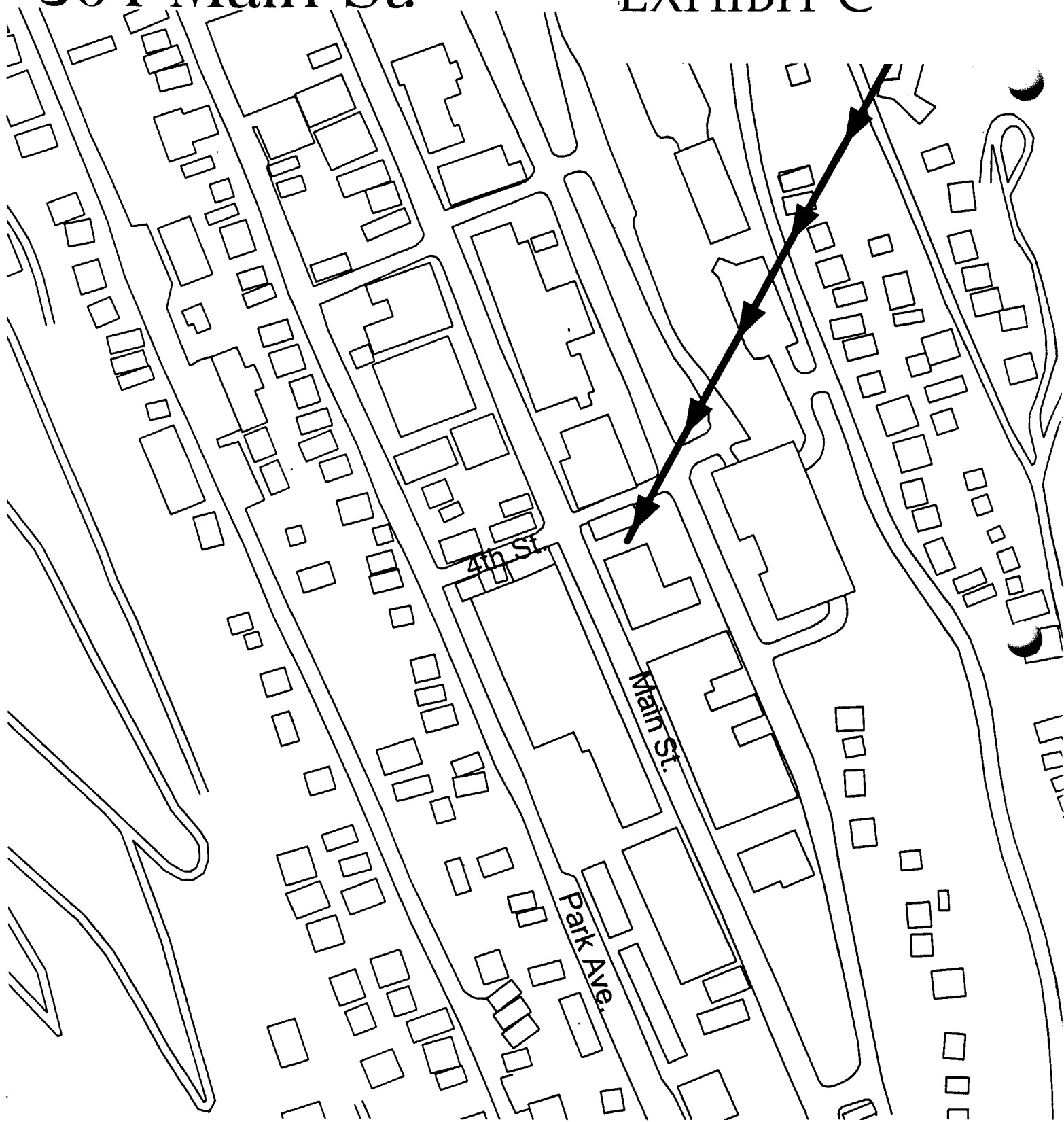
DATE

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364 Main St.



EXHIBIT C



Vicinity Map

EXHIBIT C - VICINITY MAP

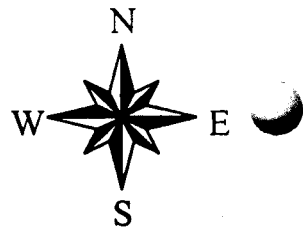


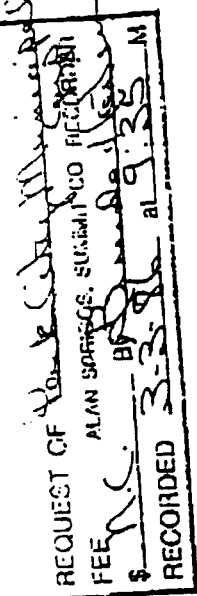
EXHIBIT D

RESTRICTIVE COVENANT

COPY
STAMPED

TO WHOM IT MAY CONCERN:

Please be advised that the following described land has been designated as a portion of the code required parking for the Main Street Marketplace development in Park City, Utah. The owner of the Marketplace project has agreed to temporarily encumber the land described below for the purpose of providing twenty-two (22) parking spaces, which satisfies a portion of the ordinance requirement for the Marketplace development. The described land cannot be used for any purpose that is inconsistent with or prohibits the intended use or function as a parking lot. The owners of the property, covenant with Park City Municipal Corporation that no use will be made of these lands that prevents the parking of twenty-two (22) cars on the property. The owners will maintain the parking areas, including snow removal service at their cost. This Covenant shall last in perpetuity, provided however that Park City agrees to release the Covenant, entirely or in part, as appropriate, upon the Owner providing other parking to replace the parking spaces required under this Covenant. Nothing in this Covenant shall prevent the owner from charging for the use of the parking spaces, nor from regulating the use or restricting the use to patrons of the Main Street Marketplace or otherwise. This shall not constitute a public dedication of the spaces. The Covenant will be released upon the payment of \$10,000 per parking space



released by the owner to Park City, unless the amount is adjusted as provided in the Master Parking Agreement, of which this is a part.

The land affected by this Covenant is described as follows, being located in Summit County, Utah:

Block 22, Park City Survey, Lots 10, ~~9~~, and the North half of Lot 9; and

Block 69, MillSite Reservation, Lots 10, 11, ~~12~~, ~~13~~, 16 and 17.

This Covenant is part of a Master Parking Agreement between the parties dated the 28 day of February, 1986, and should be construed in a manner that is consistent with that Agreement. This Covenant is specifically enforceable, and the party successful in obtaining an order of enforcement shall also be entitled to a judgment for its reasonable attorney fees incurred in enforcement.

Dated this 28 day of February, 1986.

SILVER MILL OF UTAH

By

Randall K. Fielos
General Partner

AMERICAN SAVINGS AND LOAN ASSOC.

By

Its

Korja J. Sanders
Sp. V.P.
PARK CITY MUNICIPAL CORPORATION

By

Hal W. Taylor
Mayor

500- 375 PAGE 38

EXHIBIT E

AMENDED RESTRICTIVE COVENANT

THIS AMENDED RESTRICTIVE COVENANT (the "Covenant") made and entered into this _____ day of January, 1998, by **AARON HOFMANN** (hereinafter designated ("Hofmann")), and **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation ("Park City").

WITNESSETH:

WHEREAS, Silver Mill of Utah, American Savings & Loan Association and Park City Municipal Corporation, mutually executed and delivered a certain Restrictive Covenant, dated February 28, 1986, which Restrictive Covenant was recorded as Entry No. 247147 in Book 375, Pages 384-387, records of Summit County, Utah (the "Prior Covenant"); and

WHEREAS, Hofmann has acquired title to and desires to construct a building upon the following described portion of the real property which is subject to said Prior Covenant:

Lots 16 & 17 of Block 69, Park City Survey, Park City, Utah. (the "364 Main Parcel")

and

WHEREAS, it is the desire of the parties to terminate said Prior Covenant and to substitute, therefore, a covenant encumbering the title to the Parking Property, described as follows:

Beginning at the southeast corner of Lot 12, Block 69, Millsite Reservation to Park City, according to the Official Plat on file in the Summit County Recorder's Office; and running thence along the southerly line of Lot 12 south 66° 25' 50" west 20.00 feet; thence north 23° 31' 00" west 38.92 feet; thence north 66° 33' 26" east 20.00 feet along the northerly line of 350 Main Street Lot Line

Adjustment Plat, recorded April 25, 1997, as Entry 477440 in the Summit County Recorder's Office; thence along the east line of Lots 13 and 12, Block 69 south 23° 31' 00" east 38.87 feet to the point of beginning. ("Parking Property")

NOW, THEREFORE, the parties hereto hereby covenant and agree as follows:

1. The Prior Covenant insofar, but only insofar, as it relates to the 364 Main Parcel is hereby canceled and terminated and shall hereafter be of no force or effect. Park City hereby releases and forever discharges all rights granted to or acquired by it pursuant to the Prior Covenant in or with relation to the 364 Main Parcel.
2. Hofmann hereby agrees that the Parking Property cannot hereafter be used for any purpose that is inconsistent with or prohibits the intended use or function of the Parking Property as vehicle parking.
3. Hofmann agrees that he will maintain the Parking Property at his cost.
4. This Covenant shall last in perpetuity unless released as hereinafter provided.
5. This Covenant may be released upon the payment to Park City of Fourteen Thousand Dollars (\$14,000) per parking space (4 parking spaces) in accordance with the Master Parking Agreement dated February 28, 1986, between Silver Mill of Utah, American Savings & Loan Association, Park City Municipal Corporation and the Redevelopment Agency of Park City, Utah, unless said amount is adjusted as provided by parking Ordinance or Resolution. This Covenant is part of said Master Parking Agreement and shall be construed in a manner that is consistent with Said Master Parking Agreement. Park City acknowledges and agrees that the Parking Property qualifies as 4 parking spaces for purposes of said Master Parking Agreement. Upon release, a five foot pedestrian easement shall be dedicated to Park City along Swede Alley.
6. Nothing in this Covenant shall prevent Hofmann or his successors in ownership of the Parking Property of the right to park vehicles thereon, from charging for use of the parking spaces situated on the Parking Property nor from regulating the use thereof. This shall not constitute a public dedication of the parking spaces situated on the Parking Property.

7. This Covenant is specifically enforceable. In the event litigation becomes necessary to enforce the rights of a party hereunder, the party successful in obtaining an order of enforcement shall also be entitled to a judgment for its reasonable attorneys' fees incurred in said litigation.

EXECUTED the day and year first-above written.

AARON HOFMANN

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of January, 1998,
by **Aaron Hofmann**.

Notary Public, State of Utah
Residing in Park City, Utah

PARK CITY MUNICIPAL CORPORATION

By _____
BRAD OLCH, MAYOR

Attest:

City Recorder

Approved as to Form:

City Attorney

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: January 22, 1998
Department: Planning Department
Title: Condominium Plat Vacation at Aspen Ridge
Type of Item: Consent Agenda

Summary Recommendations: Adopt the attached Ordinance approving the condominium plat vacation from a five unit condominium to a single family lot at 1325 Crescent Road.

A. Topic

Applicant: Richard Marriott
Location: 1325 Crescent Road
Proposal: Plat Amendment - Condominium Vacation
Zoning: RC - Recreation Commercial
Adjacent Land Uses: Recreation Open Space, Multi-family residential
Project Planner: Kevin LoPiccolo

B. Background

On May 10, 1989, the Planning Commission approved a trading of zoning on .31 acres adjacent to the Clementine Ski Run in order to be able to carry out long-range development plans for the ski run. The trade involved rezoning the ski run parcel from RC to ROS and rezoning the Marriott parcel from ROS to RC. The Marriotts intent was to develop their parcel as a family estate. The City Council approved the Record of Survey Plat for 5 units in March 1991 for Aspen Ridge Condominiums.

The applicant is requesting the vacation of the platted 5 unit condominium known as Aspen

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Ridge. Of the five building pads that were approved, only one of the five pads was built upon. The applicant desires to convert the 5 building pads to one single family lot.

C. Analysis

Under its current RC zoning, the Marriott parcel could allow a relatively high density of transient housing with appropriate supporting commercial service activities. Since the project area is 1.19 acres, development credits would be allocated on the basis of one credit per 1,000 square feet of lot area.

The applicant's previous approval was for four additional building pads ranging in size from 1,796 to 2,486 square feet. The four building pads have a significant amount of aspen trees, and if development occurred, the trees would have been removed due to construction. The condominium vacation will preserve the existing aspen trees and reduce the five lots into one lot of record.

D. Department Review

The City's Staff Review Team has reviewed this application and finds it to be in conformance with all requisite city development codes.

Alternatives

- A. Approve the proposed plat amendment combining five lots into one lot.
- B. Deny the plat amendment and retain the original form of the property.
- C. Continue the item and request further evaluation from the staff.

Significant Impacts

The proposed results is a condominium vacation that will reduce the number of lots from five to one lot of record. There are no significant impacts associated with this request. The benefits associated with the condominium vacation is that it will preserve a significant amount of aspen trees and reduce the number of lots from five to one lot.

Consequences of not taking the recommended action

If the Council denies the condominium vacation as proposed, the property eventually would be built upon and the removal of the aspen trees would be lost due to the construction of the single family dwellings.

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Recommendation

Staff recommends that the City Council approve the proposed condominium vacation at 1325 Crescent Road known as Aspen Ridge condominiums based upon the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact

1. The property is in the RC Zone.
2. The proposed vacation changes the number of lots from five to one lot of record.
3. The owner requested the vacation.
4. The City retains a non-exclusive public utility easement over the parcel.
5. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the vacation.
2. Neither the public nor any person will be materially injured by the proposed condominium vacation.
3. The proposal is consistent with both Park City Land Management Code Chapter 7 & 15 and State subdivisions requirements.

Conditions of Approval

1. The ordinance shall be recorded at Summit County Records Office.
2. This vacation does not release any dedicated non-exclusive utility easement.

Exhibits

Exhibit A- Ordinance

Exhibit B- Location map

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Ordinance No. 97-

**AN ORDINANCE APPROVING THE VACATION OF THE ASPEN
RIDGE CONDOMINIUM RECORD OF SURVEY, LOCATED AT 1325
CRESCENT ROAD, PARK CITY UTAH**

WHEREAS, the owner, Richard Marriott, of the property known as 1325 Crescent Road, has petitioned the City Council for approval of a vacation of the Aspen Ridge Condominium Plat; and

WHEREAS, the proposed vacation reduces the number of units from five into one parcel of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the vacation of the Record of Survey;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is in the RC Zone.
2. The proposed vacation changes the number of lots from five to one lot of record.
3. The owner requested the vacation.
4. The City retains a non-exclusive public utility easement over the parcel.
5. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the vacation.
2. Neither the public nor any person will be materially injured by the proposed condominium vacation.
3. The proposal is consistent with both Park City Land Management Code Chapter 7 & 15 and State subdivisions requirements.

Conditions of Approval

1. The ordinance shall be recorded at Summit County Records Office.
2. This vacation does not release any dedicated non-exclusive utility easement.

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

PASSED AND ADOPTED this 22nd day of January, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

1325 Crescent Road

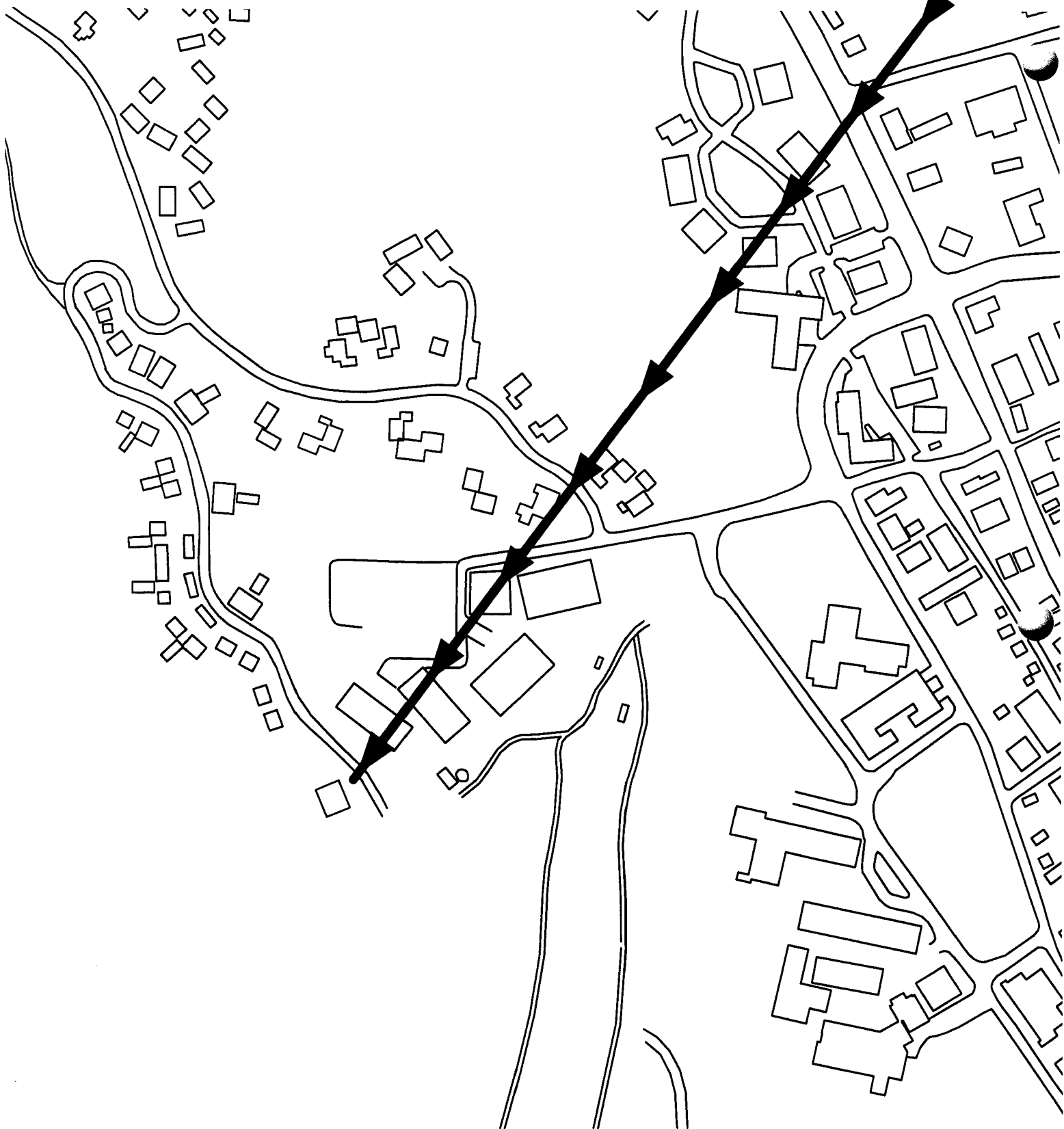


Exhibit - B
Vicinity Map

52





CITY COUNCIL STAFF REPORT

DATE: January 15, 1997
(January 22, 1998 Meeting)

DEPARTMENT: Planning Department

AUTHOR: Patrick Putt

SUBJECT: A combined preliminary/final plat application for a plat amendment known as the Millsite Reservation Subdivision No. 2. The project is generally described as replat of Block 75, including all or portions of Lots 27-34 and 72-89 of the Millsite Reservation To Park City.

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The Planning Department recommends that Council review the proposed project and hold a public hearing. Following a review and discussion, Staff recommends that the Council review (*and modify as necessary*) the Findings of Fact, Conclusions of Law, and Conditions of Approval and approve the ordinance amending the subject property.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Anchor Street Development
Location: The downhill side of Ridge Avenue between Daly Avenue

Zoning: HRL
Adjacent Land Uses: Residential
Project Planner: Patrick Putt

B. Proposal: The applicant's current combined preliminary/final plat amendment application consists of replatting approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single family home sites. Ridge Avenue (*a narrow prescriptive right-of-way which is adjacent to and/or running through the property*) is to be improved to a width of 20 feet and dedicated to the City. The proposed new lots are located on the downhill side of Ridge Avenue between Daly Avenue and the Sampson Avenue/King Road switchback.

