

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2006**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 9, 2006.

Closed Session – City Council Chambers

3:00 p.m. Litigation and personnel

Work Session – City Council Chambers

4:00 p.m. Council questions/comments

4:10 p.m. Snow removal operations

5:10 p.m. Park Silly Sunday Market MFL and street closure proposal

5:40 p.m. Review of regular meeting:
LMC amendments
Meeting questions/comments

5:50 p.m. Break

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES OF MEETING OF OCTOBER 19, 2006

V RESIGNATIONS AND APPOINTMENTS

Appointment of member(s) to the Historic Preservation Board for terms expiring July 2009

VI CONSENT AGENDA PUBLIC HEARING

1. Master Festival License and street closure for Strike the Motherlode to be held on December 2, 9 and 16, 2006 - applicant HMBA

2. Ordinance approving the Mine Cart Condominium, located at 553 Deer Valley Loop Road, Park City, Utah

3. Ordinance approving a Record of survey Plat for the residences at Kings Crown Condominiums, located at 1243 Empire Avenue, Park City, Utah
4. Ordinance approving the Second Amended Record of Survey Map for the Crescent Ridge Condominiums, Park City, Utah
5. Ordinance to create the 352 Main Street Plat combining all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record located at 352 Main Street, Park City, Utah
6. An Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 2.11 SF district, 2.12 R-1 district, 2.13 RD district, 2.14 RDM district, 2.15 RM district, 2.16 RC district, 2.17 RCP district, 2.18 GC district, 2.19 LI district, 2.20 FPC overlay district, and 2.22 PUT district.

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VIII NEW BUSINESS

Acceptance of annexation petition of approximately 2,800 acres of property located at the Park City Mountain Resort – United Park City Mines Company

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 11/07/06

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

November 2006

- 16 Closed session – property – (1 hour)
Quarterly goal update and traffic calming update (1 hour)
Canvass of special open space bond election
Bernolfro Annexation Agreement
Authorization for construction contract for Boothill Pump Station
- 17 *Management Team meeting*
- 23 **No meeting**
- 30 Closed session – property (45 minutes)
Park City Cemetery – work – 20 minutes
MFL - Park Silly Sunday Market and street closure – public hearing/action
Sundance exterior festival lighting proposal and demo – work
Special event parking discussion – work 20 minutes – Brian
Park Bonanza District – General Plan amendments – work/public hearing
Marsac Avenue (Hillside to Guardsman Connector) final plat – BR
1825 Three Kings Drive, Spiro Condominiums buildings N, O P, Q, & R - KW

December 2006

- 7 Solid waste update
- 14 Acceptance of audit report
Sundance – supplement to Special Event License
- 21
- 28 **No meeting**

January 2007

- 4 **No meeting**
- 11
- 16-17 *Tentative – Council visioning workshop*
- 18 **No meeting** – Sundance premiere
- 25

February 2007

- 1
- 8
- 15
- 22

March 2007

- 1
- 8
- 15
- 22
- 29

Pending Items:

MOU between Park City and Summit County for Animal Control Services

562 Main Street façade easement

Air quality discussion

Brewpub lease assignment – RDA

Regional bus service SLC

DATE: November 9, 2006
DEPARTMENT: Public Works
AUTHOR: Pace Erickson, Operations Manager
TITLE: Snow Removal Operations Discussion
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Discuss snow removal operations and priority sequence and re-confirm the City's 3 priority sequence for snow removal on City streets.

DESCRIPTION:

Topic Winter Snow Removal and Priorities Discussion

Background

Developing an effective snow removal plan is critical to keep roads clear of snow and ice. It considers many variables, such as personnel, equipment, scheduling and callout procedures, and sets guidelines for performance standards. Following a formal snow removal plan has been the normal mode of operation for most if not all divisions involved in snow removal.

How a storm arrives, deposits its snow and ultimately leaves is another factor in determining the appropriate steps taken to remove the snow. In general, a small amount of heavy wet snow over several days will require more resources and time to remove than a heavy snowfall of dry powdery snow overnight. Therefore in providing snow removal services staff has to be extremely flexible to provide the best service possible in changing weather conditions.

Developing an effective snow removal plan accomplishes several things:

- Establishes guidelines for determining an effective level of service to be provided based on an acceptable budget.
- Prioritizes resources needed to effectively deal with an average snow fall winter
- Improves public transportation and the safe flow of traffic
- Provides the most benefit to the greatest number of residents / guests
- Provides access to critical infrastructure and facilities, particularly emergency, municipal and business services
- Establishes areas of responsibility and priority for service
- Identifies when operations will begin and the measurements to judge the success of the program
- Establishes a methodology for snow emergency procedures
- Considers environmental impacts associated with the use or limited use of de-icing materials
- Accounts for new development

Analysis

Public safety has always been the City's number one priority. In order to better serve the community and to meet the needs of the citizens and visitors while facilitating snow removal in the most efficient and cost effective manner.

Program Mission:

To establish strategies that help maximize productivity, identify resources, priorities and responsibilities while meeting the needs of the community. This will establish, based on the priority sequence a set of guidelines to provide safe, efficient transportation in all weather conditions for the health and safety of residents and guests. Provide access to commercial and recreational areas and especially for emergency vehicle access throughout Park City. The ordinances below apply to private streets and sidewalks within Park City.

Service Quality Goal:

City Ordinance **14- 4- 3. SNOW REMOVAL STANDARDS.** *"Regular and adequate snow removal service" shall mean that snow shall be cleared from the roadway to a width of twenty feet (20') within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on a private street for more than eight (8) hours from the end of each storm.*

City Ordinance **14- 4-9. SIDEWALKS TO BE CLEARED.** *It shall be the duty of every property owner to clear the sidewalks and stairways at the perimeter of his property from accumulation of snow within a period of eight hours from the end of each storm. It shall be unlawful to permit an accumulation of more than eight inches (8") of snow to remain on the sidewalk for more than eight (8) hours at a time.*

The City tries to remove snow from public sidewalks identified on the City's Sidewalk Snow Removal Priority and Sequence within ten hours after the end of a storm. Coverage is between the hours of 6:00 AM and 4:00 PM, no night sidewalk plowing services are provided by Park City. The City will strive, where possible, to provide service to within ¼ mile of all major employment, medical, shopping and institutional centers.

Priority Sequence for Snow Removal on City Streets:

Park City has adopted a priority sequenced snow removal program. This is very common among almost all municipalities, state and federal agencies. Much time, thought and experience have been put forth to develop the current snow removal priority sequence. This approach maximizes benefit to commuters and establishes the most cost effective use of resources and equipment. Park City's priority sequence is:

- | | |
|--------------|---|
| Priority I | Bus routes, main parking areas, upper elevation streets, Old Town, business core areas, Royal Street and Guardsman Connection |
| Priority II | Main arterial streets through residential areas |
| Priority III | secondary streets through residential areas and cul du sac's |

Snow crews are separated into four crews of four covering 20 hours a day 7 days a week. This is increased to 24/7 in the event snow is falling. Call outs for additional personnel will occur if it is a major snow storm or we begin to fall behind.

Service Areas:

Streets

Day Shift Sunday - Wednesday	Day Shift Wednesday - Saturday
(1) Old Town (1) Deer Valley and Oaks (1) Aerie / Prospector / Park Meadows (1) Park Meadows / Thaynes / Iron Canyon (1) Parking Lots	(1) Old Town (1) Deer Valley and Oaks (1) Aerie / Prospector / Park Meadows (1) Park Meadows / Thaynes / Iron Canyon (1) Parking Lots
Night Shift Sunday - Wednesday	Night shift Wednesday - Saturday
(1) Old Town (1) Deer Valley and Oaks (1) Aerie / Prospector / Park Meadows (1) Park Meadows / Thaynes / Iron Canyon	(1) Old Town (1) Deer Valley and Oaks (1) Aerie / Prospector / Park Meadows (1) Park Meadows / Thaynes / Iron Canyon

Sidewalks

Day Shift Sunday - Wednesday	Day Shift Wednesday - Saturday
(1) Sidewalks and Bike Paths (1) Stairs A (1) Stairs B (1) Stairs C (1) Stairs D	(1) Sidewalks and Bike Paths (1) Stairs A (1) Stairs B (1) Stairs C (1) Stairs D

Equipment:

Plows

Unimog w/ chains
International 4X4
Sterling 4X4
International 2X4
International 2X4
International 2X4

Sidewalk Plows

Bombardier
Trackless

Loaders

Caterpillar 938 w/ large blade or bucket
John Deere 624 w/chains & bucket
John Deere 522 w/chains & bucket

Snow Blowers

Sno-Go
Unimog w/ chains & blower

Emergency Snow Plan:

(See attached Snow Emergency Plan)

Snow removal cost:

It costs Park City approximately \$1.1 million annually to remove snow from city streets and sidewalks. Of this about \$900,000 is for street snow removal and \$230,000 for sidewalk snow removal. The cost break down is as follows:

Staff	\$580,000
Deicers	64,000
Grit material	35,000
Hauling	107,000
Misc.	44,000
Equip. Replacement	128,000
Fuel	42,000
Maint.	<u>130,000</u>
Total	\$1,130,000

These figures are based on an average winter knowing that there will be abundant snow fall some years and less than average in others.

Service Level Increase:

Public Works was asked during last year's budget process to identify the necessary resources and costs to move all priority 3's to a priority 2. The resources that would be impacted are staff, equipment, fuel & maintenance. An increase of two operators per shift and three additional pieces of equipment may be necessary. The estimated cost to provide this increase of service would be approximately \$223,500 annually with a start up cost of \$34,000. Staff has not received many citizen requests for combining levels II and III. Customer satisfaction scores for snow removal continue to be high.

Annual Cost:

Staff	2 per crew for a total of 8 additional staff	\$170,000
Equipment rental	2 loaders for 5 months	35,000
Misc.	Chains, cutting edges etc.	16,000
Fuel	1,000 gal @ \$2.50	<u>2,500</u>
Total		\$223,500

Start Up Cost:

Initial capital investment for (2) plow blades	<u>\$ 34,000</u>
Grand total	\$257,500

The past two years has been a challenge to attract qualified operators and keep them for an entire season. Last year, the snow crew was down (1) person on (2) crews prior to the end of the season. This will most likely continue to be a challenge. The roughly \$260,000 in additional cost is not currently budgeted and rather than debate costs and efficiencies on November 9th, if City Council wants to amend the snow removal policy that direction with a time line should be given to staff.

Alternatives

Council should provide Staff direction on this year's snow removal plan.

1. Re-affirm the City's 3 priority snow removal plan – **Staff recommended.**
2. Provide direction to return during budget for increased level of service to a 2 tier snow removal plan in FY 2008 budget consistent with budget policies.
3. Direct staff to suggest budget reprioritization and staffing strategies to go to a 2 tier snow removal plan and return by early December.

Recommendation:

Park City Public Works is recommending the 3 priority snow plan as outlined. Park City's snow plan takes in to consideration all of the critical elements to effectively improve transportation and the safe flow of traffic during inclement weather conditions providing a high level of snow removal service with the most cost effective use of resources.

Park City Public Works is recommending that the school drop off be plowed by the Park City School District. Access from the pull out to the schools would remain the school district's responsibility.

SNOW EMERGENCY:

The purpose of declaring a snow emergency is to derive maximum efficiency of snow removal equipment and personnel resulting in our ability to provide the most cost effective and efficient method in removing snow to enhance public health and safety. The snow emergency plan outlines thresholds which includes timing, snow accumulation, duration and intensity. These factors have a huge influence on determining the severity of a storm and the process in which snow crews sustain snow removal procedures.

The City Manager has the authority to declare a snow emergency when snow conditions are such that normal snow operations are not able to keep the streets clear. During snow emergencies, a special "No Parking" ban goes into effect on selected City streets. This is the most effective way to provide access for effective snow control operations. Designated Snow Emergency Routes located in the snow removal guide consist of main arteries and the central business district areas and are plowed first.

The priority streets are the first plowed for the entire city. The Snow Emergency Route System was planned so very few residents have to go more than a few blocks to get to a plowed street. It also allows emergency vehicles to get within a few blocks of every residence. These are truly "emergency" routes to keep essential services functioning after a major snowfall or heavy drifting that could otherwise paralyze the City. Other main streets are plowed immediately after Emergency Snow Routes are completed.

Vehicles parked on a snow route during the time a snow removal emergency has been declared, may be ticketed and towed at the owner's expense. In addition, plows may continue to work the area around parked vehicles, blocking them with piles of snow. Adherence to the Emergency Snow Route parking restriction is greatly appreciated.

DEPARTURE FROM POLICY

Park City recognizes that conditions may be so unusual or unexpected that a departure from these general policies should be authorized. Therefore when conditions warrant, the Public Works Director in consultation with the City Manager, or designated representative, may order a departure from these general rules when, in the opinion of the Director of Public Works, conditions require such action.

STORM CATEGORY

Category 1 - Three inches or less of snow resulting in icy conditions. All snow routes rated priority 1-3, such as collectors, bus routes, schools, hazardous stops, hills, and all emergency facilities are treated with de-icing material at stop signs, intersections and steep hillsides. Plowing is typically not required but may take place in certain areas.

Category 2 – Three to six inches of snow resulting in slushy or snow packed conditions. All snow routes rated priority 1-2 are plowed and treated with de-icing material at stop signs, intersections and steep hillsides. All streets rated priority 3 are plowed (de-icing materials are not used) if necessary after the storm subsides.

Category 3 – Six to ten inches of snow with or without wind causing blizzard conditions. All priority 1-2 streets are plowed, and treated with de-icing material until the storm subsides. Then streets rated priority 1-2 are again treated with de-icing material and plowed if necessary before priority 3 streets are plowed.

Category 4 - A major snowstorm amounting ten inches or more. Concentration is focused on all priority 1 streets and emergency facilities. Priority 2 streets (collectors, bus routes, and around schools are treated with de-icing material and plowed as soon as possible thereafter. Priority 3 streets are plowed next, and if needed, treated with deicing material at the discretion of the Director of Public Works, Operations Manager or the Street Maintenance Supervisor.

Snow Category scale:

	Average Frequency	Deer Valley	Park City	Characteristics of storm
CAT 1- TYPICAL	25 to 35 per yr.	.1" to 6"	.1" to 4"	68% of all snowstorms fall in this category. Minor inconvenience, considered a routine snowstorm.
CAT 2- INCONVENIENT	7 to 10 per yr.	6" to 12"	4" to 8"	20% of all snowstorms fall in this category. Traffic slowed at times. There is usually an increase in traffic accidents.
CAT 3- SIGNIFICANT	3 to 5 per yr.	12" to 21"	8" to 16"	10% of all snowstorms fall in this category. This is usually a dangerous storm, with traffic significantly slowed.
CAT 4- MAJOR	1 in 2 yrs.	21" to 30"	16" to 24"	2% of all snowstorms fall in this category. Loss of electrical service is typical in Fall or late Spring with trees in leaf. Some roads become impassible. Schools and business may choose to close at the high end of this category.
CAT 5- PARALYZING	1 in 15 to 25 yrs.	30" +	24" +	About 1/10 of 1% of storms are in this category. Many roads close, travel is usually dangerous if even possible. Schools should close. Loss of electrical service occurs frequently.

EMERGENCY SNOW RESPONSE PROCEDURES

The goal of the Park City Emergency Snow Response Plan is to maximize both preparedness and the utilization of resources to ensure a safe street system with the variable winter weather.

The program is divided into four phases.

Phase I includes snow meetings, implementation of emergency snow response procedures, and the possible declaration of an accident alert by the City Manager or designee.

Phase II involves continued emergency snow response operations and the possible institution of snow parking restrictions.

Phase III is only activated when snow accumulates at a rate at which the resources of the city cannot reasonably keep pace. This phase may include the use of private contractors, the ban on all curbside parking between 2:00 am and 6:00 am. Residents will be encouraged to utilize public transportation, and the closure of public office buildings.

Phase IV is general clean up and removal or hauling of snow once the storm has subsided. This usually only takes a few days but the City may need to keep parking, or other restrictions in place while crews clear snow from city streets.

