

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 7, 1996**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 7, 1996.

A G E N D A

Closed Session - To be held in Work Session Room - Main Level

4:15 p.m. Property acquisition

Work Session - To be held in Work Session Room - Main Level

5:10 p.m. Council questions and comments

5:30 p.m. Review of regular meeting

Parking plan

Other meeting questions/comments

Regular Meeting - To be held in Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 17, 1996

V PUBLIC HEARINGS

1. Ordinance approving the second amendment to the Millsite Reservation Lots 14, 15, 30, 31, 32 and 33, Block 77 located at 135 Sampson Drive, Park City, Utah
2. Parking improvements and programs for the historic Main Street core

VI CONSENT AGENDA

Ordinance approving the second amendment to the Millsite Reservation Lots 14, 15, 30, 31, 32 and 33, Block 77 located at 135 Sampson Drive, Park City, Utah

VII APPEAL

Reconsideration of an appeal of the Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD

VIII ADJOURNMENT

Posted: 11/4/96

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 7, 1996

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Frank Bell, Chief of Police; Pat Putt, Planning and Zoning Administrator; Mark Harrington, Assistant City Attorney; Hope Bleecker, Transportation Director

Burnis Watts, resident

1. **Council questions and comments.** City Attorney Hoffman discussed the second home owners' property tax lawsuit heard before the Utah Supreme Court. Although she regretted that the City did not file an amicus brief, believed that the decision may be favorable for Park City. Ms. Hoffman felt that a decision would be made in six to eight months.

Paul Sincock reported the Travel Symposium sponsored by the Chamber/Bureau was informative, particularly with regard to the large tourist dollars contributed to the community. In reference to a letter in the Manager's Report, Chuck Klingenstein added that he personally called Thomas Spencer.

Ms. Kerr relayed that it is her understanding that the ownership will be changing at the Broken Thumb. Frank Bell explained that liquor licenses are non-transferrable and the new owner and/or manager must reapply. Mark Harrington heard that the Broken Thumb will operate as a sports bar/restaurant through the winter season, but will be a more family oriented restaurant in the spring. Ms. Kerr suggested that the new owner sign off on the conditions of approval to make sure that he understands them. Pat Putt stated that he will keep Council informed. Ms. Kerr indicated that today is the deadline for a call-up but she is more concerned with looking at the entire zone. Mr. Putt explained the priorities in the Planning Department and that the HRC zone could be moved up. The Mayor advised not changing the work schedule for planning until Council holds its retreat. Mr. Putt explained that a conditional use approval was granted for six months about three weeks ago by the Planning Commission and there may be substantial completion of review of the zone by that time. Chief Bell reiterated the process for application for a liquor license. Ms. Kerr asked if Burnis Watts was comfortable with this time frame. Mr. Watts requested information on the work that has been done on the HRC zone and hoped there could be some equitable solution for uses in the zone.

Ms. Kerr referred to an article in the *Park Record* about the Youth Coalition which indicated that the City cut its funding. She clarified that the Council had not cut the funding for youth but actually increased it. She emphasized that funds will be released when proposals are reviewed and approved by the Youth Advisory Board of the Parks and Recreation Board. Ms. Kerr suggested that a letter be sent to the Youth Coalition regarding the process. Jan Scott indicated that a letter was sent in April, but Council requested that another letter be sent.

Hugh Daniels encouraged Old Town residents obtain a new Historic District parking sticker for this season.

2. Review of regular meeting.

Parking plan. Hope Bleecker explained that after a work session discussion on September 19, the capital improvement and program schedule has been moved up from ten years to six years. Additionally, there will be preliminary studies done on the site north of the Marsac Building for a parking structure and the third change is development of a comprehensive transit program including Salt Lake, Snyderville Basin, Heber, Kamas and Midway. In response to a question from Chuck Klingenstein regarding employee parking, Ms. Bleecker responded that the summer numbers indicate that there are roughly 280 employees who park in the upper Historic District between the hours of 8 a.m. and 6 p.m.; 60% park in the China Bridge Parking Structure and the remaining on Main Street and Swede Alley.

Ms. Bleecker discussed satellite lots for employee parking and Paul Sincock stated that there should be an incentive plan for employees. He suggested that the bus driver punch a "frequent flyer card" and there be a drawing at the end of the season for a trip. Roger Harlan pointed out the importance of having hotels and condominiums buying into promoting the bus system. Hope Bleecker reported that an informational program will be implemented as the winter season begins, a new brochure, and Try Transit Week. Mr. Klingenstein emphasized the importance of an educational program for employees and residents alike. Hugh Daniels agreed and felt that it needed to be started now; it is a big change for the community and it should be as positive as possible. Ms. Bleecker discussed the Historic District permit system and the public service announcements. Mr. Sincock emphasized that a \$1,000 prize as an incentive to employees parking in satellite parking doesn't cost the City anything. Ms. Kerr felt that in order for an incentive program to be meaningful, it has to be frequent enough and early enough in the season so that someone becomes a winner early on and there is some publicity. Mr. Olch suggested that the prize for parking points could be a valet parking space in Swede Alley. Ms. Bleecker discussed an idea that the Try Transit Week logo will be on pogs. Every time an employee rides a bus he is given a pog by the bus driver and the employee delivers the pog to the employer and on December 15, the person with the most pogs wins.

Jerry Gibbs pointed out that the Ski Area has a successful employee parking plan, but it is much more difficult in an area like Main Street where there are over 100 businesses. The Mayor reported that he received a letter from Paul Brown of the Brewpub with the recommendations from the Restaurant Association. Ms. Bleecker added that these suggestions are in line with the Transportation Department's recommendations. With no further work session business, the regular meeting convened at 6 p.m. in the Council Chambers.

**PARK CITY COUNCIL MEETING
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I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 7, 1996. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Alison Kuhlow, Planner; Hope Bleecker, Transportation Director; Kirsten Whetstone, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 17, 1996

Roger Harlan made a correction to Page 2 of the Work Session Notes and Hugh Daniels to Page 6 of the Minutes. The Mayor requested a motion to approve the Minutes and Work Session Notes as corrected. Chuck Klingenstein, "I so move". Shauna Kerr seconded. Motion carried unanimously.

V PUBLIC HEARINGS

1. Ordinance approving the second amendment to the Millsite Reservation Lots 14, 15, 30, 31, 32 and 33, Block 77 located at 135 Sampson Drive, Park City, Utah - Planner Alison Kuhlow explained that the request is for a lot line adjustment. Six lots will be combined into two single family parcels and the owner's homes currently lies over a lot line. This approval will accommodate an addition to the existing structure and the remaining three lots will allow for the construction of a single family home with a maximum square footage of 2,800 square feet. The public has been noticed and the Planning Department has not received any comments as of this date. Staff recommends approval of the lot line adjustment, subject to the findings, conditions, and conclusions of law stated in the staff report. She clarified the location of the parcels for the benefit of Hugh Daniels. With no further questions or comments, the public hearing was closed.

2. Parking improvements and programs for the historic Main Street core - Hope Bleecker explained that the City consultant, Wilbur Smith & Associates completed recommendations in May 1996 which were taken through a public hearing process. The plan was presented to the City Council at its work session of September 19, 1996 and as a result, several revisions have been introduced. She continued that Wilbur Smith recommended a comprehensive ten year plan which has been condensed into a six year plan. Another element has been added which includes the development of a comprehensive program to include linkages to the UTA system and to address local and commuter employee transportation needs. There is an addition of an evaluation of a garage site on the north side of the Marsac Building, which will be a three-phase approach.

The short-term recommendations include implementing a year-round enforcement program; a contract has been negotiated and the program should be running by November 18. It is intended to continue valet parking during the winter season by December 6 or December 20 at the latest. Ms. Bleecker reported that there is no valet parking contractor at this time; staff is attempting to negotiate a contract with the existing enforcement contractor, but if that does not work, the project will be put out for bid. The operational plan is being developed in Swede Alley which will be implemented for four months during the ski season. The short-term recommendations include a 20 year transit development plan which addresses local, visitor, and commuter needs, and linkages to the UTA system. It is envisioned that this plan will be a six month process which will begin in early 1997. Another short-term goal is to implement paid parking. A permanent meter system for local users and purchase pay and display meters for Main Street and honor boxes for the China Bridge Parking Structure and Swede Alley or some other form of meter collection device will be developed. Ms. Bleecker reported that this procurement has begun and staff is recommending paid parking in the Main Street District in the summer of 1997. She explained the plans for Sandridge Avenue, adding a level to the China Bridge Garage, and connecting the fourth and fifth levels. It is anticipated that 77 spaces can be added at a cost of approximately \$847,000. Staff would like to begin the preliminary engineering on this immediately and complete the structure no later than 1999. Ms. Bleecker added that the paving of Sandridge would include fencing and landscaping at a cost of \$300,000. Also included in phase one is to develop two designs for a garage in the Historic District and Wilbur Smith has recommended a two phased approach to this which adds an initial 300 spaces connecting the upper level of the existing Marsac lot and the upper levels of China Bridge which is proposed for expansion. The structure is estimated at \$10 million and if engineering occurred in 1997, it could be completed by 2001. Pursuant to Council and public comment, staff would like to pursue another architectural concept before making a decision to build parking in the downtown core. Ms. Bleecker described the site north of the Marsac Building which could yield up to 300 to 400 spaces, depending whether it was built underground, or a series of terraced parking and surface lots. Beginning remote lot use at various sites could occur as early as 1997, including the Park City Ski Area, Park City High School lots, and property adjacent to the Radisson Hotel. She explained that another objective is to implement transit expansions, where feasible, by the year 2001 in time for the Olympics and continue to improve service as necessary.

Ms. Bleecker indicated that a number of revenue sources are being considered to finance this program, including the Transportation Fund, paid parking and enforcement revenues, Redevelopment Agency contributions, and the Summit County Restaurant Tax. The most recent cost forecast identifying most capital and operating costs for the total six year program, with the exception of future operating and capital costs of significant transit expansions, to average \$1.2 million annually for 20 years. Private funding options which could augment the cost of these sources are now being examined and an addendum will be published when there are final design concepts.

Chuck Klingenstein emphasized the importance of an education marketing program, discussed in work session. Mayor Olch noted that he is aware of private parking entrepreneurs who would be interested in participating in the long-term construction/management of parking facilities and asked the timing of the process. Ms. Bleecker responded that staff has already contacted two private parking companies and are putting together a list and it is appropriate to contact her now. The Mayor invited the public to comment.

Jim Powell, resident, expressed his support of the progress on this issue but wasn't sure how the City Council felt about these recommendations. He stressed that parking improvements are vital and that Park City has world-class resort potential. This is the first positive approach to traffic and parking problems and hoped that the City Council gets behind the effort. He pointed out that other cities handle traffic and although this may be expensive, it could be turned into a gold mine. Main Street is not big enough for Park City and Swede Alley could be developed as a combination commercial garage, which would bring in additional revenue.

Bruce Margolias, Main Street property and business owner, expressed his appreciation to staff, particularly Hope Bleecker, Eric DeHaan, Mark Harrington, and Tom Bakaly. He encouraged Council to address this issue promptly, specifically building additional parking spaces in Old Town. He supports enforcement efforts, paid parking and an improved transit system, but there is no substitute for building additional spaces. Mr. Margolias advised that over ten years ago an RDA was formed based on the fact that Old Town was blighted. He alleged that the main activity of the RDA was to build the China Bridge Parking Structure and the Gateway Center Parking and since that time, the assessed valuation of property within the boundaries of the RDA has increased from slightly over \$35 million to \$416 million, an eleven or twelve fold increase. Mr. Margolias felt that providing that parking was a very wise thing to do and it had a significant impact. He reiterated the merits in providing more parking.

Steve Lewis, owner and manager of Lewis Brothers Stages, stated that he has been actively involved in the linkage of Park City to Salt Lake City for years and is interested in being involved in the process on an on-going basis. The Mayor recommended that Mr. Lewis coordinate his efforts with Hope Bleecker.

Paul Brown, representing the Park City Restaurant Association, noted that the Association submitted recommendations which were also presented to the Main Street Merchants Association who have generally supported the recommendations. Mr. Brown supported better enforcement of existing restrictions and have been working on improvements with Ms. Bleecker on valet parking. The Association supports the recommendations regarding implementation of phase two and phase sooner. He noted that there needs to be proper attention to the issue of employee parking and that the Association basically supports staff's recommendations.

Bill Coleman, resident and Main Street business owner, relayed his appreciation of staff's efforts and the process. He is pleased with the additional recommendation for a garage north of the Marsac Building but hoped that it could be phased in earlier. As a prior Council member, Mr. Coleman commented that he reviewed project plans for 200 parking spaces there years ago, and it was discovered how well suited that location was for a parking structure. He discussed metered parking and a planning approach of making commercial spaces more available so that people have to funnel their way through more commercial spaces to stop them to shop or dine. He discussed the Town Run Project and the Flagstaff proposal and the huge benefit in making roads more private for traffic flows. Mr. Coleman suggested pre-paid transfer vouchers that could be issued with reservations providing transportation from the airport, and eliminating rental cars.

The Mayor invited comments from the City Council. Paul Sincock felt that the input has been positive and agreed with Mr. Coleman that different ways of moving people without cars around town need to be considered. He felt that more sophisticated transit systems will be analyzed

and it is necessary. Chuck Klingenstein agreed, and felt that a comprehensive cooperative planning effort with the ski resorts, major developments and the City is missing from the plan. He felt that currently the approach is piece-meal. Mr. Harlan pointed out to Mr. Powell that the Council is enthusiastic about this plan and discussed the trip last summer to Aspen to investigate parking solutions. He felt that the Council is committed to moving ahead but pointed out that \$2 million is a significant expense and it is one of the concerns that several Council members have.

With no further comments or questions, the Mayor closed the public hearing and thanked the public for attending.

VI CONSENT AGENDA

Ordinance approving the second amendment to the Millsite Reservation Lots 14, 15, 30, 31, 32 and 33, Block 77 located at 135 Sampson Drive, Park City, Utah - See public hearing and staff report. Shauna Kerr, "I move approval of the Ordinance approving the second amendment to the Millsite Reservation Lots 14, 15, 30, 31, 32 and 33, Block 77 located at 135 Sampson Drive, Park City, Utah". Hugh Daniels seconded. Motion unanimously carried.

VII APPEAL

Reconsideration of an appeal of the Planning Commission approval of February 28, 1996 of the Sweeney Town Run Large Scale MPD - The Mayor invited Council member Paul Sincock to speak on the process.

Council member Sincock, through illustration of a slide presentation, explained a diagram of the appeal process described in the Land Management Code. When a Planning Commission decision is rendered and findings and conditions are adopted, there is a ten day period for appeals and a 15 day period for call-ups from Council. A petition can be filed by either the owner or anyone participating in the hearing. If a matter is called-up by Council, there are 30 days to complete the process and if there is an appeal, the Council has 30 days to schedule the hearings. During that time the City Recorder forwards the findings of the Planning Commission to the City Council who holds public hearings to reach a decision. If the decision is the same as the previous findings, it is summarily executed by the Mayor in a few days and once executed, that is the final date of action. Mr. Sincock stated that he has called three different attorneys as have other members of Council, who have said the same thing. He reiterated that the final date of action is when findings are signed by the Mayor. In terms of the Sweeney Project, Mr. Sincock displayed another illustration with the dates of actions and discussed the agreement to expand the scope of the appeal beyond the issues addressed by the Planning Commission. There were meetings on April 4, April 18, May 2, and on May 9, there was direction from Council to prepare findings. The next City Council meeting on June 6 was the denial and staff had to rewrite the findings. While that process was underway, the applicant asked for reconsideration and Mr. Sincock believed that Council could reconsider any of its actions because the denial had not been finalized. On July 18, City Council made a decision to reconsider it and if the Council had decided not to reconsider it, then the findings would have been executed by the Mayor and it would have been over. Mr. Sincock continued that the appeal was scheduled on October 17 where this question was raised, and he feels that Council is legally obligated to proceed with the hearing as though it was a continuation of the meeting of June 6, 1996.

Marianne Cone, citizen appellant, pointed out that at the meeting of October 17, 1996 that Ms. Hoffman stated that she advised the appellants at the June 6 meeting that there would need to be findings of fact. Ms. Cone stated that she did not find Ms. Hoffman's comments in the June 6, 1996 minutes; Ms. Hoffman agreed that she didn't either. Ms. Hoffman noted that she probably didn't relay that on the record but believed she did off the record, and that the discussion occurred on July 18. Ms. Cone emphasized that on June 6, the final decision was made and the Land Management Code indicates that it is a decision that the public can rely upon, and at that meeting Ms. Hoffman didn't mention that the process would continue because of the need to adopt findings of fact. Ms. Hoffman admitted that she didn't advise the public of the need for findings to finalize the appeal at the June 6 meeting.

Hugh Daniels agreed that the minutes do not show that the City Attorney stated this on the record, but that aside, based on information he has received from her and other attorneys, he feels well informed. He believes that the Council has the right to reconsider this project and to move forward. He also supports Ms. Kerr's premise that there is a problem with the Code and that there should be amendments made in a timely manner, to specify time lines for findings to be adopted so that the public is not confused. It is his opinion that the appeal needs to be concluded.

Shauna Kerr agreed that the appeal needs to be concluded. The only thing that has not been accomplished with the denial, even if it is assumed that her premise that a reconsideration has no basis in fact or law in the state of Utah, is that the Council did not enter findings of fact and conclusions of law. She continued that Ms. Hoffman has stated as well that this is an administrative act and memorialize the direction of Council. Ms. Kerr emphasized that if the findings of fact memorialize what has occurred, then the only thing that the Council has failed to do to date, is enact the findings of fact and conclusions of law supporting the denial. She truly believes that this is not required because the codes provide that Council acts by motions; the Council made a motion and voted which is on the record. The minutes are the official records of the City and therefore, she felt that the matter has concluded. However, for sake of argument and in the spirit of cooperation, Ms. Kerr suggested that the findings of fact and conclusions of law supporting the denial be adopted. She added that this should have been done a week after the June 6, 1996 meeting or shortly thereafter which has been the procedure. She felt that findings and conclusions probably need to be adopted, but emphasized that she has a problem with the reconsideration issue because there has been no support for reconsideration by any of the attorneys contacted or in case law. The exception is in Roberts Rules of Order which deals with the parliamentary procedure which addresses the voting process, including voting in quasi-judicial procedures, and a motion to reconsider must be made prior to the meeting adjourning. Ms. Kerr emphasized that the meeting had been clearly adjourned.

Chuck Klingenstein stated that he is prepared to move on and consulted with several attorneys. Ms. Kerr asked if "moving on" meant adopting findings of fact or reviewing the reconsideration. Hugh Daniels clarified that he meant that the Council voted 4:1 to reconsider the project and should reconsider. Messrs. Klingenstein, Harlan and Sincock agreed with Mr. Daniels. The Mayor stated that the majority is to reconsider the appeal and invited staff to comment.

Planner Kirsten Whetstone explained that this is an appeal of the Planning Commission's decision to approve certain amendments to the Sweeney Small Scale MPD which was originally approved in 1986 and subsequently amended in 1987. Through illustration of graphics, Ms. Whetstone described the elements of the project. Ms. Whetstone reviewed alternative actions.