The Mike Nyman residence (*an historic house at 147 Ridge Avenue located uphill from existing Ridge Avenue and the proposed new building sites*), shed and driveway are located on portions of Lots 28-32 of the applicant's property and platted Ridge Avenue. Under this application, the four (4) partial lots containing the Nyman residence/improvements are to be combined into a 4027 square foot parcel.

C. Project History and Issues Discussion

1. The Original Proposal: The applicant's original application was for development of seven (7) HR-1 residential units (3 single-family dwellings and 2 duplexes). The proposal did not include the portion of the applicant's property containing the Nyman house and improvements. Shortly before the project's first scheduled public hearing on July 23, 1997, Staff was presented with documentation (*Ordinance 84-9*) which showed that the applicant's property was rezoned from HR-1 to Historic Residential Low-Density (HRL) in 1984. The rezoning was never reflected on the official zoning map. The HRL District requires minimum lot sizes of at least 3750 square feet and prohibits duplexes. At the July 23, 1997 meeting, the applicant informed the Commission that he intended to modify the project to conform the HRL standards.

2. September 23, 1997 Planning Commission Hearing: On September 24, 1997, a Planning Commission public hearing was held regarding the applicant's revised plans to replat the subject property into five (5) new single family home sites. Following input from neighboring residents, the Planning Commission closed the public hearing and provided direction for the project. Specifically, the Commission recommended that the applicant:

- * reduce the proposed project density by at least one (1) unit, i.e. a total of 4 new units; and,

- * develop lot designs which could accommodate side-access garages (*which could help reduce the large building scale created by garages located at the elevation of*

Ridge Avenue);

- * provide for a separate parcel of property containing the Mike Nyman residence and improvements.

3. October 22, 1997 Planning Commission Work Session: On October 22, 1997, the Planning Commission held a work session to review the applicant's plan revisions. The revisions included:

- * a reduction in the project density from 5 units to 4 units (*1 unit reduction*); and
- * a widening of the proposed Lots 1 and 3 to allow for the potential of greater building articulation and detail (*Lot 1: 37.50' to 57.50'/Lot 3: 31.86' to 77.50'*); and,
- * the creation of a 4027 square foot parcel for the Nyman residence and improvements.

The Planning Commission determined that the density reduction and wider lots were positive improvements to the plan. The Commissioners agreed that the side access into the garage on proposed Lot 4 (*which includes a retaining wall up to 20 in height*) is a better design solution rather than an additional (*vertically-proportioned*) garage accessing directly off of Ridge Avenue. The Commission stated that the proposed wider lots will allow for opportunities to create better stepping in the building masses. The Commission asked the applicant to provide additional information regarding the amount of building area which could be built in the downhill height exception area (per LMC Section 8.17e). The applicant agreed to provide the figures for the final hearing (*see section below "Building Size"*). Following the discussion Planning Commission directed Staff to prepare Findings of Fact, Conclusions of Law, and Conditions of Approval for action.

4. December 10, 1997 Planning Commission Action: The Planning Commission held another public hearing on the applicant's proposal on December 10, 1997. The primary topics of hearing related to the proposed driveway locations, the proposed retaining wall for Lot 4, building size, the Mike Nyman residence issue.

a. Driveway Locations and The Proposed Retaining Wall: As directed by the Planning Commission, the applicant's proposal provides for direct driveway access (*i.e. garage doors facing and at/or near the elevation of Ridge Avenue*) for Lots 1, 2, and 3. In order to eliminate at least one tall, vertical garage element, Lot 4 garage is to be accessed from the side and located below street level. A retaining wall, approximately 130 feet in length and up to 20 feet in height, will be necessary to provide the side-garage access. Adjacent property owners, in particular, Bob Dillon, expressed serious concern that construction of the retaining wall and subsequent driveway snow removal off the wall would pose a serious threat to his house and the neighboring houses below the project. The Commission acknowledged the neighborhood concerns; however the consensus was that the side-garage access for Lot 4 would help reduce the garage barrage on Ridge Avenue. The

Commission included the conditions of approval for a detailed construction mitigation plan and the City Engineer's approval of the retaining wall design to help mitigate the potential impacts of the structure.

As part of the construction mitigation, the applicant stated that it his plan to protect downhill homes by installing a temporary 6-foot high reinforced chain link fence along the downhill (*rear*) portion of the property. The fence will be covered with an impervious material to prohibit small stones from rolling through the barrier. Erosion control measures will be installed on the uphill side of the barrier. Run off is to be directed to a storm drain.

The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.

b. Building Size: The maximum size of structures which can be built on the proposed lots is controlled by the HRL District floor area ratio (FAR). In order to promote building design flexibility and achieve better articulation in building mass, the applicant has reduced the maximum allowed building footprint to a square footage that is less than the buildable lot area created by the HRL minimum setback requirements (*i.e. the building pad*). The chart below outlines the proposed lot sizes, FAR, maximum building pads (*the lot area left after applying setbacks*), maximum building footprint (*building area within the building pad*), and the maximum building area within the height exception for downhill lots permitted by the Land Management Code, Section 8.17(d): Height Provisions.

LOT	LOT SIZE	FAR	MAX. BLDG. PAD	MAX. ALLOWED BLDG. FOOTPRINT	MAX. BLDG. AREA TO BE ALLOWED WITHIN HRL HEIGHT EXCEPTION
1	5548 sf	2789 sf	3081 sf	2675 sf	823 sf
2	5531 sf	2784 sf	2973 sf	2254 sf	869 sf
3	5317 sf	2720 sf	2492 sf	2024 sf	864 sf
4	10858 sf	4382 sf	4217 sf	2020 sf	713 sf

The table also specifies the maximum allowed square footage to be permitted in the HRL height exception area (*per LMC Section 8.17e*). The proposed square footages (ranging from 713 square feet to 869 square feet) equate approximately to the typical size of small historic residential structures found in the Historic District. The proposed square footages in the height exception areas are less than could be constructed under the current HRL height

regulations. The limitations related to the maximum building pads, maximum building footprints, and maximum building areas within the height exception will be noted on the plat.

To ensure horizontal and vertical step backs in the building mass are incorporated into the future building designs, the Planning Commission specified that a note be added to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include a horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

The Planning Commission further specified that the following note be added to the plat clarifying that all HRL standards apply to the futures buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

c. The Nyman Residence Issue: Two days before the Planing Commission meeting, Mike Nyman filed for quiet title to the property appurtenant to his residence. The Planning Commission added a condition of approval that, unless the pending litigation is dismissed or resolved in the applicant's favor, the applicant is to eliminate proposed Nyman site (proposed Parcels 8 and 9) from the application; or have Mr. Nyman sign the owner's consent to record the plat. The Legal Department is satisfied with this solution.

Following an extensive discussion on the aforementioned matters, the Commission forwarded a positive recommendation on this application to the Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth below.

D. Department Review

The City's Inter-Departmental Staff Review Team and the Legal Department have reviewed this application. As conditioned, Staff finds this application to be in compliance with all requisite Land Management Code standards and State subdivision regulations.

E. Alternatives

A. Approve the proposed plat amendment as proposed.

B. Approve a revised plat amendment with Lot 4 having direct driveway access on the upper portion of the lot; i.e., eliminate the side-garage access and retaining wall.

- C. Deny the plat amendment application and retain the current lot configuration.
- D. Continue the item and request further information from the applicant and/or Staff.

F. Significant Impacts

Approval of the proposed plat amendment will result in approximately 25 full and/or partial HRL-zoned lots along the downhill side of Ridge Avenue being combined into four (4) new single family home sites, a 4027 square foot parcel for the Nyman residence, and dedicated utility parcels. Four (4) new residences ranging in size from 2700 square to 4400 square feet (not including garages) will eventually be constructed along the Ridge Avenue hillside. Ridge Avenue will also be improved to a width of 20 feet and dedicated to the City.

G. Consequences of Not Taking the Recommended Action

If this application is denied, the applicant will retain the existing platted lots. Under current conditions, up to six (6) single-family residences could be constructed on the subject property. Ridge Avenue through the project site would not be improved or dedicated to the City; however, it would remain a prescriptive right-of-way.

H. RECOMMENDATION

The Planning Department recommends that Council review the proposed project and hold a public hearing. Following a review and discussion, Staff recommends that the Council review (*and modify as necessary*) the Findings of Fact, Conclusions of Law, and Conditions of Approval and approve the ordinance amending the subject property.

Findings of Fact:

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process regulates the subdivision land and amendments to existing subdivided land within the corporate limits of Park City.
2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single-family home sites.
5. The proposed project involves the creation of a 4027 square foot parcel on the uphill

side of Ridge Avenue (*Proposed Parcel 9*) which includes an existing Historic residence (*the Nyman residence*) and yard improvements.

6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.
10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten (10'-0") foot nonexclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.
13. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land

Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the futures buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat specifying that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
17. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned, is consistent with the Land Management Code, Chapter 7: Districts and Regulations and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.
2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and

utility easement(s) is a condition precedent to recording the plat.

4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicant by the widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the futures buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision including Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard

on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.

12. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.
13. Site plans and building plans for future construction shall comply with the HRL District's snow-release requirements as specified in the Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District-Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

Attachments:

Attachment A: Ordinance

Exhibits:

Exhibit A: Proposed Plat

Exhibit B: Vicinity Map

Exhibit C: Existing Plat

Exhibit D: Plat Exhibit (Conceptual Building Footprint Layout)

Exhibit E: December 10, 1997 Planning Commission Minutes

Exhibit F: Letters From Neighborhood Residents

Ordinance No. 98-

**AN ORDINANCE APPROVING THE MILLSITE RESERVATION SUBDIVISION
NO. 2, A RESUBDIVISION OF BLOCK 75, INCLUDING ALL OR PORTIONS OF
LOTS 27-34 AND 72-89 MILLSITE RESERVATION TO PARK CITY, PARK CITY,
UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 2, have petitioned the City Council for approval of a resubdivision of a portion of Block 75 of the Millsite Reservation To Park City; and

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

WHEREAS, the City Council held a public hearing on January 22, 1998 to receive input on the proposed subdivision; and

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

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

SECTION 1. The Millsite Reservation Subdivision No.2 is approved as shown on Exhibit A subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process regulates the subdivision land and amendments to existing subdivided land within the corporate limits of Park City.
2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or

partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single-family home sites.

5. The proposed project involves the creation of a 4027 square foot parcel on the uphill side of Ridge Avenue (*Proposed Parcel 9*) which includes an existing Historic residence (*the Nyman residence*) and yard improvements.
6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.
10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten (10'-0") foot nonexclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.

13. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the futures buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat specifying that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
17. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned, is consistent with the Land Management Code, Chapter 7: Districts and Regulations and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.

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2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and utility easement(s) is a condition precedent to recording the plat.
4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicant by the widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the futures buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision including Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
12. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.
13. Site plans and building plans for future construction shall comply with the HRL District's snow-release requirements as specified in the Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

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

PASSED AND ADOPTED this 22th day of January 1998

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, Deputy City Attorney



AMENDED PLAT
ANCHOR DEVELOPMENT MILL SITE RESERVATION NO. 2

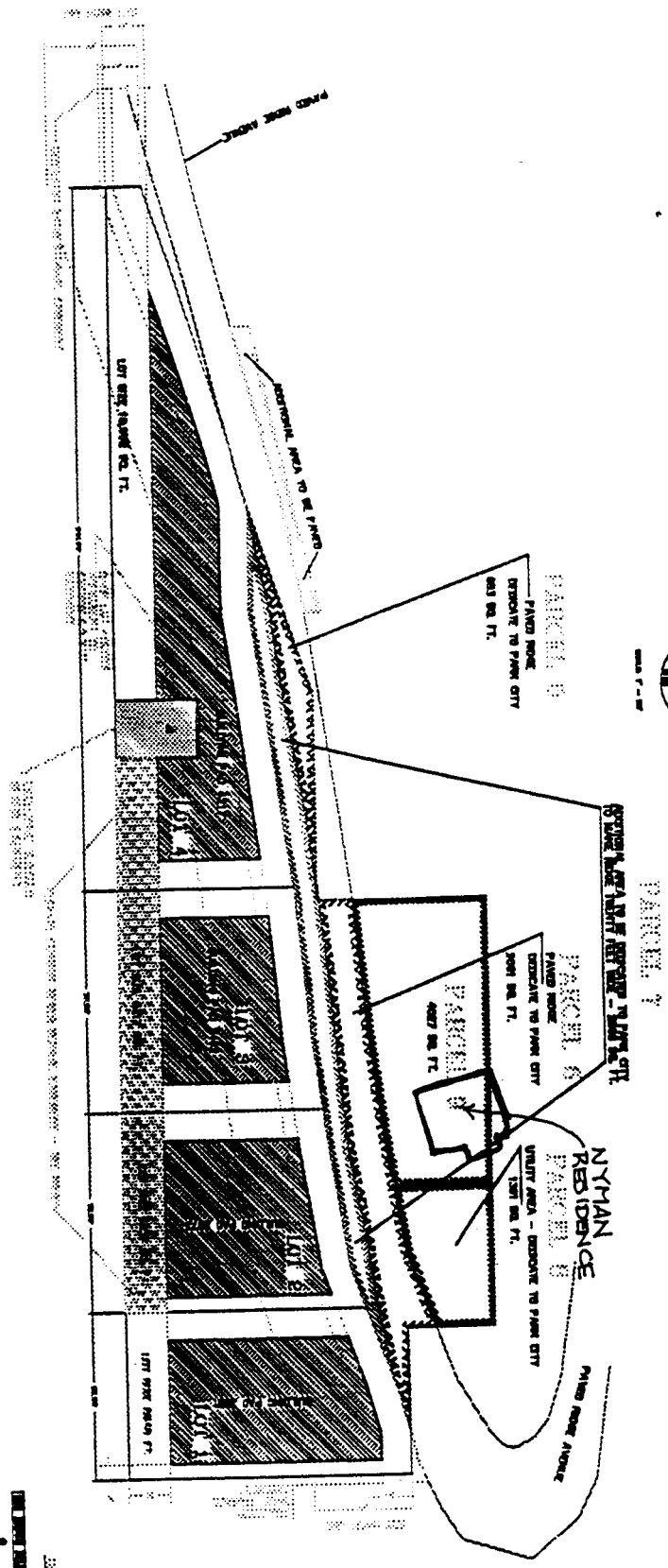


EXHIBIT A:
PROPOSED PLAT

Subject Site

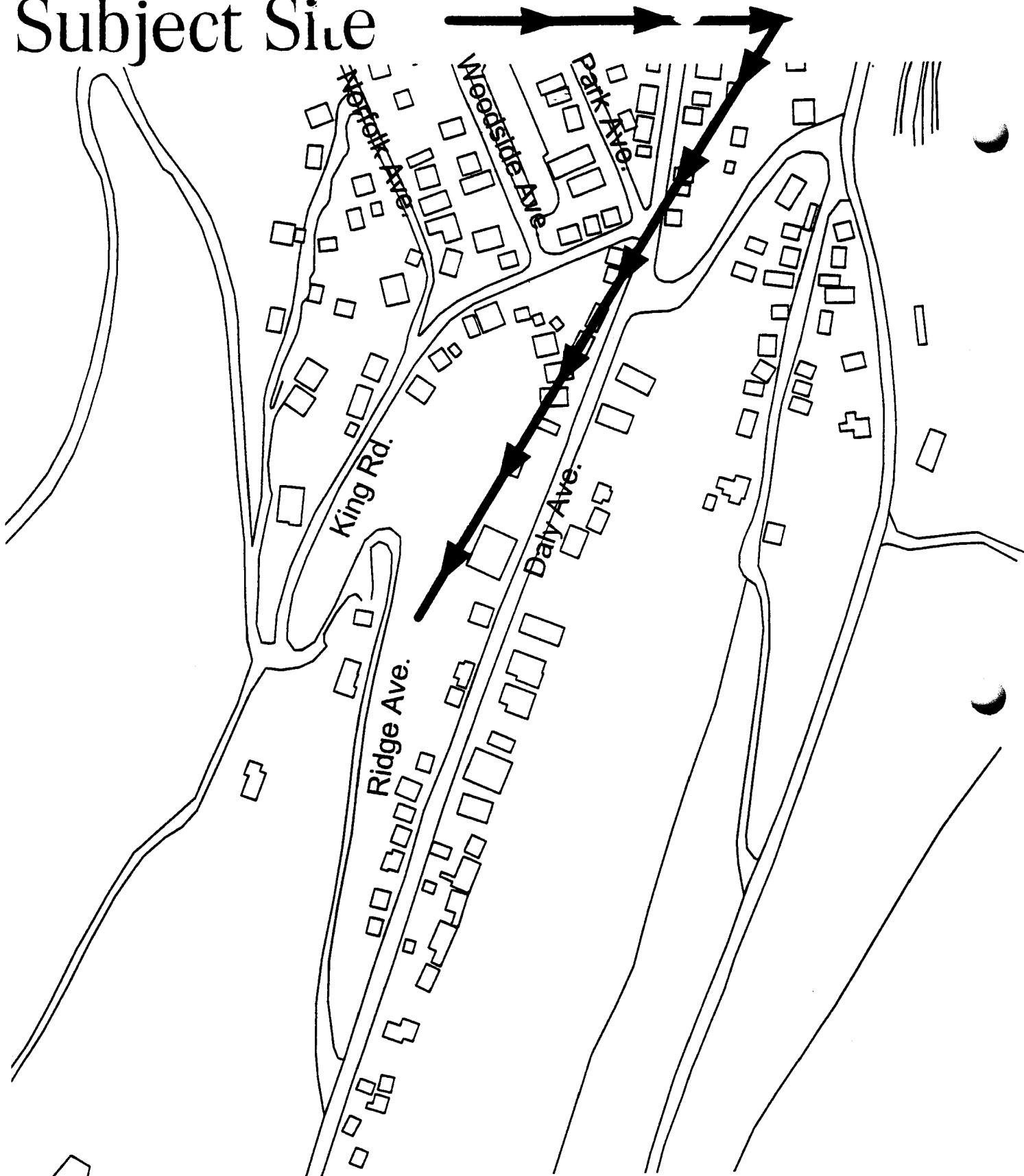
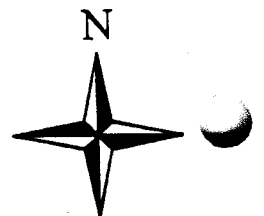