PHASE I

Phase I of the Park City Emergency Snow Response Plan begins when a significant chance of snow is forecast with an anticipated accumulation in Park City. Once a significant forecast of snow is anticipated, the Operations Manager analyzes all factors that may have bearing on preparations. The Operations Manager and the Streets Supervisor notify Crew leaders and their crews that a phase I Emergency Snow Response has been declared. The number of employees alerted depends on the anticipated magnitude of the predicted storm. Even during an emergency, employees must be called in on shifts so that more employees are available as, and if, a storm continues. For safety and health reasons, employees are not required to work more than 12 hours in a 24-hour period.

During the fall, equipment and materials are prepared to be ready for emergency snow response. Trucks are assigned to pre-selected routes based on the amount of traffic the routes receive as well as other factors. Additional snow control equipment includes 3 loaders and 2 snow blowers.

During Phase I, crews focus on clearing the city's main arterials, also known as 1st Priority Routes. These are major streets and carry the greatest volume of traffic and provide citywide access for public transportation and emergency vehicles. Hills on main streets and old Town are also considered high priority routes.

PHASE II

Phase II of the Emergency Snow Response Plan is reached when first priority streets (A Routes) are passable and resources are shifted to secondary streets, or Priority B Routes. The Department of Public Works maintains a snow route map to delineate first and second priority routes, classified as to degree of traffic need. Streets not classified as first or second priority are treated or plowed only if conditions are such that emergency vehicles are unable to respond to emergencies effectively. However, all streets will be plowed at least once in a 24 hour period under continual snow conditions. Additionally, in cases where snow does not fall uniformly throughout the city, trucks can be deployed from one part of the city to another.

When severe storms bring large accumulations of snow, 12 inches or more, during periods of extended cold temperatures, snow plows move on to third priority streets. There will be one pass made, plowing only. Third priority streets are generally not salted unless they are in hilly portions of town.

To increase plowing efficiency, the City Manager or designee may declare a Snow Emergency which enacts special parking restrictions. The decision is based on either a forecast or actual snow accumulation of six inches or more. Snow Parking Restrictions prohibit parking on selected snow routes as marked by signs.

Park City employs a curb-to-curb plowing practice. However, when snowstorms present large accumulations of snow during a short period (typically snow fall rates that exceed an inch per hour of accumulation over a 6 hour or longer period), plowing efforts are concentrated to maintain a minimum of one lane in each direction on two-way streets, and one lane on one-way streets. Once the snow accumulation rate has decreased or the storm subsides, a curb-to-curb plowing practice goes into effect throughout the city.

Snow hauling in Old Town will take place once traffic flow is impeded to a point that travel is restricted to one lane. Removal operations begin as soon as personnel and equipment are available from plowing operations.

PHASE III

If City equipment and personnel are unable to keep streets open to essential and emergency traffic and extreme weather conditions continue to accelerate, Phase III is initiated. Phase III involves private equipment being called into service. Private contractors make available graders, front-end loaders and haul trucks with operators at pre-established rates. On street parking is restricted in all areas identified on the parking restriction code. Residents and visitors can find supplemental parking in the

Snow Removal Guide. Only priority one and two streets will be plowed. Priority three streets will have at least one pass made for access to a regular plowed street.

PHASE IV

The cleanup operation is of course an essential part of the Emergency Snow Response Plan. Sunshine following a snowstorm helps to return streets to normal, but snow may have to be removed. Two snow blowers are the primary equipment for this purpose, supplemented by front-end loaders as necessary. The entire city fleet along with contractor equipment will be employed to remove snow. Areas designated for snow removal include but are not limited to areas of Old Town, Main Street, lower Park Avenue, Deer Valley Drive and Royal Street.

Technically, snow and ice control operations fall under the jurisdiction of the Operations Manager or Street Maintenance Supervisor; however, all Public Works personnel may have a part in these operations. Personnel are assigned to twelve-hour shifts conducted on a 24-hour basis, 7 days per week that continue until the snow emergency has been eliminated. In an effort to maximize the use of City resources, personnel from other departments (Water, Parks & Fleet) are sometimes asked to assist during extreme snow emergencies or to fill vacancies.

Snow Emergency Reporting

Public Works and Park City Police Dispatch are the primary contacts to alert snow crews of hazardous conditions which may exist. However, a unique aspect of Park City's snow and ice control program is the availability to residents of a telephone "hot line" for weather related emergencies. This telephone number: (435) 615-5346 is attended during regular office hours and would be activated with an automatic message system with a recorded status report prepared by Public Works at all other times.

During a snow emergency, a member of the Public Works clerical staff may be assigned to attend the "hot line" outside regular office hours. This "hot line" allow residents to notify snow crews directly of hazardous conditions that exist within Park City.

When the City Manager declares a snow emergency, public service announcements made on KPCW will alert residents and guests at to what stage emergency is being declared. Furthermore, electronic and or other signs may be placed to provide additional information regarding street closures or other snow removal operations. This may by simple scope of the removal process put into effect the snow emergency procedures and parking restrictions in particular areas of Park City. Additional information can be obtained by logging onto Park City's official website at www.parkcity.org and link to the snow removal policies. Public service announcements will also alert residents and guests of hauling activity in order to have vehicles, trash cans, recycle containers and other obstructions removed from the public right of way prior to hauling operations commencing.

Snow Removal Parking Policy and Restrictions

It is permissible to park on a City street during non snow emergency snow operations. However, residents and guests are encouraged to have vehicles removed from city streets between the hours of 2:00 am and 6:00 am. Storage of RV's, boats, trailers etc. are not allowed to be stored on City streets by Municipal Code.

If the vehicle is lawfully parked on a street and does not prevent a snowplow from plowing the street, the snowplow will attempt to plow around the parked vehicle and return at a later time when the vehicle has been moved to clear the snow from the street at that location. Priority III streets may be skipped completely (especially cul-de-sac's) if vehicles impede safe access to snow plow equipment.

If a vehicle is parked on a street and blocks access to the street by an emergency vehicle or snow plow, the Public Works Department will notify the Police Department which will attempt to locate the owner of the vehicle in order to move the blocking vehicle. In the event the owner of the vehicle cannot be located in a reasonable period of time, a ticket may be issued and the vehicle may be towed. Ticketing and towing is solely at the discretion and direction of the Police Department.

When conditions warrant, the City Manager can declare a snow emergency (a "no parking" ban on all City streets goes into effect when a snow emergency is declared). The Operations Manager or Streets Supervisor then coordinates with the Police Department for the ticketing and towing of all vehicles parked on City streets, which interfere with operations after the declaration.

Areas have been identified as overflow parking for residents who by no other option do not have off street parking available. During a snow emergency or snow hauling operation, these parking areas are available to residents and guests to park without a specific parking permit for those areas. Check with the Parking Department staff as (435) 615-5372 for the parking area nearest you.

Additional ordinances passed for the purposes of supporting snow and ice control efforts and other related ordinances which could be enforced during all out emergencies. The text of these documents can be found in Park City Municipal Code.

City Council Staff Report

Author: Max J. Paap
Subject: Park "Silly" Sunday Market
Date: November 9, 2006
Type of Item: Informational – Master Festival License
Work Session Review



Special Events and
Facilities Department

Summary Recommendations:

Provide Staff with policy direction on the Park "Silly" Sunday Market Master Festival License for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. If Council is supportive of the direction that the event is proceeding, Staff will return for consideration of the Master Festival License on November 30, 2006.

Description:

A. Topic:

Review the Master Festival License application, submitted by Park "Silly" Sunday Market, L.L.C., for the Park "Silly" Sunday Market on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th.

B. Background:

The Park "Silly" Sunday Market, produced by Park "Silly" Sunday Market, L.L.C. is requesting to be scheduled for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. The event organizers submitted an application in August of 2006 to hold an eco-friendly, open air market that would feature unique and eclectic local and regional arts and crafts, music and performance art, antiques, imports, and one-of-a-kind finds, delicious gourmet foods and a farmers market with fruits and vegetables. The template for this event is similar to that of other such markets in western mountain ski towns.

The original event application indicated the proposal for the market to be held on the Marriott Summit Watch Plaza. The owners of the plaza have since indicated that the market could not be held at that location. The organizers have sought to explore the possibility of closing portions of lower Main Street to host the market.

C. Analysis:

Park "Silly" Sunday Market

If approved, the event would take place on successive Sundays during June, July, August, September, and October of 2007 with the exception of August 5th for the Park City Kimball Arts Festival. The event would include the closure of Main Street

between Heber Avenue and 9th Street from 9:00 am until 4:00 pm, on all dates. The organizers have proposed a very comprehensive business plan to prospective vendors/performers that includes information on licensing, permitting, and information to ensure participants understand the responsibilities of conducting business in Park City.

Parking

The China Bridge Parking Structure and surface parking along Swede Alley should accommodate all participants at the market at that time of day. Should market-goers choose, there are on-street parking and pay parking spaces in very close proximity to the proposed venue.

D. Department Review:

All applicable departments have reviewed the Park “Silly” Sunday Market. Comments from PCMC staff include both Parks and Streets Departments having adequate access to perform routine watering and street cleaning activities on those proposed days. The Parking Department has indicated that there is a cost to purchase the pay-and-display spaces for the duration of the market. HMBA has been presented with the new location, and subsequent closure, and had no dissenting comments at their recent board meeting. Staff suggests that Council consider whether they would be willing to allow the use of the Flagpole Lot (Heber/Swede) on a trial basis. Roughly 4 years ago the HMBA tried this location for a farmer’s market for 1-2 weeks and discontinued it.

E. Alternatives:

Approve the Request:

Approve the proposed Master Festival License in concept and direct staff to return with a Master Festival License for the Park “Silly” Sunday Market.

Deny the Request:

Deny the Master Festival License, as proposed in concept, and encourage the Park “Silly” Sunday Market to consider other locations than closing Main Street on roughly each Sunday throughout the summer.

Continue the Item:

The City Council may continue the discussion in order to receive additional information

Significant Impacts:

Park City has held a similar event to the Park “Silly” Sunday Market. The activities will be contained within the specified route venue and will conclude by 4:00 pm.

Consequences of not taking the recommended action:

The Park “Silly” Sunday Market would not take place in Park City.

Issues for Discussion:

- Does Council support the event as proposed, on the proposed dates?

- Does Council support the event on a trial basis, on the proposed dates, then review after a year period to determine adding the “Silly” Market to the Park City schedule of events?
- Does Council wish to reduce the number of occurrences for the 2007 season, at the proposed venue?

Recommendation:

Provide Staff with policy direction on the Park “Silly” Sunday Market Master Festival License for the proposed dates. If Council is supportive of the direction the event is proceeding, Staff will return for approval of the Master Festival License on a later date to be determined.

Attachments

A- Applicants Summary of Activities

B- Applicants Business Plan

PARK CITY MUNICIPAL CORPORATION SPECIAL EVENT AND MASTER FESTIVAL LICENSE EVENT APPLICATION-PART I

A completed electronic copy submitted to the Special Events Department is required.



Special Events and Facilities
Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: Park "Silly" Sunday Market

EVENT DATE(S): June 3,10,17,24 July 1,8,15,22,29 August 12,19,26 September 2,9,16,23,30 October 7,14,21,28

EVENT TIME(S): 9:00AM-4:00PM

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Lower Main Street between Heber Ave & 9th Street

ANTICIPATED ATTENDANCE: 200-600 throughout the day

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*

Arts, crafts, collectables, music, food, & performance art

APPLICANT: *(name of organization)* Park Silly Sunday Market

CONTACTS

Event Manager: Kimberly Keuhn, Julie Doerr-Arenson, Jewels Harrison
Mailing Address: PO Box 684229, Park City, UT 84068-4229
Phone: 901-0511 (KK), 729-0990 (JDA), 602-9481 (JH)
Fax:
Cell Phone:
E-Mail: kimberly@parksillysundaymarket.com,
julie@parksillysundaymarket.com, jewels@parksillysundaymarket.com

Assistant Event Manager:

Mailing Address:

Phone:

Fax:

Cell Phone:

E-Mail:

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☒ attraction of large crowds, (Over 500)

☒ street closure,

☐ use of City park, building or property,

☐ use of off-site parking facility,

☐ use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐ causes significant public impacts via disturbance, crowd, traffic/parking,

☐ disruption of the normal routine of the community or affected neighborhood,

☐ necessitates temporary business or liquor licensing

☐ event signs, visible from public property

☐ temporary structures

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
if yes, then list street(s) and closure time and date: Main Street from Heber Ave to 9th Street, 7th Street to Parking Garage 7:00AM-5:00PM
- request for closure of or access to any public parking spaces? ☒yes ☐no
if yes, then list lot and closure times and dates: Marriott Main Street Access
if yes, complete and attach [Request for Special Use of Public Parking](#) form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☒yes ☐no
if yes, have you filed a [Beer and Liquor License Application](#) with Park City Finance Department? ☒yes ☐no
if yes, have you filed a [Single Event or Temporary Beer Permit application w/ UDABC?](#) ☒yes ☐no

APPLICATION FEES

All new applications require a \$100 processing fee, all applications for returning events require a \$50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars (\$2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.



an open air market where neighbors come together
to celebrate our community
and the creativity of all Park Sillians
Every Sunday in beautiful Park City, Utah

Park Silly Sunday Market

Our intention for the Park Silly Sunday Market is to create:

- a weekly opportunity for our community to connect and celebrate with each other.
- a forum for non-profit groups and already existing events to promote themselves to our community.
- a tool of exposure for businesses and restaurants in the community.
- a venue for funky and fun art, crafts, antiques, music, and food.
- recognition of Park City's commitment to being green by demonstrating a no trace left behind/zero waste market.

Julie, Jewels and Kimberly have been working since February 2006 on the concepts of the market; researching and being mentored by other successful markets across the country.

We have been working with Mayor Dana Williams, Bob Koehler at the Chamber of Commerce and Special Events Planner, Max Papp. We have conferred with all of them including Ron Ivie and Kurt Simister on proposed locations and have narrowed down the best possible location to the lower part of Main Street from Heber Avenue to the round about.

We have become members of the Main Street Alliance and have been working with the Marriot, Commerce CRG/Triple Net Properties, Mike Sweeny and the Kimball Arts Center to gain their support and approval.

Towns such as Vail, Aspen, Sun Valley and Taos all offer weekend open air markets to their guests, second home owners and locals. It is imperative that if Park City is to prove itself as -the best year round destination and place to live- we must showcase the spirit of our community, which is what separates us from these other ski towns. The Park Silly Sunday Market is the perfect opportunity to do just that.

We will be requesting a work session with the counsel members to cover any and all questions and concerns and to gain your approval to begin the Park Silly Sunday Market at our proposed location in June 2007.

Bio Page

The creators of the Park Silly Sunday Market are:

Kimberly Kuehn: Kimberly has been living in Park City for 5 years. She is currently a new, full-time mom and has a background in Marketing Development and Public Relations. Kimberly has sat on the board of several committees in Park City and is a volunteer for many of the Non-profit groups in the community. She is currently participating in the 2006 Leadership Program. Kimberly and her husband Jeff are well known members of the community because of their success with developing the Halloween Dog Parade, Summerween and the Solstice Ride that take place every year.

Julie Doerr-Arenson: Julie has lived in Park City for 3 years. She has a background in Urban Regional Systems Planning specializing in Historic Preservation Planning, Retail and Fashion Merchandising. Julie currently works with her husband Todd designing and landscaping the beautiful homes they build here in Park City. She has worked with many of the Non-profit groups and has been a volunteer for ArtsKids.

Jewels Harrison: Jewels and her family moved to Park City 4 years ago, so her husband, Walt, could train as a member of the US Skeleton Team. She is a full-time mom, a personal trainer at the Silver Mountain Spa, a massage therapist and fitness educator. Jewels, also has a background in writing, directing and acting in theatre and film. Jewels volunteers at the Colby School, Recycle Utah and donates her time and services to local fundraising efforts.