If modifications requested by the applicant are acceptable to the Council, then the findings of October 17, 1996 are appropriate. If the modifications and the request for reconsideration are not acceptable, the findings of July 18, 1996 apply. If further modifications are justified by the existing record, the Council should direct staff to prepare new findings. The fourth alternative is to continue the appeal to a future date. With regard to the first alternative, Ms. Whetstone explained that the applicant has offered three modifications outlined in his June 28 letter. Mr. Sweeney has agreed to leave the historic tower in the approximate location, restore and leave the Larramore structure resulting in slight changes in the ski run and the building, and limit the width of the bridge to 30 feet. She continued that the Planning Commission approved a 40 foot bridge after lengthy discussion and information from the Ski Area.

If the amendments to the Sweeney MPD are approved, Planner Whetstone explained that a bridge of some unknown width would cross Park Avenue between the Coalition East site and the Coalition West site. The bridge should reflect the historic context of Park City and the width should be flexible to accommodate a design which is acceptable to the Historic District, the Planning Commission and the citizens. She discussed the connection of the ski run to the skier plaza. There would be a permanent closure of Woodside Avenue between 7th and 8th Streets for the year-round use of the ski run/open space. The proposal also includes a new 7th Street built to City standards. There are limited commercial uses on the west side of Park Avenue which would not generate a lot of traffic. Ms. Whetstone referred to the three new residential units and the general reduction of the overall massing from the original MPD and the open area. Part of the plan address snow making down to Woodside and the underground parking structure, which would occur in any case.

Ms. Whetstone estimated that excluding Creole and the Mid-Station, there are 3,200 pillows and at peak times and including Creole and the Mid-Station about 5,000. In response to a question from the Mayor backing-out the Creole numbers, the estimate would be about 3,000. She pointed out the activity in the Town Lift area, where people can leave rental cars in the underground structure, use the lift and have the ability to ski back to the plaza. She emphasized that the 14 foot wall facing 8th Street will be there whether or not there is a bridge and the plaza elevation will remain the same. Ms. Whetstone explained that without the bridge, the existing Sweeney MPD has about 16 unit equivalents, and 2,000 square feet per residential unit, totaling 32,000 square feet of massing as opposed to 9,500 square feet in the proposed plan (5,000 square feet of commercial and 4,500 square feet of residential).

The Mayor invited the citizen appellants to make comments. Mary Wintzer stated that she has four points to make with regard to her arguments made on June 6, 1996. She referred to the July 18, 1996 findings and pointed out that the first finding should read "A bridge connecting the Park City Ski Area with the extension of historic Main street ~~could~~ will encourage and reinforce ~~local commerce and~~ nightly lodging at the base of the Town Lift". She reminded the Council that the Historic District Commission approved the bridge based on a 25 foot width and on June 6, 1996, the Council was inflexible about the bridge being over 30 feet. She raised concerns about the commercial uses that may be allowed and relayed that the Planning Commission took a firm stand prohibiting ski rental uses. Ms. Wintzer requested that the Council fine-tune vague language regarding historic preservation commitments. The Mayor asked if sporting goods stores, ski storage, repair, and rental are uses she would like omitted. Ms. Wintzer answered that she didn't know specifically but is referring to what the Planning Commission recommended and added that this

condition was almost the "deal-breaker". It was explained for the benefit of Jo Scott that there are three sets of findings, and the July 18, 1996 findings would be the choice to adopt for denial.

Marianne Cone stated that the citizen appellants contacted an attorney whose opinion was that the findings of fact were not necessary, especially in the case where the applicant has requested a denial and his due process rights have not been violated. In Ms Kerr's motion, she said that the "findings of fact aside, let's vote on this, he wants a denial" and the majority of the Council agreed with him. She continued that the public should be able to trust the process and that has been the difficulty. She has been questioned about this by citizens and understands that if the Code is changed, it closes the door for future developers. However, she felt that Park City is under siege from development, the town is in a boom and emphasized that we don't need to make compromises. Ms. Cone stressed no matter how much the Council or the appellants want a decision, the process must be followed. She stated that there is no question in her mind that the majority of the Council is interested in having the bridge and that she has a difference of opinion of what that will do for the town. Ms. Cone noted that the Council is able to make the laws but is also required to follow them. Paul Sincock felt that the Council is following the law but agreed that the process needs to be clarified in the Land Management Code with respect to the amount of time between a Council decision and the findings of fact being signed. Ms. Cone responded that the Code states that "The decision of the Council shall stand and those affected by the decision may act in reliance upon it", unless it goes to a court or if the application is resubmitted in the planning process. Shauna Kerr again urged support from the Council to adopt the findings dated July 18, 1996 so that the Council can "look people in the eye" and know that it followed the law. Council member Kerr felt that the findings should reflect the action taken at the official meeting where a vote was taken and on the record. The findings of denial would reflect and truly memorialize as findings are to do, what occurred at the June 6, 1996 meeting. Ms. Kerr continued that in a court of law where the judge rules from the bench, and the parties are directed by the judge to prepare an order, the order is not changed in the interim prior to the judge's signature. Granted it may not become effective until he signs it, the order that is drafted reflects what occurred at the hearing, and she requested an "order" reflecting what has already happened so that the Council can regain the trust of the public and the public can count on the vote as the official act of the Council.

Roger Harlan stated that he voted to deny the appeal on June 6, 1996, but if he could relive that night, he would have voted differently. He explained that elected officials should not succumb to an emotional circumstance, and he should not have gone against his better judgment. Marianne Cone interjected that he did vote that way and that vote should stand. Mr. Harlan continued that when cooler heads prevailed, Mr. Sweeney requested a reconsideration which was approved by a 4:1 vote. Mr. Harlan felt that both Mr. Sweeney and the Council have reconsidered. Marianne Cone stated that the citizen appellants have not orchestrated what people are saying or writing in the paper; there is a constituency here that is against the project and some of its aspects. She continued that those opinions exist, but it is extremely difficult to disagree with the Council and difficult to oppose a project that most of the Council members support.

Pat Sweeney, applicant/appellant, thanked the Council for reconsidering the Town Run, agreed that he made a decision that was incorrect, and apologized to the Council and the citizen appellants. He emphasized that this is a "council" and not a court and it is the Council's prerogative to decide what is right for the future of Park City. He commented that the staff report is excellent and there are three alternatives. He prefers the last alternative (findings of October 17, 1996) and

feels that it is right for the future of Park City. Pat Sweeney emphasized that the 30 foot width of the bridge can only work if the ends of the bridge are flared. With regard to Ted Larramore's house, it is important to understand that he is committed to restoring the building but Mr. Larramore would need to have some alternatives like an addition or connection to his house. He felt that there is flexibility in the findings, but wanted to emphasize his concern. Mr. Sweeney explained that with regard to Condition No. 11, if the tower is saved, the road needs to be moved, and rather than three parking spaces, five spaces will need to be transferred. Ms. Kerr was surprised to see sporting goods store, ski storage and repair allowed in the Condition No. 10 of the October 17, 1996 findings in consideration of the Planning Commission discussion, and asked if those uses could be eliminated. Mr. Sweeney responded that this use would help pay for the project. The Sweeneys are giving up quite a bit of value and undertaking expensive construction, and need to have a fair opportunity to lease the spaces under the run. He felt that these uses encourage pedestrian traffic and discourages people from getting in their cars, driving from the 5,000 plus beds in Old Town to the Resort. He emphasized that the vast majority of traffic will be pedestrian, but they will provide the Code required parking for commercial spaces. Paul Sincok pointed out that Condition No. 10 doesn't include ski rentals. Mr. Sweeney felt that rentals are part of a ski shop. There was a discussion of ski storage services. He pointed out that not allowing restaurants and bars creates a zoning buffer and he believed that his concept will result in less traffic. Ms. Kerr advised that there is a review of the zone currently and asked if ski rentals and sporting goods stores are recommended permitted uses in the HRC zone. Ms. Whetstone responded that they would be conditional uses, the language in the findings is taken from the recommended changes, and rental has been omitted. Ms. Kerr is concerned with the language because she doesn't want the City to be responsible for monitoring the businesses. She felt it would be difficult to determine what percentage of patrons are coming by vehicle and generating trips; it is an unnecessary burden on the City. It's better to prohibit them initially while this section of town is being reviewed for uses, it is prudent to make sure that the elements of this project are the vision for the neighborhood and not the exception to the future rule.

Chuck Klingenstein asked Doug Clyde of the Park City Ski Area the status of the lawsuits between United Park City Mines and the Ski Area. He was particularly interested in the future development of the lands above the Sweeney property, similar to the Flagstaff proposal. Mr. Clyde responded that there was a press release last year that there no longer is a lawsuit and he has no knowledge of the specifics of the agreement. Mr. Klingenstein pointed out his dismay at the increased bed base estimate from 2,000 to 5,000. He further asked if the 2,000 skiers per hour or 33 per minute estimate, included potential development on the hillside and/or the repeat skiing contemplated. Doug Clyde explained that the 2,000 skier number was arrived at using conservative bed base numbers. When beds are counted, a certain percentage is taken off for non-skiers, occupancy and people skiing elsewhere. Mr. Klingenstein emphasized that it has been stated many times that the applicant would not build less than 35 feet skiable and a 40 foot width bridge and now 29 feet skiable and a 30 foot width bridge is agreeable. He continued that according to a Snow Engineering letter, dated October 11, 1995, 35 feet appeared to be the comfortable number and asked why a narrower width will now work when the Ski Area was adamant that a narrower width would not work; how long will this width be good for? Doug Clyde responded that during these hearings, he has always contended that the Ski Area felt that 35 feet was a tight number and going beyond that would create a substantive burden. He clarified that there may be safety issues that might require a lot of manual control on a difficult site. He felt that Council did not give any credence to that and that it was the Ski Area's problem. Doug Clyde stated that that message has been very clear. He stated that the new owners of the Ski Area are willing to make that commitment.

Hugh Daniels referred to the October 17, 1996 findings and agreed with the citizen appellants with regard to changes to the No. 1 finding. He has similar concerns with Condition No. 10 with regard to commercial uses and felt that the ultimate HRC zone should be the controlling zone for uses. He pointed out that Condition 12D refers to no night skiing on the "Town Run" and since there is no run named "Town Run", the ski runs should be more accurately identified. Preserving the historic structure and the tram tower is important to him, and he is not comfortable with the word "approximate" in Condition No. 19.

Roger Harlan recalled the Planning Commission's discussion about excluding a sporting goods business because of traffic impacts and this addition presents a concern to him. Kirsten Whetstone clarified that the Planning Commission allowed the sporting goods store but prohibited rentals. Ms. Whetstone further explained the proposed revisions to the HRC zone allows low intensity commercial uses which do not generate significant parking, and discourages off-site vehicle trips and delivery, pick-up or rental activities. Revisions do allow, however, sporting goods stores. Roger Harlan felt that ski rentals should be excluded.

Language for night skiing was again discussed. In response to a question from Eleanor Griffin, citizen appellant, the Mayor explained that the bridge will not look like the rendering and the design will be reviewed by the HDC and Planning Commission. Shauna Kerr suggested that the word "decision" be changed to "discussion" in the October 17, 1996 Condition No. 31 as there was a straw poll but no vote. Ms. Kerr pointed out that Condition No. 31(1) indicates that "The entire bridge width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge" which conflicts with statements that the bridge will flare on the end and exceed 30 feet. Paul Sincock added that the concern he had with the width of the bridge dealt with the shadowing over the intersection; he didn't have a problem with flaring the width because it occurs over a sidewalk and not over the street. Ms. Kerr referred to Condition No. 12B, "Placement of the snow making guns shall be regulated to ensure that snow making creates no operational conflict with the use or maintenance of City streets" and questioned how the snow plower will contact the snow makers. Doug Clyde responded that that type of communication is not difficult as the City manages water with the Ski Area and Deer Valley by radio. He felt that the snow plowers should determine how much they can tolerate and it is the call of the City to "pull the plug".

Jodi Hoffman asked Council for its opinion on the revision to Condition No. 11 regarding parking spaces. She explained that the project could have an intensity of uses on the west side without corresponding parking on that side and shared parking between the east and west sides. The Planning Commission agreed to the concept up to three spaces, and Mr. Sweeney is asking for an additional two spaces, because of the reconfiguration of 7th Street. Ms. Kerr indicated that she didn't have problem with that amendment, but referred to the on-site parking management plan cited in the same condition. She felt that the plan should be implemented within a time frame and suggested five days. Ms. Hoffman thought that this was a carry-over from the Planning Commission findings and indicated that all of this will be reviewed again through additional processes including small scale MPD. Hugh Daniels felt it should be included to clarify the direction of Council and the City Manager suggested language, "in a manner and time approve by the City".

In response to a question from Marianne Cone, Ms. Whetstone explained that there will be stairs at the north and south ends of the plaza for pedestrians, whether or not there is a bridge.

For the benefit of Ms. Cone, Mr. Sweeney explained that the tram tower will be placed within ten feet of its current position along the same alignment at the same height. He explained the importance of the road meeting reasonable engineering requirements and the tower needs to be moved, but it will be kept in the same alignment at the same height. There is another option of moving it 70 feet if the Planning Commission preferred a wider ski run and the City Engineer preferred a different road alignment. The Mayor supported moving it ten feet at the same alignment and height.

The Mayor stated that these decisions are becoming more difficult as the town is becoming more complex, and certainly this appeal falls in that category. He indicated that he has been a proponent of the bridge since it was originally proposed six or seven years ago and it makes a lot of sense to get skiers to the bed base. He thanked the staff, and especially the citizen appellants who have worked very hard and have made this a better project.

Chuck Klingenstein also thanked the applicants and appellants who have demonstrated decorum during the process; all were effective and heard by him. He is thankful that there was additional time in reviewing this project so that everyone was part of the process and finding a compromise that worked for the broader interest of the community, but realized that the focus had been drawn away from the bigger planning issues. Because of the expansion of the scope of the appeal, he has been provided a lot of new information. Mr. Klingenstein believed that there is a potential that the bridge will serve more than just an access to residential properties at the base of the lift. The potential exists for much more as he has just seen a model of the entire downtown area of Park City which clearly shows the eventual build-out. Mr. Klingenstein continued that the bridge and related ski run improvements are being planned for intense use, including repeat skiing, commercial business access, further pressures for more commercial on Park Avenue and potentially other streets along the ski run, realigning of the Payday and Town Lifts, potential on-hill development, future bridge development over Main Street, and a connection with Deer Valley. He emphasized that it is clear that the supporters of this bridge are not sure of what the future intensity is going to be and the numbers he has seen have been the best guess of the Park City Ski Area. Mr. Klingenstein asked if even 35 feet skiable is enough to meet the unknown numbers of skiers that might ski down to this area. In Courchevel, France and Deer Valley, bridges were planned as a part of the overall master plan; the numbers were anticipated on the ski runs, and bridges were planned for, and only then was the real estate development planned around this important infrastructure. He felt that the ski run and bridge are being shoe-horned in a piecemeal fashion without fully understanding the development potential in the downtown area, lands owned by UPCM and leased by the Park City Ski Area. He continued that both Deer Valley and Park City Ski Area leased the surface rights from UPCM and several years ago UPCM sued the two ski areas for reasons tied to the lease agreements. A couple of years ago, Deer Valley and UPCM settled the lawsuit, resulting in Flagstaff. It would appear that the surface rights were renegotiated as Deer Valley expands its ski operation and UPCM develops its rights with residential and commercial and the same scenario may occur with the Park City Ski Area. Mr. Klingenstein stressed that at this time, we do not know future plans but there are potential developable lands available. He understands the impacts of Flagstaff but does not know the future plans for the Park City Ski Area and if the Town Run and Lift are to become the next base for the Ski Area, the citizens of Park City should know the plans. Mr. Klingenstein felt that it is time to plan our community's future together rather than continue in a piecemeal fashion. He supports the positive aspects like the linkage to 5,000 beds in the Historic District, additional business opportunities for the Main Street core, more efficient way to get skiers

from Woodside to Park Avenue and Main Street, marketing for our ski industry to the world, potential to reduce traffic circulation and parking problems, architectural link to projects on both sides of Park Avenue, and the reduction in density. However, the negative impacts with this project are also numerous. He stressed that we lose Woodside, the last year-round street that runs north and south, introduce a new 7th Street with a questionable grade, a ski run into an area that never intended to have one without knowing the full impacts, and snow-making and snow cats into a residential canyon area. He added that there are potential future costs to the City if there are failures or lapses in the maintenance of the so-called open space and bridge, plus bridges need capital improvements and there may be unintended market consequences. Chuck Klingenstein questioned the ultimate number of skiers per hour and the additional development pressures on the mountains above this project. Will there be a need for expanded snow making to cover the more utilized runs plus future pressure for expanded snow making periods? He asked if the Ski Area will build more ski runs above the Old Town area and the appropriate bridge width. Mr. Klingenstein emphasized that he supports the skiing industry but in the interest of community balance, is not willing to allow more creeping incremental change dictating our future. A cooperative planning process between Park City Ski Area, development proponents in the historic core, and the City, will produce cooperative solutions. A creative idea was moving the base terminal to the west side of the street and taking that idea and expanding it by designing the development so that the slope allows Woodside to be bridged not closed and the run terminates at the new base, then a pedestrian bridge could be built across Park Avenue. There are other ways of doing this, but unfortunately we are reacting rather than planning growth. Mr. Klingenstein stated that first the ski lift and the ski run were approved, then the Town Lift Project was approved, the Sweeney master plan was approved, and all are incremental changes which raised expectations, without any formal planning -- and this is backwards planning. He recommended not supporting any bridge width until a more encompassing plan is reviewed, and remand this project to the Planning Commission since he does not want to lose any options. There is significant new information and the Commission can now plan in conjunction with the development potential that exists on the lands, the Park City base expansion, realignment and upgrade of lifts, ski run expansions and potential bridging of Main Street. If a 35 foot or wider bridge is recommended by the Planning Commission, and this Council cannot support that, then alternatives will need to be found. If the Planning Commission finds that the smaller bridge will work, it must be convinced that it will do so in perpetuity. He encouraged Flagstaff and Deer Valley to join in this process, since the linkage of all of the ski areas should be factored into the equation. If an aerial bridge is approved tonight, he asked what a future city council say when it is found to be inadequate. He asked if it is appropriate to saddle a future city council and citizenry with this burden.

Shauna Kerr reiterated that she is an advocate of adopting the findings of fact and conclusions of law for denial. The bridge concept has never worked for her and she never felt that the Council had the adequate information needed to approve something of this nature in a very sensitive historic district. She stated that we are trying so hard "to get to yes" and there are so many conditions on this applicant, subsequent purchasers of property, and subsequent business owners in the area that the City will essentially be operating the businesses. She doesn't feel that this is a concept that works or a concept that is fully developed. Discussions in the bigger context were never rendered early on with regard to ties to residential development on Park City Ski Area and UPCM properties or the plans ultimately tying into Deer Valley. If there is going to be a major link between the two resorts, the City should know that before approving this project. She does not want to take the risk of approving an inadequate bridge now. She wasn't sure if this is an idea that will ever

work, but if it will work, it needs to be done correctly. Ms. Kerr emphasized that the number of conditions is an indication that it is a bad fit in this area.

Paul Sincok agreed with many of Mr. Klingenstein's comments, and felt that there are better designs for the bridge than the one before Council. He tried to present other options early in the process that didn't seem to go anywhere; the Council owes a decision on the proposal before it. No matter what the decision, he felt that there is a better design. He hoped that between the applicant and the Planning Commission, another improved solution might emerge.

