



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
November 5, 2015**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 5, 2015.

CLOSED SESSION

3:10 pm To discuss Property, Personnel and Litigation

WORK SESSION

5:15 pm – Council Questions and Comments

5:30 pm – Proposed Changes to Title 4 of PC Municipal Code, Chapter 8 -
Event Licensing Discussion

REGULAR MEETING

6:00 PM

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report - 923 Park Avenue Historic House Update

III. PUBLIC INPUT (*ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA*)

IV. CONSIDERATION OF MINUTES

1. Consideration of City Council Meeting Minutes from September 17, 2015.

V. CONSENT AGENDA

1. Authorize the City Manager to Enter into a Professional Service Provider Agreement, in a Form Approved by the City Attorney, with Blu Line Designs Co., in the Amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars (\$116,755)

2. Consideration of a Resolution to Enter into the Interlocal Program and Funding Agreement — Mountain Accord Phase II

3. Authorize the City Manager to enter into a professional service provider agreement, in a Form Approved by the City Attorney's Office, with Vancon Inc., in the Amount of Sixty Five Thousand Four Hundred dollars. (\$65,400)

VI. NEW BUSINESS

1. Park City Police Department Swearing in Ceremony - Police Officers Clint Johnson and Clint Parker, and Sergeant Corey Allinson

2. Park Silly Sunday Market 2015 End of Season Review

3. Consideration of an Ordinance of the First Amendment to the Parkite Commercial Condominium Record of Survey Plat at 333 Main Street, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

4. Consideration of the Cardinal Park Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

5. Consideration of an Ordinance of the 134 Main Street Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

6. Consideration of an Ordinance of the 1055 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

7. Consideration of an Ordinance of the 812 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

8. Consideration of an Ordinance Amending the Land Management Code of Park City, Utah, Amending Section 15-2.1-2 Uses in the Historic Residential-Low Density (HR-L) District in a Form Approved by the City Attorney:

(A) Public Hearing

(B) Action

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted:

See: www.parkcity.org



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff is proposing changes to Title 4 in the PC Municipal Code, as well as updating Council on Special Events related tasks. Amendments are targeted in four areas:

- 1) Creation of a Community Event category, with the intention of making the regulatory process easier to navigate;
- 2) Creation of additional criteria for event denial;
- 3) Creation of a Fee Reduction policy and a discussion to ensure the tool is aligned with Council's economic and financial goals; and
- 4) Update the liability insurance requirements to cover the City's potential exposure during an event.

These changes are consistent with Council's interest in ensuring a balance between tourism and local quality of life, as well as streamlined and flexible operating processes with municipal operations, as stated in Council's Desired Outcomes.

Respectfully:

Matt Dias, Asst City Manager



City Council Staff Report

Subject: Special Events Department Code Changes
Author: Jason Glidden, Economic Development Project Manager
Minda Stockdale, Special Events Department Intern
Department: Sustainability
Date: November 5, 2015
Type of Item: Legislative

Summary Recommendations:

City Council should provide direction to staff regarding the amendments to the Municipal Code as proposed in the attached ordinance (Exhibit B).

Executive Summary:

Staff is proposing changes to Title 4 in the Park City Municipal Code, as well as updating Council on Special Events related tasks. Amendments are targeted in four areas:

- 1) Creation of a Community Event category, with the intention of making the regulatory process easier to navigate;
- 2) Creation of additional criteria for event denial;
- 3) Creation of a Fee Reduction policy and a discussion to ensure the tool is aligned with Council's economic and financial goals; and
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Acronyms in this Report:

SEAC	Special Events Advisory Committee
MFL	Master Festival License
SEP	Special Event Permit
RAB	Recreation Advisory Board

Background:

On October 9, 2014, staff facilitated a Study Session with City Council to discuss Special Events in Park City. During that conversation, Council members expressed concerns regarding the impact of events on the Park City community. Discussions centered on finding a "balance" between the positive economic outcomes that events bring to the community, and the negative impacts such as traffic and parking congestion. Additional dialog focused on the growth of community gatherings that have morphed into large-scale events, which has begun to deter local residents from attending.

City Council also discussed possible tools that could be utilized to mitigate event impacts and help to decrease “event fatigue” in the Park City area. These discussions focused on increasing community involvement, and finding a balanced way to evaluate and prioritize the event calendar based on location, timing and size of each event.

Lastly, Council discussed resources that the City utilizes to regulate, organize, promote, facilitate and mitigate for the impacts of events in Park City. Council requested that staff return with a clearer picture of the level of support that the City provides for events. Staff indicated plans to return to Council in spring of 2015 with that information. The analysis includes direct financial and fee waiver analysis in addition to amount of City services.

On December 4, 2014 Council provided direction and support to implement next steps to achieve the following goals:

- Reduce event impacts on residential neighborhoods;
- Create a tool for evaluating and prioritizing events;
- Increase community participation in event planning and debriefing; and
- Effectively and efficiently utilize City resources.

Council affirmed a number of next steps represented in the matrix below along with a brief description and proposed completion date. These projects were designed to help reach the stated goals above while paving the way for the City to have the ability to deny events that do not help build the community through positive economic benefits while minimizing negative impacts.