2007

The Park Silly Sunday Market

The Park Silly Sunday Market is an eco friendly, open air market that features: unique and eclectic- local and regional arts and crafts, music and performance art, antiques, imports and one of a kind finds, delicious gourmet foods and farmers market fruits and vegetables.

The market is a combination of the following categories of vendors:

- Arts, Crafts, Antiques, Collectibles and Imports
- Fun
- Gourmet, Specialty and Locally Grown Foods
- Tag/Yard Sale Items

All vendors are admitted based on the type of product that is needed at the Market and according to the theme of any particular week. We look very carefully at the entire range of products being offered by our vendors. Food vendors are admitted based on what type of product we feel will enhance Market operations. All products should be attractive to Market customers without diluting the existing product base or competing directly with the restaurants and stores located in the Lo Main area.

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IMPORTANT INFORMATION!

Please read the Market Rules & Regulations thoroughly before filling out your application!

Please print a copy of the Rules & Regulations for your records.

Applications are processed on a first come, first serve basis. So get them to us as soon as you can.

Application Deadline: PSSM must receive your application one month prior to the date or dates you have selected.

Note that all vendors are chosen to fit the specific theme of each market week. We will try to accommodate your preferred dates as best as possible.

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Dates and Times

Park Silly Sunday Market will be every Sunday beginning June 3 through October 7,14,21,28?

Market Hours

9am-3pm Snow, Rain or Shine the show must go on.

You will need to have Adobe Acrobat Reader installed on your computer to view and download the Rules & Regulations and the Application. If you do not have Adobe Acrobat Reader, you can download it for free here:

<http://www.adobe.com/products/acrobat/readstep2.html>

V

****Important Note:** All vendor applications will be scrupulously reviewed by the PSSM administration and placed according to weekly themes and space availability.

Non-Discrimination

The PSSM welcome all regardless of race, creed, color, sex, religion, sexual orientation, age, nationality or marital status.

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How to become a Park Silly Sunday Market Vendor

Art and Product vendor

Fill out an application from our Web site. Product vendors must have a Park City Business License and a Temporary Sales Tax License. Additionally, each item you wish to include at your booth will be reviewed by the PSSM Committee and chosen based on certain criteria that include quality and uniqueness. With the application, you are required to submit a photograph of each type of item you wish to sell. The committee will review the applications, after which you will be notified of your status. We look carefully for a broad range of products that will enhance the Market experience. The acceptance of every application requires our approval of the applicant's merchandise and artists work, and no payment is processed until an application is accepted.

We don't accept such items as guns or ammunition, pornographic or adult materials (this is a family event).

(Link to Product Vendor Application)

(Link to Park City Business License)

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Food and baked goods vendors

Fill out an application from our Web site. Make sure that you are in compliance with the Health Department's rules. Your application will be reviewed by the PSSM Committee, after which you will be notified of your status. Be sure to provide information about your power needs. We are limited in the number of food vendors we will choose and choices will coincide with the themes we have chosen each week.

Health Department

All food vendors are required to be in compliance with Summit County Health Department and/or the Utah Department of Agriculture regulations. Food vendors preparing or sampling on site are required to have a Food Handler's Permit and a Temporary Food Service Permit for Seasonal Events. If you are accepted into the market and are subject to these regulations, you must display both permits in your booth or you will not be allowed to sell food prepared or sampled on site.

([Link to Health Department](#))
([Link to Food Vendor Application](#))
([Link to Park City Business Liscence](#))

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Nonprofit organizations

Fill out an application from our Web site indicating which Sundays you would like to attend the Market. We will review all nonprofit applications and notify you which weekends are available. Groups that take advantage of this are treated to a very special outreach opportunity.

(Link to Nonprofit Application)

Special Events & Entertainment

To enhance the Market and to provide added value for our customers, we welcome performers of all kinds to the market. Note: all music must be unplugged.

Becoming a performer

Fill out an application. You will be contacted regarding your approval, dates, times and location in the Market.

(Link to Performer/Entertainment application)

Missing the Application Deadline

Priority is given to applications that are received by the deadline. Once these applications have been considered, any that arrived after the deadline will be looked at- if there are spaces still available.

Sales Taxes

All vendors, with the exception of farmers that sell only freshly grown produce and/or plants grown by

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them, are subject to collecting sales tax from their customers and remitting the sales tax to the Utah State Tax Commission. This is accomplished through a Special Event Sales Tax Form; you cannot remit these taxes on your usual form. If you are accepted into the market and are subject to sales tax collection, the form and/or instructions on how, where and when to file will be included in your acceptance letter. All required sales tax collection and remittance is the sole responsibility of each individual vendor.

Vendor Structures

Temporary structures (vendor canopies, etc.) over 120 square feet in area are required to obtain a building permit from Summit County. ALL structures must be secure enough to withstand sustained winds of 50 MPH, NO EXEPTIONS! Summit County Code requires anchors of 50 lbs. per leg. You will not be allowed to set up your booth structure if you do not meet these requirements!

Noncompliance

There will be strict enforcement of all Market Rules & Regulations! Market Management reserves the right to refuse acceptance or deny continued participation of any vendor or product that is not in complete compliance with all Market Rules &

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Regulations. Market Management has the authority to ask any vendor to remove themselves or any product not previously approved by management from the market. Market Management reserves the right to move or reassign vendor locations to enhance or facilitate the market structure and/or safety as deemed necessary.

LIABILITY

The Park Silly Sunday Market is not liable for any injury, theft or damage to either the buyer or the seller or their property, arising out of or pertaining to preparation for or participation in The Park Silly Sunday Market; whether such injury, theft or damage occurred prior to, during, or after the hours of operation of The Park Silly Sunday Market. Seller further agrees to indemnify and hold harmless both The Park Silly Sunday Market for and against any and all claims for such injury, theft and/or damages. Seller assumes full liability for their vehicles, structures, fixtures and the product(s) they market or sell and by participation in The Park Silly Sunday Market hereby agree to hold The Park Silly Sunday Market/or their representatives harmless against any and all claims such as but not limited to injury, theft or damage by any buyer, seller, or other persons resulting from or pertaining to the

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use, consumption, marketing tactics, display, negligence or disposition of seller's products, vehicles, fixtures or structures.

If you do not have liability insurance and need some help with this, call Richard Boulder at 435-654-0353 and tell him Park Silly Sunday Market referred you.

Sellers at the Booths

Items sold at the Market are to be sold by the applicant. We feel that is important for the consumer to be able to connect with the vendor and their products. Family members or farm representatives are also allowed to sell at your booth. If you have a Market day where you or a member of your family/farm cannot be present, please contact the Market administration to make other arrangements. No refunds without 24 hours advance notification.

Presentation and Signage

We strongly encourage you to make your space as clever and charming as possible. Making your own signs to create as strong a presentation as possible. Not only do colorful and eye-catching signs add to the visual sense of the market, but research at Markets indicates

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that those vendors whose presentation is organized and whose signage is clear and easy to read sell more products. Remember consider your neighbors when creating your unique signs.

General Market Policies

1. The PSSM reserves the right to refuse participation to vendors who do not comply with market rules and regulations or do not meet market standards which include, but are not limited to, following all local, city, state, and federal laws and regulations.
2. Participation in the Market means you accept and agree to partner with all marketers in creating a fun, friendly, No Trace Left Behind event.
3. Vendors must pay a one-time, non-refundable registration fee.
4. Booth size is approximately 10' x 10' or 10' x 20' space and priced accordingly. Larger than 10' x 20' must be approved of by PSSM.
5. Spaces will be forfeited for the day if vendor does not show by your designated drop off time if

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you have not contacted market staff. Failure to show up, begin on time or stay to the end of the day will result in future denial of participation in the Market.

6. Market staff has the authority to move and reassign vendor spots to enhance or facilitate market operations.

7. Any required sales tax collections and remittances are the sole responsibility of the sellers.

8. Price, terms of sale, bartering etc. are between buyer and seller only. All sellers agree to abide by fair business practices.

9. Vendors may not sell any items not approved of or shown in their market application. Reselling products is especially sensitive and must be approved of in the application process. PSSM has the right to ask vendor to remove products.

10. Any vendor who the market staff feels is not complying with the market rules may be asked to leave. No Refunds.

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11. Seller assumes full liability for the products they market or sell and hereby agrees to hold The Park Silly Sunday Market and Summit Watch Plaza harmless against any claim of injury or damage by any buyer, seller, or other persons resulting from the use, consumption, disposition, display, or marketing of seller's products.

12. The Park Silly Sunday Market is not liable for any injury, theft, or damage to either the buyer or seller, or their property, arising from or pertaining to preparation for or participation in the Park Silly Sunday Market. Regardless of whether such injury, theft, or damage occurred prior, during, or after the Park Silly Sunday Market.

13. Sellers further agree to indemnify and hold The Park Silly Sunday Market harmless for and against any claims for such injury, theft, or damage.

14. The market opens at 9:00am. *Please do not sell products before this time!*

15. See the market staff if you do not have an assigned space. Do not choose your own space.

16. Vendor must unload at their designated time and park vendor vehicles in the designated area for vendors.

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17. No refunds. Market will go on rain, shine, or snow.

18. All permits (business license, temporary sales tax license, and food handlers permits) are the sole responsibility of the vendors.

19. PSSM believes your participation is critical to all of our events. We will try to accommodate your needs and requests to the best of our ability. The efforts you take in preparing for each one of our events is greatly appreciated.

Important Contact Information

Salt Lake Valley Health Department
Food Protection
788 East Woodoak Lane (5380 South)
Murray, UT 84107
Contact-
Phone (801) 313-6625
Fax (801) 313-6609
Web Site- www.slvhealth.org

Park City Business Licensing
Contact- 435-615-5220

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Mention it is for the Park Silly Sunday Market and
processing will be expedited.
Web Site-

State of Utah Tax Commission
Special Events Division
210 North 1950 West
Salt Lake City, UT 84134
Contact-
Phone (801) 297-6303
Fax (801) 297-6358
Salt Lake City, Utah 84111
Contact-
Phone (801) 333-1103

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**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 19, 2006**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Ken Fisher, Recreation Director

Kurt McGrew, Gould-Evans; Rich Miller, RAB member; and Pam Crowe Weisberg, KAC Executive Director

1. **ISBO Council training and tour** – Chief Building Official Ron Ivie conducted the required ISBO training and also organized a field trip for Council members to tour a structure with innovative green building elements.

2. **Council questions and comments** – Candace Erickson stated that she and Joe Kernan attended the Utah Intergovernmental Round Table where the focus was growth in Utah. There was also a heated discussion on private property rights, but most felt that zoning and planning should be handled at the local level, not the state. She reported on ULCT business. Local activities including the solar home tour and skate park dedication were covered. Marianne Cone reported on the tour of solar homes and associated applications. She also relayed that UDOT implemented a safe route to school program providing funds for qualified proposals. Jim Hier spoke about the skate park grand opening. The Mayor noted that he and Gary Hill will be attending a meeting on a proposal to build a tunnel from Brighton Estates to Park City, and encouraged feedback from Council members. He committed to continue to serve on the Mosquito Abatement Committee.

3. **Recreation building update – Gould/Evans** - Ken Fisher explained that the contract specifies that Phase 2 return to Council before proceeding with that segment of the project. He stated that a public open house was held that it was well advertised but poorly attended. The Boys and Girls Club was the only group in attendance and indicated its support of the proposed design. The plan includes two ADA compliant interior restrooms, which was a request from parents. There are still restroom facilities accessible from outside. Architect Kurt McGrew explained his architectural rendering and mentioned associated costs relating to bringing the building up to code. He added that the existing outside patio will be enclosed and explained in detail the layout of the interior. The design provides new storage areas and creates a more efficient and attractive space. Discussion ensued about the size of the storage area, the installation of a commercial grade skylight, and the main users being children. Jim Hier indicated that his initial calculations were about \$128/sq for remodeling the recreation building and asked how a brand new 3,600 square foot facility would compare to the remodel project. He also asked the cost of new construction and Mr. McGrew estimated about

\$165 to \$185/sq. Council member Hier asked if it is wiser to build some new that meets our needs rather than compromising on features because of possible restraints in the existing structure. Ken Fisher expressed that this plan meet the Department's needs, especially for summer camp. An internal task force was formed to examine potential uses and it was decided that a new larger building was unnecessary. Candace Erickson noted that this was discussed extensively among members and Council member Hier asked if \$500,000 could be better spent. RAB member Rich Miller stated that the existing location of the recreation building is ideal because of its proximity to the park and the project fits within the budget of the City Park Fund, leaving monies to complete other projects in the master plan. Marianne Cone noted that the remodeled building may present opportunities for other groups to use at night and/or on a year-round basis. Council members concurred to proceed with Phase 2.

4. **Kimball Art Center update** – Pam Crowe-Weisberg reported that the 2006 Arts Festival was the most successful ever, and she hoped to make the Friday night event part of the Festival program. The Arts Festival is the only fund-raiser for the Center to support art talks/tours, exhibitions, and education packages; there were over 1,000 students this month. She showed a video designed to introduce the capital improvement campaign for 2007. It is the goal of the Board to make the KAC the premiere art center in the West, introducing national and international exhibitions to Utah.

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 19, 2006**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 19, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Ray Milliner, Planner; Kirsten Whetstone, Planner; and Brooks Robinson Planner..

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that his business relationship with Royal Street, Talisker, East-West and Rail-Central tenants are recycling customers of his. Candace Erickson stated she is married to Stantec consultant Bruce Erickson. Marianne Cone stated that she will be excusing herself from discussion and voting on the Prospect Heights Subdivision,, as an adjacent property owner.

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

1. Nomel Event - Emily Elliott, NOMA Alliance, invited the Council and audience to attend the second Nomel event which will be held onis being planned for Friday, November 24.
2. 2006 Campaign – Mel Brown, candidate for District 53 of the House of Representatives, invited input from the City Council on issues and ways the legislative process may better serve Park City.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 5, 2006

Jim Hier, "I move approval of the work session notes and minutes of the meeting of October 5, 2006". Roger Harlan abstained as he was not in attendance. Candace Erickson seconded. Motion carried.

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

V RESIGNATIONS AND APPOINTMENTS

Appointment of one member to the Board of Adjustment for a term expiring July 2010 – The Mayor recommended the appointment of Bill Thompson. Roger HalranHarlan, “I so move”. Marianne Cone seconded. Motion unanimously carried.

VI CONSENT AGENDA PUBLIC HEARINGS

Ordinance approving the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect Street Subdivision, located at 101 Prospect Street, Park City, Utah – At this point in the meeting Council member Marianne Cone left the room (see disclosure above). Kirsten Whetstone, Planner, explained that the request is to approve removing existing plat note language and creating two lots from one lot. The original request at the Planning Commission level was for three lots which was not supported because of concerns relating to the increase in density. An historic home sits on one lot and the remainder would create a new 20,000+ square foot lot. The original plat note specified that a duplex is allowed on the one-lot subdivision, and the current property owner originally contemplated constructing a duplex. However, through the process, the application was revised proposing two lots with a platted open space area around Lot 1, so that development can not occur in that frontage area in the future. On September 27, 2006, the Planning Commission recommended a plat note limiting lots to single family homes which was well-received by adjacent neighbors. Plat notes will be clarified to include current code provisions and specific conditions of the plat approvalproperty. There were no questions or comments from Council members and the Mayor opened the public hearing. Hearing no comments, he closed the hearing.

VII CONSENT AGENDA

Ordinance approving the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect Street Subdivision, located at 101 Prospect Street, Park City, Utah – Candace Erickson, “I move we approve the Ordinance for the Prospect Heights Subdivision, being a replat of Lot 1 of the Prospect street Subdivision, located at 101 Prospect Street according to the findings of fact, conclusions of law, and conditions of approval as stated in the attached Ordinance”. Jim Hier seconded. Motion carried.

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

VIII OLD BUSINESS

Ordinance repealing Ordinance No. 06-63 and approving the annexation of the Wilburn West Parcel and approving an amendment to the Park City Zoning Map to zone the Wilburn West property Residential Development (RD) and Recreation Open Space

(ROS) – Council member Cone returned to the Chambers. Ray Milliner explained that this annexation was approved in August, but the annexation agreement was not recorded within the 30 day time limit specified by state law. This matter is returning to Council with some modifications including language omitting trail head parking and adding affordable housing requirements, which is 15% of the total residential units constructed. The Mayor opened the public hearing and with no comments, the public hearing was closed.