Roger Harlan felt that the concept was simple -- how can we get people off the hill into an expanding bed base. He recalled Eldon Beck's presentation in 1990 on the same concept and at that time, the City Council voted this project down. He supported the project then and testified long before he became an elected official. Mr. Harlan emphasized that he doesn't know if there ever is a perfect project, but likes the concept and feels it will work. He added that he doesn't know of any project that after 25 years, there wouldn't be suggestions for changes. Mr. Harlan feels that this will bring people down to Main Street in a better and safer manner than today. He stressed the competitiveness of the ski industry, skiing is a major ethos in our community, and anything we can do to support skiing benefits and serves the purposes of this community. He stated that he will vote for the project.

Hugh Daniels appreciated the work both appellants have devoted to this matter, and recognized that there are supporters for both sides. He has tried to obtain all of the information possible to make a decision that is in the best for the community at large. He pointed out that he has many friends in the audience, the Council is a citizen legislature, and the Council does its utmost to make the best decisions for the community which is his intent. There are disagreements on the appeal as well as the issue of reconsideration, and he respects other opinions. He feels that these viewpoints should be argued as vigorously as possible, make a decision and move on. Earlier, it may have been prudent to remand this project to the Planning Commission and will consider that option in the future. However, at this point, Mr. Daniels felt that it has gone too far to do that and it wouldn't be fair to anyone. He felt that the project provides open space, reduces density, provides better transportation options for skiers and safer options for cars. He didn't feel it was necessarily a bad thing to eliminate a "straight shot" up Woodside, and it will be up to the applicant and his partners to determine if this works for them. He hoped that they would not be foolish enough to move ahead with a bridge that they didn't think would work in the long-term and that future councils would not be saddled. Mr. Daniels emphasized that the Council has to make decisions the best it can for the community and move on. He agrees with some things Council members Klingenstein and Kerr have relayed and hoped that a good design will result. Mr. Daniels did not feel that this is the end of Old Town, but is something that fits in the newer section below and can be designed well. He has a lot of confidence in staff, the HDC, and the Planning Commission to make good decisions and with that, "I move that we direct the staff to prepare findings of fact, conclusions of law, and conditions of approval based on the October 17, 1996 findings in our packet with the additions we have made tonight to be presented to us on the 14th of November for a final vote, knowing that between this date and the 14th of November, either appellant can ask for a reconsideration". Paul Sincok seconded. (Motion later withdrawn.)

Chuck Klingenstein reminded the Council that if the project is so important that it be done right the first time. The moment it is approved, it is vested. Hugh Daniels responded that the

applicant can chose not to do something and it is not as finite. Ms. Kerr understood that the findings would be adopted as amended tonight, so there wouldn't be an opportunity for reconsideration. If there is an interim period for reconsideration, Council could be doing this again and this action needs to become final at some point. Hugh Daniels stated that he included that statement in his motion, because there have been a number of amendments to the findings and felt that written findings should be prepared for review before adoption. Ms. Kerr added that she didn't mind providing staff adequate time to prepare findings, as long as the window for reconsideration is closed. Mr. Daniels believes that until the findings are adopted, that a reconsideration is an option. The City Attorney felt that the changes to the findings can be reviewed tonight, and that the Mayor can execute them tomorrow.

Ms. Hoffman suggested that Page 2 include acknowledging testimony at this meeting. She discussed the change in Finding No. 1 noted earlier. On Page 6, correct Finding No. 31 by changing the word "decision" to "discussion". Add "(excluding equipment rental)" to Finding No. 10. Change three parking spaces to five in Finding No. 11., and amend the last sentence "... parking management plan in a manner and time approved by the City". It was the consensus of Council to leave 12B as written, and to specifically review the plan for snow making and potential drifting on City streets in the Small Scale MPD process. Ms. Hoffman continued that 12D will be amended to clarify language that there will be no night skiing on the Town Runs "(Creole, Quittin Time, etc.)". Finding No. 19 will be amended to read, "The historic Tram tower shall be preserved in the same alignment and height within ten feet of its current location. . .".

Hugh Daniels withdrew his motion. Hugh Daniels, "I move that we approve the findings of fact, conclusions of law, and conditions, as amended tonight on the October 17, 1996 findings for approval". Paul Sincock seconded. Paul Sincock added that this concept was introduced ten years ago and there was no opposition; the project will accommodate a safe way for skiers to get to the plaza and the density is reduced. Also a narrower bridge will minimize icing on the street. Jo Scott asked about the "approximate" location of the house; Hugh Daniels recognized that he brought that up but after discussion did not pursue this point further. Doug Clyde brought up the flare of the bridge and the Council felt that the HDC and Planning Commission will review that aspect. Motion carried.

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

The Mayor thanked those in attendance.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

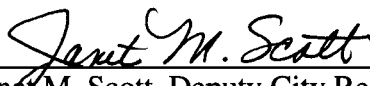
The City Council met in closed session at approximately 4:15 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Shauna Kerr, "I move to close the meeting to discuss property acquisition". Chuck Klingenstein seconded. Motion carried unanimously.

The meeting opened at approximately 4:55 p.m.

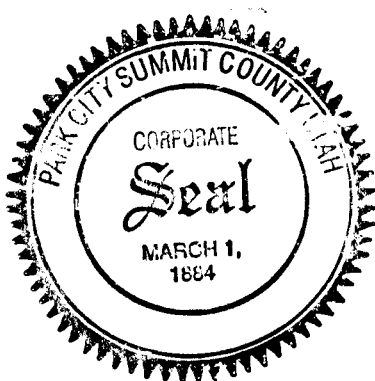
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The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



Janet M. Scott, Deputy City Recorder





CITY COUNCIL REPORT

DATE: November 7, 1996
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow *AK*
TITLE: 135 Sampson Avenue Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the attached Ordinance amending the plat at 135 Sampson Avenue to combine Lots 14, 15, 30, 31, 32, and 33 of Block 77 Millsite Reservation, into two (2) single family building lots, one lot for an existing structure and one lot for a future structure.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Applicant: Robert Sletta
Location: 135 Sampson Avenue
Zoning: HR-L, Historic Residential Low Density
Adjacent Land Uses: Residential
Date of Application: July 9, 1996
Project Planner: Alison Kuhlow

B. Background

The applicant, Robert Sletta, is the owner of lots 14, 15, 30, 31, 32, and 33 of Block 77 Millsite Reservation to the Park City Survey (Exhibit A). The applicant would like to

combine lots 30, 31, and 32 into one parcel (Parcel A), on which his house currently sits, eliminating the common lot lines. This procedure would allow the applicant to construct up to a 638 square foot addition to the existing non-historic structure based on the floor area ratio (FAR) in the HR-L Zoning District. The three (3) additional lots, Lots 14, 15, and 33 would be combined into an additional single family parcel (Parcel B). These lots, as currently configured, are not of sufficient size to be developed independently.

An application has been submitted to the Planning Department for a 638 square foot addition to the existing single family structure located at 135 Sampson Avenue. Staff is currently reviewing the application, but has not yet scheduled the proposed addition for a Historic District Commission meeting.

Analysis

This request is to formally combine six existing lots to create two parcels (*approximately 5625 square feet each*) for single family residences. The size of the structures located on the parcels will be limited by the setback, floor area ratio and height requirements of the Land Management Code for the HRL district.

Lot combinations which result in larger than standard lots have been allowed in the past, in areas where the ownership pattern is one of several lots and surrounding houses are larger than typical old town houses. In the surrounding area, the lot ownership pattern is typically three or more contiguous lots. Houses, in the area, range in size from approximately 2,400 square feet to 3,500 square feet.

The existing pavement for Sampson Avenue historically encroaches into the western edge of Lot 33 and southwest corner of Lot 32. Therefore, staff requests that the petitioner dedicate the Sampson Avenue right-of-way along the western edge of Lots 32 and 33.

D. Department Review

The Community Development Department and City Attorney's Office have reviewed this request. The request was discussed at a Staff Review Meeting on July 30, 1996, where the City Engineer, Chief Building Official, and representatives from local utilities were in attendance. Their concerns have been addressed by the applicant or are included in the conditions for approval.

E. Notice

The project was noticed to everyone within the affected plat and within 300 feet of the property boundary, on October 22, 1996. No formal comments have been filed at the time of this report.

ALTERNATIVES

- A. Approve the proposed subdivision plat amendment by combining lots 30, 31, and 32 into Parcel A and thereby removing the common lot line between three lots. The additional three lots, lots 14, 15, and 33 will be combined to form Parcel B, which will now form a sufficient size lot available for a single family residence.
- B. Deny the subdivision plat amendment and retain the original Record of Survey.
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in two (2) lots which are larger than the standard "Old Town" lot measuring 25' x 75'. The plat amendment will allow the construction of two single family residences of approximately 2800 square feet on the two proposed parcels. Staff believes that given required setbacks, the new historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination results in proposed structures which are compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the existing single family residence would become non-conforming, which would prohibit any additions to the existing structure. The owner could propose to construct houses on Lots 14, 15, 32, and 33 which would increase traffic, parking, and congestion on Sampson Avenue over the current proposal.

RECOMMENDATION:

Staff recommends that the City Council approve the amended Record of Survey for 135 Sampson based on the following findings with the following conditions:

Findings of Fact:

- 1. Dedication of a five (5) foot non-exclusive snow storage and utility easement along King Road is necessary to provide adequate utility and snow removal services.
- 2. Dedication of a ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue is necessary to provide adequate utility and snow removal services.
- 3. Dedication of the Sampson Avenue right-of-way along the western edge of Lots 32 and 33 is necessary to provide access to these lots.

4. The proposed plat amendment corrects the legal description of the applicant's property on which an existing residence exists.
5. The proposed plat amendment creates a net reduction in potential density over the six (6) lots.

Conclusions of Law:

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

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
3. All Standard Project Conditions shall apply.
4. A five (5) foot non-exclusive snow storage and utility easement along King Road shall be dedicated on the plat.
5. A ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue shall be dedicated on the plat.
6. Sampson Avenue right-of-way along the western edge of Lots 32 and 33 shall be dedicated on the plat.
7. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

Exhibits:

Exhibit A: Proposed Plat
Exhibit B: Location Map
Exhibit C: Current Plat

Ordinance No. 96-

**AN ORDINANCE APPROVING THE SECOND AMENDMENT THE MILLSITE
RESERVATION LOTS 14, 15, 30, 31, 32, AND 33, BLOCK 77 LOCATED AT 135
SAMPSON DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 14, 15, 30, 31, 32, and 33, Block 77, Millsite Reservation have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, on November 7, 1996, The City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

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

1. Dedication of a five (5) foot non-exclusive snow storage and utility easement along King Road is necessary to provide adequate utility and snow removal services.
2. Dedication of a ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue is necessary to provide adequate utility and snow removal services.
3. Dedication of the Sampson Avenue right-of-way along the western edge of Lots 32 and 33 is necessary to provide access to these lots.
4. The proposed plat amendment corrects the legal description of the applicant's property on which an existing residence exists.
5. The proposed plat amendment creates a net reduction in potential density over the six (6) lots.

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

SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey for Lots 14, 15, 30, 31, 32 and 33, Block 77, Millsite Reservation is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Execution and Recordation of the plat is a condition precedent to the issuance of a building permit for the addition.
3. All Standard Project Conditions shall apply.
4. A five (5) foot non-exclusive snow storage and utility easement along King Road shall be dedicated on the plat.
5. A ten (10) foot non-exclusive snow storage and utility easement along Sampson Avenue shall be dedicated on the plat.
6. Sampson Avenue right-of-way along the western edge of Lots 32 and 33 shall be dedicated on the plat.
7. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 7th day of November, 1996 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, MAYOR

ATTEST:

Anita Sheldon, City Recorder

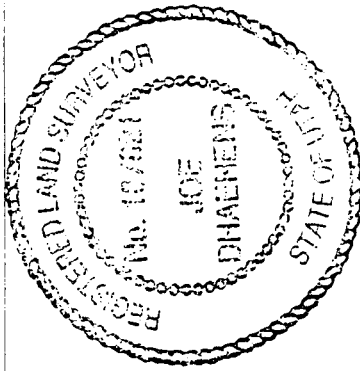
APPROVED AS TO FORM:

Mark Harrington, Assistant City Attorney

EXHIBIT A - Proposed Plat

PRELIM.

PLAT AMENDMENT
AND
RECORD OF SURVEY
LOTS 14, 15, 30, 31, 32, AND 33, BLOCK 77, PARK CITY



OWNER'S CONSENT TO RECORD

I, JOE CHALMERS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HAVE EXAMINED THE RECORD OF SURVEY AND THE PLAT AMENDMENT AND SURVEY AND THAT I HAVE FOUND THEM TO BE CORRECT AND ACCURATE AND THAT I HAVE NO OBJECTION TO THE RECORDING OF THIS PLAT AMENDMENT AND SURVEY.

ROBERT SLETA

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
DAY OF _____ 1988
I, ROBERT SLETA, LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PERSONALLY APPEARED BEFORE ME THIS DAY AND HAVE BEEN DULY SWORN AND ACKNOWLEDGED TO ME THAT THE ABOVE DESCRIBED PLAT AMENDMENT AND SURVEY IS THE TRUE AND CORRECT PLAT AMENDMENT AND SURVEY OF THE PROPERTY DESCRIBED THEREIN AND THAT HE SIGNED THE ABOVE OWNERS CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

RESIDING AT _____

SURVEYOR'S CERTIFICATE

I, JOE CHALMERS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HAVE EXAMINED THE RECORD OF SURVEY AND THE PLAT AMENDMENT AND SURVEY AND THAT I HAVE FOUND THEM TO BE CORRECT AND ACCURATE AND THAT I HAVE NO OBJECTION TO THE RECORDING OF THIS PLAT AMENDMENT AND SURVEY.

NOTES

1. THE BOUNDS OF RECORDS FOR THIS SURVEY ARE AS SHOWN.
2. THE PURPOSE OF THIS SURVEY IS FOR PLAT AMENDMENT AND BOUNDARY.
3. THIS SURVEY WAS REQUESTED BY ROBERT SLETA.
4. THIS SURVEY WAS PERFORMED IN JANUARY, 1988.
5. THE PROPERTY THAT IS THE SUBJECT OF THIS SURVEY IS LOCATED IN THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 11 N., RANGE 10 E., S. 100'.
6. THE PROPERTY THAT IS THE SUBJECT OF THIS SURVEY IS LOCATED IN THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 11 N., RANGE 10 E., S. 100'.
7. ALL DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BOUNDS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN.
8. CONSENT WOULD BE GIVEN HEREON WITHOUT THE SURVEYOR'S PRESENCE.

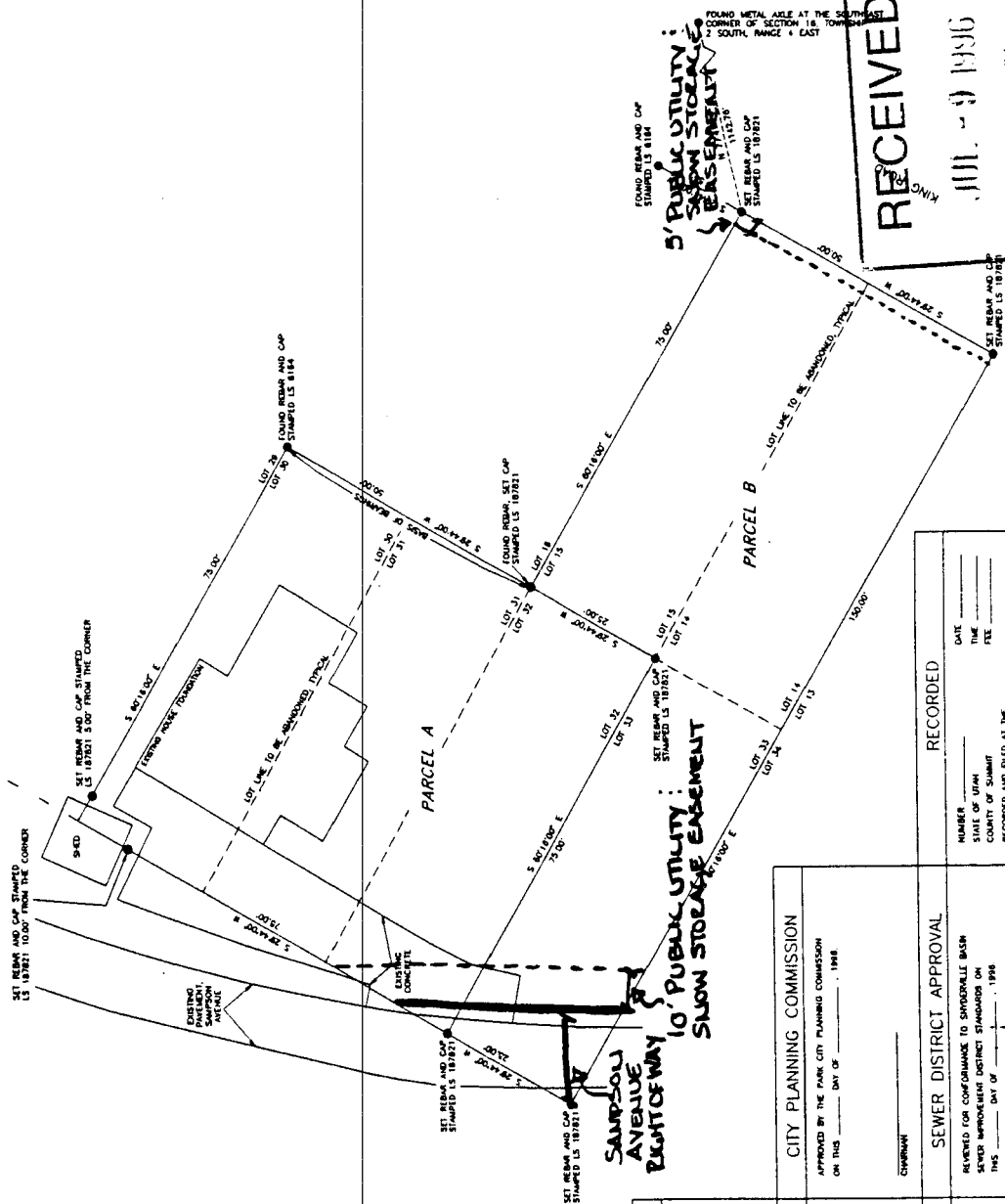
LEGAL DESCRIPTIONS

PARCELS 14, 15, 30, 31, AND 32 OF BLOCK 77 OF THE PARK CITY SURVEY, LOCATED IN SECTION 31, TOWNSHIP 11 N., RANGE 10 E., S. 100', EAST, SALT LAKE BASIN AND PARK CITY, UTAH, S. 100'.

PARCELS 14, 15, 30, 31, AND 32 OF BLOCK 77 OF THE PARK CITY SURVEY, LOCATED IN SECTION 31, TOWNSHIP 11 N., RANGE 10 E., S. 100', EAST, SALT LAKE BASIN AND PARK CITY, UTAH, S. 100'.