EXHIBIT B:
VICINITY MAP



AUG 22 1995

RECEIVED

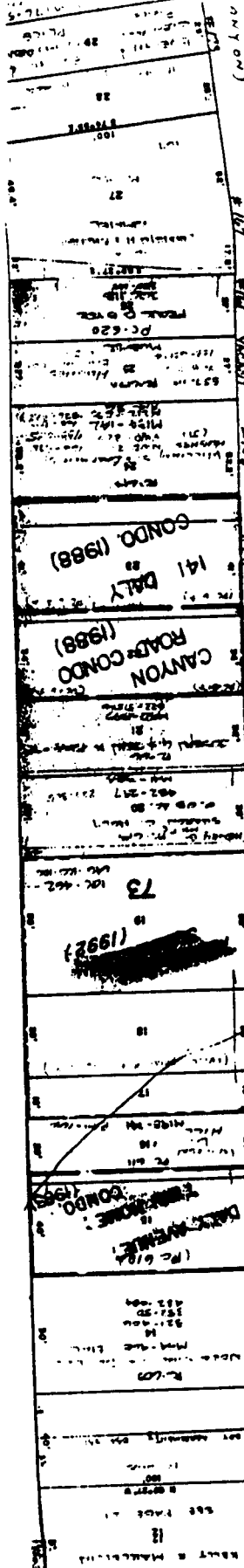
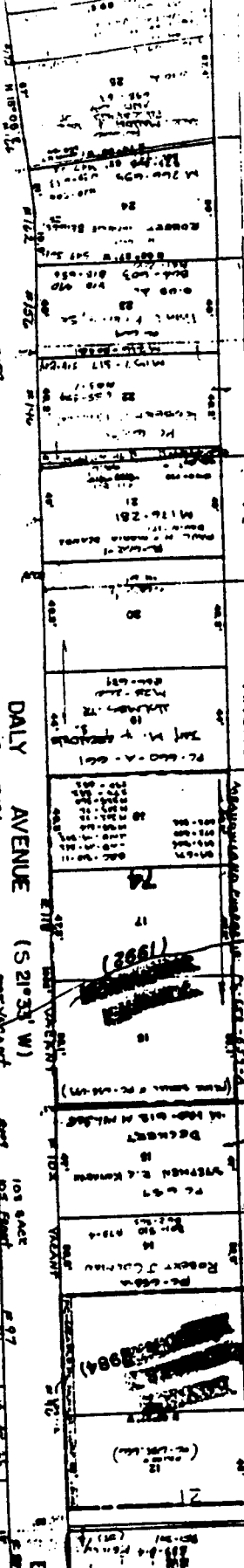
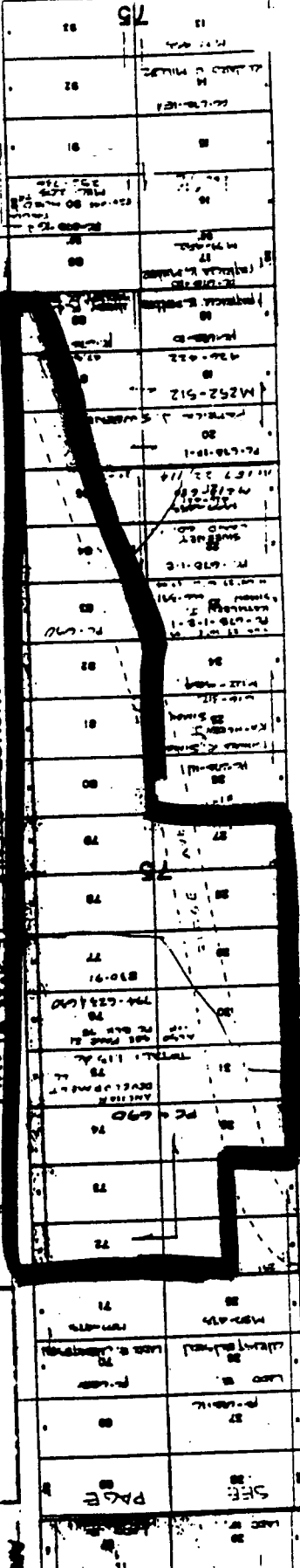
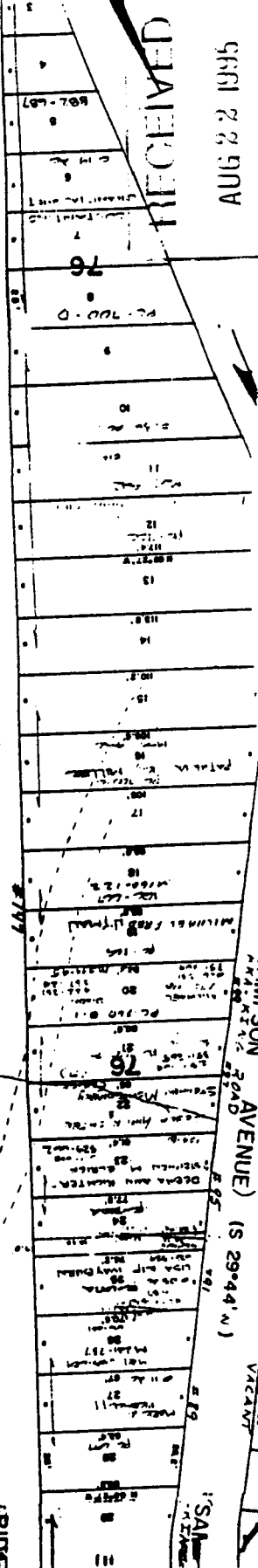


EXHIBIT C:
EXISTING PLAT



AMENDED PLAT
ANCHOR DEVELOPMENT MILL SITE RESERVATION NO. 2

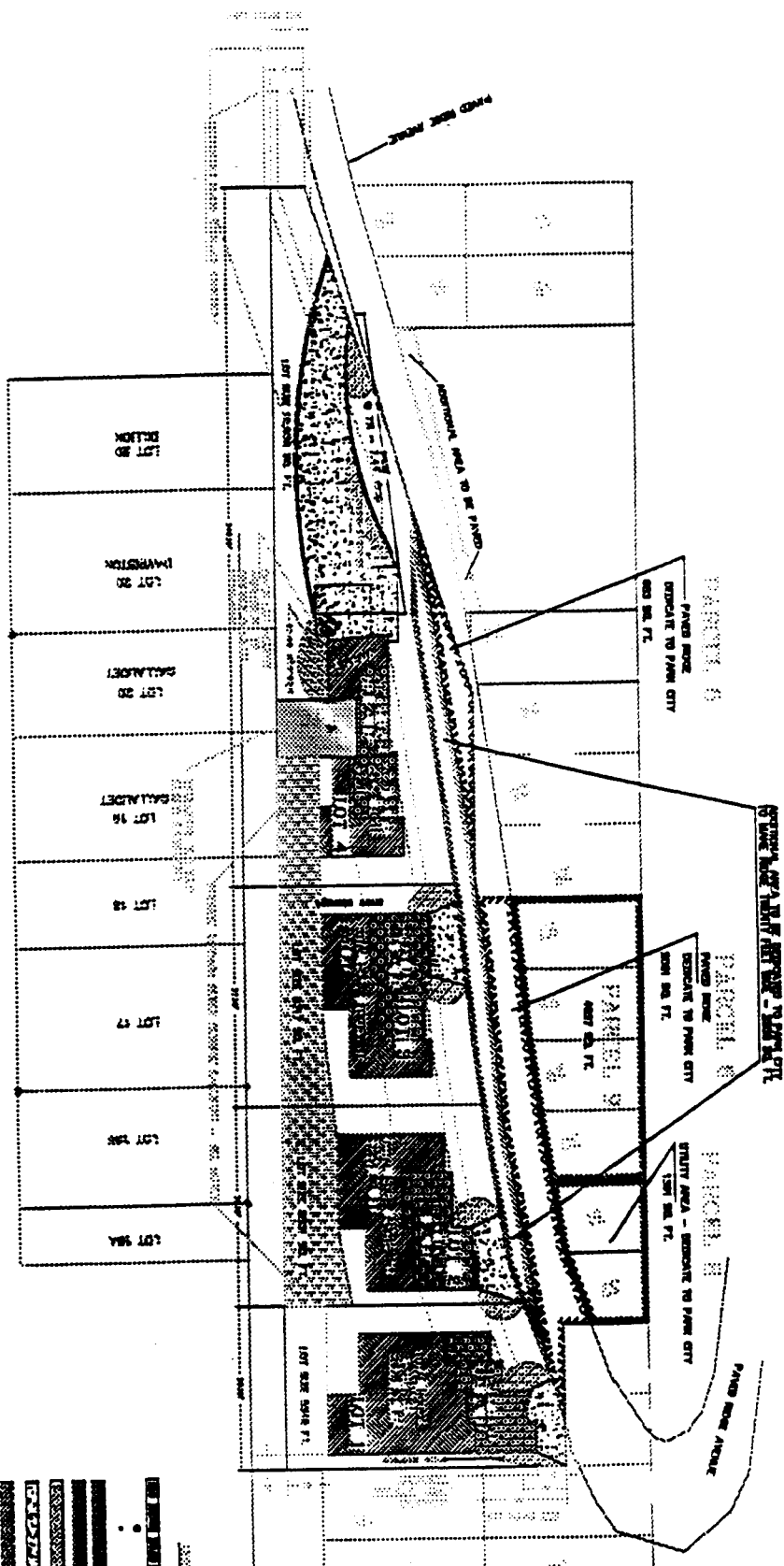


EXHIBIT D:
PLAT EXHIBIT
(CONCEPTUAL BUILDING FOOTPRINT LAYOUT)



PAUL & GREENI
BUILDING SERVICES LLC
2000 WEST BAYVIEW BLVD
PARK CITY, UTAH 84096
(801) 545-0870

EXHIBIT E:
DECEMBER 10, 1997
PLANNING COMMISSION MINUTES

Commissioner Jones agreed with Vice-Chair Larson's comments and stated that he had his own issues with the proposed location of the road. He understood the reason for requesting the road, but he felt the impact on the neighbors was significant. He referred to Phase II and the circumstances surrounding that approval, and he did not see anything that would compel him to change any of the conditions at this point. He commended the Stein Eriksen people for wanting to improve their situation, but he felt there were ways to do it without putting it in the neighbors' backyards.

Commissioner O'Hara agreed with previous comments. He complimented the applicants on an attractive development and the good work they have done. He stated that, in this instance, the philosophy of no net loss does not apply. What applies here is net gain. He felt that the Planning Commission needed to see the compelling reason for increasing density and placing the road where it is proposed. The applicant's reasons are reasonable but not compelling enough for the Planning Commission.

Commissioner Hier agreed with the other Commissioners and added that he felt that enclosing employee parking was an excellent idea. However, he had a hard time seeing an overwhelming public benefit from the project as currently described. He felt that the Little Belle Condominium owners had valid points that should be more thoroughly addressed.

Commissioner Zimney agreed with her fellow Commissioners and stated that she could not see a compelling benefit for looking at this favorably at this time.

2. Millsite Reservation Subdivision No. 2 (Resubdivision of Block 75, Lots 27-32 and 72-83) located on upper Ridge Avenue

Administrator Patrick Putt stated that the Planning Commission is being asked to consider possible action on a combined preliminary and final plat for a subdivision located in the HRL zone in the Ridge Avenue area near the King Road intersection. The proposal involves replatting approximately 25 full or partial HRL lots in Block 75 of the Millsite Reservation into four new single-family home sites. The project will also include improvement of Ridge Avenue to a width of 20 feet and dedication of that road through the property to the City. The applicants also propose creating a 4,000-square-foot parcel above Ridge Avenue around the Mike Nyman residence. An initial public hearing was held on September 24, 1997. At that time, the proposal consisted of five new single-family homesites and creation of a parcel for the Nyman residence. Following public input and Planning Commission review, the Planning

Commission gave the applicant direction to reduce the proposed density by at least one unit and to look at reconfiguring the lot designs to accommodate side garage access that would help reduce the overall perceived scale of the buildings on the hillside. The applicant returned to a work session on October 22 with changes to the plan. First was a reduction in density from five units to four new units. Second was widening Lots 1 and 3 to create better articulation and more opportunity for greater architectural detailing at the street rather than a garage door and main door entrance at the Ridge Avenue elevation. Lot 1 was increased in width from approximately 37-1/2 feet to 57-1/2 feet, and Lot 3 was increased from a width of approximately 32 square feet to 77-1/2 square feet.

Administrator Putt used the initial plan from September 24 to identify the project and the revisions which have taken place since then. He presented a plat showing the reduction of one unit of density and the widened lots. He noted that, during the October meeting, considerable discussion occurred regarding Lot 4 and how it should be accessed. One alternative was access directly off of Ridge Avenue, but there was concern about the slope and the resulting garage element that would appear to loom high above the rest of the building. In order to lower that garage element, the Planning Commission agreed that access should come off of Ridge Avenue from the side with the construction of a retaining wall. In October, the Planning Commission felt the reduction in density was a positive aspect to the plan and that the side access to Lot 4 was a better approach to get access and reduce the scale of the project. The Planning Commission directed the Staff to work with the applicant and look at the amount of square footage that would be created by having garage elements or building elements at the street within the HRL zone height exception area. Administrator Putt reported that the Staff worked with the applicant to ascertain those figures which are included in the staff report.

Administrator Putt outlined the issues for review that include location of the garage access. Lots 1, 2, and 3 will come directly off of Ridge Avenue, and access to Lot 4 will be off the side. Regarding building size, all structures developed on these properties will be developed under the Floor Area Ratio. The applicant had indicated on the plan the maximum permitted building area allowed in the height exception area under Provision 8.17 of the Land Management Code. For steeply sloping downhill lots, the Land Management Code provides an allowance for a one-story element going back a maximum of 34 feet from the front property line; i.e., a 24-foot-deep element if the 10-foot setback is added. That portion of the building can exceed a height requirement of 27 feet. He

noted that the applicant does not propose to maximize the entire area within that exception area but only enough to get a garage and additional architectural interest at the street level. Restrictions on these four areas is proposed to be added to the plat. Administrator Putt noted that the square footage is less than could be achieved if the overall exception area were built out to its maximum. In addition to the allowed square footages in these areas, there will be limitations on the building footprint. They will be noted on the plat so future property owners and builders will know what the limitations are. In addition to those notes, the Staff recommends that an additional note be added to the plat to achieve more articulation in the building, not only as the building steps down the hill, but as it steps up from the side. The Staff proposes language, "that the building area within the building height exception per Land Management Code Section 8.17(e) shall include a horizontal step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures." Administrator Putt reported that the Staff discussed with the applicant whether they should define the amount of step back to be incorporated into the individual designs. Given the fact that each building has the potential for a number of different designs, they decided it would best be addressed on a site-by-site, case-by-case basis with the Historic District Commission when applying the design guidelines against an application. To avoid confusion regarding what criteria apply to new construction on the lots, the Staff has requested an additional plat note that clarifies, "except for specific limitations set forth in the plat, all structures are to comply with the HRL District development standards relating to height, building setback, and building area."

Administrator Putt discussed protection of downhill homes from the construction of these buildings and snow release and stated that construction mitigation plans will be required for construction of these homes. The Staff has discussed with the applicant several measures that could be incorporated into the CMP that would address such issues as stones and rocks rolling down onto houses. At a minimum, the applicant proposes construction of a temporary, six-foot-high, reinforced chain link fence that would be covered with an impervious meshing material so nothing would be able to roll through. All runoff would be directed into the storm drains which are proposed as part of the infrastructure. Administrator Putt noted that direct snow release is a function of the actual building design. In the HRL District, the Land Management Code requires that all snow release from buildings be mitigated to the greatest degree possible, and mitigation measures are to be signed off by the Chief Building Official. This matter will be reviewed and

mitigated at the time of building design prior to going before the Historic District Commission for review and approval.

Administrator Putt reported that he received a number of phone calls from adjacent property owners who are concerned about protecting downhill homes. He spoke with Bob Dillon earlier today regarding the side garage access and his concerns that his property would be impacted during construction and when snow removal occurs.

Administrator Putt noted that the final issue deals with the Mike Nyman property which is partially located on Parcel 9. Mr. Nyman resides in an historic home, and that property and its improvements also spill over into the platted Ridge Avenue right-of-way. At the September meeting, the Planning Commission discussed whether that property should be included in this plat. The Planning Commission suggested that, in order to look at this project and the properties in a more macro scale, the Nyman property should be included. The applicant did include the Nyman property in the subdivision application, but as of Tuesday this week, Mr. Nyman had filed for Quieting the title for this property. Mr. Nyman is legally asserting claim to his property and forcing the issue by requesting the courts to determine ownership of the property and to squelch all other claims related to ownership of the property. If the Planning Commission takes action, a condition of approval and an additional finding of fact should be included which state that the applicant must either withdraw the Nyman portion in Parcel 9 and Parcel 8 which is intended to be a utility area to service the project or include Mr. Nyman's written consent on the plat prior to plat recordation. Either alternative would require a new utility plan.

With the direction for reduction in density and the modification to the side garage access, the Planning Commission previously recommended that the Staff return with draft findings of fact, conclusions of law, and conditions of approval. Administrator Putt reported that those have been prepared and included in the staff report. Since the neighbors have not had an opportunity to see the revisions prior to this evening, the Staff recommended that the public hearing be re-opened.

Vice-Chair Larson re-opened the public hearing.

Stephen Elrick asked if the FAR of 2,789 means that the applicants can add an additional 823 square feet and asked what square footage maximums could be built with downhill provisions. Administrator Putt replied that the maximum habitable square footage on Lot 1 is 2,789; Lot 2 is 2,784; Lot 3 is 2,720; Lot 4 is 4,382. In addition to that square footage, the

Code allows an additional 400 square feet for a garage on each unit. In terms of height exception area, the square footage ranges from 713 square feet to 823 square feet. The additional 713 to 823 comes out of the overall total addable floor area and 400 square feet of garage allowance.

Kay Simon, a resident at the top of King Road, was concerned about the possible closing of Ridge Avenue if the water lines have to be redone. She stated that she uses Ridge Avenue during the winter because King Road is so steep and because of the number of parked cars. She was concerned about parking along Ridge Avenue with the homes that will be accessing garages. She felt that, with homes that size and with possible guests, the garages and driveways might be insufficient, and cars would be parked in the street.

Bob Dillon, a resident on Daly directly below the proposed driveway, felt that the Planning Commission's efforts to make the project look nicer had significantly increased the public safety hazard related to the project. He referred to construction mitigation clauses to prevent objects from rolling down during construction and stated that he expected that to be done. However, the driveway has to be plowed in the winter, and every time it is plowed, everything will come down the side of the hill. They cannot stop it, but he did not believe the applicant was entitled to do it. It would be a trespass that would injure people below. He noted that the property is a 30-foot sheer, cliff and a car entering the driveway during the winter had a strong possibility of sliding off and landing on top of a roof. He noted that he did not like the driveway and had opposed it consistently. If the Planning Commission allows the driveway to be built, he believed it should at least have a snow melt system so it would not have to be plowed, and a wall should be constructed to prevent cars from coming over the driveway edge and to prevent objects from rolling off the highway onto the homes below.

Commissioner O'Hara recalled previous discussions on how to protect the lots on the lower end, particularly Mr. Dillon's residence. He asked Administrator Putt for specific details on the proposed retaining wall. Administrator Putt replied that there are currently no specific plans as to how the wall will be constructed. That would be done when the plans for the homes are submitted. At a bare minimum, guard rails or a masonry wall will be reviewed by the Planning, Building and Engineering Departments.

De Fisher, owner of two historic homes, stated that she has spent a great deal of money trying to keep the homes looking historic. Any large

amount of snow and rocks during construction could potentially destroy her property much more than the larger houses that have been built around her. She stated that the City wants to preserve historic structures, but the Staff actually puts into writing the following statement: "Please note that, even with all this mitigation, the Staff anticipates inconveniences to neighbors and the general public and potential damage to downhill homes." She asked the Planning Commission how they could approve something that could cause damage to downhill homes without requiring the applicants to put in actual retaining walls, not just chain link fence. She was very concerned about her historic homes which are 800 square feet each.

Vice-Chair Larson closed the public hearing.

Representing the applicant, David Belz discussed the snow removal issue and the concerns expressed by Mr. Dillon and stated that he and the applicant agree with Mr. Dillon. As a designer and architect, Mr. Belz believed that the visual impact of the retaining wall for the side entry road was much greater than allowing the garage entry to come straight in. In looking at the plat and noting the amount of area that would be disturbed and that it could be revegetated and provide a great amount of snow storage for snow removal from Ridge Avenue, he much preferred the access from above. However, the applicant has responded to the Planning Commission request for a side access. If it is determined that the side entry driveway is preferred, the Building Department Official, Ron Ivie, will make certain that the retaining wall, which will probably be solid masonry, is able to withstand a car traveling at 20 or 30 miles per hour. As to the concern about snow removal, because of the retaining wall, Mr. Belz did not believe that snow being removed from the driveway would go over the edges of the retaining wall. He noted that the applicant has proposed an area at the end of the driveway with a snow gate. The snow would be pushed to that point, which is near the existing sewer drain and is on a flat bench area of the existing Anchor Avenue platted area. In addition, small snow storage areas will be created within the driveway and shown on the plat. He hoped that the Planning Commission would reconsider whether a side entry is better. If they elect the side access, he assured them and Mr. Dillon that the engineering will assure that a car will not come over the edge and that the snow storage area will be very specific.