Joe Kernan, “I move we repeal Ordinance No. 06-63 and approve the annexation of the Wilburn West Parcel, approving an amendment to the Zoning Map to zone the Wilburn West property Residential Development and Recreation Open Space”. Roger Harlan seconded. Motion unanimously carried.

IX NEW BUSINESS

1. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments, for the following Chapters: Chapter 2.4 HRM Zoning District, 2.5 HRC Zoning District, 2.6 HCB Zoning District, Chapter 2.8 POS District, Chapter 2.9 E-40 District, Chapter 2.10 E District, Chapter 11- Historic Preservation, and Chapter 14- Zoning Administration and Enforcement – Planner Kirsten Whetstone explained that these amendments relate to the Historic District. Most are minor changes but there are some substantive amendments and she pointed out revisions recommended by the Planning Commission at its meetings on August 23 and September 27, 2006. She noted that the lot size for single family in the HRM zone is 1,875 square feet,feet. there is clarificationAmendments clarify of side yard set backs for small lots, and the inclusion of regulations forating retaining walls and, clarification of bay windows extended into the setback. The purpose statements for building height exceptions in zones have been revisedamended to read consistently. The Estate District allows single family and duplexes and the minimum lot size is three acres. She pointed out that there could be 100 acres included infor a MPD in an Estate Zone and the formula of 1:3 would be applied. Calculating density becomes less clear with duplexes and the Planning Commission directed staff to place a footnote in the LMC that duplexes require a minimum property area of six acres. *The minimum lot size for all uses is three acres, except that a duplex requires a minimum lot size of six acresze of size. The Planning Commission may reduce the minimum lot size during review of a master planned development or subdivision plat to encourage clustering of density and the maximum density is 1:3 acres.*

In response to a question from Joe Kernan about secondary living quarters, Ms. Whetstone explained that secondary living quarters and/or accessory apartments are considered to be within the existing house. The sse sizes of dwellings are specifically addressed in the supplemental regulations section; they and can't be greater than 1,000 square feet and no more than a third of the primary structure size. Council

member Kernan asked about building affordable housing in the Estate Zone and Ms. Whetstone explained that affordable housing can be built in any zone where MPDs can be applied. Council member Mr. Kernan suggested that there be incentives for outdoor dining, specifically with regard to the requirements of replacing landscaping and providing additional parking because of increased seating capacity without additional parking. He believed that in many instances there isn't an increase in the establishment's seating capacity and diners are simply moving outside. Members agreed to address outdoor dining at another meeting. Tom Bakaly pointed out that adoption of the Ordinance will increase the membership of the Historic Preservation Board from five to seven members. Kirsten Whetstone noted that violations of the LMC have been changed from a Class B Misdemeanor to a Class C.

With no further questions from Council members, the Mayor opened the public hearing. There was no public input and the Mayor requested a motion. Jim Hier, "I move we approve the Ordinance amending the Land Management Code as outlined in the staff report". Roger Harlan seconded. Motion unanimously approved.

2. Ordinance amending the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive including properties fronting the east side of Bonanza Drive) – There was a request to hear public input from Craig Elliott to make comments now because he could not attend the who can not be in attendance for the public hearing and the Mayor invited him to speak.

Craig Elliott, architect and resident, pointed out that on many City issues, the family perspective is often missed because parents are busy with their kids and can't attend meetings. This area is Park City's general commercial district; it's not Main Street and would not compete with Main Street. It is a living, daily shopping and service area. There is an opportunity now to change the look of the area, and he pointed out discussed the number of pre-fabricated metal buildings. He supported the residential component which may provide first-time home ownership opportunities for some citizen residents. With regard to the debate on height limits, he encouraged that General Plan amendments not specify a height limit; height should be broadly described as *four stories* in the General Plan and detailed provided for in the LMC.

Kirsten Whetstone stated that this discussion is a continuation of the October 12 work session. She asked for direction on transportation, maximum MPD height, open space, ratio of national and local business mix, and encouraging green building. She recommended discussed remanding the Ordinance to the Planning Commission to finalize its recommendation the draft before adoption by the City Council, and Joe Kernan expressed his support. The Mayor opened the public hearing.

Sara Henry, Board member of NOMA and business owner, stated that she is not a property owner but a tenant at Rail-Central and who is very excited about revitalizing

the area. She believes the District provides vital services and shopping for locals and doesn't detract away from Main Street which offers a different experience. They compliment each other and so. She relayed that she agrees with Mr. Elliott's comments.

Carol Potter, Mountain Trails Foundation, stated that the Foundation never renders a formal position on development, but certainly support trails, pathways, connections, etc. There seems to be a lot in the plan to achieve a walk-able area. She is excited about the variety of ideas generated that came from the walk-able communities audit and urged exploring more trail connections and open space.

Terry Frank, owner of No Place Like Home and NOMA Board Member, stated that he has been in the District for tenant for 16 years and would not consider moving his business anywhere else, even Main Street. He looks forward to redevelopment in the area and agreed with Mr. Elliott's comments. The height should be viewed more as four stories until actual building designs are submitted available for review and he believed consideration for more density is appropriate if additional amenities, like open space, are offered is provided. In response to a question from Marianne Cone, he relayed that his store is over 6,200 square feet including with a basement used for storage. Mayor Williams thanked Mr. Frank for his commitment to the community. In response to another questions. Mr. Frank believed felt that most of his customers are clients seem to be local and second home owners and , and mentioned that the demographics are changing with residents moving to Heber and Midway.

Jenny Smith, NOMA Board Member and employee of Park City Mountain Resort, a property owner, expressed her excitement about redeveloping the area. PCMC is contemplating hoping to replace its metal prefabricated building with employee housing. She's supportive of the focus on walk-ability, and emphasized the importance of providing but urged studying a safe pedestrian crossingway across on Bonanza Drive.

Patricia Stokes, Sun Creek Condominium resident, asked Council to be mindful of keep in mind potential impacts to concerns of Prospector residents. Traffic will increase with density which will impact existing residents; and more density also affects pedestrians. The height requirement should be defined in the General Plan so that citizens can rely on zoning. and so She felt these changes will diminish affect property values , especially if views are blocked. Ms. Stokes stated that she purchased She bought her property trusting the existing zoning and platting. Mayor Williams pointed out that the parking lot adjacent to the Sun Creek Condominium has the potential of being developed and is not part of this General Plan element area.

Tom Fey, Park Meadows resident, suggested that there be absolute limits on height so that it can be clearly interpreted and applied by the Planning Commission. He warned against granting additional density and height for affordable housing but supports the setback component. Parking and traffic studies should be conducted at peak times. Mr. Fey agreed with encouraging incubator businesses, but indicated the difficulty in

differentiating between national names that are locally owned versus national names that are nationally owned. This is a spurious issue and building mass and height are much more important. He felt that it is important to acknowledge the need to know if public testimony is from people directly involved in the District.

Mary Wintzer, 320 McHenry and part-owner of Wintzer-Wolf Properties (Iron Horse properties), expressed that redevelopment in the District is exciting and the traffic study should be the first element that should be addressed. She stated that she participated in the walk-ability audit where simple ideas like crosswalks might be an inexpensive experiment and may provide useful additional information for the traffic study. She noted that the Planning Commission's recommendation was based on a 45 foot height limit and other criteria and she encouraged Council members to look at the area and try to visualize taller structures.

Rhonda Sedaris, Prospector Square business owner, expressed her opposition to consideration of additional height and emphasized the importance of providing adequate parking. Make sure there is enough parking.

Mark Fisher, Centura Development Company, urged Council members to please keep the dream alive. It is a ten year plan.

Julie Bertagnole, resident, detailed expressed concerns about existing traffic challenges on Bonanza Drive which should be solved first before redevelopment occurs; . There shouldn't be building height should be limited to over 45 feet.

Dotty Small, resident, supports the revitalization of NOMA. Main Street offers a unique product geared toward visitors. Residents should have needed options for shopping for day to day shopping needs and vital services. dining.

Rodman Jordan, Centura Development, stated that bringing the neighborhood together has been a great experience. Centura is not looking for more density than the zoning allows and limiting height may compromise good architecture and the provision of open space areas. It has not been a practice to identify heights in the General Plan. Heights should be identified in the LM; heights are described in the LMCC.

The Mayor spoke about tenant mix, and felt the Planning Commission should explore the proposed national and local ratio. There needs to be more discussion on a number of issues and suggested that it be remanded to the Planning Commission. Candace Erickson believes the General Plan should be broad but suggested adding a requirement for an applicant to that applications include provide a view corridor illustration for review during the MPD process. She suggested that the maximum square footage recommended at 10,000 square feet for a business should also be re-examined. Roger Harlan expressed that he believes traffic is his main concern, which still needs to be adequately addressed. Joe Kernan encouraged focusing on the vision in the General Plan, rather than defining height setting limits, and remanding this to the and

agreed that it should be remanded to the Planning Commission. Jim Hier agreed with Ms. Erickson's comments regarding protection of and the view corridors should be defined. The Mayor reiterated his position comments from last week's work session on not requiring a formal LEEDS certified program, which is a very expensive process. As a practical matter, favorable consideration should be given to projects m for credit when as long as a green building is accomplished.

Joe Kernan, "I move to continue the Ordinance amending the General Plan to a date uncertain". Candy Erickson seconded. Motion unanimously carried.

3. Amendment to the Flagstaff Mountain (Empire Pass) Development Agreement with consideration of annexation of PCMR ski lease lands – The Mayor opened the public hearing.

Bob Wells, Deer Valley Resort, stated that he supports the Planning Commission's recommendation to annex. Having a Montage Hotel adjacent to Deer Valley Resort is a benefit because it and supports our tourism base. He pointed out that full service hotels like the Radisson, Yarrow, and Marriott initially failed but the Montage has the distinction of being is adequately subsidized and creates a unique , creating an opportunity for the community. The development of condominiums is critical to the project and requires a significant commitment from Talisker. He referred to Mr. Kernan's numbers from last week on the gondola component, and believes they multiply into subsidization as well. The recommendation from the Planning Commission is fair.

Bob Weaton, Deer Valley Resort, relayed that he has been being involved oin this project for three plus years and , is thoroughly convinced that Deer Valley needs this project to compete on an international basis. The Montage fills a void for a product guests are requesting. The plan on the table is far superior to what was previously presented which was *condominium sprawl*. He is extremely impressed with Talisker'sDeer Valley's openness in considering input from and working with working relationship with Deer Valley ResortTalisker, specifically openness to input, which is unique. The features of this plan including Oopen space, annexation, reduction of development in key areas, off site event parking, etc. are key benefits to the City and the process has been going on for a long time. He urged Council to favorably consider the proposal and to remand it to the Planning Commission for final review.

With no further comments from the audience, Mayor Williams invited comments from Council members. Candace Erickson acknowledged that theis review processproject has gone on for a long taken some time, but Talisker the developer subsequently has not lived up to the original Development Agreement. More specifically, she explained that her issue is that any additional density would be removed fromcome off Bonanza Flats which was the City's positionstance for the first six months of negotiations but not agreed to by Taliskerreview. She referred to theThe alternative was a conservation easement, which was not acceptable to PCMC which also resulted in delays. Ms. EricksonShe asked what this is worth to Talisker, because the bottom line is moving

density and associated traffic impacts from to Old Town. Ms. Erickson noted that staff is still recommending that *any density transfer come from Bonanza Flats*, which she still strongly supports. She is also tired of this project coming back week after week. Joe Kernan relayed that he is not concerned about whether there is a conservation easement or deed restriction to protect open space properties. PCMC is not a nature preserve but a ski area and the issue is the density transfer. He asked if the density reduction is an adequate benefit when compared to the existing original agreement and the \$2 million for the gondola and/or the transportation plan for Old Town. If there is consensus park and ride is considered adequate among other Council members for the park and ride, he could support it.

Jim Hier felt there are opportunities to preserve the open space in perpetuity by incorporating additional language in the deed restriction that a conservation easement will be applied on the property at the conclusion of PCMR's lease. A park and ride at the outskirts of town is probably a one-time opportunity and is worth consideration for the 14 to 15 units. He personally felt that the City should move forward but would like to see the parking project fully bonded, in the event of non-performance, and phasing for the completion of its the construction. He requested rationale supporting the request to increase the size of the Montage restaurant from 7,000 to 10,000 square feet. Discussion ensued regarding the calculation of commercial square footage. Council member Hier requested that a final agreement return to Council for approval review. Roger Harlan agreed with Mr. Wells' comments about failed hotels in town. He didn't understand Talisker's unwillingness to transfer density from Bonanza Flats for the additional units. He questioned the potential effectiveness of the proposed park and ride facility and suggested that the parking element project be downsized and the remaining funds be placed in trust for future community projects that might arise. He acknowledged that a conservation easement does not appear to be feasible and Mr. Hier's suggestion might work. Jim Hier added that it's likely that the lion's share of our employee base will be generated out of town and it's critical to have a location secured to address the problem.

Marianne Cone believed the original Development Agreement addressed transit with a construction mitigation plan and shuttles and . She adamantly felt that the density should come off Bonanza Flats. She or from anywhere. She questioned what the conservation easement will preserve that isn't addressed in the 45 year lease, perhaps the Silver King Mine site and there will probably be development visible from Daly Avenue. Brooks Robinson explained that there aren't any platted lots left on Daly Avenue. Ms. Cone clarified her concern to be property above Daly on the west side of Empire Canyon. Mr. Robinson responded that there isn't much development contemplated in the area, except a proposal in Woodside Gulch for nine units. There are and below the water tank there are two other metes and bounds parcels above the water tank which are, not owned by the mining company. There was discussion about protecting the Silver Mine site by omitting 60 units. She felt that a deed restriction is not as desirable as a conservation easement, and prefers to look at the protections provided in the lease. No one really knows if the 192 unit Montage will be a success

and she supports the original plan; the density should come from Bonanza and Empire Canyon, especially in consideration of potential traffic impacts to Old Town. and not taken from an area which will adversely affect traffic.

Mayor Williams expressed his disappointment in general about developers not meeting their obligations about non-performance on development agreements and that t and requesting modifications to development agreements. The conservation easement was always contemplated and the . The couple of hundreds acres that are not included in are not addressed in the lease should be placed in a conservation easement because it is not affected by the lease. He is disappointed that Talisker is not amenable to moving taking density from off of Bonanza or The Colony; he is not against the but felt the Montage Hotel will be and feels it is a benefit to Park City. He disagreed with Council member Harlan about the park and ride and felt it can be effective work. The traffic issues on SR248 stems from the inability of the School District to work cooperatively toward solutions. He can live with a deed restriction if it is converted to a conservation easement at the conclusion of the lease and but cannot give up believes the park and ride, mass transportation and /or affordable housing units benefit Park City. .

Jim Hier understood direction the process to be to redefine the Development Agreement, create the Annexation Agreement, and modify the MPD. Brooke Robinson acknowledged that the general parameters seem agreeable to Council members Hier, Kernan and Harlan. Comments on the lease about the conversion to a conservation easements seems unanimously supported.

In response to a question from Ms. Erickson, Jenny Smith of PCMR, relayed that the resort has the first right of refusal on the sale of the property and are optimistic about a lease extension. Ms. Smith stated that PCMR *feels stuck in the middle* and the deed restriction is a fair and reasonable compromise which will still adequately protect the land from development and still allow them to operate their business to the best of their ability. PCMR is comfortable with the City overseeing the deed restriction and there probably will be changes in the next 45 years are inevitable. The City and the resort are successful partners and in order to sustain the relationship, there needs to be some flexibility. The Montage Hotel may be a need of Deer Valley Resort, but PCMC has needs as well. The increase in costs with annexation relate to franchise and municipal taxes, which have not been addressed in discussions. This equates to about \$25,000 annually and another \$10,000 for business licensing. She added that there are and higher permitting fees in the City compared to the County. She asked that PCMR be treated fairly, which has not happened. Candace Erickson raised a scenario where the pointed out concerns that a conservation easement may diminish the the perceived value of PCMR in the event of a future sale. and David Smith, attorney for Talisker, responded. The draft of the conservation easement was intensely focused on accommodating PCMR's growth and operations. The conversion to a conservation easement will still maintain those operational accommodations and with PCMR's concurrence a clause has been added to the deed restriction that provides that upon

termination of the PCMR lease, the deed restriction transfers from the City to a qualified conservation group. Joe Kernan stated that he doesn't want to require a conservation easement now which may compromise the ability of future councils and PCMR to make the best decision about conservation and resort operations in 45 years. Mr. Smith felt that flexibility is written in the deed restriction.