DUPLICATE

JOE CHALMERS
6-27-96
DATE

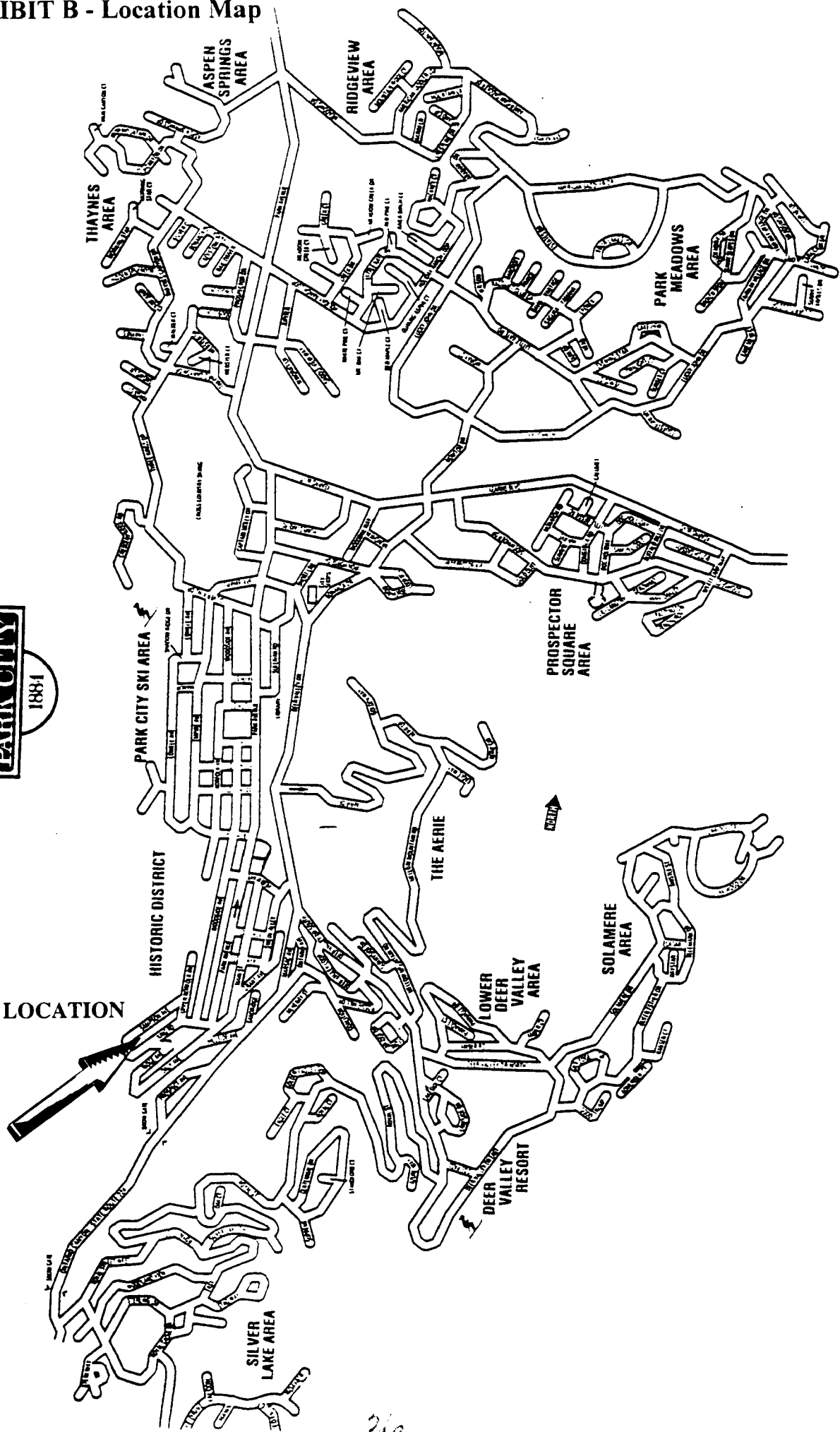


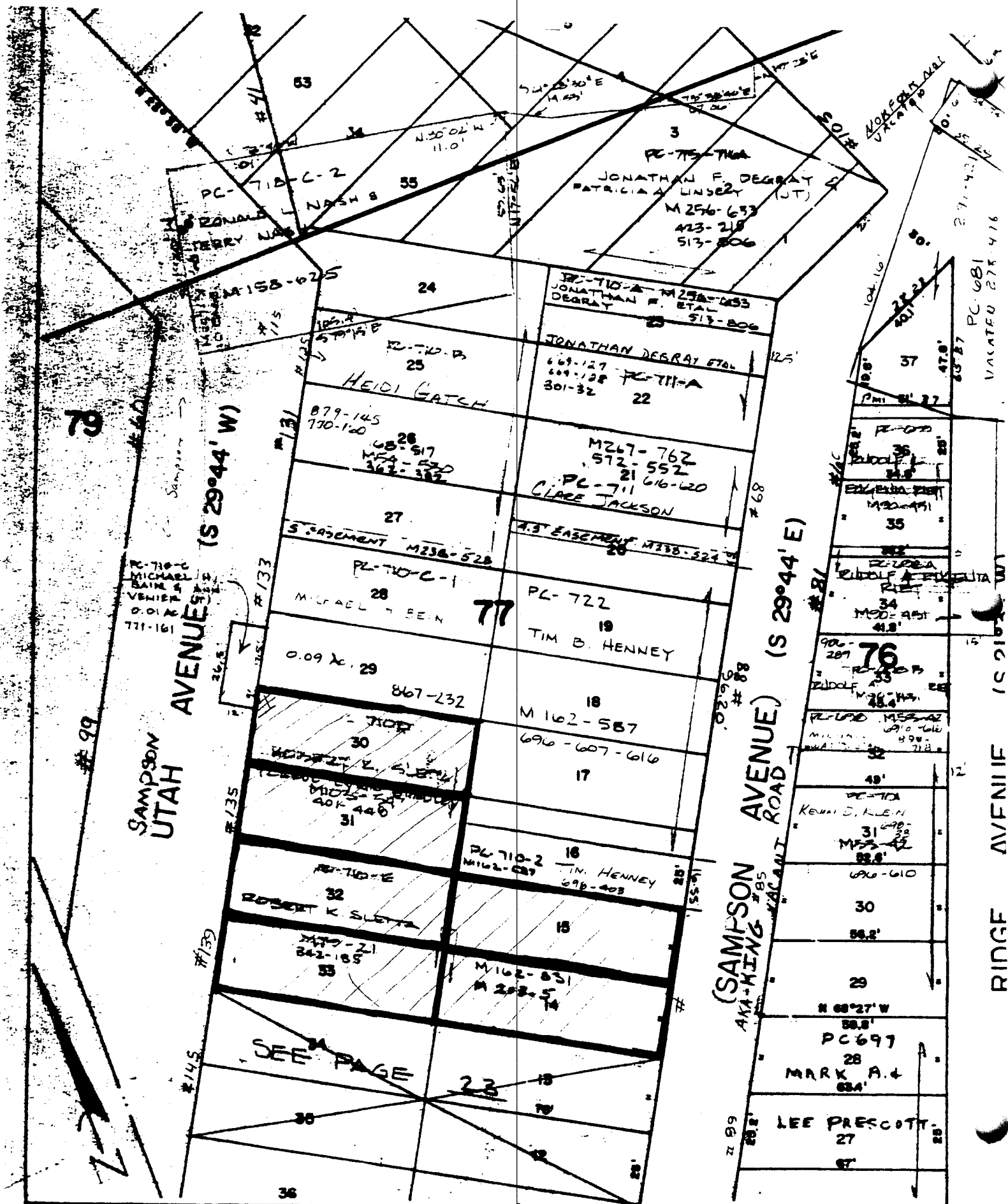
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CITY COUNCIL	CITY ENGINEER	CITY ATTORNEY	SEWER DISTRICT APPROVAL	RECORDED
				NUMBER _____ DATE _____
APPROVED BY THE PARK CITY COUNCIL ON _____ DAY OF _____, 1988	APPROVED BY THE PARK CITY ENGINEER ON _____ DAY OF _____, 1988	APPROVED BY THE PARK CITY ATTORNEY ON _____ DAY OF _____, 1988	RECEIVED FOR CONFORMANCE TO SPOONVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON _____ DAY OF _____, 1988	COUNTY RECORDER
CITY RECORDER	CITY ENGINEER	CITY ATTORNEY	SEWER DISTRICT APPROVAL	COUNTY RECORDER

EXHIBIT B - Location Map

PROJECT LOCATION





COUNCIL AGENDA REPORT

DATE: November 7, 1996
DEPARTMENT: Public Works
AUTHOR: Hope E. Bleecker, Transportation Director
TITLE: Parking Improvements to the Main Street Core
TYPE OF ITEM: Public Hearing

H. Bleecker 11/7/96

SUMMARY RECOMMENDATIONS: Conduct a public hearing on proposed staff recommendations presented in this memorandum as a follow-up to the Wilbur Smith Associates recommendations described in The Park City Historic Main Street Core Transportation and Parking Analysis.

DESCRIPTION:

A. Topic. Main Street Parking Plan Recommendations

B. Background. Staff presented the Wilbur Smith Associates parking improvement recommendations in a Council work session on September 19. Council accepted the plan in general form with the following comments.

- Revise Project Time Line - The 10-year time line proposed by Wilbur Smith exceeds the time available to complete projects in time for the 2002 Olympics. The phasing has been shortened to 6 years.
- Develop Transit Program - Transit options which satisfy specific trip demands cited in the parking study should be developed. It is appropriate to develop a 20-year transportation development plan focusing on regional commuter needs and local service options which can augment various trip demands and address employee transportation issues. Adoption of a 20-year regional transit development plan has been added to the Phase I project list.
- Garage site north of City Hall - The site north of City Hall was not recommended by the consultant as feasible for construction. Pursuant to Council and public comment, it has been added to the list for further development and will be further evaluated on an individual project basis.

Other comments relative to development and operational issues were rendered, all of which are being addressed

on an individual project level.

Wilbur Smith Parking Study Objectives:

Three main objectives of the Wilbur Smith Parking Study were established by staff before the project began.

- To identify parking and circulation improvements or related alternative concepts for early implementation during the 95/96 ski season;
- To provide general recommendations for improvement of parking and circulation conditions in the study area;
- To provide a framework for development of a long-term transportation plan focusing on automobile management in the study area.

Data Collection:

Data collected included an inventory of public and private parking spaces, land use (including developments under construction), city zoning code and policies, traffic volumes (including turning movement counts at selected intersections), accident data for the prior three years, flood plain data, and deliveries to businesses. Transit service to and from the downtown core was also investigated. Intersection analyses occurred at significant locations which helped to determine Main Street's seasonal parking shortages and to further define the recommendations for additional construction and phasing.

The consultant focused on traffic data, general field observations at peak and off-peak hours, and many discussions with the public before developing the program. Council and the public are encouraged to consult the final report on file at the Council work desk for specific details of Wilbur Smith's methodology in determining parking needs. In summary, a parking deficit was contrasted to the ability of the street network to accommodate additional traffic and as well as the limited amount of available space within the downtown core. The final recommendations focused on a comprehensive parking management program which included phased construction over a 10-year period.

C. Analysis.

Present Conditions: The highlights of the Wilbur Smith findings are summarized as follows:

- ***Parking Deficit-*** The report describes summer conditions as "in balance with a slight off-peak surplus". Winter conditions have a peak-period deficit of 300 spaces for average daytime use and as much as a 900-space deficit during peak-season evening hours. The numbers are based on observation of seasonal traffic and parking conditions. The data collected was fitted to The Urban Land Use Institute's model for shared parking conditions similar to those found throughout the study area. The peak period 900-space parking deficit was defined as "latent demand" for travel to Main Street; i.e. the number of auto users who would find it more convenient to drive to Main Street and have either used other travel modes to get into the Historic District or have foregone the trip entirely.
- ***Significant Generators-*** The most significant generators of parking are restaurants. This is particularly true during weekday and weekend evenings during the peak season, the periods during which the shortages are experienced.

- ***Too Many Long-Term Spaces-*** Over one-half of all parking spaces allow parking for four hours or more. The need for long-term parking is only one-half of the current supply.
- ***Patrons Prefer to Drive and Park Near their Destinations-*** Parking spots with high proximity are extremely well-utilized. (The fourth level of China Bridge and the upper lots adjacent to City Hall are not well-utilized.) Many patrons park in illegal locations close to their destinations instead of parking in legal spots in remote locations which evidences the need for a parking management program.
- ***Time Limit Abuse-*** Abuse of parking time limits is not significant, but does occur in some of the more convenient locations. One third of all violations observed were committed by those who chose to park for an entire day on Main Street even though parking is limited to two hours. Enforcement efforts are currently limited and need to be increased.

Options and Alternatives:

Wilbur Smith proposed a comprehensive plan for mitigating circulation and parking issues which has been formatted by staff into a 6-year time schedule. The plan includes paid parking, increased transit, identification or construction of remote parking lots, and construction of additional parking supplies within the core area.

The two most significant reasons to build additional parking include: 1) Present demand significantly exceeds supply; and 2) land use trends on Main Street warrant construction of more parking.

Wilbur Smith recommends two less costly options in Phase II to target employee needs: 1) Construct an additional level on the China Bridge garage and 2) Construct the Sandridge lot. Also recommended for Phase II are options for new garage construction of at least 300 spaces. The most cost effective option is an extension of the China Bridge garage which could exceed a net gain of 490 spaces over the next six years. The other option would result in fewer spaces at a higher cost and could displace part of the hill on the north side of City Hall. It requires additional development before it can be recommended as an acceptable alternative.

Phase I recommendations encompass a less than 2-year period and include increased evening transit, continuation of attended parking, paid parking, and increased enforcement activity on a city-wide basis. Staff proposes two additional overlapping phases, Phase II (5-year), and Phase III (2-year) strategies. The latter phases include the identification evaluation, and construction of additional parking supplies (with associated intersection and roadway improvements) within and outside of the Main Street core.

Construction within the Main Street core:

Construction within the Main Street core is recommended because of the necessity for additional auto access to the core based on land use and demand.

- ***Adding a Fifth Level to the China Bridge Garage
(Net gain of 77 spaces; net cost of \$847,000)***

Given the relatively low cost of construction, the addition of a fifth level is an option that warrants consideration by Park City as part of the overall solution in the Historic District. It would function well if accompanied by paid parking throughout Main Street. The estimated cost to add the level, including design work, is \$11,000 per space, or \$847,000 total. The design process would include an evaluation of connecting the fourth and fifth levels to Swede Alley in order to avoid excess traffic generation at State Route 224 and Deer Valley Drive. The

disadvantage is that additional construction presents a potential visual impediment to residents on Marsac Avenue near the parking garage and City Hall. Thus, there is the possibility of neighborhood opposition.

- ***Structure on Swede Alley North of China Bridge Garage***
(Total net gain of 494 spaces; total net cost of \$9,671,000)

This option was developed by the consultant because of the potential to develop the maximum amount of available parking. The most positive aspect of this site is its proximity to high demand areas. Variations of the design could serve to connect all levels of the China Bridge garage. Given its excellent attributes, a couple of functional layouts could be developed and phased according to demand and available funding. It is anticipated that there will be recommendations from the Historic District Commission for significantly less mass and reduced scale, the result of which will be fewer spaces. Wilbur Smith's recommendation includes a net gain of 330 spaces in the initial phase at a cost of \$5.9M. If more parking is needed, a 164 additional spaces could be built at a later date.

- ***Paving the Sandridge Lot***
(Net gain of 50 spaces; net cost of \$300,000)

This site has great potential as an overflow and employee lot. Several design elements should be considered, including a light-tight fence or special berming to satisfy code requirements. Attention should be given to overall landscaping so that the structure blends in well with future residential development along Marsac Avenue. The neighborhood has expressed an interest in developing a small park adjacent to the site. It is expected that residents will follow the proposal closely.

- ***Structure North of City Hall***
(Net gain of 300 spaces; net cost \$9,000,000)

This site poses the potential for many effective options, and as a result it is recommended by staff for further evaluation. The site is better known as the large hill north of City Hall, and could be developed as a combination of surface lots and an underground structure. It may be desirable for development as a joint commercial/parking facility to augment the cost of construction. One advantage of the site is that it poses the potential for less displacement of existing parking and disruption during construction as compared to the Swede Alley proposal. Its distance from Main Street is less desirable than the China Bridge expansion proposal. From a practical perspective, the net increase in parking supply compared to the cost to build it is assumed to be quite negligible.

Construction and Targeting of Remote Parking & Transit Use

A potential remedy for solving parking shortages in the Main Street core is to provide remote park-and-ride facilities with transit service to Main Street. Successful implementation of remote lot programs must be carefully orchestrated with other measures. In general, the following elements must be present:

- 1) **Parking in the Historic District must remain in constant short supply.**
- 2) **Expensive parking charges must be in place in the Historic District in order to detour patrons to remote facilities.**
- 3) **Transit head-ways must be short, and service should be express.**
- 4) **The remote lot should be adjacent to a major corridor and well-advertised.**

Several potential sites were investigated. The recommended alternatives are listed below.

- ***Park City Ski Area Parking Facilities***
The planned expansion of the Park City Ski Area will add a significant increase in parking which makes this area a prime candidate for a park-and-ride location. Although the site will have limited daytime availability during the winter ski season, it has excellent potential for use during evening and summer hours. Shared parking arrangements will have to be made with the Park City Ski Area. In addition, frequent transit service to this location, coupled with electronic signage, could entice many visitors into not venturing downtown with their cars, so that they develop habits to rely jointly on transit in addition to their automobiles. This option will be pursued for implementation immediately.
- ***Sewer Plant Site next to the Radisson Hotel (60-80 spaces)***
The lot east of the Radisson Hotel has potential for multiple uses. It is on the transit route and is owned by the City. It has fair potential for parking and could be a popular choice among motorists if it does not become the skating park area.
- ***The Park City High School Parking Lot***
The high school parking lot poses good potential for satellite parking and is currently being explored.

Outline of Staff Recommendations:

Program recommendations are specified in the following order for implementation over a 6-year period:

- Phase I Short-Term Recommendations (1996-1997)**
 - Implement year round 12-month enforcement.
 - Continue valet parking during winter seasons.
 - Adopt a 20-year transit development plan which addresses local and visitor travel needs and regional commuter needs of the region including Kamas, Heber City, Midway, and the Snyderville Basin.
 - Implement paid parking; develop a permit /meter system for local users, purchase pay and display meters for Main Street and honor boxes for China Bridge garage and Swede Alley.
 - Prepare designs for Sandridge and China Bridge.
 - Develop two designs and recommend concept for new garage in the Historic District.
- Phase II Near-Term Recommendations (1997-2001)**
 - Construct Sandridge lot.
 - Construct fifth level of China Bridge.
 - Construct new parking structure in one of two potential sites.
 - Begin remote lot use at various sites, where feasible.
 - Implement transit expansions, where feasible.
- Phase III Long-Term Recommendations (2001-2002)**
 - Develop and implement additional remote lot and transit service as necessary.

Financing Strategy:

Cost estimates for capital program elements were presented to the City Finance Department in August by Wilbur Smith Associates. Short-term operating improvements (additional enforcement, valet parking, and additional evening transit) were included in the transportation fund budget by the City Council as part of the FY 96 budget. These operating costs will be funded on a continuous basis by the transportation fund. A pro-forma for the overall program is now being compiled and will be presented when the major capital elements of the program have been developed. Information regarding specific cost elements of the plan and recommended sources will become available as the potential for lease revenue, operating costs, and private investment options are defined in conjunction with specific design plans.

- ***Cash on Hand***

There is currently \$744,221 in the CIP that will be used for paid parking equipment, design and construction of the Sandridge lot, and enforcement and valet parking operations for the winter.