Mr. Belz responded to Ms. Fisher's concern about falling rocks and noted that anyone who has worked with the Building Department and Mr. Ivie knows that they will make certain that any barriers which are constructed to retain falling rocks will meet Code standards. He believed Ms.

Fisher's concern was valid and suggested that the Planning Commission make a condition of approval to address Building Department involvement. He was concerned about Staff's anticipation of damage to downhill properties because the applicant did not want that kind of liability and would do everything possible to prevent it.

Mr. Belz commented on the water line issue and the need for Mr. Nyman to sign off on the plat. He stated that he had not heard concerns expressed by Mr. Nyman about the nature of the plat, and he felt that the bigger issue for Mr. Nyman was his ability to get ownership of the ground on which his house sits. If written consent is required from Mr. Nyman, Mr. Belz requested that the Planning Commission allow a judge's signature if an unresolved problem should occur so a judge could determine whether there is harm or reason why this plat should not be recorded.

Commissioner Hays asked if the applicants planned to close Ridge Avenue during the winter months. The applicant, Paul DeGroot, replied that he did not plan to do so. When the public sewer was installed a condition of that permit prohibited closure of Ridge Avenue.

Commissioner Hier referred to Lot 4 and the side entry garage and asked why there is a height limit exception. Mr. DeGroot explained that the height limit exception pertains to the front door and foyer to allow access to the house from Ridge Road. Commissioner Hier recalled that the reason the side entry garage was preferred was to eliminate the extended height on one of the sites. If the height would be extended anyway, he saw no reason for a side entrance garage.

Regarding the Nyman property, Mr. DeGroot offered a third alternative of doing nothing. He stated that he was informed yesterday of the legal action filed by Mr. Nyman, and the Planning Commission was informed this evening, and he did not believe anyone had had sufficient time to think about it. He stated that he viewed the action as a nuisance suit. The suit has eight exhibits attached which justify the action, and one exhibit is a Quit Claim Deed from Mr. Nyman's brother to Mr. Nyman in 1981 which refers to 147 Ridge Road and property. It was apparently signed by a notary but never stamped, which leaves the possibility that it could have been created yesterday. All the other exhibits refer to Lots 18, 19, and 76 located on King Road.

Commissioner Larson informed Mr. DeGroot that the Legal Department has drafted conditions of approval to address the issue, and the next step is for the matter to go before the City Council. If the conditions need to be changed, they can be argued at that level.

Commissioner Jones commented that a major problem he has had with the project is the height exception. He understood that the primary intent of the height exception was to allow construction of garages in these types of situations. Administrator Putt explained that the original intent of the height exception was to allow a builder to achieve at least a one-story element at the street on very steep downhill lots. Generally, this element was to be used as a garage, but discussions during the process of adopting the exception acknowledged that some people might not want to use that space as a garage, and the exception included a foyer or a kitchen or some other non-garage area. Commissioner Jones felt they had gone from a space for a garage that certainly dictated the 24-foot depth to 700 and 800 square feet in this particular proposal within that height exception. Administrator Putt explained that the reason for the additional square footage is to create additional building area to transition and step down to avoid a narrow shaft element and provide more architectural interest at the street. Commissioner Jones stated that he could accept the street level, but his problem was from the other side. Given the steepness of the lots, he did not understand how they step down the other side. Administrator Putt referred to illustrations contained in previous staff reports showing how it would look. He offered to circulate the illustrations again for Planning Commission review. He clarified that he was not advocating the applicant's proposal, and at the last meeting, the Planning Commission directed the applicants to widen Lots 1, 2, and 3 and to design a side entry garage for Lot 4. In widening the lots, the Planning Commission felt there would be additional width on the building to help minimize the tower effect of the garages. If they are uncomfortable with that direction after seeing the result, he suggested that the matter be discussed.

Mr. DeGroot stated that there are many opportunities in the Land Management Code for versatility with the space proposed on Ridge Road. One opportunity he found in his preliminary sketch was that the garage needs to be almost level with Ridge Road, but the foyers do not have to be level with Ridge Road. He believes that up to four feet of the foyer area would be below Ridge Road. He noted that an additional height exception in the Land Management Code allows the Director of Community Development to increase the ridgeline 20% over the height exception. He felt that something could also be done with the roofs where the stairs go down. Given an opportunity to design the buildings, he stated that he would do the most sensitive design possible for the area as it is in his best interest to design beautiful homes.

Commissioner Jones stated that he understood Mr. DeGroot's intent, but that is not what the Planning Commission is approving. The height exception does not address variation, it addresses how it can go to 18 feet and how it can go 34 feet back from the front property line. The depth is needed to get a garage, but Commissioner Jones felt there should be some variance in height and depth when talking about foyers and stairways. He was uncomfortable approving the maximum without a design. If the Planning Commission were to move the project forward, he believed there should be a condition stating that the height exception allowable square footage would be subject to design. Administrator Putt explained that was the intent in drafting the condition regarding horizontal step backs. He felt that dictating the amount of step would not achieve what they wanted, because every design would be different. The primary question is whether the current proposal is better than what the applicant could develop without going through this plat amendment process.

Mr. Belz agreed with Commissioner Jones' concern and suggested language for the exception to the effect that at least 50% of the area that is not garage must have an eave line height at least four feet lower than the garage eave line. The area that is not garage could still exceed the height limit, but at least 50% must be a half a story lower to create stepping down.

Vice-Chair Larson stated that the Planning Commission did not want to specify the design per se, but they wanted to give the Historic District Commission a tool to work with at the time of design review to come up with the requisite amount of stepping in both the vertical and horizontal planes. He felt it was important to insure that the language in Condition 7 is as strong as possible to provide the proper tool at design time rather than at plat time.

Commissioner Jones agreed, stating that his concern arose from establishing a number of 823 square feet, knowing that that number would be considered a given.

Vice-Chair Larson felt the language proposed by Mr. Belz spoke too much of designing. He preferred to find an iron-clad guarantee that the Historic District Commission has the tool they need to get the design they want.

Mr. DeGroot noted that the concerns relate to design, and he was unsure what else could be done without getting into design. Vice-Chair Larson noted that it might not be Mr. DeGroot who designs the buildings; it

could be anybody, so the Planning Commission wanted insure that the plat reflects their intentions. Mr. DeGroot stated that he felt that establishing design criteria is exactly what they were trying to do. Vice-Chair Larson argued that it should be done in a way that the HDC handles that level of detail.

Assistant City Attorney Mark Harrington suggested using the language proposed by Mr. Belz with a clause at the end reading, "unless otherwise approved by the Historic District Commission consistent with the Historic District Design Guidelines."

Commissioner Zimney was concerned about the driveway on Lot 4 from the standpoint of health and safety. She wanted her concerns reflected in the record so the City Council would understand that she believes there is a health and safety issue, particularly to the house below. Mr. Dillon has brought up this issue consistently, and she wanted it known that she agrees with him.

Commissioner O'Hara shared that concern. He preferred to see no development on such a steep slope, but that is not an option. Three lots will have garage barrage, and for some reason, the Planning Commission seemed to feel that putting a side garage on Lot 4 would alleviate the garage barrage. He stated that he did not completely oppose the side driveway if it could work. If not, then that garage should be up with the other. He was concerned about safety considerations for the construction and the actual use of those properties. He suggested adding a condition of approval to require that the retaining wall design be reviewed and approved by the City Engineer.

Commissioner Hays stated that she understood the reasoning behind the side garage. She saw a road there now which would be used during construction, and that raises significant safety issues. She did not feel that an approved retaining wall would make a difference, because once the buildings are developed, there would be erosion that would come down onto the houses below. She appreciated the applicant's efforts in trying to alleviate the issues, but she did not feel there was any way around it, and she felt the lots were just too steep to build on.

Vice-Chair Larson felt they could argue the health and safety issue all night, and a certain amount has to be resolved by the City Engineer. The Planning Commission should decide whether the height exceptions and the conditions of approval are appropriate and whether they should move forward. He felt that the height exception should promote good massing and architecture, complement the Historic District, and that it does not

strictly allow for a garage at the street level. It should force significant stepping in the horizontal and vertical planes from all perspectives and should only apply to steep downhill lots and promote lot combinations. When applying the stated criteria to the proposed plat amendment, he could reach the exception on Lots 2 and 3. He felt the exception on Lot 1 was too great, and he was unsure about the exception on Lot 4. He felt that the Commissioners had made an articulate argument that, if there is a height exception for Lot 4, the garage should be off the street. He suggested modifying Condition 7 to read, "horizontal and vertical step back from all elevations in order to achieve increased building articulation." The goal is to give HDC a very large lever to make this step in many directions.

Commissioner Jones suggested additional language stating that, "The amount of the square footage allowed within the height exception, as well as the height itself within that exception, shall be contingent upon design which" At this point he suggested adding the criteria outlined by Vice-Chair Larson. He stated that he wanted the project to go to the HDC with a clear understanding that they are not locked into 800 square feet or any other number and that they are not locked into 18 feet high vertical for the entire height exception. Variance was the message he wanted to get across, and he wanted it to be clear that the design must satisfy the Historic District Commission, and the amount of space allowed within that exception is contingent upon design. The Commissioners concurred.

Mr. Harrington suggested using Mr. Belz's language, taking out specific numbers and leaving in the clause regarding HDC review.

Commissioner Jones felt his intent could be achieved by adding language to the end of Condition 7 which reads, "In addition, the amount of square footage allowed within the height exception, as well as the extent of the height exception, shall also be determined by the HDC at the time of design review of the individual structures contingent upon design criteria."

The Commissioners discussed height and square footage. Commissioner Jones stated that he wanted a mechanism which would spell out that a developer does not necessarily get the maximum and that it depends on the design.

Vice-Chair Larson felt Condition 7 addressed most of the concerns. He was uncomfortable with Mr. Belz's proposed language and suggested changing Condition 7 to read, ".....shall include horizontal and vertical

step back from all elevations in order to achieve increased building articulation." He also suggested adding to the last sentence, "The amount of step back shall be determined by the HDC at the time of design review for the individual structures to insure compatibility with the Historic District."

Mr. Harrington clarified that Vice-Chair Larson's reference to "all sides" does not include the front from Ridge Avenue.

Administrator Putt referred to Condition 7 and Finding 12 and noted that the section of the Land Management Code should be changed to read, Section 8.17(e).

To address the issue of the Quiet Title action, Administrator Putt proposed a new Finding 6 to read, "A request for Quiet Title to property including proposed parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997." A new Condition 2 should read, "Unless the pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property shown as parcels 8 and 9 for the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in Quiet Title action filed in Third Judicial District Court on December 8, 1997) shall sign the owner's consent to the recordation on the plat." A revised Condition 2 should read, "The City Engineer's review and approval of a revised utility plan and utility easements is a condition precedent to recording the plat."

Vice-Chair Larson asked the Planning Commission for their thoughts about Lot 4.

Commissioner O'Hara preferred to see the garage come off the street, but he could accept either alternative. If it comes off the side, he believed there should be serious review and approval of the retaining wall by the City Engineer.

Commissioner Hier preferred the street location, primarily because of the safety issue and because the big wall would look ugly.

Commissioner Hays stated that her main reason for coming off the road is because it currently exists and because of the garage barrage that will occur with the surrounding lots. She requested a heated driveway to prevent snow shedding issue and a design review. She stated that she was looking for variation on the hillside.

Commissioner Jones thought the purpose of the side entrance was to eliminate the height exception. He was unsure why they had both, and he did not believe that was the intent. He preferred the side entrance but was opposed to the height exception.

Commissioner Zimney felt health and safety was the major concern on the driveway, and she felt the garage should be off the street.

Vice-Chair Larson felt the garage should come in off of Ridge Avenue if the health and safety issues could be resolved.

Commissioner Hier asked if the plat requires the side road if approved as is. Vice-Chair Larson explained that a condition of approval dictates the side road. Commissioner Hier could find it on the plat but could not find a condition of approval addressing the issue.

Vice-Chair Larson proposed language stating that, "The garage access for Lot 4 will be side access from Ridge Avenue as indicated on the plat." Administrator Putt stated that the condition would be added and the conditions of approval renumbered.

MOTION: Commissioner Hays moved to forward a POSITIVE recommendation to the City Council on the combined preliminary/final plat application for the Millsite Reservation Subdivision No. 2 with the findings of fact, conclusions of law, and conditions of approval with the addition of the findings and conditions regarding the Nyman residence, with the addition of a condition of approval that the garage access to Lot 4 will be a side access on Ridge Avenue as indicated on the plat, and with the modifications to Condition 7 as stated by Commissioner Larson. Commissioner Jones seconded the motion.

Commissioner Jones stated that he would vote in favor of the motion because it is the best they could do under the Land Management Code. It points up weaknesses in the Code in dealing with these very difficult lots, and it behooves the Planning Commission to address these issues sooner than later to do a better job of mitigating the impacts of extremely steep and difficult lots.

VOTE: The motion passed unanimously.

Findings of Fact - Millsite Reservation

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process, regulates the

subdivision of land and amendments to existing subdivided land within the corporate limits of Park City.

2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Mill Reservation into four (4) new single-family home site.
5. The proposed project involves the creation of a 4,027-square-foot parcel on the uphill side of Ridge Avenue (Proposed Parcel 9) which includes an existing Historic residence (the Nyman residence) and yard improvements.
6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation, and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20-feet (including gutter on the uphill side), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.

10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District - Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten-foot (10'-0") non-exclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.
13. To assure horizontal and vertical step back in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to insure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the future buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the plat exhibit.

17. The applicant stipulates to all conditions of approval.

Conclusions of Law - Millsite Reservation

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned is consistent with the Land Management Code, Chapter 7: Districts and Regulations, and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval - Millsite Reservation

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.
2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and utility easement(s) is a condition precedent to recording the plat.
4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicants by the widening of the road to 20 feet (including gutter on the uphill side), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.

6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To assure that horizontal and vertical step back in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to insure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the future buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard on any residence construction on the property is a condition precedent to any issuance of a Certificate of Occupancy.
12. Receipt and approval of a construction mitigation (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.

13. Site plans and building plans for future construction shall comply with the HRL District's snow release requirements as specified in the Land Management Code. Section 7.14.3(d) Historic Residential Development Low-Density (HRL) District-Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the plat exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

3. 2260 Park Avenue - CUP for Lodging Facility

Planner LoPiccolo noted that the Planning Commission reviewed this project in September, at which time they directed the applicant to redefine the building design by adding more interest to the building, roof, and detail. The Planning Commission requested that the applicants design the building to adapt more closely to surrounding building designs approved over the past few years which include the Saddleview Office Park and the Island Outpost. He reviewed the current proposal for forty-two 500-square-foot hotel units in two buildings. The project is in the RDM zone and is being processed as an MPD with a Conditional Use Permit because it is in the Frontage Protection Zone. The applicants have provided underground parking that will service the units and surface parking for a total of 42 spaces. In the RDM zone under an MPD, parking is calculated under the Land Use Table in Chapter 10 based on the square footage of the rooms. In addition to the hotel, a small conference area has been designated which is well under the 5% maximum allowed. The project complies with the RDM zone and setbacks for the front, rear, and sides. Because it is within the Frontage Protection Zone, the project must meet a minimum 30-foot no construction zone, and the applicants propose 50 feet in the front. The side yard setbacks per the RDM zone are 10 feet, and the proposed setbacks range from 10 to 70 feet. The rear yard setback requirement is also 10 feet, and the applicants propose anywhere from 32 to 80 feet. The proposed buildings comply with height requirements and 60% open space.

Planner LoPiccolo reported that in previous meetings the Planning Commission was asked to determine whether this use is appropriate in the

December 10, 1997 Planning Meeting

Dear Mr. Chairman, Planning Commissioners, and Staff;

RE: Resubdivision for the property on vacated Anchor Ave and Ridge Ave, Paul Degroust Applicant

I would like to ask for your support in considering the following points regarding the garage placement off of Ridge Ave. Also another public input meeting may be helpful for other neighbors who have not had a chance to see the changes that have been made by the applicant.

- 1) The height between Anchor Ave and Ridge Ave exceeds the height allowance for any new building. The thought that it could be 50 feet high from top of roof to the ground level is unacceptable in the Historic District.
- 2) Other Historical properties below the future subdivision will be overshadowed by these buildings. I understand that there are provisions for steep lots, but the overall height of 28 feet should be maintained even if they have to put the building above ground and fill up to this level. The new height limit that went into effect was established because of these factors and what the residents living in this area wanted to see. Please consider the fact that the developer isn't going to be living here in our neighborhood.
- 3) The "mass" on the hillside does not fit into the overall design guidelines of the area. These buildings will stick out like a "sore thumb" and will be seen from many areas of town. I don't want to see another High School building mistake of 70 feet high.
- 4) Any driveway without space to park a full size car, without sticking out into the road is a huge issue. The minimum 15 foot setback for the HRL zone must be complied with, regardless of the steep lot provision.
- 5) I would like to see the driveways come in on an angle to the building like the steep lots in Pinebrook subdivision do. This would help to eliminate the height issue. This would also solve the driveway parking issue as mentioned in paragraph four.
- 6) Please consider the future development with the Christensen's land to the North. Your decisions will set the precedent for the next development(s). I still believe that Anchor Ave should be used as the main access for two of the potential buildings
- 7) Should a garage be allowed on the same level as Ridge Ave, then the garage should be separate from the building with no building attachment. This will allow the building to be a maximum of 28 feet.

Thank you for your consideration and efforts to date!

Sincerely,

Debbie Richter
97 King Road

EXHIBIT F:
LETTERS FROM NEIGHBORHOOD
RESIDENTS

September 30, 1997

Bruce Erikson
C/O Patrick Putt
Chair, Planning Commission
PO Box 1480
Park City, UT 84060

Dear Bruce:

As a resident of Daly Ave. I want to express several concerns regarding the Anchor Mill Site Development on Ridge Rd.

Community Character

Daly Ave. is one of the best examples in Old Town of the historic character of Park City. The proposed development detracts from this. Placing five large houses on steep slopes which would loom over and dominate the street below might be a large mistake. It would look visually awkward independent of design mitigation.

Garages

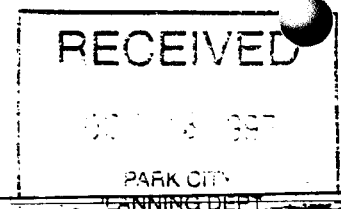
Placing garages on top of the units would add to the problem of awkwardness. They would be boxy, and make it difficult to design within the hillside contour. Ontario Ave. gives us numerous bad examples of this. It is fairly easy to design garages in the side of units entering from the old Anchor Rd. with two or three units. The developer avoids this to maximize units and lower costs.

Widening Ridge Rd.

The last thing we want to see is a widening of Ridge Rd. Not only would it encourage more traffic on a dangerous road, but it would increase drainage problems, even with curb and gutter. I walk this road nearly every day, and personally move large rocks that have fallen from the hillside above. Work done to retain the above hillside would be useful.

Retaining Wall

The retaining wall mentioned in the current public document needs to be considered carefully. A solid wall viewed from below would make this look like a monolithic project, and would detract from the canyon's character. If a retaining wall is needed to protect the



street, space should be left for planting. Other planting to mitigate negative effects might be considered.

Steep Slopes

While building on these slopes is not prohibited, we should not allow incompatible, or dangerous use of land. During and post-construction the units on Daly Ave. immediately below the proposed project would be negatively affected. The developer needs to show that he has overcome these hurdles which has not been done to date.

Absolute Scale

The scale of these units is incompatible with existing use. Nowhere else in Old Town do you see five houses in a row of that magnitude.

There are probably many other useful suggestions that could be made. I don't feel that this project needs to be changed only at the margins--structural changes need to be made so that it enhances rather than detracts from our community.

Sincerely,



Stan Christensen

URGENT for TONITE'S MEETING

To: Park City Planning Commission, fax 801-645-5078
From: David Peters, Daly Avenue Resident
Re: Proposed development by Paul DeGroot
Date: July 23, 1997

I would like to take a moment to outline concerns I have regarding the proposed development by Paul DeGroot above Daly Avenue.