Mayor Williams addressed the proposed administrative approval process for PCMR for projects up to 5,000 square feet. Mr. Hier believed this has been negotiated with PCMR and B. Brooks Robinson noted that there will be a public hearing but not the full CUP process for projects greater than 5,000 square feet. The Mayor emphasized that elected officials are accountable to citizens. Jim Hier advised that these lands are addressed in the Development Agreement, but not within the City limits. If the annexation is approved, it seems logical to pursue an MPD. Tom Bakaly explained that there may be an opportunity to amend the Development Agreement with PCMR where the review process can be revised. The Planning Commission's recommendation on the administrative CUP would include a public hearing and the only difference is that the Planning Commission would not take action. Currently, CUPs are not reviewed by Council and the City Council and members will continue to still maintain the ability to call-up an administrative CUP. This is in response to PCMR's concerns about creating more process.

Marianne Cone asked if a conservation easement can be drafted that won't affect the resort's operations. Jenny Smith referred to concerns about third-party oversight and the authority and Dana Williams felt that the City could be the assigned party holding the conservation easement. Ms. Smith recalled that this was proposed but the City objected and insisted on a third-party holding the easement. Discussion ensued regarding an easement on the Silver King property and David Mr. Smith indicated that Talisker is willing to look at this new idea. Joe Kernan stated that he is not inclined to reimburse PCMC for any additional costs and it's only fair that as an annexed property it pays its fair share. Discussion ensued about Talisker covering increased costs which was not on the table between the two parties. Mayor Williams felt that comparatively speaking, this modification has been reviewed for about a year while Flagstaff took about ten years. Let's not make a decision because the process has taken a long time.

Mandy Scully summarized Talisker's position. She stated that everyone has worked hard toward agreement and felt the deed restriction is a good solution. R The residential development will be eliminated on over 2,028 acres, including the Silver King area and King Road and Talisker will take a look at other suggestions raised tonight the recent suggestion raised. The deed restriction was a result of working with and accommodating PCMR. After the City holds the deed restriction, the property is subject to a conservation easement held by a third party. A couple of lost points is the request by the City that Talisker have PCMR's property be annexed into the City, which has been agreed to by and PCMR have agreed to do. The annexation that, which seemed very important from the City's perspective. The 30 deeded acres deeded at Richardsons Flats for ball fields and parking provides has public benefits with regard to

traffic mitigation and special events. An aThere is the additional 28 affordable units and the Montage Hotel with conference facilities are part of the negotiation; the . The economic benefit of the hotel is conservatively estimated by the City at \$1.3 to \$1.9 million annually.

City Manager Tom Bakaly summarized that a majority of the Council is supportive of the Planning Commission moving ahead with amendments to the Development Agreement which will return to Council for final approval. The majority of members are generally supportive of the deal points recommended by the Planning Commission with further refinements. The parking lot construction should be bonded for and the timing of construction and phasing should be identified beginning with 200 spaces of the total 750 spaces. The difference will be escrowed so that those funds are available in the event of non-performance. There will be consideration of placing a conservation easement given that on Silver King have a conservation easement placed on it and clarification that th of the deed restriction will be replaced with a conservation easement at the end of the lease term. PCMR and Talisker continue to resolve the issue of increased costs as it relates to PCMR's annexation and that there be further review of the administrative approval process and whether it is a part of Talisker's or PCMR's Ddevelopment Aagreement. Jim Hier felt that this is an accurate summation and believed it will be helpful to have a better comprehensive understanding of the agreement. Brooks Robinson discussed the third bullet point under the deed restriction extending up Pine Cone Ridge. Mr. Hier suggested that as a part of the agreement, upon completing the planning process with Summit County that areas deemed to be open space should be placed in a deed restriction or conservation easement. David Smith interjected that currently , Talisker has no intention or ability to develop there but can't pre-agree to that but is willing to follow-up on Mr. Hier's suggestion.

X ADJOURNMENT

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

Prepared by Janet M. Scott



City Council Staff Report

Special Events and
Facilities Department

Author: Max J. Paap, Brian Andersen
Subject: Strike the Motherlode
Date: November 9, 2006
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for Strike the Motherlode Main Master Festival License, as conditioned, on December 2, December 9, and December 16, 2006. Staff recommends Council deny the request to suspend paid parking on Main Street during the event.

Description:

A. Topic:

Review the Master Festival License Application, submitted by the Historic Main Street Business Alliance, for Holidays on Main as conditioned, on December 2, December 9, and December 16, 2006.

B. Background:

Holidays on Main is a multi-phase event that hosts various activities on Main Street to encourage Wasatch front visitors and Park City locals to come celebrate in an "non mall-like" atmosphere and enjoy their holiday shopping. Activities are based upon visiting HMBA member shops and restaurants between December 2 and December 16, 2006 and receiving a chance to win a \$5000.00 in a grand prize drawing at the Town Lift Plaza as Santa arrives at the Plaza.

On December 16, a celebration will include an amplified music concert on the Town Lift Plaza along with food and beverage vendors, prize give-aways and various children's activities. Park City Mountain Resort and HMBA have partnered in organizing this event in previous years and have again agreed to do so.

This application includes a request to suspend paid parking on Main Street from November 23 through December 16, 2006.

C. Analysis:

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions, or deny the applications. The Holidays on Main festival is being reviewed as a Master Festival due to the use of amplified music and the request to suspend paid parking. On December 16th the Holidays on Main activities are proposed to run from 3:00pm until 7:00pm. The amplified performance on the Town Lift has been requested from 4:00pm to 7:00pm.

Amplified Music

The band will perform between 4:00pm and 7:00pm. The location of the stage will be oriented so as to not project the sound towards Park Avenue and the Old Town residential area. The band will perform under a tent, and a Building Permit has been obtained. The addition of the band to the event will not require additional parking or City Services.

Other Main Street Activities

There are many new activities proposed for the Main Street celebration: A non-profit wreath auction, various strolling entertainers, costumed characters on Main Street. A puppet show, Santa's workshop, tree lighting, ice sculptor, and horse drawn sleigh rides near the Summit Watch plaza with a "Jingle Ball" run on Poison Creek trail on December 16th. All of these activities would, at a minimum, result in the closure of Main Street from Heber Avenue to 9th Street at \$12 per space per day to allow for set-up and take-down of the proposed venue space.

Parking

The HMBA requests the suspension of paid parking on Main Street and in the Brew Pub parking lot. The current mix of the approximately 1360 Main Street core parking spaces is 82% free with time limits and 18% metered. The Merchants request would impact 250 parking spaces in the Main Street core.

Based on claims that similar programs increase business in resort communities, Staff polled several resort communities that have paid parking programs to ascertain if any allowances are made for holiday parking. Staff could not find a resort community with a paid parking element that converts it to free parking for the holidays. Some of the communities polled and their respective treatment of metered core parking are shown as follows:

Peer City	Early December Parking Program
Whistler, British Columbia	No program change; paid parking in effect
Truckee, California	New program; plan to have paid parking in effect
Aspen, Colorado	Enforcement increased
Breckenridge, Colorado	No program change; paid parking in effect
Telluride, Colorado	No program change; paid parking in effect

In conjunction with the 2003 implementation of the current parking management program, Council reiterated the breakeven revenue program goal (i.e program revenues equal program expenses). The proposal to make Main Street free parking during the period would cost the program nearly \$30,000 in lost revenue. With this loss, the parking program would not meet the breakeven goal and would require either the General Fund or Transit Fund to finance the deficit.

Since the current program was implemented, the number of program consistency complaints has steadily decreased. Program consistency was a major reason for the 2003 modification to the program.

Last year (2005) City Council agreed to suspend paid parking for the event on a one time basis. Some on Council agreed to suspend paid parking for 2005 due to the shortage of parking related to the parking structure construction which is now complete. Staff received some complaints regarding confusion of restart time of the 2005 program. During the last week of the program (Saturday, December 17, 2005) staff collected license plate data for vehicles parked on Main Street and the Brew Pub lot (the holiday free area). Of those vehicles 18% had been issued one or more prior parking tickets, and 8% had been issued three or more prior tickets.

Staff has the following concerns with this proposal from a parking management perspective:

- Marketing efforts would be required. – For the proposal to be successful, an effective marketing campaign would be necessary. Staff believes the current program has ample free parking at 82%, and this concept can be promoted in any HMBA campaign.
- Main Street parking is difficult to enforce without a pay element. – Due to the proximity of employee vehicles parked on Main Street to drivers, it is difficult to enforce with only time limits due to chalk-wiping and car-shuffling opportunities. The perception within the employee demographic is that these behaviors are acceptable in a timed parking zone. Paid parking is a very effective tool for Main Street in order to accomplish program goals (parking for customers).
- New employees for the winter season would develop bad parking habits. – At a time when education of the new season's employees is occurring, the program would entice parking on Main Street and development of habits inconsistent with a "customer first" parking approach. It is Staff's experience Main Street employers do not know if their employees park in customer spaces; parking regulations are the means to facilitate space reservation for the customer.
- Program consistency is very vital to the root success of the parking management program. – Staff has learned from past experience that program consistency (not on again off again) creates less confusion for users and results in fewer parking system complaints. The program has stabilized and customer service staff receives relatively few complaints since the implementation of the current year-round program.
- Many free parking options are available for customers, locals, and employees. – Staff has received positive feedback since the 2003 program change in regards to locals visiting Main Street. Staff believes this is due to the abundance of options for free parking in close proximity to Main Street. Employees of Main Street also have many parking options during this time of year. Now with the new garage expansion, fully 82% of the public parking resource is without charge.
- Enforcement needs are greater with timed parking. – Deterring employee use of prime customer parking areas requires more parking enforcement labor than

metered parking due to the double check required to begin and end a timed cycle in a timed parking space.

- The Transit fund is dependent upon full year parking revenues to fund the City's parking enforcement program. – The aforementioned revenue impacts from the free holiday parking proposal would be nearly \$30,000 based upon historical collections during said time period. Since the parking program operates as an enterprise fund, general fund revenues may be needed to reimburse any revenue loss from this proposal. Staff has determined that funding from the Parking Garage CIP project budget is not currently available for this purpose.

Staff does not recommend implementation of free holiday parking for an already 82% free City parking program. The current parking program on Main Street, especially with the completion of the parking structure, allows for economic opportunity for merchants while still encouraging employees and customers to take other forms of transportation by charging for parking. Although there was an increase on sales tax revenue in November and December of 2005, this can not be solely attributed to the holiday suspended paid parking program.

Department Review:

This document was reviewed by Public Works; Budget, Debt and Grants; Economic Development and Capital Projects; Special Events; Legal; and Public Safety staff.

Alternatives:

- Approve the Master Festival License, as conditioned by staff on Main on December 2, 9 & 16, 2006 at the Town Lift Plaza and various Main Street locations, and deny the request for suspended paid parking allowing the Holidays on Main from November 23 through December 16, 2006. This is staff's recommendation.
- Approve the Master Festival License, as conditioned by staff, and approve the request for suspended paid parking allowing the Holidays on Main on December 16, 2006 at the Town Lift Plaza.
- Modify the parameters of the event, and approve the Master Festival License, allowing the Holidays on Main on December 16, 2006 at the Town Lift Plaza.
- Deny the Master Festival License, thereby preventing the Holidays on Main on December 17, 2005 at the Town Lift Plaza.
- The City Council may continue the hearing for more information and discussion.

Recommendation:

Review the Master Festival License application, conduct a public hearing, and consider approving the license for the Holidays on Main Master Festival License, December 17, 2005 based on the following:

Findings of Fact::

1. Holidays on Main include indoor activities at various businesses as well as outdoor activities that include, face painting, food and beverage vendors, prizes, and the arrival of Santa from 3:30pm to 6:00pm. An amplified performance will

- occur on the Town Lift Plaza between 3:00pm until 7:00pm. The event will be held on December 16, 2006.
2. The activities scheduled are to attract shoppers to Main Street during the holiday season. Main Street has adequate parking to accommodate the anticipated attendance. The conduct of Holidays on Main will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.
 3. The HMBA will be providing volunteers to man and run the event. No police or other public employees will not be used at the event and there will not be a diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
 4. The crowd associated with Holidays on Main will be using the sidewalks and parking in the Main Street parking areas. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety concerns.
 5. No other Master Festival or Special Event licenses have been issued for December 2, 9 or 16, 2006.
 6. The organizer is providing adequate insurance for the event.
 7. Due to the nature of Holidays on Main, the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
 8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter. The Applicant has not failed to conduct a previously authorized event in accordance with the law or the terms of a license.
 9. Due to revenue breakeven program, requirement to effectively manage the City's parking resource, and parking program consistency, paid parking will remain during this time period.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. All caldrons must be manned during the event. The propane must be removed from the caldrons if they stay in place between events.
2. A-Frame signs associated with the event must allow for 42" of room on the sidewalk for pedestrians. The signs may only be out during the time of the event.
3. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City

Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

6. All signs shall be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code.
7. Any damages to City property shall be the responsibility of the applicant.

Exhibits:

Exhibit A- Applicants Summary of Events

Exhibit B- HMBA Letter

Exhibit A-

**PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i**

A completed electronic copy submitted to the Special Events Department is required.



Special Events and Facilities
Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: Strike the Motherlode 2006

EVENT DATE(S): Saturdays, December 2, December 9, and December 16

EVENT TIME(S): Between the hours of 1 PM - 7 PM

EVENT LOCATION(S): *Please describe in detail the exact location(s)*

Public gathering places along Main Street: Miner's Park, Town Lift, Marriott Plaza Courtyard, Historic Museum and Main Street Mall.

ANTICIPATED ATTENDANCE: 2000 per day

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*

Holiday Celebration featuring: non-profit wreath silent auction (wreaths to be housed in storefront locations), holiday entertainment and activities, carolers, horse drawn carriage in Marriott Plaza courtyard, hayride tractor pull up Main Street, holiday music, holiday shopping drawing.

APPLICANT: *(name of organization)* Historic Main Street Business Alliance (HMBA)

CONTACTS

Event Manager: Anita Wolfe

Mailing Address: PO Box 1348, Park City, UT 84060

Phone: 435-658-9612

Cell Phone: 435-901-0886

Fax: 866-381-4544

E-Mail: hmba@parkcityinfo.com

Assistant Event Manager:

Mailing Address:

Phone:

Fax:

Cell Phone:

E-Mail:

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☐ attraction of large crowds, (Over 500)

☐ street closure,

☒ use of City park, building or property,

☐ use of off-site parking facility,

☒ use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐ causes significant public impacts via disturbance, crowd, traffic/parking,

☐ disruption of the normal routine of the community or affected neighborhood,

☐ necessitates temporary business or liquor licensing

☐ event signs, visible from public property

☐ temporary structures

CITY SERVICES

- request for street closure(s)? ☐yes ☒no
if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☐yes ☒no
if yes, then list lot and closure times and dates:
if yes, complete and attach [Request for Special Use of Public Parking](#) form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
if yes, have you filed a [Beer and Liquor License Application](#) with Park City Finance Department? ☐yes ☐no
if yes, have you filed a [Single Event or Temporary Beer Permit](#) application w/ UDABC? ☐yes ☐no

APPLICATION FEES

All new applications require a \$100 processing fee, all applications for returning events require a \$50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation

Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars (\$2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

Exhibit B-

HISTORIC MAIN STREET BUSINESS ALLIANCE

September 28, 2006

Dear City Council Members,

The HMBA is proceeding on plans for this year's Strike the Motherlode holiday program for Main St. The MFL has been submitted and will be reviewed in one of the upcoming council meetings. We wish to thank you for your support last year, by providing the FREE parking during the program period. This was a big hit!