- ***Estimated Revenues and Expenditures***

Staff anticipates the use of a variety possible revenue sources, including the transportation fund, paid parking revenues, enforcement revenue, RDA contributions, a special improvement district fund, and the existing county restaurant tax. The most recent cost forecast prepared by staff identifies all capital and operating costs of the 6-year program with the exception of operating and capital costs of significant transit expansions. Currently the forecasted annual total project debt service averages \$1.2M annually for 20 years. Private funding options which could significantly augment the identified funding sources are now being examined.

Summary of Public Review:

Two advertised meetings were held and public comment was received in October 1995 during the beginning stages of development. When the consultant's recommendations were received in May 1996, community organizations were informed of the plan through a series of stakeholder meetings.

- ***The Main Street Merchants Association:*** (8:00 a.m., July 9 & August 13, Kimball Art Center)
No formal written position has been rendered by this association with respect to the general concept. However, the merchants verbally support paid parking, valet service, increased transit, and believe garage construction should occur immediately. They have actively followed the progress of the parking plan and have suggested several operational ideas that we intend to implement throughout the course of Phase I.
- ***The Lodging Association Board*** (3:00 p.m., July 17, Radisson Hotel)
The board members specified that increased transit should be a key focus in accordance with paid parking and made several helpful suggestions concerning signage and user-friendliness of the transit system. They wish to be active in the overall marketing of the program. They are interested in the Council decision and are expected to remain involved in the process.
- ***The Lodging Association*** (12:00 p.m., September 4, The Homestead in Midway)
The Lodging Association supports additional transit service and all enhancements to the bus system. They are interested in remaining informed on capital and operating aspects of the program. They have neither endorsed nor raised objection to the program.

- ***The Chamber Board*** (4:00 p.m., July 16, at the Utah Winter Sports Park)
The Chamber Board was generally pleased to be informed on the process. No official position was rendered with respect to support of, or opposition to the program.
- ***The Main Street Restaurants*** (11:00 a.m., July 15, Kimball Art Center)
All Main Street restaurants were notified of a meeting two weeks in advance. Only five restaurants were represented. The issue of development on lower Main Street affecting parking demand was discussed. Representatives were concerned that availability of additional shopping and dining on lower Main Street is affecting the parking demand. They support immediate construction to remedy the parking deficit. The results of last year's valet program were provided, and representatives were promised they would be kept up to speed on happenings for this year. They were also asked to participate in the design of the valet service for this December.
- ***Advertised Public Meeting*** (5:30 p.m., September 18, The Yarrow Hotel)
There was a general consensus that more parking is needed and that the original 10-year time frame proposed by Wilbur Smith Associates was too long a time line. Most of the participants agreed that a combination of transit and more parking supply as proposed by Wilbur Smith was a good way of addressing the issue. The concern regarding regional bus service was identified, and attendees stressed implementation of broad-scale transit options to address employee and other commuter needs.
- ***The Park City Restaurant Association*** (9:00 a.m., September 18, Wasatch Brew Pub)
The Restaurant Association is currently preparing a statement to the Council regarding the proposed plan and various concerns regarding operational issues. They support construction of additional parking in the Main Street core as well as creative transit solutions to address regional and employee needs.

D. Department Review.

The Main Street parking study, as well as this staff report have been reviewed by the City Manager, the Planning Director and staff, the Public Affairs Director, the Finance Director, and the Director of Public Works.

ALTERNATIVES:

- A) **Conduct a public hearing of the proposed outline of parking improvements for the Historic District. Provide additional comment to staff following public input session.**
Staff acknowledges this alternative as the most prudent course of action given existing conditions. This is a final opportunity for public comment before the individual elements of the project are brought forward.
- B) **Reprioritize and investigate other strategies for mitigation of parking issues.**
Selection of this alternative would result in time delays and would require additional planning and consultant fees. Main Street businesses will interpret endorsement of this alternative as a delay in resolution of the problem.
- C) **Do Nothing.**
Staff does not recommend this approach. Main Street businesses may render opposition if this alternative

is chosen.

SIGNIFICANT IMPACTS:

The plan's Phase I impacts include enforcement and paid parking, which will have positive effects on circulation and space availability. Adverse impacts will be experienced by motorists who have been able to access the downtown area without the consequences of paid parking and parking restrictions. Construction will pose environmental impacts which include disruption of traffic and possible loss of parking for 1-2 years. Long-term positive impacts will result which include improvement of traffic circulation, better transit options, and improved automobile management.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

It is important to take public comment in an organized forum in order for each of the projects to proceed. Whereas the public has had sufficient opportunity to comment in staff sessions, a number of individuals have requested the opportunity to come before Council to comment on the proposed plan. Avoiding this step in the public process results in delay of additional project development.

RECOMMENDATION:

Conduct a public hearing on the proposed program of parking improvements for the Historic District. Pursuant to receiving comments from the public, advise staff on any additional directives as needed.



CITY COUNCIL REPORT

DATE: November 1, 1996 (November 7, 1996 meeting)
DEPARTMENT: Planning Department
AUTHOR: Planning Staff
TITLE: Sweeney Town Run Large Scale MPD Amendments
TYPE OF ITEM: Appeal of Planning Commission
Action on Revised Sweeney Large Scale Master Plan Development

PROJECT STATISTICS

Project Name: Sweeney Town Run Large-Scale MPD Amendments
Applicant: Quitting Time, LTD
Location: West of Park Ave., East of Norfolk Ave., and South of 8th Street, including a portion of the Town Lift Base Area, the Sweeney Master Plan Coalition West area, and the Larremore parcels between Norfolk and Woodside.
Zoning: HRC-MPD, HCB-MPD, HR-1, and ROS
Adjacent Land Uses: Lift Base, Mixed Use MPD, Historic Residential, Vacant and Commercial.
Date of Application: March 1, 1995 for MPD
March 8, 1996 for appeals

SUMMARY RECOMMENDATION

Staff recommends Council review information in the packet, applicable information from past packets, the summary of meetings (see Exhibit A), flow chart of the process (Exhibit B), and findings of fact for approval and denial (Exhibits C, D, and E). If after discussing the process, Council decides to take action on the appeal, then it

should continue deliberation of and take final action on, appropriate findings of fact, conclusions of law, and conditions of approval.

BACKGROUND

On February 28, 1996 the Planning Commission approved a request to amend the 1986/87 Sweeney Large Scale MPD. On March 8, 1996 the applicant and 9 citizens filed timely appeals of the Planning Commission decision. The City Council heard the appeals at 10 different meetings from March 7, 1996 to October 17, 1996 (see Exhibit A). Councilman Sincock has prepared a flow chart of the process (see Exhibit B).

At the May 9, 1996 meeting, after reviewing and discussing the record, council directed staff to prepare findings of fact and conditions of approval to approve the amendments to the MPD, as modified by Council (see Exhibit C). On June 6, 1996 Council began deliberation of these findings. Several issues needed clarification, including the bridge width. The applicant and Council could not agree on the width (the applicant requested 33' and Council discussed 30'). The Council denied the project, at the applicant's request, because they could not agree on the width. Staff prepared findings of fact for the denial (see Exhibit D).

On June 28, 1996 the applicant, in a letter (see Exhibit E), requested a reconsideration of the decision to deny the project. The applicant offered three main modifications to his original request. He offered to:

1. leave the historic tower in its approximate location;
2. restore and leave the historic house in its approximate location; and
3. limit the bridge to 30' in total width.

On July 18, 1996 the Council voted to reconsider its decision. Staff prepared a new set of findings, incorporating the applicant's modifications (see Exhibit F). On October 17, 1996 Council discussed the reconsideration and appeal process. That meeting was continued to clarify procedural issues.

The Council has received an opinion from the City Attorney, a letter of concurrence from an outside counsel and a flow diagram from council member Sincock on process.

PROJECT DESCRIPTION

The following is a brief summary of the proposed amendments to the Sweeney Large Scale MPD, including amendments proposed by the applicant in his June 28, 1996 letter. Refer to the conditions of approval for a fully detailed explanation of the proposal.

- A skier bridge would span Park Avenue between the Coalition East and Coalition West parcels. The bridge width would not exceed 30' as measured on a perpendicular

plane from outside edge to outside edge. No bridge supports would be located within the City right of way. The bridge would be aligned with the lift. No design of this bridge has been approved. Historic District Commission and Planning Commission review and approval would be required. No specific design is being recommended or approved at this time. The bridge design, materials, massing, and character should reflect the historic context of Park City.

- The ski run, located between 7th and 8th Streets, would continue down the mountain and across the bridge to the skier plaza and town lift base. The run currently ends at Woodside Avenue. The bridge would facilitate a pedestrian and skier link between Woodside Avenue and Main Street.
- Currently a skier heading for Summit Watch ends the run on the west side of Woodside, crosses Woodside and walks down Eighth Street. The skier then crosses Park Avenue and Main Street. The skier proceeds up Main Street to the stairs leading up to the Summit Watch plaza. With the bridge in place the skier would end the run on the skier plaza, walk down the stairs to Main Street (an 8' to 14' difference in grade elevation, depending on where measurements are taken), cross Main Street and walk up the stairs to the Summit Watch plaza.
- Woodside Avenue would be closed between Seventh and Eighth Streets. A new street (Seventh Street) would be constructed to connect Park and Woodside Avenues. The street would be constructed to City standards.
- Limited commercial uses would be allowed on the west side of Park Avenue, consistent with the underlying zoning and revisions to the HRC zone as discussed by the Planning Commission. Revisions include no restaurants, bars, or high traffic generating commercial uses.
- The historic tram tower would remain in approximately its current location.
- The historic home would remain in approximately its current location. An historic facade easement would be granted at the time of platting.
- A new residential structure could be constructed located near new 7th Street, between Park and Woodside Avenues. The new structure would meet requirements of the HR-1 zone and the Historic District Design Guidelines.
- A new mixed-use building would be located between Park and Woodside Avenues, between 7th and 8th Streets. The structure would contain approximately 5500 square feet of commercial uses fronting on Park Avenue with 4000 square feet of residential uses located above. Total building mass would be approximately 9,500 square feet. Density is limited to 9.15 unit equivalents (maximum of 5.5 u.e. of commercial) for the Coalition West parcel. The existing MPD allows 16 u.e. of density which translates

to approximately 32,000 square feet of building mass, at 2,000 sf per unit equivalent.)

- An underground parking structure would provide on-site parking.
- A new 1600 square foot commercial store front (1.6 u.e. of commercial) would be added to the Master Planned Development currently under construction on the east side of Park Avenue, known as the Coalition East parcel. This store front would be located beneath the proposed bridge.
- The ski run would be an open space corridor/link between the skier plaza on the east side of Park Avenue and the mountain. A pedestrian trail/link to existing trails would be paved on this run for summer use. The area would be landscaped by the developer. Public amenities, such as benches, tables, trash cans and drinking fountains would be provided on the skier plaza. The bridge and landscaping improvements would be the responsibility of the developer. The City would require a comprehensive, perpetual, landscaping, storm water management, maintenance agreement and a summertime public access easement prior to issuance of a Conditional Use Permit for the ski run, skier bridge, and open spaces.

ANALYSIS

A complete analysis of the project can be found in the City Council Report of May 31, 1996 (June 6, 1996 meeting). Staff has now prepared three sets of findings of fact and conditions of approval based on the record: 1) approve with a 30' wide bridge, 2) deny, and 3) approve with modifications as requested by the applicant. Staff believes that Council has several alternatives to conclude this appeal process.

ALTERNATIVES

1. Decide whether modifications requested by the applicant are acceptable. If so, the Council should review and act on the latest set of findings of fact and conditions of approval.
2. If the modifications are not timely or acceptable, the Council should deny the applicant's request for reconsideration findings of fact and conclusions of law for denial.
3. If the Council decides that further modifications, justified by the existing record, are warranted, then the Council should direct staff to prepare new findings of fact based on these modifications.
4. Continue the appeal to a future date for further discussion.

RECOMMENDATION

Staff recommends that Council review information included in this packet and applicable information from past packets. Staff recommends that Council conclude the appeals of the February 28, 1996 Planning Commission decision on amendments to the Sweeney Large Scale MPD, by taking action on appropriate findings of fact, conclusions of law, and conditions of approval.

EXHIBITS

- A. Summary of meetings and dates.
- B. Flow chart of process, prepared by Councilman Paul Sincock.
- C. Findings of fact and conditions for approval (June 6).
- D. Findings of fact for denial (July 18).
- E. Redlined findings of fact and conditions of approval, incorporating modifications, based on the applicant's June 28, 1996 letter (October 17).
- F. Applicant's June 28, 1996 letter.

SUMMARY OF DATES AND MEETINGS

February 28, 1996- Planning Commission approved the Sweeney Town Run Large Scale Master Plan Amendments with conditions as outlined in the revised staff report (on file in the Planning Department).

March 7, 1996- City Council discussed the call-up and appeal of the Planning Commission decision. They outlined the process and set a schedule for future meetings regarding the appeal.

April 4, 1996- City Council reviewed the history and background of the Sweeney Large Scale MPD. Council submitted questions to staff regarding approved amendments to the Sweeney Large Scale MPD and asked staff to distribute those questions to the appellants (both applicant and citizen) for discussion at the next meeting.

April 18, 1996- Appellants responded to Council's questions with presentations and visual displays. The Council entertained additional questions and concerns from the citizen appellants. Councilman Sincock presented several alternatives for consideration by the applicant, citizen appellants, and Council. The appeal hearing was continued to the May 2 meeting.

May 2, 1996- City Council continued to discuss the applicant's proposal as well as several alternatives presented by Mr. Sincock. The citizen appellants addressed the Council with their concerns. The applicant gave an overview of his concerns with the various alternatives. The appeal hearing was continued to the May 9 meeting.

May 9, 1996- City Council reviewed a decision matrix and eight alternatives as outlined by Staff. Council received comment from the applicant and the citizen appellants. Further discussion occurred regarding the bridge structure, bridge width, location of bridge supports, the proposed Special Improvement District (SID), commercial uses on the west side of Park Avenue, closure of Woodside Avenue, and snow-making. Staff was directed to prepare findings of fact and conditions of approval based on the Council's discussion. The appeal hearing was continued to a future date to give staff time to draft the findings and conditions and receive input from the applicant and citizen appellants.

June 6, 1996- Council began deliberation of the findings of fact, conclusions of law, and conditions of approval regarding the appeal of Planning Commission's approval of February 28, 1996, as drafted by staff. Staff identified several issues that need to be resolved in concept prior to enacting the findings. These issues included 1) snow-making parameters, including location of the snow making guns, 2) timing of the bridge construction, 3) general construction phasing, 4) approval expiration and timing, 5) base zoning and what happens to it if approval expires, and 6) the existing historic tower and structure. Council did not finish deliberation of the findings and conditions.

The meeting continued with a discussion of the proposed skier bridge width. A 25' wide skier surface with a maximum bridge width of 30' was indicated on the conditions of approval, based

on the previous meetings. A 30' total width regardless of skier width was discussed. The applicant indicated that based on recent changes by his designers and on recent conversations with the Ski Area, he could agree to a 33' bridge with a 32' wide skier surface. The applicant indicated he made a good faith effort to come up with a width that worked for the ski area and that he couldn't accept anything less than the 33' total width. Council woman Kerr moved to deny the project "...I will renew my motion based on Pat's request that if we could not grant a 32 foot width that we deny the project..." The motion carried 3 votes to 2. (See attached minutes, Exhibit A).

June 28, 1996- Applicant requests reconsideration of appeal.

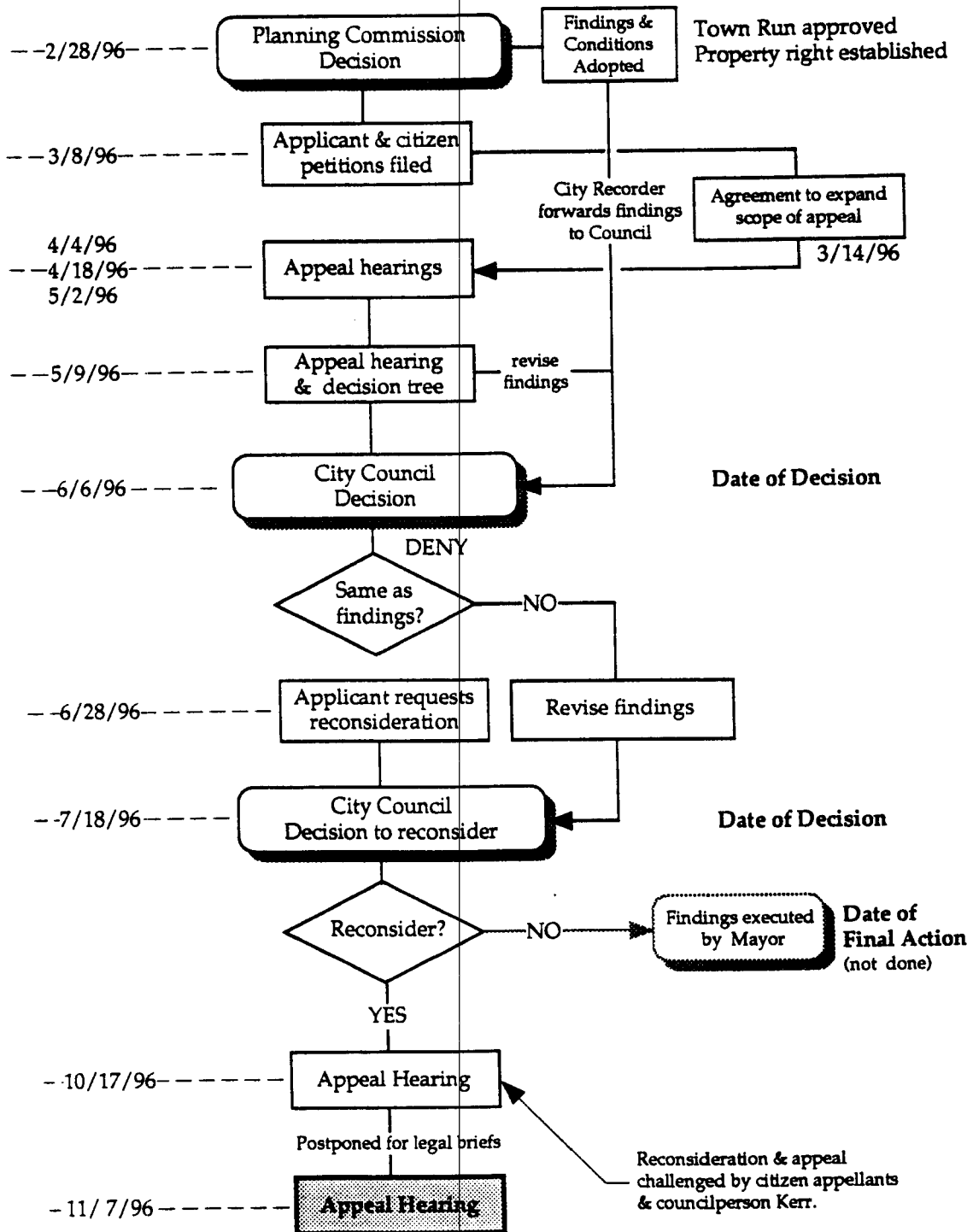
July 18, 1996- City Council voted 4 to 1 in favor of the applicant's request (see letter attached, Exhibit B) for reconsideration of the appeal and to continued deliberations on the findings of fact, conclusions of law, and conditions of approval regarding amendments to the Sweeney Large Scale Master Plan.

July 25, 1996- City Council discussed the scheduling of the Town Run appeal reconsideration and directed planning staff to review the agendas for the next 6 months and suggest a time when the project can be heard without disrupting Council's schedule.