As I understand it, Mr. DeGroot is proposing replatting 9 1/2 lots into five lots for the construction of single family housing and duplex housing.

1. It is my understanding that this property's zoning does not provide for the construction of multi-family duplexes. My neighbor, Steve Deckert, an owner of Alliance Engineering, informed me that the developer and city are mistaken as to the specific zoning for this site. This correct zoning would restrict the development of multi-family housing on this site.
2. I have heard that the developer is proposing to stage the expansion and improvement of Ridge Avenue to coincide with the developments progress. In my opinion it would be important to fully improve Ridge Avenue BEFORE any development is started.
3. There are a number of tremendous old tree's on the proposed site. While Park City has historically denuded most of the old growth native trees in the area for mining and development, I think it's very important that the developers preserve these old trees.
4. In addition to preserving the old growth trees on the property, I think the developers should be required to provide a buffer zone of open space and additional plantings to mitigate the looming and intrusive nature of housing being built above existing housing on Daly. I think this is very important and reasonable to require.
5. I think that the ulterior motive of reducing the number of lots is clearly to increase the allowable mass of the proposed structures. I think that the developer should be required to limit the mass of these structures or should not be allowed to change the plat of lots. He should be limited in light of the looming nature over Daly, to more restrictive heights and should be required to provide a strip of open space between the structures on Daly and the proposed structures.

I regret that I can't be at the meeting tonight in person, but I hope that some of these thoughts can be communicated and taken into consideration as the commission weighs public and private interests.

Sincerely,

David Peters
801-645-8276

RECEIVED

JUL 23 1997

PARK CITY
PLANNING DEPT.

RECEIVED

JUL 23 1997

PARK CITY
PLANNING DEPT.

July 23...1997

Mr. Patrick J. Putt
Planning/Zoning Administrator

Subject: Amendment to Combine 2 1/2 Lots to 5 Lots = 5 Dwellings

Ridge - Anchor Street Development - Lots 27-32 Lots 72-89

Concerns: * Traffic safety, especially in the winter. Ridge/Anchor are difficult streets to navigate, especially in the winter.

* Snow storage -- Will the developer be required to provide 10' of snow storage the length of the property?

Regards,


Carol Bradley Sletta
135 Sampson Avenue
FAX/telephone 649-6820

P.S. Patrick, As I recall, when you spoke to City Council on behalf of the Brewster's plat amendment request for their property on Sampson, if I am not mistaken you indicated that they would provide 10' of snow storage. Where is the snow storage located?



Dear Planning/Zoning Administrators: 7/15/97

I hereby oppose the request
for the amendment to combine 9 1/2
lots into 5 lots by Mr Paul deGroot.

96

I live on Daley Avenue and for
14 years its been non-stop construction. Why
I oppose to this request is the fragile
hillside and the destruction of the natural
terrain that keeps the dirt from carrying
it slope onto the houses beneath this
proposed site. I will not stand by and
watch the destruction of Old Town to
continue.
Respectfully M. Davis

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: January 22, 1998
Department: Planning Department
Title: Condominium Plat Vacation at Aspen Ridge
Type of Item: Consent Agenda

Summary Recommendations: Adopt the attached Ordinance approving the condominium plat vacation from a five unit condominium to a single family lot at 1325 Crescent Road.

A. Topic

Applicant: Richard Marriott
Location: 1325 Crescent Road
Proposal: Plat Amendment - Condominium Vacation
Zoning: RC - Recreation Commercial
Adjacent Land Uses: Recreation Open Space, Multi-family residential
Project Planner: Kevin LoPiccolo

B. Background

On May 10, 1989, the Planning Commission approved a trading of zoning on .31 acres adjacent to the Clementine Ski Run in order to be able to carry out long-range development plans for the ski run. The trade involved rezoning the ski run parcel from RC to ROS and rezoning the Marriott parcel from ROS to RC. The Marriotts intent was to develop their parcel as a family estate. The City Council approved the Record of Survey Plat for 5 units in March 1991 for Aspen Ridge Condominiums.

The applicant is requesting the vacation of the platted 5 unit condominium known as Aspen

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Ridge. Of the five building pads that were approved, only one of the five pads was built upon. The applicant desires to convert the 5 building pads to one single family lot.

C. Analysis

Under its current RC zoning, the Marriott parcel could allow a relatively high density of transient housing with appropriate supporting commercial service activities. Since the project area is 1.19 acres, development credits would be allocated on the basis of one credit per 1,000 square feet of lot area.

The applicant's previous approval was for four additional building pads ranging in size from 1,796 to 2,486 square feet. The four building pads have a significant amount of aspen trees, and if development occurred, the trees would have been removed due to construction. The condominium vacation will preserve the existing aspen trees and reduce the five lots into one lot of record.

D. Department Review

The City's Staff Review Team has reviewed this application and finds it to be in conformance with all requisite city development codes.

Alternatives

- A. Approve the proposed plat amendment combining five lots into one lot.
- B. Deny the plat amendment and retain the original form of the property.
- C. Continue the item and request further evaluation from the staff.

Significant Impacts

The proposed results is a condominium vacation that will reduce the number of lots from five to one lot of record. There are no significant impacts associated with this request. The benefits associated with the condominium vacation is that it will preserve a significant amount of aspen trees and reduce the number of lots from five to one lot.

Consequences of not taking the recommended action

If the Council denies the condominium vacation as proposed, the property eventually would be built upon and the removal of the aspen trees would be lost due to the construction of the single family dwellings.

Recommendation

Staff recommends that the City Council approve the proposed condominium vacation at 1325 Crescent Road known as Aspen Ridge condominiums based upon the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact

1. The property is in the RC Zone.
2. The proposed vacation changes the number of lots from five to one lot of record.
3. The owner requested the vacation.
4. The City retains a non-exclusive public utility easement over the parcel.
5. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the vacation.
2. Neither the public nor any person will be materially injured by the proposed condominium vacation.
3. The proposal is consistent with both Park City Land Management Code Chapter 7 & 15 and State subdivisions requirements.

Conditions of Approval

1. The ordinance shall be recorded at Summit County Records Office.
2. This vacation does not release any dedicated non-exclusive utility easement.

Exhibits

Exhibit A- Ordinance

Exhibit B- Location map

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Ordinance No. 97-

**AN ORDINANCE APPROVING THE VACATION OF THE ASPEN
RIDGE CONDOMINIUM RECORD OF SURVEY, LOCATED AT 1325
CRESCENT ROAD, PARK CITY UTAH**

WHEREAS, the owner, Richard Marriott, of the property known as 1325 Crescent Road, has petitioned the City Council for approval of a vacation of the Aspen Ridge Condominium Plat; and

WHEREAS, the proposed vacation reduces the number of units from five into one parcel of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the vacation of the Record of Survey;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is in the RC Zone.
2. The proposed vacation changes the number of lots from five to one lot of record.
3. The owner requested the vacation.
4. The City retains a non-exclusive public utility easement over the parcel.
5. The applicant stipulates to all conditions of approval.

Conclusions of Law

1. There is good cause for the vacation.
2. Neither the public nor any person will be materially injured by the proposed condominium vacation.
3. The proposal is consistent with both Park City Land Management Code Chapter 7 & 15 and State subdivisions requirements.

Conditions of Approval

1. The ordinance shall be recorded at Summit County Records Office.
2. This vacation does not release any dedicated non-exclusive utility easement.

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

PASSED AND ADOPTED this 22nd day of January, 1998.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

1325 Crescent Road

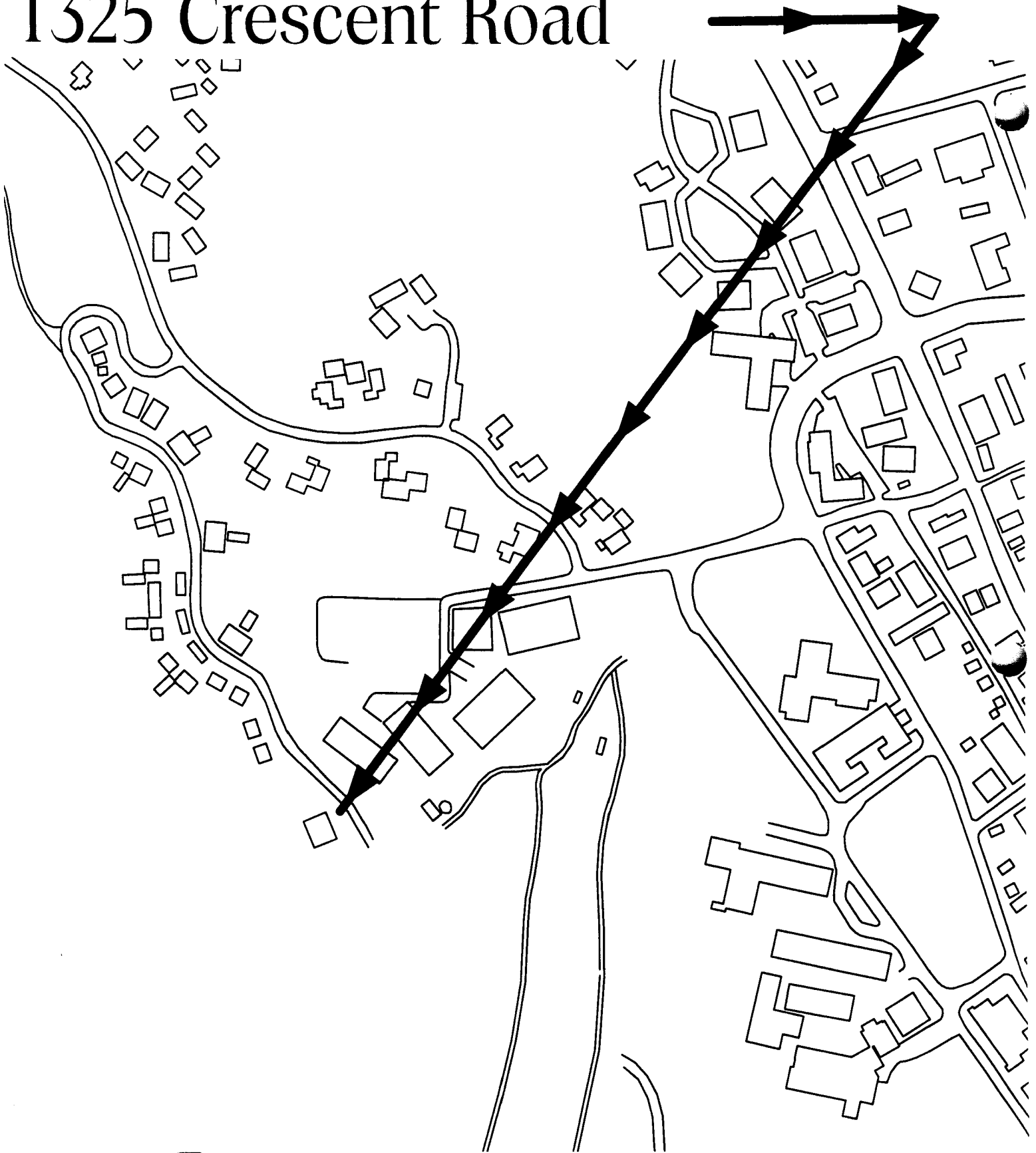
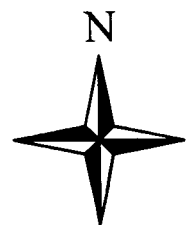


Exhibit - B
Vicinity Map

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CITY COUNCIL STAFF REPORT

DATE: January 15, 1997
(January 22, 1998 Meeting)

DEPARTMENT: Planning Department

AUTHOR: Patrick Putt

SUBJECT: A combined preliminary/final plat application for a plat amendment known as the Millsite Reservation Subdivision No. 2. The project is generally described as replat of Block 75, including all or portions of Lots 27-34 and 72-89 of the Millsite Reservation To Park City.

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The Planning Department recommends that Council review the proposed project and hold a public hearing. Following a review and discussion, Staff recommends that the Council review (*and modify as necessary*) the Findings of Fact, Conclusions of Law, and Conditions of Approval and approve the ordinance amending the subject property.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Anchor Street Development
Location: The downhill side of Ridge Avenue between Daly Avenue

Zoning: HRL
Adjacent Land Uses: Residential
Project Planner: Patrick Putt

B. Proposal: The applicant's current combined preliminary/final plat amendment application consists of replatting approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single family home sites. Ridge Avenue (*a narrow prescriptive right-of-way which is adjacent to and/or running through the property*) is to be improved to a width of 20 feet and dedicated to the City. The proposed new lots are located on the downhill side of Ridge Avenue between Daly Avenue and the Sampson Avenue/King Road switchback.

The Mike Nyman residence (*an historic house at 147 Ridge Avenue located uphill from existing Ridge Avenue and the proposed new building sites*), shed and driveway are located on portions of Lots 28-32 of the applicant's property and platted Ridge Avenue. Under this application, the four (4) partial lots containing the Nyman residence/improvements are to be combined into a 4027 square foot parcel.

C. Project History and Issues Discussion

1. The Original Proposal: The applicant's original application was for development of seven (7) HR-1 residential units (3 single-family dwellings and 2 duplexes). The proposal did not include the portion of the applicant's property containing the Nyman house and improvements. Shortly before the project's first scheduled public hearing on July 23, 1997, Staff was presented with documentation (*Ordinance 84-9*) which showed that the applicant's property was rezoned from HR-1 to Historic Residential Low-Density (HRL) in 1984. The rezoning was never reflected on the official zoning map. The HRL District requires minimum lot sizes of at least 3750 square feet and prohibits duplexes. At the July 23, 1997 meeting, the applicant informed the Commission that he intended to modify the project to conform the HRL standards.

2. September 23, 1997 Planning Commission Hearing: On September 24, 1997, a Planning Commission public hearing was held regarding the applicant's revised plans to replat the subject property into five (5) new single family home sites. Following input from neighboring residents, the Planning Commission closed the public hearing and provided direction for the project. Specifically, the Commission recommended that the applicant:

- * reduce the proposed project density by at least one (1) unit, i.e. a total of 4 new units; and,

- * develop lot designs which could accommodate side-access garages (*which could help reduce the large building scale created by garages located at the elevation of*

Ridge Avenue);

- * provide for a separate parcel of property containing the Mike Nyman residence and improvements.

3. October 22, 1997 Planning Commission Work Session: On October 22, 1997, the Planning Commission held a work session to review the applicant's plan revisions. The revisions included:

- * a reduction in the project density from 5 units to 4 units (*1 unit reduction*); and
- * a widening of the proposed Lots 1 and 3 to allow for the potential of greater building articulation and detail (*Lot 1: 37.50' to 57.50'/Lot 3: 31.86' to 77.50'*); and,
- * the creation of a 4027 square foot parcel for the Nyman residence and improvements.

The Planning Commission determined that the density reduction and wider lots were positive improvements to the plan. The Commissioners agreed that the side access into the garage on proposed Lot 4 (*which includes a retaining wall up to 20 in height*) is a better design solution rather than an additional (*vertically-proportioned*) garage accessing directly off of Ridge Avenue. The Commission stated that the proposed wider lots will allow for opportunities to create better stepping in the building masses. The Commission asked the applicant to provide additional information regarding the amount of building area which could be built in the downhill height exception area (per LMC Section 8.17e). The applicant agreed to provide the figures for the final hearing (*see section below "Building Size"*). Following the discussion Planning Commission directed Staff to prepare Findings of Fact, Conclusions of Law, and Conditions of Approval for action.

4. December 10, 1997 Planning Commission Action: The Planning Commission held another public hearing on the applicant's proposal on December 10, 1997. The primary topics of hearing related to the proposed driveway locations, the proposed retaining wall for Lot 4, building size, the Mike Nyman residence issue.

a. Driveway Locations and The Proposed Retaining Wall: As directed by the Planning Commission, the applicant's proposal provides for direct driveway access (*i.e. garage doors facing and at/or near the elevation of Ridge Avenue*) for Lots 1, 2, and 3. In order to eliminate at least one tall, vertical garage element, Lot 4 garage is to be accessed from the side and located below street level. A retaining wall, approximately 130 feet in length and up to 20 feet in height, will be necessary to provide the side-garage access. Adjacent property owners, in particular, Bob Dillon, expressed serious concern that construction of the retaining wall and subsequent driveway snow removal off the wall would pose a serious threat to his house and the neighboring houses below the project. The Commission acknowledged the neighborhood concerns; however the consensus was that the side-garage access for Lot 4 would help reduce the garage barrage on Ridge Avenue. The

Commission included the conditions of approval for a detailed construction mitigation plan and the City Engineer's approval of the retaining wall design to help mitigate the potential impacts of the structure.

As part of the construction mitigation, the applicant stated that it his plan to protect downhill homes by installing a temporary 6-foot high reinforced chain link fence along the downhill (*rear*) portion of the property. The fence will be covered with an impervious material to prohibit small stones from rolling through the barrier. Erosion control measures will be installed on the uphill side of the barrier. Run off is to be directed to a storm drain.

The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.

b. Building Size: The maximum size of structures which can be built on the proposed lots is controlled by the HRL District floor area ratio (FAR). In order to promote building design flexibility and achieve better articulation in building mass, the applicant has reduced the maximum allowed building footprint to a square footage that is less than the buildable lot area created by the HRL minimum setback requirements (*i.e. the building pad*). The chart below outlines the proposed lot sizes, FAR, maximum building pads (*the lot area left after applying setbacks*), maximum building footprint (*building area within the building pad*), and the maximum building area within the height exception for downhill lots permitted by the Land Management Code, Section 8.17(d): Height Provisions.

LOT	LOT SIZE	FAR	MAX. BLDG. PAD	MAX. ALLOWED BLDG. FOOTPRINT	MAX. BLDG. AREA TO BE ALLOWED WITHIN HRL HEIGHT EXCEPTION
1	5548 sf	2789 sf	3081 sf	2675 sf	823 sf
2	5531 sf	2784 sf	2973 sf	2254 sf	869 sf
3	5317 sf	2720 sf	2492 sf	2024 sf	864 sf
4	10858 sf	4382 sf	4217 sf	2020 sf	713 sf

The table also specifies the maximum allowed square footage to be permitted in the HRL height exception area (*per LMC Section 8.17e*). The proposed square footages (ranging from 713 square feet to 869 square feet) equate approximately to the typical size of small historic residential structures found in the Historic District. The proposed square footages in the height exception areas are less than could be constructed under the current HRL height

regulations. The limitations related to the maximum building pads, maximum building footprints, and maximum building areas within the height exception will be noted on the plat.

To ensure horizontal and vertical step backs in the building mass are incorporated into the future building designs, the Planning Commission specified that a note be added to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include a horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

The Planning Commission further specified that the following note be added to the plat clarifying that all HRL standards apply to the futures buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

c. The Nyman Residence Issue: Two days before the Planing Commission meeting, Mike Nyman filed for quiet title to the property appurtenant to his residence. The Planning Commission added a condition of approval that, unless the pending litigation is dismissed or resolved in the applicant's favor, the applicant is to eliminate proposed Nyman site (proposed Parcels 8 and 9) from the application; or have Mr. Nyman sign the owner's consent to record the plat. The Legal Department is satisfied with this solution.

Following an extensive discussion on the aforementioned matters, the Commission forwarded a positive recommendation on this application to the Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth below.

D. Department Review

The City's Inter-Departmental Staff Review Team and the Legal Department have reviewed this application. As conditioned, Staff finds this application to be in compliance with all requisite Land Management Code standards and State subdivision regulations.

E. Alternatives

- A. Approve the proposed plat amendment as proposed.
- B. Approve a revised plat amendment with Lot 4 having direct driveway access on the upper portion of the lot; i.e., eliminate the side-garage access and retaining wall.

- C. Deny the plat amendment application and retain the current lot configuration.
- D. Continue the item and request further information from the applicant and/or Staff.