We are pleased to report that the Restaurant Tax Grant Committee granted us our full funding request for advertising this event to the Wasatch front. Additionally, we have partnered with the Chamber/Bureau to bring back the holiday entertainment/activity elements in full force. This year should prove to be the best ever as all the "kinks" have been worked out during the initial launch years and it is gaining fast recognition among locals, the Wasatch front, and the media.

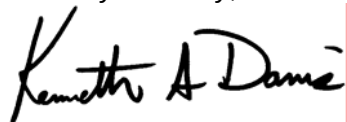
Our questionnaire to membership at the conclusion of the 2005 event showed an average 10% increase in sales for the program period, compared to the previous year, despite the Hwy 80 closures and parking garage construction. This year, we anticipate even higher numbers and an opportunity to garner corporate sponsorships for the event as we move forward.

This year we will also give back to the community by hosting a wreath auction fundraiser for local non-profit organizations. Businesses will partner with non-profits to decorate a wreath that will be displayed in their storefronts and be auctioned to the highest bidder.

This will be the banner year for Strike the Motherlode and we would like to request the city to partner with us again this year by offering free parking on Main Street during the program period, November 23 - December 16. We all know that this is a bleak time of year for Main Street businesses. We need to do everything possible to welcome visitors to the area at this time. If we are to effectively compete with the shopping districts in Salt Lake and Kimball Junction, which offer free holiday parking, this is a necessity. The feedback from shoppers and business owners was unanimous -- we all wish for this benefit to be offered again this year.

Please consider this request for free parking on Main St. during the holiday period from November 23 - December 16.

Thank you kindly,



Ken Davis
President, HMBACC: Max Paap, Mayor Dana Williams

City Council Staff Report



Author: Robin Hutcheson, Senior Planner
Subject: Mine Cart Condominium Plat
Date: November 9, 2006
Type of Item: Legislative – Condominium Conversion

**PLANNING
DEPARTMENT**

Summary Recommendations

Staff recommends City Council hold a public hearing for the Mine Cart Condominium Plat and approve the request based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Arman Hedayat represented by Scott Smith
Location: 553 Deer Valley Loop Road
Zoning: Residential Medium Density (RM)
Adjacent Land Uses: Single family residential and condominiums
Reason for Review: Condominium conversions require Planning Commission review and City Council approval

Background

On October 25, 2006 the Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the City Council for the Mine Cart Condominiums. No public comment was made during the public hearing.

On September 22, 2006 the City received a complete application for the Mine Cart Condominium conversion at 553 Deer Valley Loop Road, in the RM zoning district.

Subject property is currently a metes and bounds parcel. The approval of this record of survey will create a lot of record that will allow construction.

The proposal is for two condominiums in a duplex configuration to be constructed on a vacant parcel of 7,933.82 square feet. The applicant wishes to create a condominium for the ability to sell each unit separately. The entire parcel is part of the condominium project. Area tabulations for each unit, including common area, limited common area and private area, are shown in the table below.

	Unit A	Unit B	TOTAL
Private Area	4,324.05 s.f.	4,327.30 s.f.	8,651.35 s.f.
Limited Common Area	439.89	437.22	877.11
Common Area			3947.52

Analysis

The project complies with all requirements of the Land Management Code, RM District, parking and design guidelines. A duplex is an allowed use in the RM zone. As per the table below, the project meets all setback, height, and parking requirements.

	Permitted	Proposed
Height	28' (+5' for pitched roof)	Max. 33'
Front setback	15'	15'
Rear setback	10'	10'
Side setbacks	5' min	5'
Lot size	3,750 min. square feet	7,933.82 square feet
Footprint	N/A	N/A
Parking	2 per unit	2 enclosed in a garage per unit

Staff finds good cause for this condominium conversion because the proposal is consistent with surrounding land use patterns and complies with the requirements set forth in the Land Management Code.

Department Review

On September 12th, 2006 this project was discussed at an interdepartmental review meeting. Any issues arising from this meeting have been sufficiently addressed.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 10, 2006.

Public Input

No public input has been received at the time of this report.

Alternatives

- City Council may approve the Mine Cart Condominium Conversion as conditioned or amended, or
- City Council may deny the Mine Cart Condominium Conversion and direct staff to make Findings for this decision, or
- City Council may continue the discussion on the Mine Cart Condominium Conversion.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

If the duplex were not constructed as condominiums the two units could not be separately sold.

Recommendation

Staff recommends the City Council hold a public hearing for Mine Cart Condominium Conversion and approve the Ordinance for the Mine Cart Condominiums based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING THE MINE CART CONDOMINIUM LOCATED AT 553 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 553 Deer Valley Loop Road have petitioned the City Council for approval of the Mine Cart Condominium Conversion; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Mine Cart Condominium Conversion and forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 9, 2006, the City Council approved Mine Cart Condominium Conversion; and

WHEREAS the condominium conversion will allow the sale of each unit separately.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Mine Cart Condominium Conversion as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 553 Deer Valley Loop Road.
2. The zoning is Residential Medium Density Development (RM).
3. A duplex is an allowed use in the RM zone.
4. The proposed lot is 7,933.82 square feet in size.
5. The maximum height of the structure is 33'. Typical height is 28'.
6. The front setback is 15', rear setback 10', and side setbacks 5'.
7. Each unit provides two parking spaces, all of which are off-street.
8. Unit A consists of 4,324.05 square feet of private space, and 439.89 square feet of limited common area.
9. Unit B consists of 4,327.30 square feet of private space, and 437.22 square feet of limited common area.
10. Shared common area consists of 3,947.52 square feet of space.
11. A trench for sewer will eliminate the existing retaining wall.

12. The Planning Commission forwarded a positive recommendation for the Mine Cart Condominiums on October 25, 2006.

Conclusions of Law:

1. There is good cause for this Condominium Record of Survey.
2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Record of Survey.
4. Approval of the Condominium Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Condominium Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All standard project conditions will apply as noted in Exhibit B.
4. A single master water meter must be supplied for both units as well as the common landscaping.
5. Final Certificate of Occupancy is conditioned upon Engineering/Building Department approval of the new retaining wall.
6. Covenants, Conditions, and Restrictions (CC&R's) must be amended to include a tie-breaking mechanism.
7. The applicant must consult the Building Department for building sprinkler requirements. Building Department approval of a fire sprinkler plan is required.

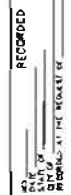
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

Exhibits

Exhibit A – Record of Survey plat

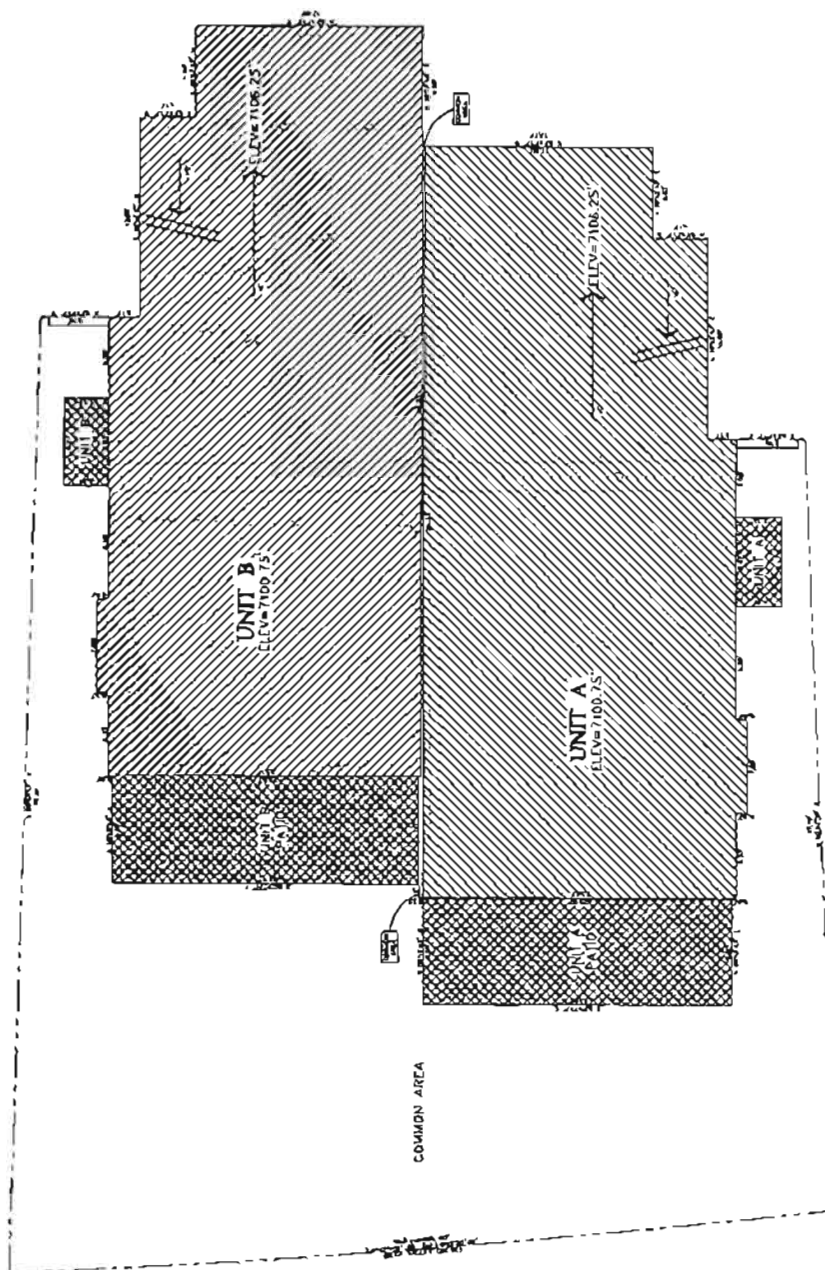
Exhibit B – Standard Project Conditions

68





GRAPHIC SCALE



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UPPER LEVEL - UNIT A	
PRIVATE AREA -	1,244.50 SF
LIMITED COMMON AREA -	208.71 SF

UPPER LEVEL - UNIT B	
PRIVATE AREA -	1,244.50 SF
LIMITED COMMON AREA -	208.71 SF

UPPER LEVEL -	
COMMON AREA -	1,629.98 SF

RECORDED

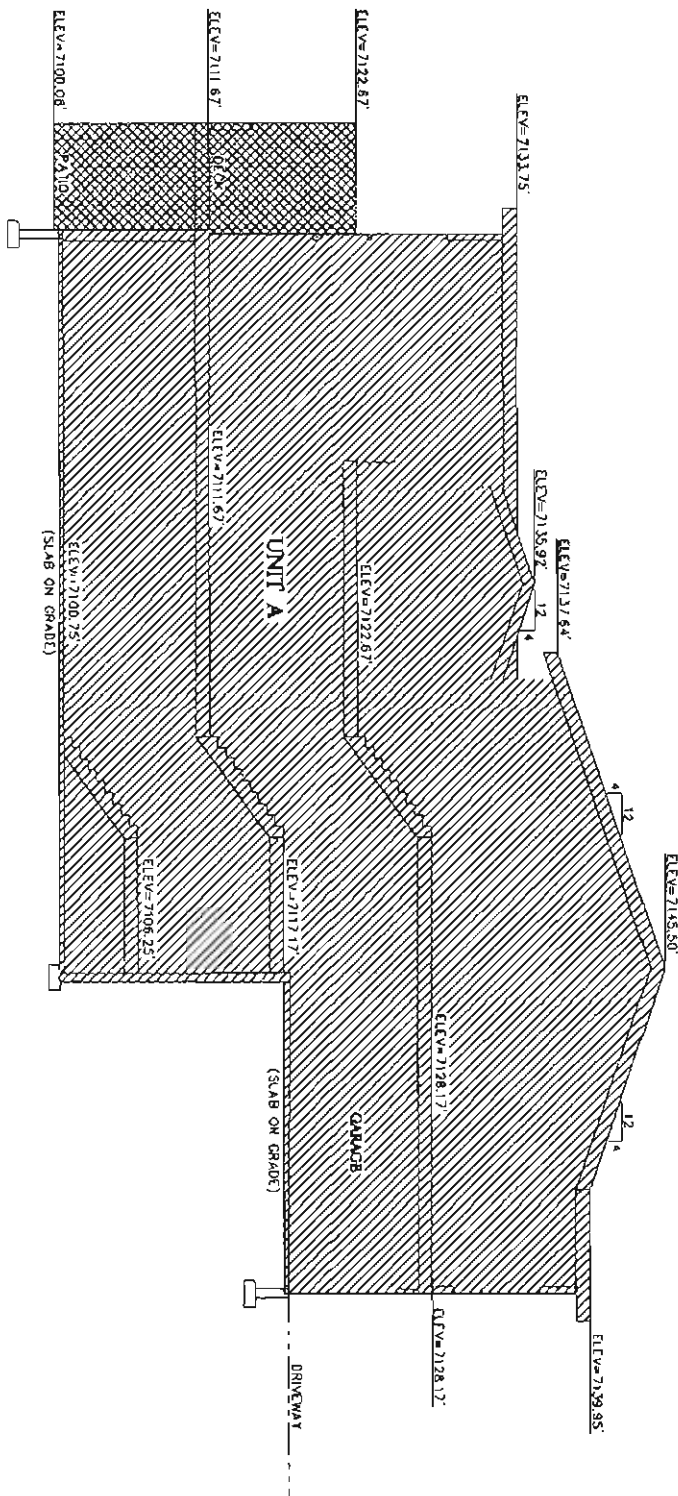
DATE OF RECORDING

BOOK

PAGE



REC'D
DATE _____
BY _____
OFFICE _____
TIME _____



BUILDING SECTION A-I
 SCALE 1" = 8'

HATCHING LEGEND

- CONCRETE WALL
- UNITED CONCRETE
- BRICK AREA

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT: _____
 SHEET: _____

CITY COUNCIL

Staff Report



Author: Ray Milliner
Subject: 1243 Empire Avenue
Date: November 9, 2006
Type of Item: Administrative

PLANNING DEPARTMENT

SUMMARY: Staff requests that the City Council review the proposed record of survey application for the Residences at Kings Crown Condominiums, conduct a public hearing and approve it according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: The Residences at King's Crown Condominium Plat
Applicant: Legacy Development Group LLC
Representative: Todd Mather
Location: 1243 Empire Avenue
Zone: Recreation Commercial (RC)

BACKGROUND

On May 10, 2006 the applicant submitted a Record of Survey Plat amendment application for a 3 unit condominium project for the Residences at King's Crown Condominiums. The property has frontage on both Empire and Lowell Avenues and is in the Recreation Commercial (RC) zone. The property is a 50' x 150' foot lot, or the equivalent of 4 old town lots, for a total of 7,500 square feet. The lot was previously included in the Walk to Slopes Phase II Subdivision.

On July 14, 2005, the City approved a building permit for the triplex structure. Triplexes are Allowed Uses in the RC District. Vertical construction began directly after the building permit was issued in July 2005. The project is still currently under construction. The property is located on a steep hillside between Lowell and Empire Avenues. The Sweetwater Condominiums are located directly to the north of the project site. Excavation of the footing for the Lowell Avenue unit caused a partial collapse of the embankment fill for Lowell Avenue, which the owner has now adequately repaired.

The purpose of a condominium record of survey plat is to identify private, limited common and common areas within the project. Recordation of a record of survey plat enables the owner to sell individual condominium units. This record of survey plat identifies 3 residential units.

ANALYSIS

The purpose of the application is to condominiumize the property to allow the owner to sell the units individually. There is good cause for the application as the plat will delineate ownership of each unit and allow the sale of each according to the

requirements of state law. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code. As set forth in the LMC subdivision regulations, Section 15-

The property is zoned Recreation Commercial, and is subject to the Chapter 15-2.16 of the Land Management Code. The proposed condominium plat is consistent with the requirements of the zoning district. The record of survey plat is for the entire project. The property has frontage on both Empire and Lowell Avenues, with access for two units from Empire and the other from Lowell. All conditions of approval from the July 14, 2005 building permit continue to apply.