October 17, 1996- City Council discussed the appeal process and the reconsideration issue. Council was advised by their legal counsel that the standard process for this Council's action is for them to act upon findings of fact, conclusions of law, and conditions of approval (conditions not needed for action to deny). If those findings of fact, etc. are not available at the meeting, direction is typically given to staff to draft those findings, etc. for final action at a following meeting.

SWEENEY MPD APPEALS PROCESS

Quasi-Judicial Process



June 6, 1996

BEFORE THE CITY COUNCIL OF THE PARK CITY MUNICIPAL CORPORATION

DRAFT

Quitting Time, LTD- Appellant	)	FINDINGS, CONCLUSIONS AND
Nine Citizens- Appellants	)	CONDITIONS REVERSING IN
	)	PART AND UPHOLDING IN
v.	)	PART 1996 MPD AMENDMENTS
	)	TO THE SWEENEY LARGE-SCALE
Park City Planning Commission	)	MASTER PLANNED DEVELOPMENT

This matter, having come on regularly for hearing upon appeal, with both appellants appearing *pro se*, and with the City Council being advised by the Office of the City Attorney; and having reviewed the files and records herein, supplemented by:

1. Sweeney Statement of Appeal with exhibits filed March 8, 1996
2. Citizen Appellants' Statement of Appeal filed March 8, 1996
3. April 4, 1996 City Council Report with exhibits (CDD staff)
4. April 4, 1996 response of Citizen Appellants, with questions of Council
5. April 18, 1996 Council Agenda Report with exhibits including Council questions for staff and appellants (CDD staff)
6. April 18, 1996 response from Pat Sweeney
7. April 18, 1996 response from Park City Ski Area
8. Options A through C prepared by Paul Sincock
9. Park City Ski Area's May 1, 1996 response to Options A through C
10. Citizen Appellants' May 2, outline of concerns, questions and actions
11. Sweeney's May 2, 1996 response to Citizen Appellants' Appeal
12. CAD graphics prepared by David Belz for Sweeney appellants
13. Citizen Appellants' petition in support of appeal

and having taken testimony of CDD staff and of all concerned parties on April 4, April 18, May 2, and May 9, 1996 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT:

1. Park City is an historic mining town with a tourism-based economy. A bridge connecting the Park City Ski Area with the extension of historic Main Street will encourage and reinforce nightly lodging at the base of the Town Lift. Improving

the access to skiing for nightly lodging benefits the community beyond the properties immediately adjacent to the Town Lift by enhancing the attractiveness of Park City as a destination resort. A well designed ski bridge is not incompatible with the City's historic district. Bridges and similar structures such as the Crescent Tram and China Bridge are part of Park City's history. The ski bridge and associated ski run would reduce the density of permitted development and would provide open space and view corridors which would not be available if the densities currently allowed were developed.

2. In 1986, the Park City Planning Commission approved the Sweeney Properties Large-Scale Master Plan for 125 acres of land owned by the Sweeney Family on Treasure Mountain, to and across Park Avenue. The Planning Commission amended the Sweeney Properties Large-Scale Master Plan in 1987 (SPMP).
3. In 1996, the Planning Commission approved the amended SPMP to decrease the general density and to reconfigure of a portion of the SPMP to allow a skier bridge. The Planning Commission did not consider and therefore did not grant Small-Scale Master Planning approval of any structure, or group of structures, as part of the planning approval presently on appeal.
4. The Planning Commission considered all submissions by the applicant, the planning staff's analysis of the proposals, and held hearings on July 26, September 13, November 15, 1995 and on January 10, 1996 to receive testimony and evidence from the public on all aspects of the proposed plan.
5. On July 26, 1995, the Planning Commission requested the applicant to discuss the proposed revisions in the context of the entire MPD. Pursuant to the Planning Commission's request, the applicant commissioned a depiction of a version of revisions to the Creole Gulch and Mid-Station development sites that would be possible if the Town Run and Bridge were approved. The applicant submitted the information to the Planning Commission on September 13, 1995. The information clarified that Planning Commission approval of the Town Run and Bridge would increase the applicant's flexibility to rearrange approved density on other portions of the SPMP.
6. On appeal, all parties agreed to an expanded evidentiary process which allowed the Council to consider information that was not afforded the Planning Commission, including information from the Park City Ski Area (PCSA) regarding the PCSA's operation and development plans, and the appellants' reactions to several options, including Option A: a narrower bridge; Option B: closure of Park

Avenue and a bridge over Woodside Avenue; Option C: development under the present 1986/87 approval.

7. There ski industry has not adopted a consistent standard for proper ski bridge width within an urban environment. Within our own community, the widths of both ski runs and ski bridges vary widely. The proposed Town Bridge would be the first bridge within Park City's historic urban core. It would be accessed by The Drift, a ski run that is less than 25 feet wide.
8. The last 250 feet of the ski run leading up to the proposed Town Bridge is relatively flat (4% grade).
9. The proposed Town Bridge will function as the terminus of a ski run, rather than as an extension of a ski run. As such, skiers should approach and traverse the bridge at a slow rate of speed.
10. Public safety, skier safety, liability, and long-term maintenance are important considerations in designing the ski run and the skier bridge. In part, a ski area can increase skier safety with appropriate design, signage, and staffing during peak periods to regulate skier speed.
11. The proposed Town Bridge primarily benefits the private sector. The Applicant submitted no evidence that the public will use the proposed summer park in a manner disproportionate to the manner the public uses other public spaces associated with large-scale commercial development such as the Summit Watch plaza.
12. Computer-assisted photographs generated to assist the Council on appeal demonstrate that the 40 foot bridge width and the angle at which it is proposed to span Park Avenue creates an unpleasant tunnel effect and will, at times, cast a shadow over one full block of Park Avenue. The applicant offered no convincing evidence that the bridge width must be 40 feet to ensure skier safety or the commercial viability of the amendments. The applicant expressed indifference to the ultimate bridge width and deferred to the PCSA.
13. A smaller bridge, parallel to current alignment of the Town Lift would reduce the adverse impacts of the proposed bridge and would create a more pleasing urban form.
14. A truss, trestle, or suspension bridge design could lessen the visual impact of the bridge and would obviate the applicant's stated need to place abutments within the

Park Avenue right-of-way. Bridge abutments in the City right-of-way pose an undesirable use of City right-of-way and create an unnecessary risk of liability to the City.

15. A smaller bridge, parallel to current alignment of the Town Lift would lower the applicant's project costs.
16. Construction of any bridge and buildings associated with already-approved aspects of this project will effect the character of the surrounding neighborhood. Structures approved through the Small-Scale MPD process should be compatible with the surrounding neighborhood in size, mass, scale, height, and architectural character. Impacts created by the buildings should be mitigated using the Historic District Design Guidelines as a basis for review. The Historic District Design Guidelines may require structures with size, mass, scale, and height well less than the maximum parameters suggested by this and prior approvals. Models and site plans the applicant has submitted in support of the amended MPD have not been evaluated for conformity with Small-Scale MPD nor design review considerations.
17. The Coalition West site was originally master planned for residential uses on the west side of Park Avenue. Without an MPD, the background zoning is for commercial and resort-related development (HRC) along Park Avenue and for residential uses (HR-1) along Woodside Avenue. The applicant proposed limited commercial uses on the Coalition East and West sites, and proposed to exclude restaurants and bars. Restaurants and bars are also excluded in the proposed changes to the HRC zone currently under review by the Planning Commission. The Planning Commission approved limited commercial uses on the Coalition East and West sites, as circumscribed by the proposed LMC revisions to the HRC zone.
18. As part of the 1987 amendments to the SPMP, the Planning Commission approved the transfer of at least three unit equivalents of residential use to the Coalition West site, increasing the density from 13 unit equivalents to 16 unit equivalents, using "some" commercial unit equivalents, consistent with the HRC zone, to absorb the additional units within the existing building envelop. The record is unclear how many commercial unit equivalents were allowed on the Coalition West parcel.
19. On August 23, 1990 the City Council rezoned the Coalition East and the eastern half of the Coalition West sites to HRC-MPD and the western half of the Coalition West site HR-1-MPD. That action reflected the 1987 amendments to the SPMP and had no further force and effect on the designation of allowed uses.

20. The applicant, through David Belz, presented convincing evidence that the approved retaining wall on 8th street and within the Woodside right-of-way should be redesigned as a sloped berm and landscaped with decorative rock, trees and shrubs.
21. The amended MPD on appeal includes an extension of the Town Run. The PCSA has further indicated that it will improve the existing Town Run with snow making and grooming if the Town Bridge is constructed. Ski runs (along with snow making and grooming operations for the runs) are conditional uses within the HR-1 and HRC zones.
22. Snow making and grooming can be noisy, intrusive activities and can create road hazards in an urban environment if improperly managed.
23. As part of its review of the proposed Town Run and Bridge revisions to the SPMP, the Planning Commission requested a demonstration of several different types of snow making systems. The demonstration showed that the small snow-making guns created an acceptable noise level: below 80 to 85 dBA leq at a distance of 50' from the base of the gun.
24. The snow making demonstration also showed that even the smallest snow making guns can cause substantial (up to 300') snow drift under windy conditions.
25. The Town Run/Bridge project is located in an area of high pedestrian and vehicular activity. Impacts from project construction activity will compound the noise and annoyances suffered by the community.
26. Construction phasing and proper staging can reduce the negative impacts of construction activity on the surrounding neighborhood and on the community as a whole.
27. Once the project is constructed, however, the Town Run, Bridge and Lift should be operated fully, to mitigate traffic impacts and to justify the expense and inconvenience of construction and loss of public right of way.
28. The 1986 approval of the SPMP included a condition that "as projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application". Presently, there are no ordinances which require employee housing

as mitigation for commercial development. However, staff is in the process of drafting such an ordinance. If the Council approves an employee housing ordinance prior to the date on which the applicant seeks Small-Scale Master Plan approval for the Coalition West site, such ordinance will have full force and effect.

29. The proposed plan includes a permanent closure of and fill over Woodside Avenue. In 1991 the applicants commissioned a traffic study to evaluate the impacts of a Woodside Avenue closure. That study indicated minimal traffic disruption as a result of the proposed closure. Traffic patterns and projected build-out have not changed so dramatically from 1991 to render the traffic study invalid.
30. There are significant public utilities within the Woodside Avenue right-of-way.
31. On appeal, the applicant clarified that the proposed amendments to the SPMP decrease the maximum density for the combined Coalition East and West parcels by 5.25 unit equivalents. The applicant proposes a maximum of 9.15 unit equivalents on the Coalition West parcel (of which a maximum of 5.5 unit equivalents are commercial) and an additional 1.6 unit equivalents on the Coalition East parcel.

CONCLUSIONS OF LAW

1. The Planning Commission erred in describing the Town Run and Bridge proposal as unrelated to the remainder of the MPD. However, because the Planning Commission actively reviewed the Town Run and Bridge in the context of the entire SPMP, and because additional revisions to the SPMP are contingent on Planning Commission action, the Planning Commission's error is harmless, and has been remedied by Finding of Fact (Number 3) on appeal.
2. The Planning Commission erred in approving the Town Bridge with a forty foot wide span and an unnecessarily-skewed alignment. The Planning Commission failed to consider how such a bridge would create an unacceptable risk to the health, safety, and welfare of the general public. The Nine Citizens' appeal is hereby granted to the extent that it is remedied by Corrected Conditions of Approval in these respects.
3. The applicant is not entitled to Small-Scale MPD or design approval at this level (Large-Scale MPD) of development review.

4. Subject to Corrected Conditions of Approval described below, the proposed revisions are in substantial conformance with the Comprehensive Plan and the Land Management Code.
5. In all remaining respects, the Planning Commission properly approved the subject amendments to the SPMF.
6. A Special Improvement District (SID) is not an appropriate method to finance and construct or maintain the bridge or to maintain open space areas within the project.
7. In all remaining respects, the appeals are hereby denied.

CORRECTED CONDITIONS OF APPROVAL

1. The proposed bridge structure shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a skier surface of no more than 25' as measured on a perpendicular plane from the interior wall of the bridge structure. The entire bridge width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge.
2. No bridge support shall be located within the City right-of-way.
3. The bridge shall be aligned, to the greatest extent possible, to be parallel with the existing ski lift, to reduce shadowing over the 8th and Park Avenue intersection, to reduce the overall length of the span, and to ensure an adequate line of sight at all relevant intersections.
4. The bridge must be designed to minimize the mass, to reduce the depth of the girders, and to create a visually-interesting and historically-compatible element of the lower Old Town area.
5. An adequately-secured contract to hold harmless and to indemnify the City for any liability arising from the siting, construction, operation, and maintenance of the bridge is a condition precedent to the issuance of any right of way encroachment permit or Conditional Use Permit to allow construction of the bridge and/or its appurtenances.
6. Applicant must petition to vacate that portion of Woodside Avenue that applicant proposes to fill as an extension of the Town Run. Applicant must submit a

satisfactory plan for accessing and protecting public utilities within the Woodside Avenue right-of-way as a condition precedent to public vacation of any portion of Woodside Avenue.

6. Historic District Commission design review and approval of all structures, including the bridge, retaining walls or berms, parking structure and buildings for architectural design, including mass, scale, colors and materials, and for conformance with the Historic District Guidelines, is a condition precedent to building permit issuance.
7. Planning Commission review and approval of a Small-Scale MPD for all structures is a condition precedent to building permit issuance.
8. The maximum allowable building heights shall be 27' in the HR-1 zoned portion of the MPD, measured from natural or finished grade, whichever yields the smaller/shorter structure. The maximum allowable building heights shall be 35' in the HRC zoned portion of the MPD. These are maximum heights only, the overriding requirement for these buildings is that they be compatible in mass and scale with the surrounding neighborhood, including the historic structures on the west side of Park Avenue. To meet the compatibility requirement it may be necessary to reduce the overall height of the structures.
9. No commercial business which generates a high volume of vehicular pick-up and drop-off traffic, nor any bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The SPMP shall be modified to include proposed changes to the land use table for the HRC zone, as described on Table 1, attached.
10. Parking for all uses shall comply with the requirements of Chapter 13 of the LMC as amended. If specifically approved by the Planning Commission during the Small-Scale MPD process, up to 3 parking spaces may be shared between the Coalition West and East parcels, provided the total number of spaces complies with the Code. If problems arise with day skier parking, the applicant shall implement a parking management plan, approved by the City.
11. Planning Commission approval of a Conditional Use Permit for the ski run from the Mid-Station to the Skier Plaza is a condition precedent to grading, installation of snow making, construction of amenities, or operation of the extended ski run. The Conditional Use Permit, at its minimum, shall restrict snow making and

grooming and shall condition use of the run from the Mid-Station to the Skier Plaza as follows:

- A. Guns shall be located within the ski run easement and shall be spaced approximately 100' apart. Certain weather conditions may warrant spacing the guns closer together to more efficiently make snow.
 - B. Snowmaking shall not occur within 300 feet of Park Avenue.
 - C. Only smaller, quieter, grooming units may be used at the base of the Town Run, Bridge, and Lift area.
 - D. The noise level from an individual gun or combination of guns and typical background noise shall not exceed 85 dBA. Leq, measured 50' horizontally from the base of the gun under steady state operation. Leq is computed over a one hour sample period.
 - E. The Town Lift, Bridge and extended Town Run shall operate, under normal weather conditions, from December 1 to April 1.
- 12. A comprehensive, perpetual, landscaping, storm water management, maintenance agreement and a summertime public access easement satisfactory to the City are conditions precedent to Conditional Use Permit approval for the ski run, skier bridge and open spaces.
 - 13. A construction phasing and staging plan satisfactory to the City is a condition precedent to any permit for development of the Coalition West parcel.
 - 14. This amendment to allow the construction on the ski bridge shall lapse if the owner does not commence construction of the bridge within two years of a Small-Scale MPD approval for the Coalition West parcel. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to insure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.
 - 15. Prior to construction commencing in any existing City right-of-way, the Main Street connection to Deer Valley Drive shall be, constructed, operational, and dedicated to the City.

16. Employee housing shall be provided consistent with conditions of approval for the Sweeney Large-Scale MPD; and shall be addressed in detail prior to approval of a Small-Scale MPD; and shall meet the standards of any resolutions or ordinances in effect at the time of submittal of any Small-Scale MPD.
17. The Conditional Use Permit for the ski run extension shall include provisions for limited pedestrian access across the ski run where Woodside Avenue and Crescent Walkway now exist. The Crescent Walkway shall be preserved.
18. A Certificate of Appropriateness for Demolition (CAD) is a condition precedent to the demolition or relocation of the house at 721 Woodside Ave. and the historic tower which sits in the future 7th Street right-of-way. If the HDC awards a CAD, the applicant shall demonstrate a good faith effort to relocate the structures within the historic district.
19. Favorable City Council action is a condition precedent to rezone the ROS parcels contemplated by the proposed MPD amendments.
20. All previous conditions of the SPMP shall continue to apply, unless specifically amended herein.
21. All Park City Standard Project Conditions and standard setbacks for each zone apply.

July 18, 1996

BEFORE THE CITY COUNCIL OF THE PARK CITY MUNICIPAL CORPORATION

Quitting Time, LTD- Appellant	)	FINDINGS AND CONCLUSIONS
Nine Citizens- Appellants	)	DENYING 1996 MPD
	)	AMENDMENTS TO THE
v.	)	SWEENEY LARGE-SCALE
	)	MASTER PLANNED DEVELOPMENT
Park City Planning Commission	)	

This matter, having come on regularly for hearing upon appeal, with both appellants appearing without representation, and with the City Council being advised by the Office of the City Attorney; and having reviewed the files and records herein, supplemented by:

1. Sweeney Statement of Appeal with exhibits filed March 8, 1996
2. Citizen Appellants' Statement of Appeal filed March 8, 1996
3. April 4, 1996 City Council Report with exhibits (CDD staff)
4. April 4, 1996 response of Citizen Appellants, with questions of Council
5. April 18, 1996 Council Agenda Report with exhibits including Council questions for staff and appellants (CDD staff)
6. April 18, 1996 response from Pat Sweeney
7. April 18, 1996 response from Park City Ski Area
8. Options A through C prepared by Paul Sincock
9. Park City Ski Area's May 1, 1996 response to Options A through C
10. Citizen Appellants' May 2, outline of concerns, questions and actions
11. Sweeney's May 2, 1996 response to Citizen Appellants' Appeal
12. CAD graphics prepared by David Belz for Sweeney appellants
13. Citizen Appellants' petition in support of appeal

and having taken testimony of CDD staff and of all concerned parties on April 4, April 18, May 2, May 9, 1996 and June 6, 1996 and having been fully advised in the premises,

Exhibit D

the City Council enters the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT:

1. Park City is an historic mining town with a tourism-based economy. A bridge connecting the Park City Ski Area with the extension of historic Main Street could encourage and reinforce local commerce and nightly lodging at the base of the Town Lift. A well designed ski bridge is not incompatible with the City's historic district. Bridges and similar structures such as the Crescent Tram and China Bridge are part of Park City's history. The ski bridge and associated ski run would reduce the density of permitted development and would provide open space and view corridors which would not be available if the densities currently allowed were developed.
2. In 1986, the Park City Planning Commission approved the Sweeney Properties Large-Scale Master Plan for 125 acres of land owned by the Sweeney Family on Treasure Mountain, to and across Park Avenue. The Planning Commission amended the Sweeney Properties Large-Scale Master Plan in 1987 (SPMP).
3. In 1995 the Applicant proposed to amend the SPMP to close Woodside Avenue, extend Seventh Street from Park Avenue to Woodside Avenue, reduce approved density on the Coalition West parcel, extend the Town Run from Woodside Avenue to Park Avenue, bridge Park Avenue with a ski run extending to a plaza at the base of the Town Lift, and provide public access to an improved summertime park on the bridge and length of the newly-extended ski run. That proposal is reflected in Exhibit A. On February 28, 1996, the Planning Commission approved the amended SPMP, with conditions of approval which specifically modified the concept approval described in Exhibit A.
4. The 1996 Planning Commission decision to approve an amended SPMP did not grant Small-Scale Master Planning approval of any structure, or group of structures, as part of the planning approval presently on appeal.
5. The Planning Commission considered all submissions by the applicant, the planning staff's analysis of the proposals, and held hearings on July 26, September 13, November 15, 1995 and on January 10, 1996 to receive testimony and evidence from the public on all aspects of the proposed plan.
6. On July 26, 1995, the Planning Commission asked the applicant to discuss the proposed revisions in the context of the entire SPMP. Pursuant to the Planning Commission's request, the applicant commissioned a depiction of a version of

revisions to the Creole Gulch and Mid-Station development sites that would be possible if the Town Run and Bridge were approved. The applicant submitted the information to the Planning Commission on September 13, 1995. The information clarified that Planning Commission approval of the Town Run and Bridge would increase the applicant's flexibility to propose rearranging already-approved densities and configurations on other portions of the SPMP.