F. Significant Impacts

Approval of the proposed plat amendment will result in approximately 25 full and/or partial HRL-zoned lots along the downhill side of Ridge Avenue being combined into four (4) new single family home sites, a 4027 square foot parcel for the Nyman residence, and dedicated utility parcels. Four (4) new residences ranging in size from 2700 square to 4400 square feet (not including garages) will eventually be constructed along the Ridge Avenue hillside. Ridge Avenue will also be improved to a width of 20 feet and dedicated to the City.

G. Consequences of Not Taking the Recommended Action

If this application is denied, the applicant will retain the existing platted lots. Under current conditions, up to six (6) single-family residences could be constructed on the subject property. Ridge Avenue through the project site would not be improved or dedicated to the City; however, it would remain a prescriptive right-of-way.

H. RECOMMENDATION

The Planning Department recommends that Council review the proposed project and hold a public hearing. Following a review and discussion, Staff recommends that the Council review (*and modify as necessary*) the Findings of Fact, Conclusions of Law, and Conditions of Approval and approve the ordinance amending the subject property.

Findings of Fact:

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process regulates the subdivision land and amendments to existing subdivided land within the corporate limits of Park City.
2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single-family home sites.
5. The proposed project involves the creation of a 4027 square foot parcel on the uphill

side of Ridge Avenue (*Proposed Parcel 9*) which includes an existing Historic residence (*the Nyman residence*) and yard improvements.

6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.
10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten (10'-0") foot nonexclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.
13. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land

Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the futures buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat specifying that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
17. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned, is consistent with the Land Management Code, Chapter 7: Districts and Regulations and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.
2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and

utility easement(s) is a condition precedent to recording the plat.

4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicant by the widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the futures buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision including Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard

on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.

12. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.
13. Site plans and building plans for future construction shall comply with the HRL District's snow-release requirements as specified in the Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District-Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

Attachments:

Attachment A: Ordinance

Exhibits:

Exhibit A: Proposed Plat

Exhibit B: Vicinity Map

Exhibit C: Existing Plat

Exhibit D: Plat Exhibit (Conceptual Building Footprint Layout)

Exhibit E: December 10, 1997 Planning Commission Minutes

Exhibit F: Letters From Neighborhood Residents

Ordinance No. 98-

**AN ORDINANCE APPROVING THE MILLSITE RESERVATION SUBDIVISION
NO. 2, A RESUBDIVISION OF BLOCK 75, INCLUDING ALL OR PORTIONS OF
LOTS 27-34 AND 72-89 MILLSITE RESERVATION TO PARK CITY, PARK CITY,
UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 2, have petitioned the City Council for approval of a resubdivision of a portion of Block 75 of the Millsite Reservation To Park City; and

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

WHEREAS, the City Council held a public hearing on January 22, 1998 to receive input on the proposed subdivision; and

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

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

SECTION 1. The Millsite Reservation Subdivision No.2 is approved as shown on Exhibit A subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process regulates the subdivision land and amendments to existing subdivided land within the corporate limits of Park City.
2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or

partial HRL-zoned lots in Block 75 of the Millsite Reservation into four (4) new single-family home sites.

5. The proposed project involves the creation of a 4027 square foot parcel on the uphill side of Ridge Avenue (*Proposed Parcel 9*) which includes an existing Historic residence (*the Nyman residence*) and yard improvements.
6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.
10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten (10'-0") foot nonexclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.

13. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the future buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat specifying that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
17. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned, is consistent with the Land Management Code, Chapter 7: Districts and Regulations and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval:

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.

2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and utility easement(s) is a condition precedent to recording the plat.
4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicant by the widening the road to 20 feet (*including gutter on the uphill side*), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To ensure horizontal and vertical step backs in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step backs in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to ensure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the futures buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision including Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
12. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.
13. Site plans and building plans for future construction shall comply with the HRL District's snow-release requirements as specified in the Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District- Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the Plat Exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

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

PASSED AND ADOPTED this 22th day of January 1998

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, Deputy City Attorney



AMENDED PLAT
ANCHOR DEVELOPMENT MILL SITE RESERVATION NO. 2

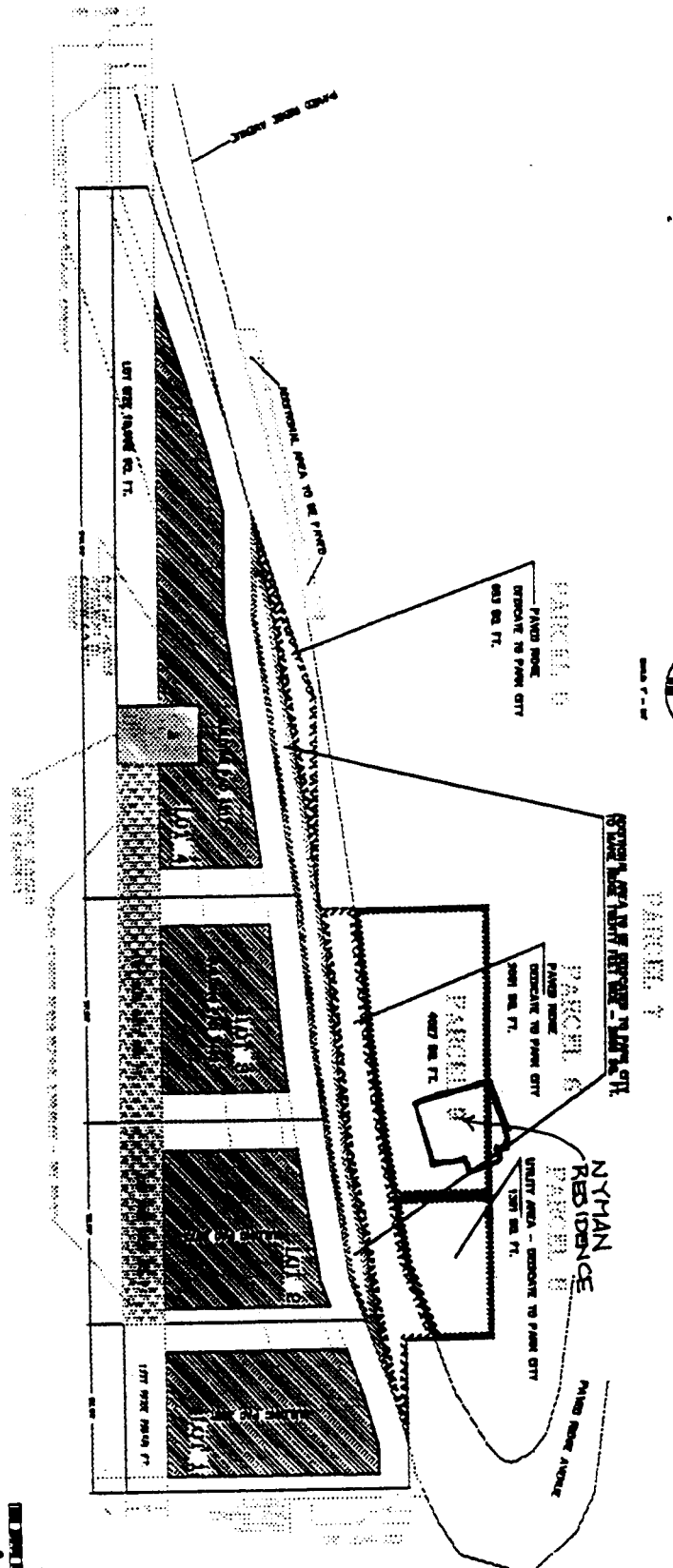
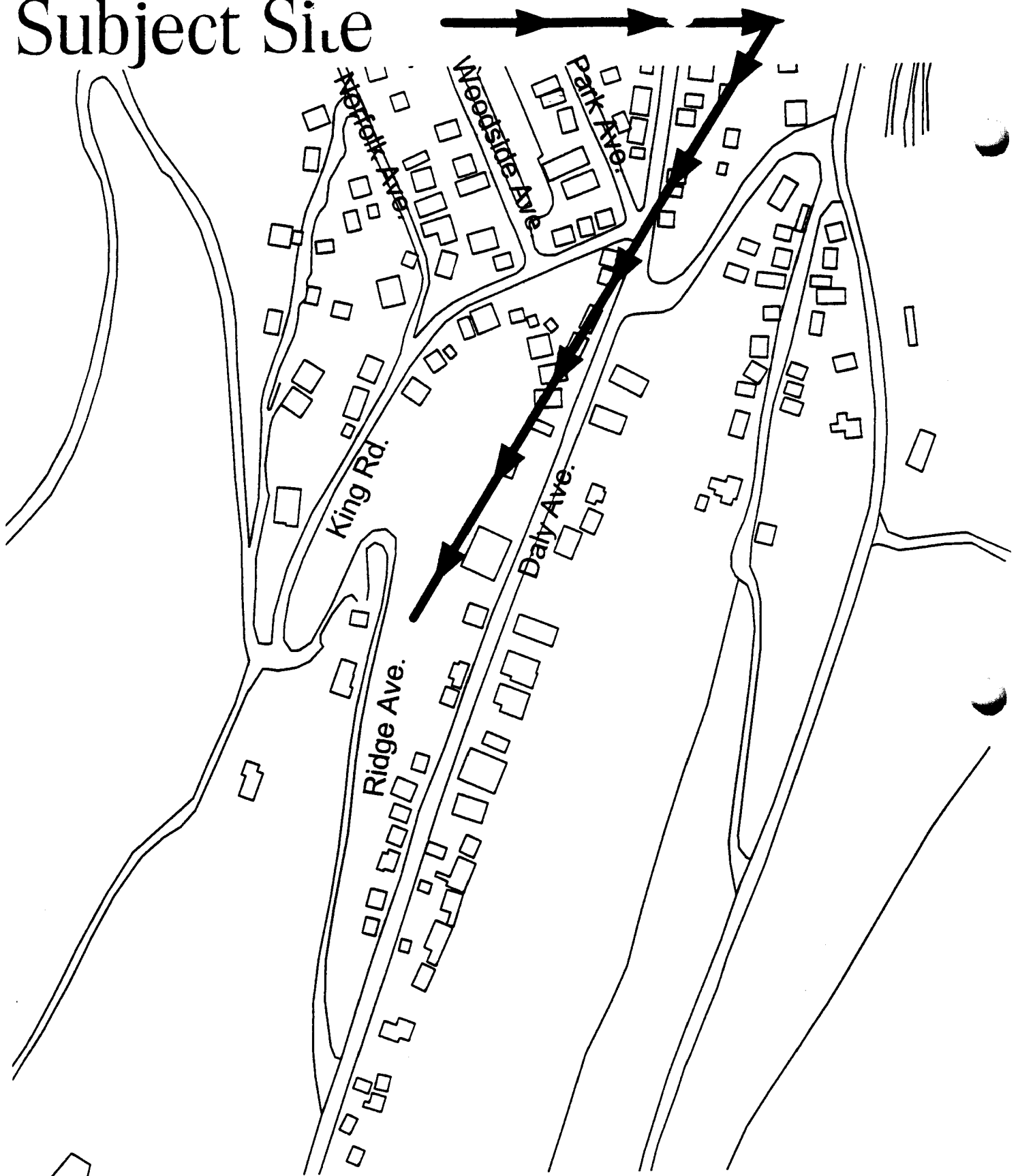


EXHIBIT A:
PROPOSED PLAT



PAUL de GRENTI
BUILDING SERVICES LLC
2200 WEST BIRCH AVE
PARK CITY, UTAH 84303
PHONE 645-8870

Subject Site



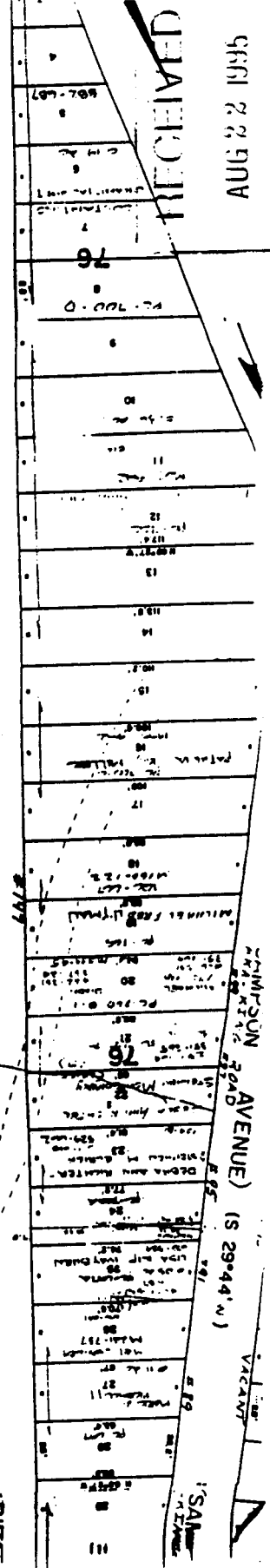
PARK CITY

1884

EXHIBIT B:
VICINITY MAP

AUG 22 2010

RECEIVED



AVENUE (S 21° 35' W)

RIDGE AVENUE (S 21° 35' W)

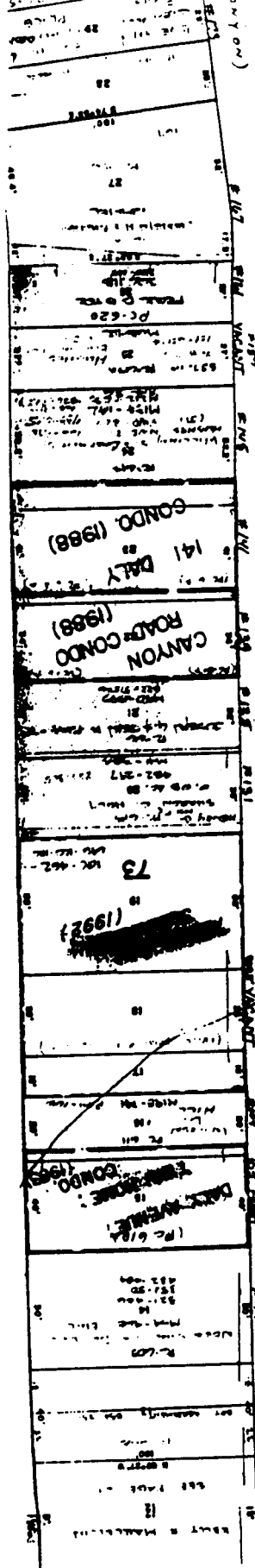
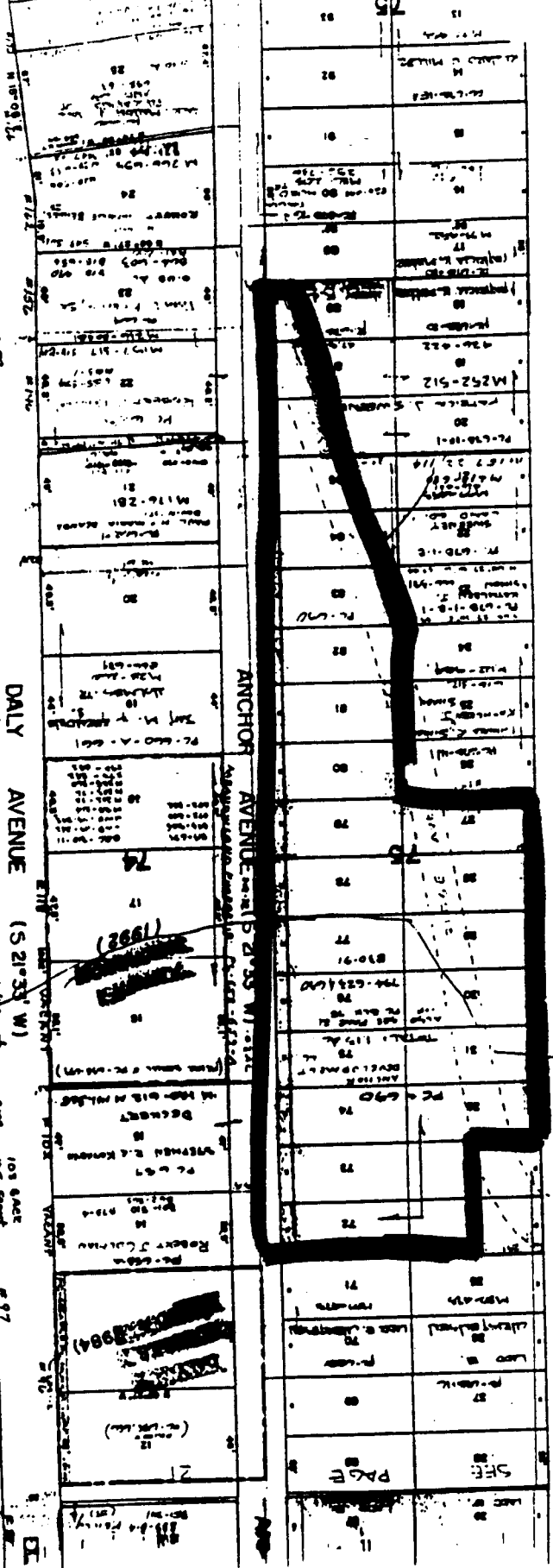


EXHIBIT C:
EXISTING PLAT

AMENDED PLAT ANCHOR DEVELOPMENT MILL SITE RESERVATION NO. 2

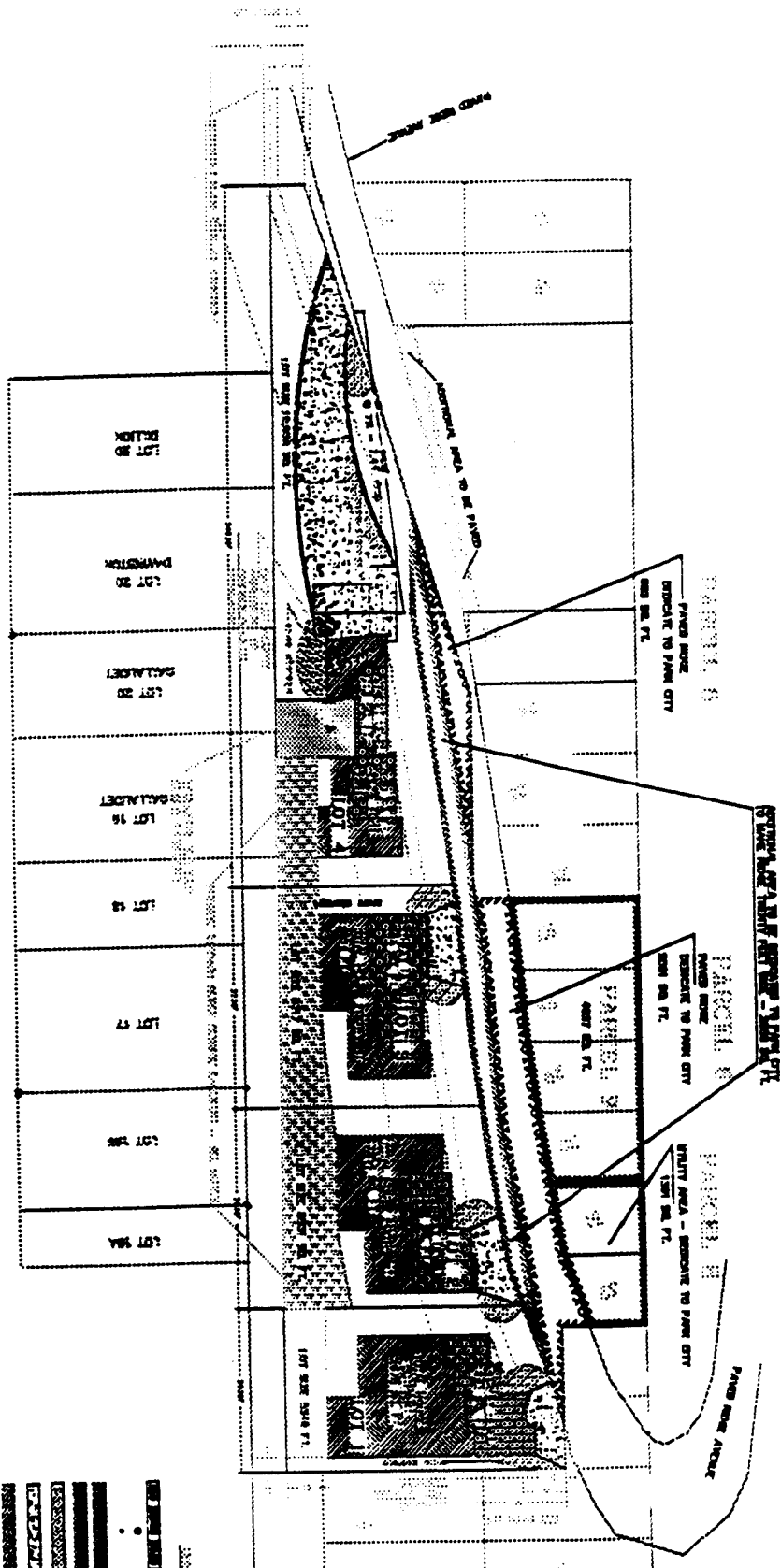


EXHIBIT D:
PLAT EXHIBIT
(CONCEPTUAL BUILDING FOOTPRINT LAYOUT)

EXHIBIT E:
DECEMBER 10, 1997
PLANNING COMMISSION MINUTES

Commissioner Jones agreed with Vice-Chair Larson's comments and stated that he had his own issues with the proposed location of the road. He understood the reason for requesting the road, but he felt the impact on the neighbors was significant. He referred to Phase II and the circumstances surrounding that approval, and he did not see anything that would compel him to change any of the conditions at this point. He commended the Stein Eriksen people for wanting to improve their situation, but he felt there were ways to do it without putting it in the neighbors' backyards.