DEPARTMENT REVIEW

This request was discussed at a Staff Review Meeting on June 11, 2006, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

ALTERNATIVES

1. The City Council may approve the Record of Survey Plat for the Residences at King's Crown Condominiums as conditioned, or
2. The City Council may deny the Record of Survey Plat for the Residences at King's Crown Condominiums and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Record of Survey Plat for the Residences at King's Crown Condominiums.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this application.

NOTICE

The property was posted and notice was mailed to property owners within 300 feet on September 20, 2006. Legal notice was also put in the Park Record.

RECOMMENDATION

Staff requests that the City Council review the proposed record of survey application for the Residences at Kings Crown Condominiums, conduct a public hearing and approve it according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Record of Survey plat

Ordinance No. 06-

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE
RESIDENCES AT KINGS CROWN CONDOMINIUMS, LOCATED AT 1243 EMPIRE
AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Residences at Kings Crown Condominiums, has petitioned the City Council for approval of the record of 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 25, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on November 9, 2006 the City Council held a public hearing on the proposed amended record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an 3 unit condominium project; and

WHEREAS, it is in the best interest of Park City Utah to approve 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. The following are also adopted by City Council as findings of fact:

1. The subject property is located at 1243 Empire Avenue within the Recreation Commercial (RC) Zone.
2. A building permit application for a triplex structure on the property was received by the City on May 6, 2005.
3. Triplex structures are allowed uses in the RC Zone.
4. The applicant is proposing a 3 unit development on a parcel 50' wide and 150' deep.
5. The entire site is approximately 7,500 square feet in size.
6. The location and design of the proposed structures is consistent with the approved administrative building permit.
7. No additional units are created by this record of survey amendment.
8. The applicant stipulates to the conditions of approval.

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

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions from the July 14, 2005 building permit continue to apply.

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

PASSED AND ADOPTED this 9th day of November 2006.



GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (M.D.P.W.) SPECIFICATIONS AND THE LATEST EDITIONS OF THE INTERNATIONAL ASSOCIATION OF BRIDGE ENGINEERS (I.A.B.E.) SPECIFICATIONS.

LEGEND

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (M.D.P.W.) SPECIFICATIONS AND THE LATEST EDITIONS OF THE INTERNATIONAL ASSOCIATION OF BRIDGE ENGINEERS (I.A.B.E.) SPECIFICATIONS.

ELLIOTT-MARONEY

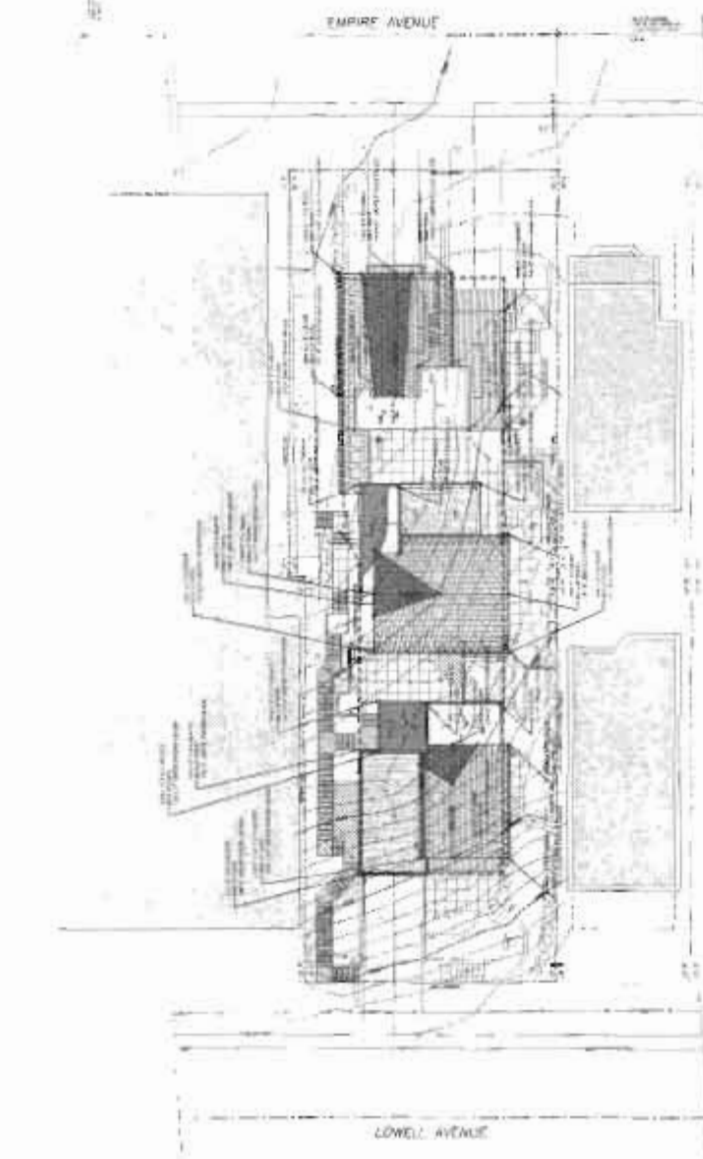
ARCHITECTS
1000 STATE STREET
FLOOR 10
BOSTON, MASSACHUSETTS 02118
TEL: 617.552.1000
FAX: 617.552.1001
WWW.ELLIOTT-MARONEY.COM

**Legacy Dev. Group LLC
The Residences at
KING'S CROWN**

1000 STATE STREET
FLOOR 10
BOSTON, MASSACHUSETTS 02118
TEL: 617.552.1000
FAX: 617.552.1001
WWW.ELLIOTT-MARONEY.COM

A-000

MAY 10 2006



HY PERMIT/1000 SITE PLAN

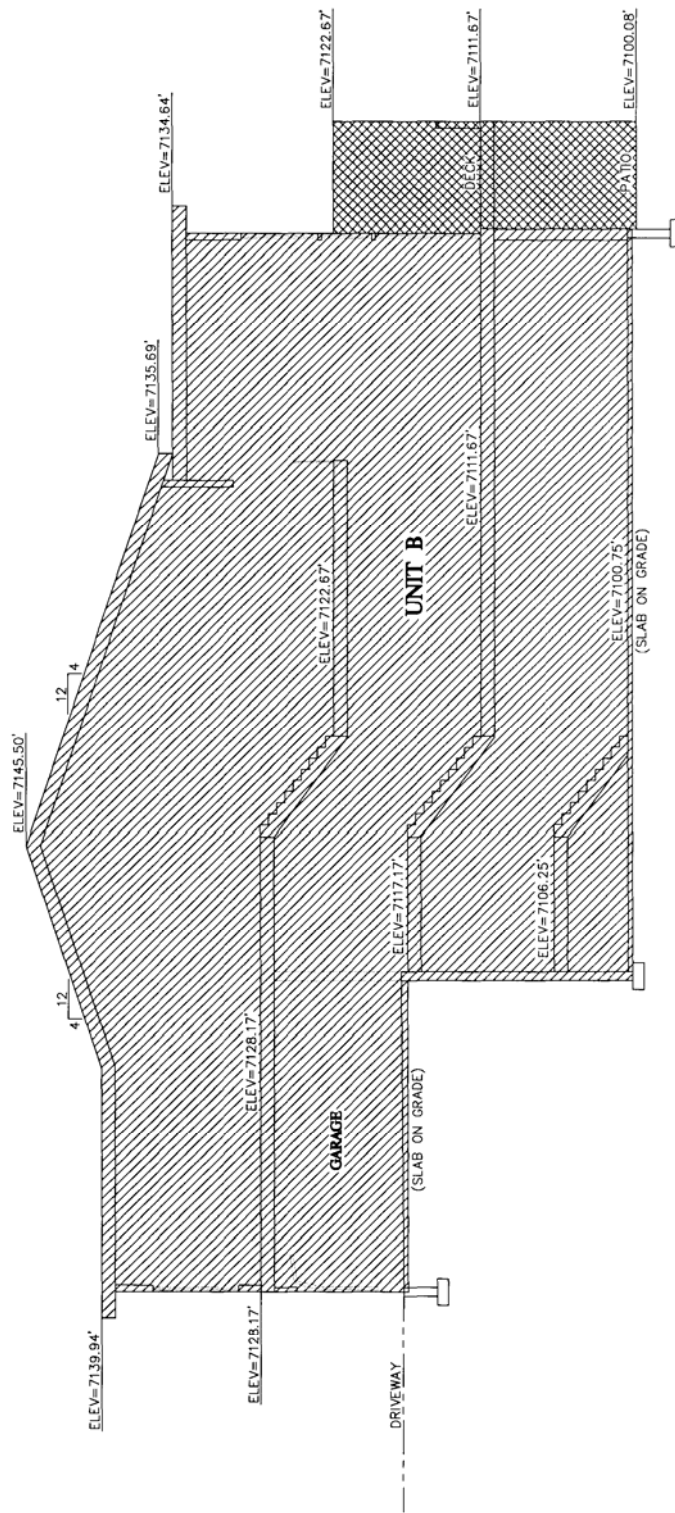
SCALE 1/8" = 1'-0"

DATE: 05/10/06

BY: [Signature]

FOR: [Signature]



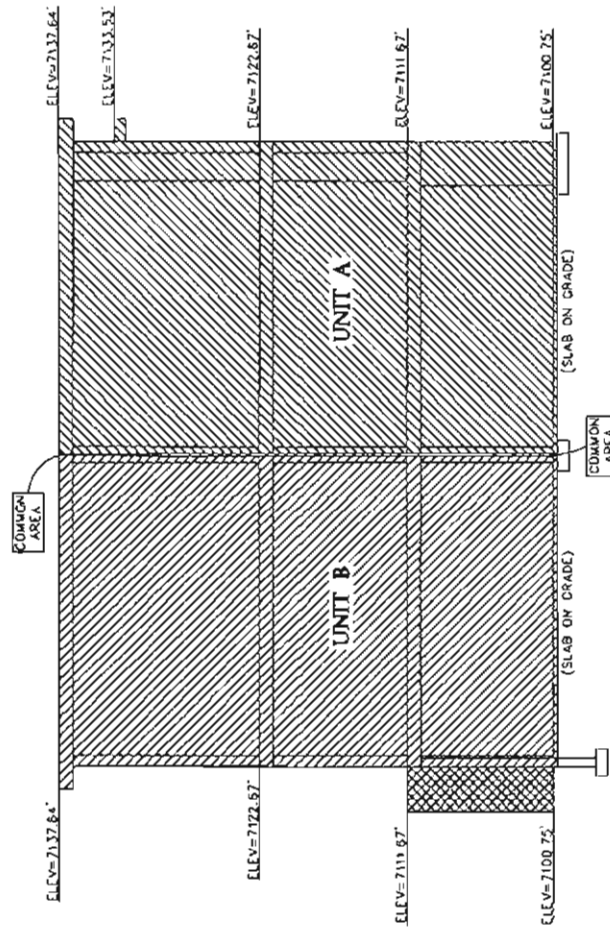


HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

BUILDING SECTION B-1
SCALE: 1" = 4'

NO.	RECORDED
DATE	
CITY	
RECORDED AT THE REQUEST OF	
FILE	CITY RECORDS



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

BUILDING SECTION A-B SCALE 1" = 4'

RECORDED

DATE OF RECORDING

BY

RECORDED AT THE REQUEST OF

FILE

CITY RECORDS

Exhibit B
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

City Council Staff Report



Author: Jonathan Weidenhamer
Subject: Amendment to Record of Survey – Crescent Ridge
Condominiums
Date: November 9, 2006
Type of Item: Legislative

PLANNING DEPARTMENT

Summary Recommendations:

Staff recommends that the City Council review the proposed record of survey amendment, conduct a public hearing and approve the application.

Topic:

Applicant:	Crescent Ridge Condominiums Homeowners Association
Applicant's Representative	Rick DesVaux, Dick Knight
Project Address:	1379 – 1549 Crescent Road
Zoning:	Residential Development (RD)
Adjacent Land Uses	residential condos (3 Kings, Payday, Silver Star)

Background:

The Planning Commission reviewed this item at the October 25, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

On September 18, 2006 the City received a completed application for the Crescent Ridge Condominium Second Amended Record of Survey. The property is located between 1379 – 1549 Crescent Road in the Residential Development (RD) zoning district.

Since the inception of the project in 1972, a number of unit owners in the Crescent Ridge Condominiums have made alterations to their units by converting common and limited common areas under roof overhangs and decks into private unit space. Staff has prohibited any further conversions to private ownership of these common areas without first amending the record of survey as required by the Utah Condominium Ownership Act.

At this time, the applicant proposes modifications to the existing condominium record of survey to bring into compliance existing and any future privatization of these common areas (Exhibit A). Through this amendment, these areas, if not already converted, can be subsequently enclosed at the discretion of the individual owner subject to HOA approval.

Analysis:

There are 5 types of buildings and 60 individual units. The typical unit sizes range from 1,283 sf, to 1,743 sf. The proposed additions range from 116 sf – 561 sf. The largest unit size after conversion will not exceed 1953 sf.

Unit Type	Unit Size	Convertible area	Total SF
A - Upper	1290	199	1489
A - Lower	1337	561	1898
C – Upper	1743	210	1953
C - Lower	1283	250	1533
D – Upper	1185	116	1301

The LMC parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 sf requires two parking spaces per dwelling. The total number of spaces required for these 60 units is 120 spaces. There are 60 available one car garage spaces on site. The HOA asserts that each garage has a tandem space in front of it, meeting the total required number of 120. In some cases the tandem spaces are located within the Crescent Road right-of-way (55' wide). This has been the case since the inception of the project in the early 1970's. At this time the City has no plans to expand the existing pavement width beyond the current 30'. Additionally, we have no complaints on file regarding this situation. The only neighborhood parking concerns that staff is aware of relates to people parking on the street to use the Spiro Trail or to access the Eagle ski lift at Park City Mountain Resort. Adding the convertible space to each unit does not result in a unit size in excess of 2,500 sf and therefore does not trigger the need for additional parking.

The condominium association has submitted to the City amended CC&R's. These updated CC&R's describe and allow conversion of these common areas. The HOA has also provided confirmation of a homeowners' vote exceeding 2/3 majority to support this application. In all cases, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.

Staff finds good cause for this record of survey amendment as building permits for these alterations were issued until the late 1990's, and this amendment will address the non-complying buildings and allow them to be consistent with an updated record of survey.

Department Review:

This project has gone through an interdepartmental review team. There are no outstanding issues. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Crescent Ridge Condominiums Second Amended Record of Survey as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City Council for Crescent Ridge Condominiums Second Amended Record of Survey and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Record of Survey.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

Many unit owners will have modifications to their condominium units that are not consistent with their existing Record of Survey or the State Condominium Code. Other unit owners would be prohibited from making the same modifications.