7. On appeal, all parties agreed to an expanded evidentiary process which allowed the Council to consider information that was not afforded the Planning Commission, including information from the Park City Ski Area (PCSA) regarding the PCSA's operation and development plans, and the appellants' reactions to several options, including Option A: a narrower bridge; Option B: closure of Park Avenue and a bridge over Woodside Avenue; and Option C: development under the present 1986/87 approval.
8. The ski industry has not adopted a consistent standard for proper ski bridge width within an urban environment. Within our own community, the widths of both ski runs and ski bridges vary widely. The proposed Town Bridge would be the first bridge within Park City's historic urban core. It would be accessed by a ski run that, in places, is 22- 25 feet wide.
9. The last 200 feet of the ski run leading up to the proposed Town Bridge is relatively flat (4% grade).
10. The proposed Town Bridge will function as the terminus of a ski run, rather than as an extension of a ski run. As such, in general, skiers should approach and traverse the bridge at a slower rate of speed.
11. Public safety, skier safety, liability, and long-term maintenance are important considerations in designing the ski run and the skier bridge. In part, a ski area can increase skier safety with appropriate design, signage, and staffing during peak periods to regulate skier speed.
12. The proposed Town Bridge primarily benefits the private sector. The Applicant submitted no evidence that the public will use the proposed summer park in a manner disproportionate to the manner the public uses other public spaces associated with large-scale commercial development such as the Summit Watch plaza.
13. Computer-assisted photographs generated to assist the Council on appeal demonstrate that the proposed 40 foot bridge width and the angle at which it is proposed to span Park Avenue create an unpleasant tunnel effect and will, at

times, cast a lengthy shadow over the intersection of Park Avenue and Eight Street. Park City Ski Area testimony that the bridge width should be 40 feet to ensure skier safety or the commercial viability of the amendments was not convincing.

14. A smaller bridge, parallel to current alignment of the Town Lift would reduce the adverse impacts of the proposed bridge and would create a more pleasing urban form.
15. A truss, trestle, or suspension bridge design could lessen the visual impact of the bridge and would obviate the applicant's stated need to place abutments within the Park Avenue right-of-way. Bridge abutments in the City right-of-way pose an undesirable use of City right-of-way and create an unnecessary risk of liability to the City.
16. A smaller bridge, parallel to current alignment of the Town Lift may lower the applicant's project costs.
17. Construction of any bridge and buildings associated with already-approved aspects of this project will effect the character of the surrounding neighborhood. Structures approved through the Small-Scale MPD process should be compatible with the surrounding neighborhood in size, mass, scale, height, and architectural character. Impacts created by the buildings should be mitigated using the Historic District Design Guidelines as a basis for review. The Historic District Design Guidelines may require structures with size, mass, scale, and height well less than the maximum parameters suggested by this and prior approvals. Models and site plans the applicant has submitted in support of the amended MPD have not been evaluated for conformity with Small-Scale MPD nor design review considerations.
18. The Coalition West site was originally master planned for residential uses on the west side of Park Avenue. Without an MPD, the background zoning is for low intensity commercial and resort-related development (HRC) along Park Avenue and for residential uses (HR-1) along Woodside Avenue. The applicant proposed limited commercial uses on the Coalition East and West sites, and proposed to exclude restaurants and bars. Restaurants and bars are also excluded in the proposed changes to the HRC zone currently under review by the Planning Commission. The Planning Commission approved limited commercial uses on the Coalition East and West sites, as circumscribed by proposed, but as yet not adopted, revisions to the HRC zone.
19. As part of the 1987 amendments to the SPMP, the Planning Commission approved the transfer of at least three unit equivalents of residential use to the Coalition

West site, increasing the density from 13 unit equivalents to 16 unit equivalents, using "some" commercial unit equivalents, consistent with the HRC zone, to absorb the additional units within the existing building envelop. The record is unclear how many commercial unit equivalents were intended to be allowed on the Coalition West parcel as a result of the 1987 amendments.

20. On August 23, 1990 the City Council rezoned the Coalition East parcel HCB-MPD and the eastern half of the Coalition West parcels to HRC-MPD and the western half of the Coalition West parcels HR-1-MPD. That action completed the legislative actions necessary to validate the 1987 amendments to the SPMP but shed no further light on the designation of allowed uses on the Coalition West parcels.
21. The amended portion of the SPMP that is now on appeal includes an extension of the Town Run to the lift base. The PCSA has further indicated that it will improve the existing Town Run with snow making and grooming if the Town Bridge is constructed. Ski runs (along with snow making and grooming operations for the runs) are conditional uses within the HR-1 and HRC zones.
22. Snow making and grooming can be noisy, intrusive activities and can create road hazards in an urban environment if improperly managed.
23. As part of its review of the proposed Town Run and Bridge revisions to the SPMP, the Planning Commission requested a demonstration of several different types of snow making systems. The demonstration showed that the smallest snow-making guns, which represented the best available technology to quietly make snow, created an acceptable noise level.
24. The Town Run/Bridge project is located in an area of high pedestrian and vehicular activity. Impacts from project construction activity will compound the noise and annoyances suffered by the community.
25. Construction phasing and proper staging can reduce the negative impacts of construction activity on the surrounding neighborhood and on the community as a whole.
26. Once the project is constructed, however, the Town Run, Bridge and Lift should be operated fully, to mitigate traffic impacts generated by surrounding resort uses and to justify the expense and inconvenience of its construction and the associated loss of Woodside Avenue right of way.

27. The 1986 approval of the SPMP included a condition that "as projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application". Presently, there are no resolutions or ordinances which require employee housing as mitigation for commercial development. However, staff is in the process of drafting such a resolution. If the Council approves an employee housing ordinance or resolution prior to the date on which the applicant seeks Small-Scale Master Plan approval for the Coalition West site, such ordinance or resolution will have full force and effect and will obligate the applicant to provide employee housing in conformity with the standards set forth in the ordinance or resolution.
28. The proposed plan includes a closure of and fill over Woodside Avenue. In 1991 the applicants commissioned a traffic study to evaluate the impacts of a Woodside Avenue closure. That study indicated minimal traffic disruption as a result of the proposed closure. Traffic patterns and projected build-out have not changed so dramatically from 1991 to render the traffic study invalid.
29. There are significant public utilities within the Woodside Avenue right-of-way.
30. On appeal, the applicant clarified that the proposed amendments to the SPMP decrease the maximum density for the combined Coalition East and West parcels by 5.25 unit equivalents. The applicant proposes a maximum of 9.15 unit equivalents on the Coalition West parcel (of which a maximum of 5.5 unit equivalents are commercial) and an additional 1.6 unit equivalents on the Coalition East parcel.
31. Council deliberated the facts and entered a decision on May 9, 1996 to affirm in part and to reverse in part the Planning Commission's approval of an amended SPMP. That decision, in pertinent part, further amended the Planning Commission approval to reduce and realign the proposed bridge width to a maximum of 30 feet and included the following Corrected Conditions of Approval:
 1. The proposed bridge structure shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a skier surface of no more than 25' as measured on a perpendicular plane from the interior wall of the bridge structure. The entire bridge width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge.

2. No bridge support shall be located within the City right-of-way.
3. The bridge shall be aligned to be parallel with the existing ski lift, to reduce shadowing over the 8th and Park Avenue intersection, to reduce the overall length of the span, and to ensure an adequate line of sight at all relevant intersections.
4. The bridge must be designed to minimize the mass, to reduce the depth of the girders, and to create a visually-interesting and historically-compatible element of the lower Old Town area.
5. An adequately-secured contract, consistent with Deer Valley Bridge agreements, to hold harmless and to indemnify the City for any liability arising from the siting, construction, operation, and maintenance of the bridge is a condition precedent to the issuance of any right of way encroachment permit or Conditional Use Permit to allow construction of the bridge and/or its appurtenances.
6. Applicant must petition to vacate that portion of Woodside Avenue that applicant proposes to fill as an extension of the Town Run. Applicant must submit a satisfactory plan for accessing and protecting public utilities within the Woodside Avenue right-of-way as a condition precedent to public vacation of any portion of Woodside Avenue.
7. Historic District Commission design review and approval of all structures, including the bridge, retaining walls or berms, parking structure and buildings for architectural design, including mass, scale, colors and materials, and for conformance with the Historic District Guidelines, is a condition precedent to building permit issuance.
8. Planning Commission review and approval of a Small-Scale MPD for all structures is a condition precedent to building permit issuance.
9. The maximum allowable building heights shall be 27' in the HR-1 zoned portion of the MPD, measured from natural or finished grade, whichever yields the smaller/shorter structure.

The maximum allowable building heights shall be 35' in the HRC zoned portion of the MPD. Like any permitted use within the zone, the MPD describes maximum heights only. The over-riding requirement for these buildings is that they be compatible in mass and scale with the surrounding neighborhood, including the historic structures on the west side of Park Avenue. To meet the compatibility requirement it may be necessary to reduce the overall height of portions of the structures.

10. No commercial business which generates a high volume of vehicular pick-up and drop-off traffic, nor any bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The SPMP shall be modified to include proposed changes to the land use table for the HRC zone, as described on **Table 1**, attached.
11. Parking for all uses shall comply with the requirements of Chapter 13 of the LMC as amended. If specifically approved by the Planning Commission during the Small-Scale MPD process, up to 3 parking spaces may be shared between the Coalition West and East parcels, provided the total number of spaces complies with the Code. If problems arise with day skier parking, the applicant shall implement an on-site parking management plan, approved by the City.
12. Planning Commission approval of a Conditional Use Permit for the ski run from the Mid-Station to the Skier Plaza is a condition precedent to grading, installation of snow making, construction of amenities, or operation of the extended ski run. The Conditional Use Permit, at its minimum, shall restrict snow making and grooming and shall condition use of the run from the Mid-Station to the Skier Plaza as follows:
 - A. Guns shall be located within the ski run easement and shall be spaced approximately 100' apart. Certain weather conditions may warrant spacing the guns closer together to more efficiently make snow. Guns shall be placed and operated to prevent drift onto Park Avenue.

B. The Ski Area shall use the best available technology in quiet snow making equipment. At its maximum, the noise level from an individual gun or combination of guns and typical background noise shall not exceed 85 dBA. Leq, measured 50' horizontally from the base of the gun under steady state operation. Leq is computed over a one hour sample period.

C. The Town Lift, Bridge and extended Town Run shall operate, under normal weather conditions, daily, from December 1 to April 1.

D. No night skiing on the Town Run.

13. Applicant shall execute a comprehensive, perpetual, landscaping, storm water management, maintenance agreement (adequately secured) and a summertime public access easement satisfactory to the City prior to the Planning Commission's issuance of a Conditional Use Permit for the ski run, skier bridge and open spaces.
14. A construction phasing and staging plan satisfactory to the City is a condition precedent to any permit for development of the Coalition West parcel.
15. This amendment to allow the construction on the ski bridge shall lapse to the underlying SPMP if the owner does not submit a small-scale MPD application within 6 months of the date of this action. If the owner obtains Small-Scale MPD approval, this amendment shall lapse to the underlying SPMP if the owner does not commence construction of the bridge within 18 months of the Small-Scale MPD approval. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to insure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.

16. Prior to construction commencing in any existing City right-of-way, the Main Street connection to Deer Valley Drive shall be, constructed, operational, and dedicated to the City.
 17. Employee housing shall be provided consistent with conditions of approval for the Sweeney Large-Scale MPD; and shall be addressed in detail prior to approval of a Small-Scale MPD; and shall meet the standards of any resolutions or ordinances in effect at the time of submittal of any Small-Scale MPD.
 18. The Conditional Use Permit for the ski run extension shall include provisions for pedestrian access across the ski run where Woodside Avenue and Crescent Walkway now exist. The Crescent Walkway shall be preserved.
 19. A Certificate of Appropriateness for Demolition (CAD) is a condition precedent to the demolition or relocation of the house at 721 Woodside Ave. and the historic tram tower which sits in the proposed Seventh Street right-of-way. If the HDC awards a CAD(s), the applicant shall relocate the structure(s) within the historic district. If the HDC does not award a CAD for the historic tram tower, the applicant will realign the Seventh Street right of way, to City standards, prior to petitioning to vacate Woodside Avenue.
 20. Favorable City Council action is a condition precedent to rezone and re-plat the ROS parcels contemplated by the proposed MPD amendments.
 21. All previous conditions of the SPMP shall continue to apply, unless specifically amended herein.
 22. All Park City Standard Project Conditions and standard setbacks for each zone apply.
32. On June 8, 1996, Council reviewed proposed findings of fact, conclusions of law and Corrected Conditions of Approval, modified the proposed findings, entertained new concepts for an amended SPMP and took argument from the appellants. At that time, representatives of the Park City Ski Area stated that the PCSA would not operate a bridge with a skier surface width of less than 32 feet.

Pat Sweeney stated that he preferred a denial of the Town Bridge concept in its entirety, to an approval with a maximum bridge width of 30 feet.

CONCLUSIONS OF LAW

1. The Planning Commission erred in describing the Town Run and Bridge proposal as unrelated to the remainder of the MPD. However, because the Planning Commission actively reviewed the Town Run and Bridge in the context of the entire SPMP, and because additional revisions to the SPMP are contingent on Planning Commission action, the Planning Commission's error is harmless, and has been remedied by Finding of Fact Number 3 on appeal.
2. The Planning Commission erred in approving the Town Bridge with a forty foot wide span and an unnecessarily-skewed alignment. The Planning Commission failed to consider how such a bridge would create an unacceptable risk to the health, safety, and welfare of the general public. The Nine Citizens' appeal is hereby granted to the extent that it is remedied by Corrected Conditions of Approval in these respects.
3. The applicant is not entitled to Small-Scale MPD or design approval at this level (Large-Scale MPD) of development review.
4. Subject to Corrected Conditions of Approval, the proposed revisions would be in substantial conformance with the Comprehensive Plan and the Land Management Code.
5. In all remaining respects, the Planning Commission properly approved the subject amendments to the SPMP.
6. A Special Improvement District (SID) is not an appropriate method to finance and construct or maintain the bridge or to maintain open space areas within the project.
7. Based exclusively on the Park City Ski Area's representations, and on Pat Sweeney's request for denial, the applicant's proposed SPMP amendments are hereby **DENIED in their entirety.**

Dated this 18th day of July, 1996

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attest:

Anita Sheldon, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

October 17, 1996

BEFORE THE CITY COUNCIL OF THE PARK CITY MUNICIPAL CORPORATION

Quitting Time, LTD- Appellant	)	FINDINGS, <u>CONDITIONS</u>
Nine Citizens- Appellants	)	<u>AND CONCLUSIONS APPROVING</u>
	)	1996 AMENDMENTS
	)	TO THE SWEENEY
v.	)	LARGE-SCALE MASTER
	)	PLANNED DEVELOPMENT
Park City Planning Commission	)	

This matter, having come on regularly for hearing upon appeal, with both appellants appearing without representation, and with the City Council being advised by the Office of the City Attorney; and having reviewed the files and records herein, supplemented by:

1. Sweeney Statement of Appeal with exhibits filed March 8, 1996
2. Citizen Appellants' Statement of Appeal filed March 8, 1996
3. April 4, 1996 City Council Report with exhibits (CDD staff)
4. April 4, 1996 response of Citizen Appellants, with questions of Council
5. April 18, 1996 Council Agenda Report with exhibits including Council questions for staff and appellants (CDD staff)
6. April 18, 1996 response from Pat Sweeney
7. April 18, 1996 response from Park City Ski Area
8. Options A through C prepared by Paul Sincock
9. Park City Ski Area's May 1, 1996 response to Options A through C
10. Citizen Appellants' May 2, outline of concerns, questions and actions
11. Sweeney's May 2, 1996 response to Citizen Appellants' Appeal
12. CAD graphics prepared by David Belz for Sweeney appellants
13. Citizen Appellants' petition in support of appeal
14. June 28, 1996 request for reconsideration from Pat Sweeney

Exhibit E

and having taken testimony of CDD staff and of all concerned parties on April 4, April 18, May 2, May 9, 1996, June 6, 1996, July 18, 1996 and October 17, 1996 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT:

1. Park City is an historic mining town with a tourism-based economy. A bridge connecting the Park City Ski Area with the extension of historic Main Street could encourage and reinforce local commerce and nightly lodging at the base of the Town Lift. A well designed ski bridge is not incompatible with the City's historic district. Bridges and similar structures such as the Crescent Tram and China Bridge are part of Park City's history. The ski bridge and associated ski run would reduce the density of permitted development and would provide open space and view corridors which would not be available if the densities currently allowed were developed.
2. In 1986, the Park City Planning Commission approved the Sweeney Properties Large-Scale Master Plan for 125 acres of land owned by the Sweeney Family on Treasure Mountain, to and across Park Avenue. The Planning Commission amended the Sweeney Properties Large-Scale Master Plan in 1987 (SPMP).
3. In 1995 the Applicant proposed to amend the SPMP to close Woodside Avenue, extend Seventh Street from Park Avenue to Woodside Avenue, reduce approved density on the Coalition West parcel, extend the Town Run from Woodside Avenue to Park Avenue, bridge Park Avenue with a ski run extending to a plaza at the base of the Town Lift, and provide public access to an improved summertime park on the bridge and length of the newly-extended ski run. That proposal is reflected in Exhibit A. On February 28, 1996, the Planning Commission approved the amended SPMP, with conditions of approval which specifically modified the concept approval described in Exhibit A.
4. The 1996 Planning Commission decision to approve an amended SPMP did not grant Small-Scale Master Planning approval of any structure, or group of structures, as part of the planning approval presently on appeal.
5. The Planning Commission considered all submissions by the applicant, the planning staff's analysis of the proposals, and held hearings on July 26, September 13, November 15, 1995 and on January 10, 1996 to receive testimony and evidence from the public on all aspects of the proposed plan.