Commissioner O'Hara agreed with previous comments. He complimented the applicants on an attractive development and the good work they have done. He stated that, in this instance, the philosophy of no net loss does not apply. What applies here is net gain. He felt that the Planning Commission needed to see the compelling reason for increasing density and placing the road where it is proposed. The applicant's reasons are reasonable but not compelling enough for the Planning Commission.

Commissioner Hier agreed with the other Commissioners and added that he felt that enclosing employee parking was an excellent idea. However, he had a hard time seeing an overwhelming public benefit from the project as currently described. He felt that the Little Belle Condominium owners had valid points that should be more thoroughly addressed.

Commissioner Zimney agreed with her fellow Commissioners and stated that she could not see a compelling benefit for looking at this favorably at this time.

2. Millsite Reservation Subdivision No. 2 (Resubdivision of Block 75, Lots 27-32 and 72-83) located on upper Ridge Avenue

Administrator Patrick Putt stated that the Planning Commission is being asked to consider possible action on a combined preliminary and final plat for a subdivision located in the HRL zone in the Ridge Avenue area near the King Road intersection. The proposal involves replatting approximately 25 full or partial HRL lots in Block 75 of the Millsite Reservation into four new single-family home sites. The project will also include improvement of Ridge Avenue to a width of 20 feet and dedication of that road through the property to the City. The applicants also propose creating a 4,000-square-foot parcel above Ridge Avenue around the Mike Nyman residence. An initial public hearing was held on September 24, 1997. At that time, the proposal consisted of five new single-family homesites and creation of a parcel for the Nyman residence. Following public input and Planning Commission review, the Planning

Commission gave the applicant direction to reduce the proposed density by at least one unit and to look at reconfiguring the lot designs to accommodate side garage access that would help reduce the overall perceived scale of the buildings on the hillside. The applicant returned to a work session on October 22 with changes to the plan. First was a reduction in density from five units to four new units. Second was widening Lots 1 and 3 to create better articulation and more opportunity for greater architectural detailing at the street rather than a garage door and main door entrance at the Ridge Avenue elevation. Lot 1 was increased in width from approximately 37-1/2 feet to 57-1/2 feet, and Lot 3 was increased from a width of approximately 32 square feet to 77-1/2 square feet.

Administrator Putt used the initial plan from September 24 to identify the project and the revisions which have taken place since then. He presented a plat showing the reduction of one unit of density and the widened lots. He noted that, during the October meeting, considerable discussion occurred regarding Lot 4 and how it should be accessed. One alternative was access directly off of Ridge Avenue, but there was concern about the slope and the resulting garage element that would appear to loom high above the rest of the building. In order to lower that garage element, the Planning Commission agreed that access should come off of Ridge Avenue from the side with the construction of a retaining wall. In October, the Planning Commission felt the reduction in density was a positive aspect to the plan and that the side access to Lot 4 was a better approach to get access and reduce the scale of the project. The Planning Commission directed the Staff to work with the applicant and look at the amount of square footage that would be created by having garage elements or building elements at the street within the HRL zone height exception area. Administrator Putt reported that the Staff worked with the applicant to ascertain those figures which are included in the staff report.

Administrator Putt outlined the issues for review that include location of the garage access. Lots 1, 2, and 3 will come directly off of Ridge Avenue, and access to Lot 4 will be off the side. Regarding building size, all structures developed on these properties will be developed under the Floor Area Ratio. The applicant had indicated on the plan the maximum permitted building area allowed in the height exception area under Provision 8.17 of the Land Management Code. For steeply sloping downhill lots, the Land Management Code provides an allowance for a one-story element going back a maximum of 34 feet from the front property line; i.e., a 24-foot-deep element if the 10-foot setback is added. That portion of the building can exceed a height requirement of 27 feet. He

noted that the applicant does not propose to maximize the entire area within that exception area but only enough to get a garage and additional architectural interest at the street level. Restrictions on these four areas is proposed to be added to the plat. Administrator Putt noted that the square footage is less than could be achieved if the overall exception area were built out to its maximum. In addition to the allowed square footages in these areas, there will be limitations on the building footprint. They will be noted on the plat so future property owners and builders will know what the limitations are. In addition to those notes, the Staff recommends that an additional note be added to the plat to achieve more articulation in the building, not only as the building steps down the hill, but as it steps up from the side. The Staff proposes language, "that the building area within the building height exception per Land Management Code Section 8.17(e) shall include a horizontal step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures." Administrator Putt reported that the Staff discussed with the applicant whether they should define the amount of step back to be incorporated into the individual designs. Given the fact that each building has the potential for a number of different designs, they decided it would best be addressed on a site-by-site, case-by-case basis with the Historic District Commission when applying the design guidelines against an application. To avoid confusion regarding what criteria apply to new construction on the lots, the Staff has requested an additional plat note that clarifies, "except for specific limitations set forth in the plat, all structures are to comply with the HRL District development standards relating to height, building setback, and building area."

Administrator Putt discussed protection of downhill homes from the construction of these buildings and snow release and stated that construction mitigation plans will be required for construction of these homes. The Staff has discussed with the applicant several measures that could be incorporated into the CMP that would address such issues as stones and rocks rolling down onto houses. At a minimum, the applicant proposes construction of a temporary, six-foot-high, reinforced chain link fence that would be covered with an impervious meshing material so nothing would be able to roll through. All runoff would be directed into the storm drains which are proposed as part of the infrastructure. Administrator Putt noted that direct snow release is a function of the actual building design. In the HRL District, the Land Management Code requires that all snow release from buildings be mitigated to the greatest degree possible, and mitigation measures are to be signed off by the Chief Building Official. This matter will be reviewed and

mitigated at the time of building design prior to going before the Historic District Commission for review and approval.

Administrator Putt reported that he received a number of phone calls from adjacent property owners who are concerned about protecting downhill homes. He spoke with Bob Dillon earlier today regarding the side garage access and his concerns that his property would be impacted during construction and when snow removal occurs.

Administrator Putt noted that the final issue deals with the Mike Nyman property which is partially located on Parcel 9. Mr. Nyman resides in an historic home, and that property and its improvements also spill over into the platted Ridge Avenue right-of-way. At the September meeting, the Planning Commission discussed whether that property should be included in this plat. The Planning Commission suggested that, in order to look at this project and the properties in a more macro scale, the Nyman property should be included. The applicant did include the Nyman property in the subdivision application, but as of Tuesday this week, Mr. Nyman had filed for Quieting the title for this property. Mr. Nyman is legally asserting claim to his property and forcing the issue by requesting the courts to determine ownership of the property and to squelch all other claims related to ownership of the property. If the Planning Commission takes action, a condition of approval and an additional finding of fact should be included which state that the applicant must either withdraw the Nyman portion in Parcel 9 and Parcel 8 which is intended to be a utility area to service the project or include Mr. Nyman's written consent on the plat prior to plat recordation. Either alternative would require a new utility plan.

With the direction for reduction in density and the modification to the side garage access, the Planning Commission previously recommended that the Staff return with draft findings of fact, conclusions of law, and conditions of approval. Administrator Putt reported that those have been prepared and included in the staff report. Since the neighbors have not had an opportunity to see the revisions prior to this evening, the Staff recommended that the public hearing be re-opened.

Vice-Chair Larson re-opened the public hearing.

Stephen Elrick asked if the FAR of 2,789 means that the applicants can add an additional 823 square feet and asked what square footage maximums could be built with downhill provisions. Administrator Putt replied that the maximum habitable square footage on Lot 1 is 2,789; Lot 2 is 2,784; Lot 3 is 2,720; Lot 4 is 4,382. In addition to that square footage, the

Code allows an additional 400 square feet for a garage on each unit. In terms of height exception area, the square footage ranges from 713 square feet to 823 square feet. The additional 713 to 823 comes out of the overall total addable floor area and 400 square feet of garage allowance.

Kay Simon, a resident at the top of King Road, was concerned about the possible closing of Ridge Avenue if the water lines have to be redone. She stated that she uses Ridge Avenue during the winter because King Road is so steep and because of the number of parked cars. She was concerned about parking along Ridge Avenue with the homes that will be accessing garages. She felt that, with homes that size and with possible guests, the garages and driveways might be insufficient, and cars would be parked in the street.

Bob Dillon, a resident on Daly directly below the proposed driveway, felt that the Planning Commission's efforts to make the project look nicer had significantly increased the public safety hazard related to the project. He referred to construction mitigation clauses to prevent objects from rolling down during construction and stated that he expected that to be done. However, the driveway has to be plowed in the winter, and every time it is plowed, everything will come down the side of the hill. They cannot stop it, but he did not believe the applicant was entitled to do it. It would be a trespass that would injure people below. He noted that the property is a 30-foot sheer, cliff and a car entering the driveway during the winter had a strong possibility of sliding off and landing on top of a roof. He noted that he did not like the driveway and had opposed it consistently. If the Planning Commission allows the driveway to be built, he believed it should at least have a snow melt system so it would not have to be plowed, and a wall should be constructed to prevent cars from coming over the driveway edge and to prevent objects from rolling off the highway onto the homes below.

Commissioner O'Hara recalled previous discussions on how to protect the lots on the lower end, particularly Mr. Dillon's residence. He asked Administrator Putt for specific details on the proposed retaining wall. Administrator Putt replied that there are currently no specific plans as to how the wall will be constructed. That would be done when the plans for the homes are submitted. At a bare minimum, guard rails or a masonry wall will be reviewed by the Planning, Building and Engineering Departments.

De Fisher, owner of two historic homes, stated that she has spent a great deal of money trying to keep the homes looking historic. Any large

amount of snow and rocks during construction could potentially destroy her property much more than the larger houses that have been built around her. She stated that the City wants to preserve historic structures, but the Staff actually puts into writing the following statement: "Please note that, even with all this mitigation, the Staff anticipates inconveniences to neighbors and the general public and potential damage to downhill homes." She asked the Planning Commission how they could approve something that could cause damage to downhill homes without requiring the applicants to put in actual retaining walls, not just chain link fence. She was very concerned about her historic homes which are 800 square feet each.

Vice-Chair Larson closed the public hearing.

Representing the applicant, David Belz discussed the snow removal issue and the concerns expressed by Mr. Dillon and stated that he and the applicant agree with Mr. Dillon. As a designer and architect, Mr. Belz believed that the visual impact of the retaining wall for the side entry road was much greater than allowing the garage entry to come straight in. In looking at the plat and noting the amount of area that would be disturbed and that it could be revegetated and provide a great amount of snow storage for snow removal from Ridge Avenue, he much preferred the access from above. However, the applicant has responded to the Planning Commission request for a side access. If it is determined that the side entry driveway is preferred, the Building Department Official, Ron Ivie, will make certain that the retaining wall, which will probably be solid masonry, is able to withstand a car traveling at 20 or 30 miles per hour. As to the concern about snow removal, because of the retaining wall, Mr. Belz did not believe that snow being removed from the driveway would go over the edges of the retaining wall. He noted that the applicant has proposed an area at the end of the driveway with a snow gate. The snow would be pushed to that point, which is near the existing sewer drain and is on a flat bench area of the existing Anchor Avenue platted area. In addition, small snow storage areas will be created within the driveway and shown on the plat. He hoped that the Planning Commission would reconsider whether a side entry is better. If they elect the side access, he assured them and Mr. Dillon that the engineering will assure that a car will not come over the edge and that the snow storage area will be very specific.

Mr. Belz responded to Ms. Fisher's concern about falling rocks and noted that anyone who has worked with the Building Department and Mr. Ivie knows that they will make certain that any barriers which are constructed to retain falling rocks will meet Code standards. He believed Ms.

Fisher's concern was valid and suggested that the Planning Commission make a condition of approval to address Building Department involvement. He was concerned about Staff's anticipation of damage to downhill properties because the applicant did not want that kind of liability and would do everything possible to prevent it.

Mr. Belz commented on the water line issue and the need for Mr. Nyman to sign off on the plat. He stated that he had not heard concerns expressed by Mr. Nyman about the nature of the plat, and he felt that the bigger issue for Mr. Nyman was his ability to get ownership of the ground on which his house sits. If written consent is required from Mr. Nyman, Mr. Belz requested that the Planning Commission allow a judge's signature if an unresolved problem should occur so a judge could determine whether there is harm or reason why this plat should not be recorded.

Commissioner Hays asked if the applicants planned to close Ridge Avenue during the winter months. The applicant, Paul DeGroot, replied that he did not plan to do so. When the public sewer was installed a condition of that permit prohibited closure of Ridge Avenue.

Commissioner Hier referred to Lot 4 and the side entry garage and asked why there is a height limit exception. Mr. DeGroot explained that the height limit exception pertains to the front door and foyer to allow access to the house from Ridge Road. Commissioner Hier recalled that the reason the side entry garage was preferred was to eliminate the extended height on one of the sites. If the height would be extended anyway, he saw no reason for a side entrance garage.

Regarding the Nyman property, Mr. DeGroot offered a third alternative of doing nothing. He stated that he was informed yesterday of the legal action filed by Mr. Nyman, and the Planning Commission was informed this evening, and he did not believe anyone had had sufficient time to think about it. He stated that he viewed the action as a nuisance suit. The suit has eight exhibits attached which justify the action, and one exhibit is a Quit Claim Deed from Mr. Nyman's brother to Mr. Nyman in 1981 which refers to 147 Ridge Road and property. It was apparently signed by a notary but never stamped, which leaves the possibility that it could have been created yesterday. All the other exhibits refer to Lots 18, 19, and 76 located on King Road.

Commissioner Larson informed Mr. DeGroot that the Legal Department has drafted conditions of approval to address the issue, and the next step is for the matter to go before the City Council. If the conditions need to be changed, they can be argued at that level.

Commissioner Jones commented that a major problem he has had with the project is the height exception. He understood that the primary intent of the height exception was to allow construction of garages in these types of situations. Administrator Putt explained that the original intent of the height exception was to allow a builder to achieve at least a one-story element at the street on very steep downhill lots. Generally, this element was to be used as a garage, but discussions during the process of adopting the exception acknowledged that some people might not want to use that space as a garage, and the exception included a foyer or a kitchen or some other non-garage area. Commissioner Jones felt they had gone from a space for a garage that certainly dictated the 24-foot depth to 700 and 800 square feet in this particular proposal within that height exception. Administrator Putt explained that the reason for the additional square footage is to create additional building area to transition and step down to avoid a narrow shaft element and provide more architectural interest at the street. Commissioner Jones stated that he could accept the street level, but his problem was from the other side. Given the steepness of the lots, he did not understand how they step down the other side. Administrator Putt referred to illustrations contained in previous staff reports showing how it would look. He offered to circulate the illustrations again for Planning Commission review. He clarified that he was not advocating the applicant's proposal, and at the last meeting, the Planning Commission directed the applicants to widen Lots 1, 2, and 3 and to design a side entry garage for Lot 4. In widening the lots, the Planning Commission felt there would be additional width on the building to help minimize the tower effect of the garages. If they are uncomfortable with that direction after seeing the result, he suggested that the matter be discussed.

Mr. DeGroot stated that there are many opportunities in the Land Management Code for versatility with the space proposed on Ridge Road. One opportunity he found in his preliminary sketch was that the garage needs to be almost level with Ridge Road, but the foyers do not have to be level with Ridge Road. He believes that up to four feet of the foyer area would be below Ridge Road. He noted that an additional height exception in the Land Management Code allows the Director of Community Development to increase the ridgeline 20% over the height exception. He felt that something could also be done with the roofs where the stairs go down. Given an opportunity to design the buildings, he stated that he would do the most sensitive design possible for the area as it is in his best interest to design beautiful homes.

Commissioner Jones stated that he understood Mr. DeGroot's intent, but that is not what the Planning Commission is approving. The height exception does not address variation, it addresses how it can go to 18 feet and how it can go 34 feet back from the front property line. The depth is needed to get a garage, but Commissioner Jones felt there should be some variance in height and depth when talking about foyers and stairways. He was uncomfortable approving the maximum without a design. If the Planning Commission were to move the project forward, he believed there should be a condition stating that the height exception allowable square footage would be subject to design. Administrator Putt explained that was the intent in drafting the condition regarding horizontal step backs. He felt that dictating the amount of step would not achieve what they wanted, because every design would be different. The primary question is whether the current proposal is better than what the applicant could develop without going through this plat amendment process.

Mr. Belz agreed with Commissioner Jones' concern and suggested language for the exception to the effect that at least 50% of the area that is not garage must have an eave line height at least four feet lower than the garage eave line. The area that is not garage could still exceed the height limit, but at least 50% must be a half a story lower to create stepping down.

Vice-Chair Larson stated that the Planning Commission did not want to specify the design per se, but they wanted to give the Historic District Commission a tool to work with at the time of design review to come up with the requisite amount of stepping in both the vertical and horizontal planes. He felt it was important to insure that the language in Condition 7 is as strong as possible to provide the proper tool at design time rather than at plat time.

Commissioner Jones agreed, stating that his concern arose from establishing a number of 823 square feet, knowing that that number would be considered a given.

Vice-Chair Larson felt the language proposed by Mr. Belz spoke too much of designing. He preferred to find an iron-clad guarantee that the Historic District Commission has the tool they need to get the design they want.

Mr. DeGroot noted that the concerns relate to design, and he was unsure what else could be done without getting into design. Vice-Chair Larson noted that it might not be Mr. DeGroot who designs the buildings; it

could be anybody, so the Planning Commission wanted insure that the plat reflects their intentions. Mr. DeGroot stated that he felt that establishing design criteria is exactly what they were trying to do. Vice-Chair Larson argued that it should be done in a way that the HDC handles that level of detail.

Assistant City Attorney Mark Harrington suggested using the language proposed by Mr. Belz with a clause at the end reading, "unless otherwise approved by the Historic District Commission consistent with the Historic District Design Guidelines."

Commissioner Zimney was concerned about the driveway on Lot 4 from the standpoint of health and safety. She wanted her concerns reflected in the record so the City Council would understand that she believes there is a health and safety issue, particularly to the house below. Mr. Dillon has brought up this issue consistently, and she wanted it known that she agrees with him.

Commissioner O'Hara shared that concern. He preferred to see no development on such a steep slope, but that is not an option. Three lots will have garage barrage, and for some reason, the Planning Commission seemed to feel that putting a side garage on Lot 4 would alleviate the garage barrage. He stated that he did not completely oppose the side driveway if it could work. If not, then that garage should be up with the other. He was concerned about safety considerations for the construction and the actual use of those properties. He suggested adding a condition of approval to require that the retaining wall design be reviewed and approved by the City Engineer.