Recommendation

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY
MAP FOR THE CRESCENT RIDGE CONDOMINIUMS.**

WHEREAS, the home owners association of the Crescent Ridge Condominiums has petitioned the City Council for approval of an amended record of 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 25, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

WHEREAS, on November 9, 2006 the City Council held a public hearing to receive public input on the proposed record of survey amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner reconfigure existing common areas into private area; and

WHEREAS, evidence of a ballot representing 66.6 percent of the ownership of the project desire to amend the record of survey; and

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Crescent Ridge Condominiums Second Amended Record of Survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Since the inception of the Crescent Ridge Condominiums in 1972, a number of unit owners have made alterations to their units by converting common areas under roof overhangs and decks into private unit space.
2. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow them.
3. At this time, the applicant proposes modifications to the existing condominium record of survey to bring into compliance existing and any future privatization of these common areas.
4. Through this amendment to the record of survey, these areas, if not already converted, can be subsequently enclosed at the discretion of the individual owner subject to HOA approval.
5. The members of the Homeowners Association received a vote of 66.66% or more for approval of the amendment. A record of the individual ballots confirming this vote has been received by the Planning Department.
6. There are 5 types of buildings and 60 individual units. The typical unit sizes range from 1283 sf, to 1743 s.f. The proposed additions range from 116 sf – 561 sf. The

- largest unit size after conversion will not exceed 1953 sf.
7. Type A Upper units are currently 1290 sf. This proposal allows conversion of an additional 199 sf of common area to be privatized for a total of 1489. Type A Lower units are currently 1339 sf. This proposal allows conversion of an additional 561 sf of common area to be privatized for a total of 1898. Type C Upper units are currently 1743 sf. This proposal allows conversion of an additional 210 sf of common area to be privatized for a total of 1953. Type C Lower units are currently 1283 sf. This proposal allows conversion of an additional 250 sf of common area to be privatized for a total of 1533. Type D units are currently 1185 sf. This proposal allows conversion of an additional 116 sf of common area to be privatized for a total of 1301.
 8. The LMC parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. Adding the convertible space to each unit does not result in a unit size in excess of 2,500 sf and therefore does not trigger the need for additional parking.
 9. The condominium association has submitted to the City amended CC&R's. The most recent declarations (Corrected First Supplement to Amended and Restated Condominium Declaration were recorded on June 5, 2000. These updated CC&R's describe and allow conversion of these common areas.
 10. The HOA has also provided confirmation of a homeowners' vote exceeding 2/3 majority to support this application. In all cases, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.
 11. Staff finds good cause for this record of survey amendment as it will address a number of non-complying buildings and allow them to be consistent with an updated record of survey
 12. The Planning Commission reviewed this item at the October 25, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council

Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Crescent Ridge Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Planning Department, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

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

PASSED AND ADOPTED this 9 day of October, 2006.

Exhibits

Exhibit A – Record of Survey plat

CITY COUNCIL

Staff Report



Author: Ray Milliner
Subject: 352 Main Street
Date: November 9, 2006
Type of Item: Plat Amendment

PLANNING DEPARTMENT

SUMMARY RECOMMENDATIONS

Staff recommends the City Council hold a public hearing for the 352 Main Street plat amendment and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

TOPIC

Project Name: 352 Main Street
Applicant: Hoffman Properties
Representative: Alliance Engineering
Location: 352 Main Street
Zone: Historic Commercial Business (HCB)

BACKGROUND

On June 30, 2006 the applicant submitted a completed application for a plat amendment to combine all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record. The property is located at 352 Main Street. There is an existing contemporary commercial building on lot 13 and an existing contemporary mixed use building on the 350 ½ property. There is a 5 foot wide pedestrian access from Main Street to Swede Alley along the south property line.

The applicant is requesting the plat amendment to create one lot of record from the existing lot and subdivision, in order to combine the contiguous properties into one, and to accommodate an addition to the commercial unit in the rear. This unit is currently used as the Spur bar and grill, and the applicant would like to expand the kitchen. Because Lot 13 fronts the 350 ½ property, the rear property line of Lot 13 will need to be removed to accommodate the expansion. When recorded, the plat amendment would create one lot of record of approximately 5,832 square feet.

There are 7 existing access/utility easements on the property. No changes to the existing easements are proposed as part of this application. Each easement is located on the bottom floor of the building. The proposed expansion is located on the second floor.

ANALYSIS

The purpose of the application is to combine the properties into one lot of record. There is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed development. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the

Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Land Management Code Compliance

	Permitted	Proposed
Height	30' Front façade 24' Rear facade. 45' interior	Complies, no changes proposed
Front setback	0'	Complies
Rear setback	0'	Complies
Side setbacks	0'	Complies
Lot size	1,250 square feet	5,832 square feet. Complies
Footprint	N/A	N/A

The subdivision would create a lot of approximately 5,832 square feet. No expansions of the building footprint or height are proposed. The applicant proposes an interior remodel of the building that would enlarge the existing kitchen of the Spur Bar and Grill. Section 15-2.6-7 of the LMC establishes criteria for development on Swede Alley. These criteria establish requirements for pedestrian circulation, height, access, design open space and pedestrian connections. Staff finds that because no external changes to the building are proposed, no additional review of the building as it relates to these criteria is necessary.

There are 7 existing access easements on the property. In order to maintain a secondary ingress/egress, the Bald Eagle Real Estate Building (354 Main) and the Main Street Mall (333 Main) have separate easements through the 352 Main property to Swede Alley, and there are other separate utility easements. It is important that these easements remain open and unobstructed, as it provides emergency access to both buildings. Staff finds that as proposed, this lot combination will not negatively impact any existing easements on the property or limit the ingress/egress for either the Bald Eagle Real Estate Building or the Main Street Mall.

DEPARTMENT REVIEW

The request was discussed at a Staff Review Meeting on August 29, 2006 where representatives from local utilities and City Staff were in attendance.

NOTICE

The property was posted and notice was mailed to property owners within 300 feet on September 20, 2006. Legal notice was also put in the Park Record.

PUBLIC INPUT

No public input has been received by the time of this report.

ALTERNATIVES

1. The City Council may approve the 352 Main Street plat as conditioned or amended, or
2. The City Council deny the 352 Main Street plat and direct staff to make Findings for this decision, or

3. The City Council may continue the discussion on the 352 Main Street plat.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this application.

CONSEQUENCES OF NOT TAKING ACTION

The property will remain as platted and the two properties will not be combined into one lot of record.

RECOMMENDATION

Staff recommends the City Council hold a public hearing for the 352 Main Street plat amendment and approve it based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat Amendment

AN ORDINANCE TO CREATE THE 352 MAIN STREET PLAT COMBINING ALL OF LOT 13 AND ALL OF THE FIRST AMENDED 350 ½ MAIN STREET SUBDIVISION INTO ONE LOT OF RECORD LOCATED AT 352 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 352 Main Street and 350 ½ Main Street has petitioned the City Council for approval of the 352 Main Street Plat; 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 11, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on November 9, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record property; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 352 Main Street Plat as shown in Exhibit B is approved subject to the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact: The following are also adopted by City Council as findings of fact:

- 1 The property is located in the Historic Commercial Business (HCB) zone.
- 2 The HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
- 3 The proposed plat amendment will combine all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record.
- 4 An existing 8' wide access/utility easement exists from 354 Main through the 350 ½ subdivision of the Park City Survey.
- 5 There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 350 ½ Main to Swede Alley.

- 6 There is an existing 5' wide public sidewalk easement on the eastern side of the property running parallel to Swede Alley.
- 7 The plat amendment will not require additional parking for the 350 ½ Main structure.
- 8 The building meets all required setbacks for the HCB zone.
- 9 The plat amendment will not create any remnant lots.

Conclusions of Law. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions Of Approval. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. All existing easements on the property will remain in effect.
3. The applicant will record the record of survey amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the amendment will be void.

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

PASSED AND ADOPTED this 9th day of November 2006.



City Council Staff Report

Author: Kirsten Whetstone **Planning Department**
Subject: Land Management Code Amendments –
Chapter 2 (SF, R-1, RD, RDM, RM, RC, RCO, GC, LI, FPZ, PUT)
Zoning Districts
Date: November 9, 2006
Type of Item: LMC Amendments

Summary Recommendations

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and approve amendments to the Land Management Code for the following chapters: Chapter 2.11 (SF District), 2.12 (R-1 District), 2.13 (RD District), 2.14 (RDM District), 2.15 (RM District), 2.16 (RC District), 2.17 (RCO District), 2.18 (GC District), 2.19 (LI District), 2.20 (FPZ), and 2.22 (PUT).

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code- Chapter 2

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Reorganization of the Community Development Department required language in the Land Management Code to be revised to reflect the new organization. Additional revisions are proposed to address specific LMC issues and substantive revisions that have been identified since the 2000 LMC updates. Legal staff has recommended additional amendments to comport with the revisions to the Utah Code. Staff is currently redlining the entire LMC to resolve this situation.

On October 25, 2006, the Planning Commission conducted a public hearing, discussed the amendments and voted to forward a positive recommendation to the City Council.

Included in this packet are portions of Chapter Two- Zoning Districts (see Exhibits A – K). The remaining sections of Chapter 2 (ROS and SLO) will be submitted for review at the first meeting in December. A copy of the current zoning map has been attached as Exhibit L to indicate the location of the various zoning districts under review.

Analysis

Revisions due to CDD reorganization

Reorganization of the City Departments and the elimination of a Community Development Director (CDD) necessitates revisions to the Land Management Code to

replace references to the Community Development Director or CDD and replace them with either the Planning Department; Planning Director; Planning, Engineering and Building Departments; City Engineer; and/or Chief Building Official. In general, when a decision is strictly a planning matter, “Planning Director” will replace the “CDD Director”. When the decision requires a coordinated effort of Building, Planning, and Engineering then “CDD” will be replaced with “Planning, Building and Engineering Departments”.

Revisions due to creation of an Historic Preservation Board

Revisions are also made to replace the terms “Historic District Commission” or “HDC” with either, “Historic Preservation Board”, “HPB”, “Planning Director”, “Planning Department”, etc. based on the language approved by the 2003 amendments to Chapter 11- Historic Preservation.

Revisions due to adoption of the International Building Code in place of the UBC

Revisions have also been made to replace the language referring to the Uniform Building Code (UBC) with the International Building Code (IBC).

Summary of additional technical and substantive amendments and revisions made to comport with the revised State Code

Chapter 2.11- Single Family (SF)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Allow an area of the driveway to extend into the side yard setback for the purpose of providing a back-out turning area.

Chapter 2.12- Residential (R-1)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Allow an area of the driveway to extend into the side yard setback for the purpose of providing a back-out turning area.

Chapter 2.13- Residential Development (RD)

- Allow an area of the driveway to extend into the side yard setback for the purpose of providing a back-out turning area.

Chapter 2.14- Residential Development Medium Density (RDM)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Allow an area of the driveway to extend into the side yard setback for the purpose of providing a back-out turning area.

Chapter 2.15- Residential- Medium Density (RM)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.

Chapter 2.16- Recreation Commercial (RC)

- Added language to allow the Planning Director to determine lot width measurements for unusual lot shapes and configurations.
- Added the HR-1 maximum building footprint language to the sections that apply to single family and duplex lots.

Chapter 2.17- Regional Commercial Overlay (RCO)

- No substantive changes.

Chapter 2.18- General Commercial (GC)

- No substantive changes.

Chapter 2.19- Light Industrial (LI)

- No substantive changes

Chapter 2.20- Frontage Protection Zone (FPZ)

- Allow sidewalks and trails within the setback areas.

Chapter 2.22- Public Use Transition (PUT)

- No substantive changes

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A draft of these amendments is available at the Planning Department for review.

Notice

Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input

A public hearing is required to be conducted by the Planning Commission and City Council prior to adoption of these amendments. The public hearing was properly and legally noticed as required by the Land Management Code.

Alternatives

- Conduct a public hearing and forward a positive recommendation to the Council on proposed revisions to Chapter 2 as presented.
- Conduct a public hearing and direct staff to incorporate additional edits.
- Continue this item to a date certain.

Recommendation

Staff recommends the Commission conduct a public hearing, discuss the proposed amendments, and forward a positive recommendation to the City Council on Chapter 2, Sections 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, and 2.22.

Exhibits (under separate cover, but attached to the electronic packet)

Exhibit A- Chapter Two- Section 2.11 (SF District)
Exhibit B- Chapter Two- Section 2.12 (R-1 District)
Exhibit C- Chapter Two- Section 2.13 (RD District)
Exhibit D- Chapter Two- Section 2.14 (RDM District)
Exhibit E- Chapter Two- Section 2.15 (RM District)
Exhibit F- Chapter Two- Section 2.16 (RC District)
Exhibit G-Chapter Two- Section 2.17 (RCO District)
Exhibit H- Chapter Two- Section 2.18 (GC District)
Exhibit I- Chapter Two- Section 2.19 (LI District)
Exhibit J- Chapter Two Section 2.20 (FPZ Overlay)
Exhibit K- Chapter Two Section 2.22 (PUT District)
Exhibit L- Park City Zoning Map

Draft Ordinance

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH
CODE, AND TO ADDRESS SUBTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.11 SF ZONING DISTRICT, 2.12 R-1 ZONING DISTRICT, 2.13 RD
ZONING DISTRICT, CHAPTER 2.14 RDM DISTRICT, CHAPTER 2.15 RM DISTRICT,
CHAPTER 2.16 RC DISTRICT, CHAPTER 2.17 RCO DISTRICT, CHAPTER 2.18 GC,
CHAPTER 2.19 LI, CHAPTER 2.20 FPZ, CHAPTER 2.22 PUT**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code regarding lot width determination for unusual lot configurations, allowing a back-out area on a driveway to be within the side setback, add the HR-1 maximum building footprint language to the RC District for single family and duplex lots, allow sidewalks and trails within setback areas in the FPZ.

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on October 25, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 9, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2. 11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, and 2.22) is hereby amended as attached hereto as Exhibits A-K. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

Note: Chapters distributed under separate cover; they can also be reviewed on-line at www.parkcity.org (navigate to meetings and agendas).

Author: Brooks T. Robinson
Subject: United Park City Mines Company
Annexation Petition for Lands at PCMR
Date: November 9, 2006
Type of Item: Legislative

Recommendation

Staff recommends that the City Council review the re-filed annexation petition and re-accept the petition for annexation, while maintaining a noncommittal position with regard to the annexation itself.

Description

Project Name: UPCM PCMR Annexation Petition
Project Planner: Brooks Robinson
Applicant: United Park City Mines Company and
Royal Street Land Company
Location: Metes and Bounds Parcels located immediately west of the
Park City Mountain Resort (PCMR) base area and includes
the ski lease area of PCMR.

Background

On January 6, 2006 the applicant filed a petition for annexation with the City Recorder for annexation of approximately 2,800 acres currently within the jurisdiction of Summit County. The property is located directly west of the PCMR base area and south to the Flagstaff annexation boundary of Park City Municipal Corporation.

The applicant has submitted all necessary signatures and annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A signed annexation plat, prepared by a licensed surveyor, has been filed. The applicant also has provided necessary notification of the intent to file the petition to the required affected entities.

Due to the applicant's desire not to formally initiate the process until clear direction to move forward was received, the petition was never certified and notice to affected entities was not sent. Therefore, the applicant has re-filed the petition, which if accepted, once again starts the 30 day certification process.

Analysis

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Section 10-2-402 and 10-2-403. The property is a contiguous area consisting of 2,800 acres. The property is also contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The proposed annexation will not create any islands or peninsulas of unincorporated land. The annexation petition requirements set forth in UCA 10-2-403 have been met.

After the Council accepts the petition, then a 30-day certification review process commences wherein Staff determines whether the petition meets all requirements of Utah State Code Sections 10-2-403(2), (3), and (4).

Alternatives

Pursuant to Utah State Code Section 10-2-405(1)(a)(i)(B), if the Council does not take action on this annexation petition at its first regularly scheduled meeting that is at most 14 days after the date the petition was found complete (this meeting, January 26, 2006), then the annexation petition shall be considered accepted for further consideration. Accordingly, taking no action and/or continuing this item are not options available to the Council; either action represents acceptance of the petition. Council alternatives include:

- Re-accept the annexation petition for further consideration, thereby triggering the 30-day certification review process;
- Reject the annexation petition, thereby ending the annexation process; or
- Do nothing or continue the item. Pursuant to state law, the annexation petition is considered accepted for further consideration, thereby triggering the 30-day certification review process.

Recommendation

Staff recommends that the City Council review the re-filed annexation petition and re-accept the petition for annexation, while maintaining a noncommittal position with regard to the annexation itself.

Exhibits

Exhibit A - Proposed Annexation Plat

Exhibit B - Vicinity/Mining Claims Map

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LOCATED IN SECTION 17, THE EAST HALF OF SECTION 18, SECTIONS 19 AND 20, THE SOUTH HALF OF SECTION 21, SECTIONS 29 AND 30, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND ALSO THE EAST HALF OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

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RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

 FEE **RECORDER**