6. On July 26, 1995, the Planning Commission asked the applicant to discuss the proposed revisions in the context of the entire SPMP. Pursuant to the Planning Commission's request, the applicant commissioned a depiction of a version of revisions to the Creole Gulch and Mid-Station development sites that would be possible if the Town Run and Bridge were approved. The applicant submitted the information to the Planning Commission on September 13, 1995. The information clarified that Planning Commission approval of the Town Run and Bridge would increase the applicant's flexibility to propose rearranging already-approved densities and configurations on other portions of the SPMP.
7. On appeal, all parties agreed to an expanded evidentiary process which allowed the Council to consider information that was not afforded the Planning Commission, including information from the Park City Ski Area (PCSA) regarding the PCSA's operation and development plans, and the appellants' reactions to several options, including Option A: a narrower bridge; Option B: closure of Park Avenue and a bridge over Woodside Avenue; and Option C: development under the present 1986/87 approval.
8. The ski industry has not adopted a consistent standard for proper ski bridge width within an urban environment. Within our own community, the widths of both ski runs and ski bridges vary widely. The proposed Town Bridge would be the first bridge within Park City's historic urban core. It would be accessed by a ski run that, in places, is 22- 25 feet wide, which merges with a 54 foot-wide run into a 60 foot-wide run.
9. The last 200 feet of the ski run leading up to the proposed Town Bridge is relatively flat (4% grade).
10. The proposed Town Bridge will function as the terminus of a ski run, rather than as an extension of a ski run. As such, in general, the bridge area can be managed in a manner that will encourage skiers should to approach and traverse the bridge at a slower rate of speed.
11. Public safety, skier safety, liability, and long-term maintenance are important considerations in designing the ski run and the skier bridge. In part, a ski area can increase skier safety with appropriate design, signage, and staffing during peak periods to regulate skier speed.
12. The proposed Town Bridge primarily benefits the private sector. The Applicant submitted no evidence that the public will use the proposed summer park in a manner disproportionate to the manner the public uses other public spaces

associated with large-scale commercial development such as the Summit Watch plaza.

13. Computer-assisted photographs generated to assist the Council on appeal demonstrate that the proposed 40 foot bridge width and the angle at which it is proposed to span Park Avenue create an unpleasant tunnel effect and will, at times, cast a lengthy shadow over the intersection of Park Avenue and Eight Street. Park City Ski Area testimony that the bridge width should be 40 feet to ensure skier safety or the commercial viability of the amendments was not convincing.
14. A smaller bridge, parallel to current alignment of the Town Lift would reduce the adverse impacts of the proposed bridge and would create a more pleasing urban form.
15. A truss, trestle, or suspension bridge design could lessen the visual impact of the bridge and would obviate the applicant's stated need to place abutments within the Park Avenue right-of-way. Bridge abutments in the City right-of-way pose an undesirable use of City right-of-way and create an unnecessary risk of liability to the City.
16. A smaller bridge, parallel to current alignment of the Town Lift may lower the applicant's project costs.
17. Construction of any bridge and buildings associated with already-approved aspects of this project will effect the character of the surrounding neighborhood. Structures approved through the Small-Scale MPD process should be compatible with the surrounding neighborhood in size, mass, scale, height, and architectural character. Impacts created by the buildings should be mitigated using the Historic District Design Guidelines as a basis for review. The Historic District Design Guidelines may require structures with size, mass, scale, and height well less than the maximum parameters suggested by this and prior approvals. Models and site plans the applicant has submitted in support of the amended MPD have not been evaluated for conformity with Small-Scale MPD nor design review considerations.
18. The Coalition West site was originally master planned for residential uses on the west side of Park Avenue. Without an MPD, the background zoning is for low intensity commercial and resort-related development (HRC) along Park Avenue and for residential uses (HR-1) along Woodside Avenue. The applicant proposed limited commercial uses on the Coalition East and West sites, and proposed to exclude restaurants and bars. Restaurants and bars are also excluded in the proposed changes to the HRC zone currently under review by the Planning Commission. The Planning Commission approved limited commercial uses on the

Coalition East and West sites. as circumscribed by proposed, but as yet not adopted, revisions to the HRC zone.

19. As part of the 1987 amendments to the SPMP, the Planning Commission approved the transfer of at least three unit equivalents of residential use to the Coalition West site, increasing the density from 13 unit equivalents to 16 unit equivalents, using "some" commercial unit equivalents, consistent with the HRC zone, to absorb the additional units within the existing building envelop. The record is unclear how many commercial unit equivalents were intended to be allowed on the Coalition West parcel as a result of the 1987 amendments.
20. On August 23, 1990 the City Council rezoned the Coalition East parcel HCB-MPD and the eastern half of the Coalition West parcels to HRC-MPD and the western half of the Coalition West parcels HR-1-MPD. That action completed the legislative actions necessary to validate the 1987 amendments to the SPMP but shed no further light on the designation of allowed uses on the Coalition West parcels.
21. The amended portion of the SPMP that is now on appeal includes an extension of the Town Run to the lift base. The PCSA has further indicated that it will improve the existing Town Run with snow making and grooming if the Town Bridge is constructed. Ski runs (along with snow making and grooming operations for the runs) are conditional uses within the HR-1 and HRC zones.
22. Snow making and grooming can be noisy, intrusive activities and can create road hazards in an urban environment if improperly managed.
23. As part of its review of the proposed Town Run and Bridge revisions to the SPMP, the Planning Commission requested a demonstration of several different types of snow making systems. The demonstration showed that the smallest snow-making guns, which represented the best available technology to quietly make snow, created an acceptable noise level.
24. The Town Run/Bridge project is located in an area of high pedestrian and vehicular activity. Impacts from project construction activity will compound the noise and annoyances suffered by the community.
25. Construction phasing and proper staging can reduce the negative impacts of construction activity on the surrounding neighborhood and on the community as a whole.

26. Once the project is constructed, however, the Town Run, Bridge and Lift should be operated fully, to mitigate traffic impacts generated by surrounding resort uses and to justify the expense and inconvenience of its construction and the associated loss of Woodside Avenue right of way.
27. The 1986 approval of the SPMP included a condition that "as projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application". Presently, there are no resolutions or ordinances which require employee housing as mitigation for commercial development. However, staff is in the process of drafting such a resolution. If the Council approves an employee housing ordinance or resolution prior to the date on which the applicant seeks Small-Scale Master Plan approval for the Coalition West site, such ordinance or resolution will have full force and effect and will obligate the applicant to provide employee housing in conformity with the standards set forth in the ordinance or resolution.
28. The proposed plan includes a closure of and fill over Woodside Avenue. In 1991 the applicants commissioned a traffic study to evaluate the impacts of a Woodside Avenue closure. That study indicated minimal traffic disruption as a result of the proposed closure. Traffic patterns and projected build-out have not changed so dramatically from 1991 to render the traffic study invalid.
29. There are significant public utilities within the Woodside Avenue right-of-way.
30. On appeal, the applicant clarified that the proposed amendments to the SPMP decrease the maximum density for the combined Coalition East and West parcels by 5.25 unit equivalents. The applicant proposes a maximum of 9.15 unit equivalents on the Coalition West parcel (of which a maximum of 5.5 unit equivalents are commercial) and an additional 1.6 unit equivalents on the Coalition East parcel.
31. Council deliberated the facts and ~~decided~~~~entered a decision~~ on May 9, 1996 to affirm in part and to reverse in part the Planning Commission's approval of an amended SPMP. That decision, in pertinent part, further amended the Planning Commission approval to reduce and realign the proposed bridge width to a maximum of 30 feet. The May 9, 1996 decision was memorialized in draft findings and debated on June 6, 1996, at which time the applicant asked for a denial, rather than approval as conditioned. On June 28, 1996 the applicant requested that Council reconsider its denial, and proposed additional project amenities as an offer of good faith. The additional project amenities and conditions are and included in the following Corrected Conditions of Approval:

1. ~~The proposed bridge structure shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a skier surface of no more than 25' as measured on a perpendicular plane from the interior wall of the bridge structure.~~ The entire bridge width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge.
2. No bridge support shall be located within the City right-of-way.
3. The bridge shall be aligned to be parallel with the existing ski lift, to reduce shadowing over the 8th and Park Avenue intersection, to reduce the overall length of the span, and to ensure an adequate line of sight at all relevant intersections.
4. The bridge must be designed to minimize the mass, to reduce the depth of the girders, and to create a visually-interesting and historically-compatible element of the lower Old Town area.
5. An adequately-secured contract, consistent with Deer Valley Bridge agreements, to hold harmless and to indemnify the City for any liability arising from the siting, construction, operation, and maintenance of the bridge is a condition precedent to the issuance of any right of way encroachment permit or Conditional Use Permit to allow construction of the bridge and/or its appurtenances.
6. Applicant must petition to vacate that portion of Woodside Avenue that applicant proposes to fill as an extension of the Town Run. Applicant must submit a satisfactory plan for accessing and protecting public utilities within the Woodside Avenue right-of-way as a condition precedent to public vacation of any portion of Woodside Avenue.
7. Historic District Commission design review and approval of all structures, including the bridge, retaining walls or berms, parking structure and buildings for architectural design, including mass, scale, colors and materials, and for

conformance with the Historic District Guidelines, is a condition precedent to building permit issuance.

8. Planning Commission review and approval of a Small-Scale MPD for all structures is a condition precedent to building permit issuance.
9. The maximum allowable building heights shall be 27' in the HR-1 zoned portion of the MPD, measured from natural or finished grade, whichever yields the smaller/shorter structure. The maximum allowable building heights shall be 35' in the HRC zoned portion of the MPD. Like any permitted use within the zone, the MPD describes maximum heights only. The over-riding requirement for these buildings is that they be compatible in mass and scale with the surrounding neighborhood, including the historic structures on the west side of Park Avenue. To meet the compatibility requirement it may be necessary to reduce the overall height of portions of the structures.
10. No commercial business which generates a high volume of vehicular pick-up and drop-off traffic, nor any bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The Coalition West parcel shall be limited as follows: Retail uses shall be limited to support commercial uses and shall be oriented primarily to the neighborhood, pedestrian-accessible bed-base, such as an antique store, art gallery, museum or supply store, bakery, camera shop, candy store, clothing store florist, gifts and sundries, pharmacy or drug store, sporting goods store, ski storage and repair or variety store. The SPMP shall be modified to include proposed changes to the land use table for the HRC zone, as described on Table 1, attached.
11. Parking for all uses shall comply with the requirements of Chapter 13 of the LMC as amended. If specifically approved by the Planning Commission during the Small-Scale MPD process, up to 3 parking spaces may be shared between the Coalition West and East parcels, provided the total number of spaces complies with the Code. If problems arise with day skier parking, the applicant shall implement an on-site parking management plan, approved by the City.

12. Planning Commission approval of a Conditional Use Permit for the ski run from the Mid-Station to the Skier Plaza is a condition precedent to grading, installation of snow making, construction of amenities, or operation of the extended ski run. The Conditional Use Permit, at its minimum, shall restrict snow making and grooming and shall condition use of the run from the Mid-Station to the Skier Plaza as follows:

A. Guns shall be located within the ski run easement and shall be spaced approximately 100' apart. Certain weather conditions may warrant spacing the guns closer together to more efficiently make snow. Guns shall be placed and operated to prevent drift onto Park Avenue.

B. The Ski Area shall use the best available technology in quiet snow making equipment. At its maximum, the noise level from an individual gun or combination of guns and typical background noise shall not exceed 85 dBA. Leq, measured 50' horizontally from the base of the gun under steady state operation. Leq is computed over a one hour sample period. Placement of the snow making guns shall be regulated to ensure that snow making creates no operational conflict with the use or maintainence of City streets.

C. The Town Lift, Bridge and extended Town Run shall operate daily, to the greatest extent practicable considering mountain priorities, and snow making opportunities, under normal weather conditions, daily, from December 1 to April 1.

D. No night skiing on the Town Run.

13. Applicant shall execute a comprehensive, perpetual, landscaping, storm water management, maintenance agreement (adequately secured) and a summertime public access easement satisfactory to the City prior to the Planning Commission's issuance of a Conditional Use Permit for the ski run, skier bridge and open spaces.

14. A construction phasing and staging plan satisfactory to the City is a condition precedent to any permit for development of the Coalition West parcel.
15. This amendment to allow the construction on the ski bridge shall lapse to the underlying SPMP if the owner does not submit a small-scale MPD application within 6 months of the date of this action. If the owner obtains Small-Scale MPD approval, this amendment shall lapse to the underlying SPMP if the owner does not commence construction of the bridge within 18 months of the Small-Scale MPD approval. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to insure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.
16. Prior to construction commencing in any existing City right-of-way, the Main Street connection to Deer Valley Drive shall be, constructed, operational, and dedicated to the City.
17. Employee housing shall be provided consistent with conditions of approval for the Sweeney Large-Scale MPD; and shall be addressed in detail prior to approval of a Small-Scale MPD; and shall meet the standards of any resolutions or ordinances in effect at the time of submittal of any Small-Scale MPD.
18. The Conditional Use Permit for the ski run extension shall include provisions for pedestrian access across the ski run where Woodside Avenue and Crescent Walkway now exist. The Crescent Walkway shall be preserved.
19. The historic tram tower shall be preserved at its current approximate height, location and alignment. The house at 721 Woodside Ave. shall be fully restored at its approximate location. A Certificate of Appropriateness for Demolition (CAD) is a condition precedent to the demolition or relocation of the house at 721 Woodside Ave. and the historic tram tower which sits in the proposed Seventh Street right of way.

~~If the HDC awards a CAD(s), the applicant shall relocate the structure(s) within the historic district. If the HDC does not award a CAD for the historic tram tower, the applicant will realign the Seventh Street right of way, to City standards, prior to petitioning to vacate Woodside Avenue.~~

20. Favorable City Council action is a condition precedent to rezone and re-plat the ROS parcels contemplated by the proposed MPD amendments.
21. All previous conditions of the SPMP shall continue to apply, unless specifically amended herein.
22. All Park City Standard Project Conditions and standard setbacks for each zone apply.

~~32. On June 8, 1996, Council reviewed proposed findings of fact, conclusions of law and Corrected Conditions of Approval, modified the proposed findings, entertained new concepts for an amended SPMP and took argument from the appellants. At that time, representatives of the Park City Ski Area stated that the PCSA would not operate a bridge with a skier surface width of less than 32 feet. Pat Sweeney stated that he preferred a denial of the Town Bridge concept in its entirety, to an approval with a maximum bridge width of 30 feet.~~

CONCLUSIONS OF LAW

1. The Planning Commission erred in describing the Town Run and Bridge proposal as unrelated to the remainder of the MPD. However, because the Planning Commission actively reviewed the Town Run and Bridge in the context of the entire SPMP, and because additional revisions to the SPMP are contingent on Planning Commission action, the Planning Commission's error is harmless, and has been remedied by Finding of Fact Number 3 on appeal.
2. The Planning Commission erred in approving the Town Bridge with a forty foot wide span and an unnecessarily-skewed alignment. The Planning Commission failed to consider how such a bridge would create an unacceptable risk to the health, safety, and welfare of the general public. The Nine Citizens' appeal is hereby granted to the extent that it is remedied by Corrected Conditions of Approval in these respects.
3. The applicant is not entitled to Small-Scale MPD or design approval at this level (Large-Scale MPD) of development review.

4. Subject to Corrected Conditions of Approval, the proposed revisions would be in substantial conformance with the Comprehensive Plan and the Land Management Code.
5. In all remaining respects, the Planning Commission properly approved the subject amendments to the SPMP.
6. A Special Improvement District (SID) is not an appropriate method to finance and construct or maintain the bridge or to maintain open space areas within the project.
7. Based on the previous findings of fact and conditions of approval the 1996 Amendments to the Sweeney Large-Scale Master Planned Development are hereby approved exclusively on the Park City Ski Area's representations, and on Pat Sweeney's request for denial, the applicant's proposed SPMP amendments are hereby **DENIED in their entirety.**

Dated this 17th day of October, 1996

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attest:

Anita Sheldon, City Recorder

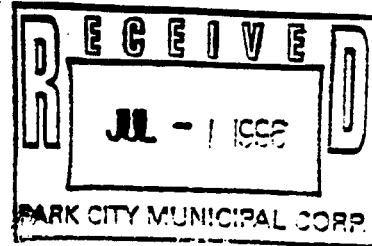
Approved as to form:

Jodi Hoffman, City Attorney

Quitting Time Ltd.
P.O. Box 2429
Park City, Utah 84060
801-649-7077 / FAX 801-649-6215

June 28, 1996

Park City Council
P.O. Box 1480
Park City, Utah 84060



Dear Council:

This letter is the appellant's request for reconsideration of the City Council's recent denial of the Town Run. The applicant, the newly formed Old Town Park and Trails Coalition, and a broad range of Park City residents encourage the City Council to overturn the project denial in favor of an approval based on the conditions and findings of fact upon which they were previously prepared to approve.

The appellant would like to apologize for his part in the emotional meeting which led to the unfortunate action now being appealed. With emotions running high, we understand how our words were taken as an ultimatum. We hope the Council will feel as we do that the final decision on this matter should be based on the best long term interests of the City, not the emotions which appeared to motivate everyone's words, decisions and actions at the last meeting. Clearly we have all invested much-to-much work to let this exciting opportunity end with the Council's last action.

We would have made this request for reconsideration sooner, however, we felt it prudent to first meet with the property owners who would have to financially participate in the project. After our recent meeting, the Old Town Park and Trails Coalition was formed and we are now optimistic any unresolved funding details can be satisfactorily addressed over the next several months. We wanted the City Council to act on our request knowing that those in the immediate area are committed to and pledge their emotional and financial support for the Town Run.

Therefore, Quitting Time respectfully requests that you reconsider your decision on the Town Run. We suggest the following language for your consideration which we feel meets our common objectives.

1. The proposed bridge shall be designed to minimize, to the greatest extent possible, the structure that is necessary to accommodate a safe skier experience. The entire bridge solid platform width shall be as narrow as possible, and shall not exceed 30' measured on a perpendicular plane from outside edge to outside edge. The bridge shall run parallel to the lift line and shall have open railing
10. No bar or restaurant, shall be permitted in the HRC zoned portion of the MPD which is located on the Coalition West parcel. The Coalition West HRC land uses shall be restricted

as follows: Retail uses shall be limited to those uses generally associated with the accommodation of hotel guests and other tourism related businesses and shall be oriented primarily to the neighborhood pedestrian accessible bedbase, such as but not limited to an antique store, art gallery, museum or supply store, bakery, camera shop, candy store, clothing store, florist, gifts and sundries, pharmacy or drug store, sporting goods store, ski storage and repair, variety store.

15. This amendment to allow the construction of the ski bridge shall lapse to the underlying SPMP, if the owner does not submit a small-scale application within 6 months of the Approval Date. If Small-Scale MPD Approval is obtained, this Amendment shall lapse to the underlying SPMP if the owner does not commence construction of the bridge within 18 months of Approval. Prior to commencing construction of the bridge, the applicant shall post adequate security, for the benefit of the City, to ensure completion of the bridge, and to ensure the provision for the maintenance of general liability insurance with a single limit of no less than \$1 million (1996 PV), with the City named on the policy as an additional insured.
19. The historic tram tower shall be preserved as provided in the currently approved SPMP at its approximate height, location, and alignment. The 721 Woodside House shall be restored at its approximate location.

We appreciate your consideration of the above suggestions and look forward to meeting with you. There remain many details to be resolved, but we are convinced all parties, including the City, can work together to make the Town Run a reality. Thank you for considering our request and for working with us towards this end.

Sincerely,



Patrick J. Sweeney
President of MPE Inc., General Partner Quitting Time Ltd.