Commissioner Hays stated that she understood the reasoning behind the side garage. She saw a road there now which would be used during construction, and that raises significant safety issues. She did not feel that an approved retaining wall would make a difference, because once the buildings are developed, there would be erosion that would come down onto the houses below. She appreciated the applicant's efforts in trying to alleviate the issues, but she did not feel there was any way around it, and she felt the lots were just too steep to build on.

Vice-Chair Larson felt they could argue the health and safety issue all night, and a certain amount has to be resolved by the City Engineer. The Planning Commission should decide whether the height exceptions and the conditions of approval are appropriate and whether they should move forward. He felt that the height exception should promote good massing and architecture, complement the Historic District, and that it does not

strictly allow for a garage at the street level. It should force significant stepping in the horizontal and vertical planes from all perspectives and should only apply to steep downhill lots and promote lot combinations. When applying the stated criteria to the proposed plat amendment, he could reach the exception on Lots 2 and 3. He felt the exception on Lot 1 was too great, and he was unsure about the exception on Lot 4. He felt that the Commissioners had made an articulate argument that, if there is a height exception for Lot 4, the garage should be off the street. He suggested modifying Condition 7 to read, "horizontal and vertical step back from all elevations in order to achieve increased building articulation." The goal is to give HDC a very large lever to make this step in many directions.

Commissioner Jones suggested additional language stating that, "The amount of the square footage allowed within the height exception, as well as the height itself within that exception, shall be contingent upon design which" At this point he suggested adding the criteria outlined by Vice-Chair Larson. He stated that he wanted the project to go to the HDC with a clear understanding that they are not locked into 800 square feet or any other number and that they are not locked into 18 feet high vertical for the entire height exception. Variance was the message he wanted to get across, and he wanted it to be clear that the design must satisfy the Historic District Commission, and the amount of space allowed within that exception is contingent upon design. The Commissioners concurred.

Mr. Harrington suggested using Mr. Belz's language, taking out specific numbers and leaving in the clause regarding HDC review.

Commissioner Jones felt his intent could be achieved by adding language to the end of Condition 7 which reads, "In addition, the amount of square footage allowed within the height exception, as well as the extent of the height exception, shall also be determined by the HDC at the time of design review of the individual structures contingent upon design criteria."

The Commissioners discussed height and square footage. Commissioner Jones stated that he wanted a mechanism which would spell out that a developer does not necessarily get the maximum and that it depends on the design.

Vice-Chair Larson felt Condition 7 addressed most of the concerns. He was uncomfortable with Mr. Belz's proposed language and suggested changing Condition 7 to read, ".....shall include horizontal and vertical

step back from all elevations in order to achieve increased building articulation." He also suggested adding to the last sentence, "The amount of step back shall be determined by the HDC at the time of design review for the individual structures to insure compatibility with the Historic District."

Mr. Harrington clarified that Vice-Chair Larson's reference to "all sides" does not include the front from Ridge Avenue.

Administrator Putt referred to Condition 7 and Finding 12 and noted that the section of the Land Management Code should be changed to read, Section 8.17(e).

To address the issue of the Quiet Title action, Administrator Putt proposed a new Finding 6 to read, "A request for Quiet Title to property including proposed parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997." A new Condition 2 should read, "Unless the pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property shown as parcels 8 and 9 for the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in Quiet Title action filed in Third Judicial District Court on December 8, 1997) shall sign the owner's consent to the recordation on the plat." A revised Condition 2 should read, "The City Engineer's review and approval of a revised utility plan and utility easements is a condition precedent to recording the plat."

Vice-Chair Larson asked the Planning Commission for their thoughts about Lot 4.

Commissioner O'Hara preferred to see the garage come off the street, but he could accept either alternative. If it comes off the side, he believed there should be serious review and approval of the retaining wall by the City Engineer.

Commissioner Hier preferred the street location, primarily because of the safety issue and because the big wall would look ugly.

Commissioner Hays stated that her main reason for coming off the road is because it currently exists and because of the garage barrage that will occur with the surrounding lots. She requested a heated driveway to prevent snow shedding issue and a design review. She stated that she was looking for variation on the hillside.

Commissioner Jones thought the purpose of the side entrance was to eliminate the height exception. He was unsure why they had both, and he did not believe that was the intent. He preferred the side entrance but was opposed to the height exception.

Commissioner Zimney felt health and safety was the major concern on the driveway, and she felt the garage should be off the street.

Vice-Chair Larson felt the garage should come in off of Ridge Avenue if the health and safety issues could be resolved.

Commissioner Hier asked if the plat requires the side road if approved as is. Vice-Chair Larson explained that a condition of approval dictates the side road. Commissioner Hier could find it on the plat but could not find a condition of approval addressing the issue.

Vice-Chair Larson proposed language stating that, "The garage access for Lot 4 will be side access from Ridge Avenue as indicated on the plat." Administrator Putt stated that the condition would be added and the conditions of approval renumbered.

MOTION: Commissioner Hays moved to forward a POSITIVE recommendation to the City Council on the combined preliminary/final plat application for the Millsite Reservation Subdivision No. 2 with the findings of fact, conclusions of law, and conditions of approval with the addition of the findings and conditions regarding the Nyman residence, with the addition of a condition of approval that the garage access to Lot 4 will be a side access on Ridge Avenue as indicated on the plat, and with the modifications to Condition 7 as stated by Commissioner Larson. Commissioner Jones seconded the motion.

Commissioner Jones stated that he would vote in favor of the motion because it is the best they could do under the Land Management Code. It points up weaknesses in the Code in dealing with these very difficult lots, and it behooves the Planning Commission to address these issues sooner than later to do a better job of mitigating the impacts of extremely steep and difficult lots.

VOTE: The motion passed unanimously.

Findings of Fact - Millsite Reservation

1. The Park City Land Management Code, Chapter 15: Subdivision Application Procedure and Approval Process, regulates the

subdivision of land and amendments to existing subdivided land within the corporate limits of Park City.

2. The subject property is located in the Historic Residential Development Low-Density (HRL) Zoning District.
3. Under current conditions, up to approximately six (6) units could be developed on the subject HRL property.
4. The proposed project involves the replatting of approximately 25 full and/or partial HRL-zoned lots in Block 75 of the Mill Reservation into four (4) new single-family home site.
5. The proposed project involves the creation of a 4,027-square-foot parcel on the uphill side of Ridge Avenue (Proposed Parcel 9) which includes an existing Historic residence (the Nyman residence) and yard improvements.
6. A request for quiet title to property including proposed Parcels 8 and 9 of the applicant's plat amendment was filed by an adjacent property owner, Mike Nyman, in Third Judicial District Court on December 8, 1997.
7. The applicant's property includes steeply-sloping terrain.
8. Ridge Avenue, a narrow prescriptive right-of-way which traverses steeply sloping terrain, is adjacent to and/or runs through the subject property. Ridge Avenue has never been engineered or constructed in a manner suitable for adjacent residential construction. Ridge Avenue currently experiences problems related to traffic and pedestrian circulation, emergency vehicle access, routine maintenance, and construction parking. Minimal or no construction staging is available along Ridge Avenue.
9. To help mitigate the access, circulation, and parking problems on Ridge Avenue resulting from additional construction activity, the applicant agrees to improve Ridge Avenue adjacent to and/or through the length of the subject property. Said improvements are to include widening the road to 20-feet (including gutter on the uphill side), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and dedicated to the City as necessary.

10. The Land Management Code, Section 7.14.3(d): Historic Residential Development Low-Density (HRL) District - Lot Regulations requires that all site designs and building plans minimize the impacts of snow release on adjacent properties. Snow release mitigation for all future construction will be reviewed for compliance with Section 7.14.3(d) by the Community Development Department prior to building construction during the building/site plan design review process.
11. The proposed lot sizes meet or exceed the minimum standards for buildable lots in the HRL District.
12. The applicant agrees to dedicate a ten-foot (10'-0") non-exclusive snow-storage easement, necessary to provide adequate snow removal services, along the downhill side of Ridge Avenue through the project.
13. To assure horizontal and vertical step back in the future building mass are incorporated into the future building designs, the applicant agrees to add a note to the plat stating:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to insure compatibility with the Historic District.

14. The applicant agrees to add the following note to the plat clarifying that all HRL standards apply to the future buildings:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

15. The applicant agrees to add a note to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
16. The applicant agrees to add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the plat exhibit.

17. The applicant stipulates to all conditions of approval.

Conclusions of Law - Millsite Reservation

1. There is good cause for the amendment.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal as conditioned is consistent with the Land Management Code, Chapter 7: Districts and Regulations, and Chapter 15: Subdivision Application Procedure and Approval Process, and State Subdivision requirements.

Conditions of Approval - Millsite Reservation

1. The City Engineer and City Attorney's approval of the form and substance of the final plat document is a condition precedent to recording the plat.
2. Unless pending litigation is dismissed or otherwise resolved in the applicant's favor, the applicant shall eliminate that portion of the property as shown as Parcels 8 and 9 from the plat amendment application; or the adjacent property owner, Mike Nyman (plaintiff in the quiet title action filed in Third Judicial District Court on December 8, 1997), shall sign the owner's consent to recordation on the plat.
3. The City Engineer's review and approval of a revised subdivision utility plan and utility easement(s) is a condition precedent to recording the plat.
4. Ridge Avenue adjacent to and/or through the length of the subject property shall be improved by the applicants by the widening of the road to 20 feet (including gutter on the uphill side), construction of retaining walls, and the installation of water service and fire hydrants. Said improvements are to be completed in two phases and shall be dedicated to the City as necessary.
5. No building permits, except for retaining walls, for either Lot 1 or Lot 2 shall be issued prior to the infrastructure for Lot 1 and Lot 2 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.

6. No building permits, except for retaining walls, for either Lot 3 or Lot 4 shall be issued prior to the infrastructure for Lot 3 and Lot 4 (including widening Ridge Avenue, fire hydrant(s) installation, water service, and gutter on the uphill side of Ridge Avenue) being completed.
7. Building limitations related to the maximum building pad, maximum building footprint, and maximum building area within the height exception shall be noted on the plat.
8. To assure that horizontal and vertical step back in the future building mass are incorporated into the future building designs, the following note shall be added to the plat:

The building area within the building height exception per the Land Management Code, Section 8.17(e) shall include horizontal and vertical step back in order to achieve increased building articulation. The amount of step back shall be determined by the Historic District Commission at the time of design review for the individual structures to insure compatibility with the Historic District.

9. The following note clarifying that all HRL standards apply to the future buildings shall be added to the plat:

Except for the specific limitation set forth by this plat, all structures shall comply with the HRL District development standards relating to building height, building setback, and building area.

10. A note shall be added to the plat specifying that all new residences within the subdivision include Modified 13D fire sprinkler systems.
11. Installation and City approval of fire sprinklers using the Modified 13D standard on any residence construction on the property is a condition precedent to any issuance of a Certificate of Occupancy.
12. Receipt and approval of a construction mitigation (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and other construction-related details to the satisfaction of the Community Development Department.

13. Site plans and building plans for future construction shall comply with the HRL District's snow release requirements as specified in the Land Management Code. Section 7.14.3(d) Historic Residential Development Low-Density (HRL) District-Lot Regulations.
14. The applicant shall add a note to the plat that the driveway access for Lot 4 shall be from the side off of Ridge Avenue as indicated on the plat exhibit.
15. All Standard Project Conditions shall apply.
16. The final plat shall be recorded at Summit 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 void.

3. 2260 Park Avenue - CUP for Lodging Facility

Planner LoPiccolo noted that the Planning Commission reviewed this project in September, at which time they directed the applicant to redefine the building design by adding more interest to the building, roof, and detail. The Planning Commission requested that the applicants design the building to adapt more closely to surrounding building designs approved over the past few years which include the Saddlevue Office Park and the Island Outpost. He reviewed the current proposal for forty-two 500-square-foot hotel units in two buildings. The project is in the RDM zone and is being processed as an MPD with a Conditional Use Permit because it is in the Frontage Protection Zone. The applicants have provided underground parking that will service the units and surface parking for a total of 42 spaces. In the RDM zone under an MPD, parking is calculated under the Land Use Table in Chapter 10 based on the square footage of the rooms. In addition to the hotel, a small conference area has been designated which is well under the 5% maximum allowed. The project complies with the RDM zone and setbacks for the front, rear, and sides. Because it is within the Frontage Protection Zone, the project must meet a minimum 30-foot no construction zone, and the applicants propose 50 feet in the front. The side yard setbacks per the RDM zone are 10 feet, and the proposed setbacks range from 10 to 70 feet. The rear yard setback requirement is also 10 feet, and the applicants propose anywhere from 32 to 80 feet. The proposed buildings comply with height requirements and 60% open space.

Planner LoPiccolo reported that in previous meetings the Planning Commission was asked to determine whether this use is appropriate in the

December 10, 1997 Planning Meeting

Dear Mr. Chairman, Planning Commissioners, and Staff;

RE: Resubdivision for the property on vacated Anchor Ave and Ridge Ave, Paul Degroust Applicant.

I would like to ask for your support in considering the following points regarding the garage placement off of Ridge Ave. Also another public input meeting may be helpful for other neighbors who have not had a chance to see the changes that have been made by the applicant.

- 1) The height between Anchor Ave and Ridge Ave exceeds the height allowance for any new building. The thought that it could be 50 feet high from top of roof to the ground level is unacceptable in the Historic District.
- 2) Other Historical properties below the future subdivision will be overshadowed by these buildings. I understand that there are provisions for steep lots, but the overall height of 28 feet should be maintained even if they have to put the building above ground and fill up to this level. The new height limit that went into effect was established because of these factors and what the residents living in this area wanted to see. Please consider the fact that the developer isn't going to be living here in our neighborhood.
- 3) The "mass" on the hillside does not fit into the overall design guidelines of the area. These buildings will stick out like a "sore thumb" and will be seen from many areas of town. I don't want to see another High School building mistake of 70 feet high.
- 4) Any driveway without space to park a full size car, without sticking out into the road is a huge issue. The minimum 15 foot setback for the HRL zone must be complied with, regardless of the steep lot provision.
- 5) I would like to see the driveways come in on an angle to the building like the steep lots in Pinebrook subdivision do. This would help to eliminate the height issue. This would also solve the driveway parking issue as mentioned in paragraph four.
- 6) Please consider the future development with the Christensen's land to the North. Your decisions will set the precedent for the next development(s). I still believe that Anchor Ave should be used as the main access for two of the potential buildings
- 7) Should a garage be allowed on the same level as Ridge Ave, then the garage should be separate from the building with no building attachment. This will allow the building to be a maximum of 28 feet.

Thank you for your consideration and efforts to date!

Sincerely,

Debbie Richter
97 King Road

EXHIBIT F:
LETTERS FROM NEIGHBORHOOD
RESIDENTS

September 30, 1997

Bruce Erikson
C/O Patrick Putt
Chair, Planning Commission
PO Box 1480
Park City, UT 84060

Dear Bruce:

As a resident of Daly Ave. I want to express several concerns regarding the Anchor Mill Site Development on Ridge Rd.

Community Character

Daly Ave. is one of the best examples in Old Town of the historic character of Park City. The proposed development detracts from this. Placing five large houses on steep slopes which would loom over and dominate the street below might be a large mistake. It would look visually awkward independent of design mitigation.

Garages

Placing garages on top of the units would add to the problem of awkwardness. They would be boxy, and make it difficult to design within the hillside contour. Ontario Ave. gives us numerous bad examples of this. It is fairly easy to design garages in the side of units entering from the old Anchor Rd. with two or three units. The developer avoids this to maximize units and lower costs.

Widening Ridge Rd.

The last thing we want to see is a widening of Ridge Rd. Not only would it encourage more traffic on a dangerous road, but it would increase drainage problems, even with curb and gutter. I walk this road nearly every day, and personally move large rocks that have fallen from the hillside above. Work done to retain the above hillside would be useful.

Retaining Wall

The retaining wall mentioned in the current public document needs to be considered carefully. A solid wall viewed from below would make this look like a monolithic project, and would detract from the canyon's character. If a retaining wall is needed to protect the

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street, space should be left for planting. Other planting to mitigate negative effects might be considered.

Steep Slopes

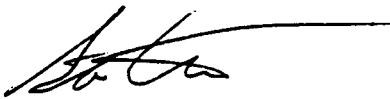
While building on these slopes is not prohibited, we should not allow incompatible, or dangerous use of land. During and post-construction the units on Daly Ave. immediately below the proposed project would be negatively affected. The developer needs to show that he has overcome these hurdles which has not been done to date.

Absolute Scale

The scale of these units is incompatible with existing use. Nowhere else in Old Town do you see five houses in a row of that magnitude.

There are probably many other useful suggestions that could be made. I don't feel that this project needs to be changed only at the margins--structural changes need to be made so that it enhances rather than detracts from our community.

Sincerely,



Stan Christensen

URGENT for TONITE'S MEETING

To: Park City Planning Commission, fax 801-645-5078
From: David Peters, Daly Avenue Resident
Re: Proposed development by Paul DeGroot
Date: July 23, 1997

I would like to take a moment to outline concerns I have regarding the proposed development by Paul DeGroot above Daly Avenue.

As I understand it, Mr. DeGroot is proposing replatting 9 1/2 lots into five lots for the construction of single family housing and duplex housing.

1. It is my understanding that this property's zoning does not provide for the construction of multi-family duplexes. My neighbor, Steve Deckert, an owner of Alliance Engineering, informed me that the developer and city are mistaken as to the specific zoning for this site. This correct zoning would restrict the development of multi-family housing on this site.
2. I have heard that the developer is proposing to stage the expansion and improvement of Ridge Avenue to coincide with the developments progress. In my opinion it would be important to fully improve Ridge Avenue BEFORE any development is started.
3. There are a number of tremendous old tree's on the proposed site. While Park City has historically denuded most of the old growth native trees in the area for mining and development, I think it's very important that the developers preserve these old trees.
4. In addition to preserving the old growth trees on the property, I think the developers should be required to provide a buffer zone of open space and additional plantings to mitigate the looming and intrusive nature of housing being built above existing housing on Daly. I think this is very important and reasonable to require.
5. I think that the ulterior motive of reducing the number of lots is clearly to increase the allowable mass of the proposed structures. I think that the developer should be required to limit the mass of these structures or should not be allowed to change the plat of lots. He should be limited in light of the looming nature over Daly, to more restrictive heights and should be required to provide a strip of open space between the structures on Daly and the proposed structures.

I regret that I can't be at the meeting tonight in person, but I hope that some of these thoughts can be communicated and taken into consideration as the commission weighs public and private interests.

Sincerely,

David Peters
801-645-8276

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July 23...1997

Mr. Patrick J. Putt
Planning/Zoning Administrator

Subject: Amendment to Combine 2 1/2 Lots to 5 Lots = 5 Dwellings

Ridge - Anchor Street Development - Lots 27-37 Lots 72-89

Concerns: * Traffic safety, especially in the winter. Ridge/Anchor are difficult streets to navigate, especially in the winter.

* Snow storage -- Will the developer be required to provide 10' of snow storage the length of the property?

Regards,


Carol Bradley Sletta
135 Sampson Avenue
FAX/telephone 649-6820

P.S. Patrick, As I recall, when you spoke to City Council on behalf of the Brewster's plat amendment request for their property on Sampson, if I am not mistaken you indicated that they would provide 10' of snow storage. Where is the snow storage located?



Dear Planning/Zoning Administrators: 7/15/97

I hereby oppose the request
for the amendment to combine 9 1/2
lots into 5 lots by Mr Paul de Groot. 96

I live on Daly avenue and for
14 years its been non-stop construction. Why
I oppose to this request is the fragile
hillside and the destruction of the natural
terrain that keeps the dirt from carrying
a slide onto the houses beneath this
proposed site. I will not stand by and
watch the destruction of Old Town to
continue.
Respectfully M. David