Project	Description	Update
<p style="text-align: center;">Special Event Advisory Committee (SEAC)</p>	<p>Creation of a group of community stakeholders that will provide feedback on events including: event prioritization, event funding, and debrief information. Participants of this group would include: Chamber, HPCA, Lodging Association, Restaurant Association, Mountain Trails Association, Park City School District, resort representatives, and four at-large community members. Similar to RAB, appointments would come from Council through an application and interview process</p>	<p>The committee had its first meeting on August 21, 2015. The group will meet quarterly</p>

Event Prioritization Process	Finalize process for prioritizing events based on a number of weighted criteria	Staff is finalizing the prioritization sheet and will be bringing it to the next SEAC meeting for feedback
Code Changes on Event Type	Propose changes to Municipal Code that will create new event type that will realign event types based on impacts caused. Each event type would have different requirements such as: insurance, application deadlines, and permit fees	Staff is requesting review and approval of proposed changes on October 29, 2015
Resident Notification Requirements	Create list of public notification requirements for events causing localized impacts on residential areas or business districts	This was completed and presented to City Council in March 2015
Event Venue Guideline Sheets	One-page sheets that would outline City-owned venues and provide guidelines specific to that venue. Items included would be: General type of event activity, parking availability, hours of operations, public transit availability, and other general restrictions	Staff presented a first draft of sheets to Council and is working on edited drafts. Completion is scheduled for November 2015
Reorganization of 4th of July Event	Rework 4th of July event to reduce impacts on the community and create an event that will continue to draw local residents to the event	Staff is debriefing the 2015 event and is working on plans for 2016 event

On March 26, 2015 staff returned to Council with updates on the following subjects:

- *Resident Notification Requirements*
- *Special Event Advisory Committee (SEAC)*
 - City staff hosted the first quarterly meeting on August 21, 2015
- *Reorganization of 4th of July Event*
- *Event Venue Guideline Sheets*

On May 14, 2015 staff returned to Council with updates on the following subjects:

Event Prioritization Process –

The Event Prioritization process will provide staff with a tool to grade events based on a variety of criteria. The primary focus will be on three areas: Economic Impact, Community Impact, and

City Resources. The process would be for staff to provide scoring to the grading sheet to establish an overall grade for each event permitted. The grading will allow a means of establishing value for each event so that we can make objective decisions if conflicts between events occur and only one event could be permitted. The event grade would be one factor in determining which of the conflicting events to permit.

Code Changes on Event Type –

Staff has proposed a number of edits to the Municipal Code as it relates to the permitting of events. In an effort to make the proposed edits easier to review, staff separated the edits into three categories and provided a summary of the changes proposed:

Event Type – Staff is recommending edits to the Code that will create a new event type to align types of events based on impacts caused.

Staff is proposing the addition of a “Community Event” type in Municipal Code. This type of event would come with limited impacts on the community and thus require less time to permit. These types of events would have the following:

- Application deadline of 30 days prior to the event and start date;
 - MFLs are to be submitted, completed ninety (90) days in advance;
 - SEPs are to be submitted, completed sixty (60) days in advance.
- Permit fee of forty dollars (\$40);
 - New MFLs or SEPs require a one hundred eighty (\$180) fee. Annual MLFs or SEPs require an eighty dollar (\$80) fee;
- Event type will be determined or verified based on the information provided by the event organizer as well as by an Event Type Determination Sheet (Exhibit A).

Approval of Events – Staff was asked by City Council in March to investigate other criteria for denial of an event based upon health and safety concerns, as well as additional community prioritization criteria and other conflicts with an event. The proposed changes to the Code would add additional criteria for denial based on the economic and cultural value that an event brings to the community as well as how the event correlates with Park City’s Economic Development Plan and the City’s General Plan. The additional criteria would also be used to make a decision on which event to permit when two applications are submitted that conflict with each other or create impacts too great to approve both events.

Fee Reductions – Currently, the City uses fee waiver request process as a tool to help facilitate events. Over the past two years, the Special Events Department has been more diligent in tracking event fees and invoicing event organizers, and has seen an increase in the amount of fee reduction requests as a result. The proposed edits to the Code will provide clarity on the fee reduction process, including the dollar amount at which City Council approval is required. The recommended changes also include changes to the criteria used by City staff to evaluate whether a waiver or a percentage of a reduction of fees shall be approved. Recommended changes reflect the Fee

Reduction Policy (Exhibit C). First amendment activities would continue to be eligible for an expedited fee and insurance waiver process.

Analysis:

Special Event staff has been working on the completion of the project list provided to Council in fall 2014. Staff has a number of proposed edits to the Municipal Code as it relates to the permitting of events (Exhibit E). Staff has been working to review the code within the Special Events Department as well as update fees currently approved in the City's fee schedule; many of the edits are merely a cleanup of these changes. In an effort to make the proposed edits easier to review, staff has provided a summary of the updates to Title 4 of the Park City Municipal Code:

Topic	Current Municipal Code Chapter	Summary of Current Code	Summary of Proposed Code	Analysis
Event Type	4-1-1.13 Community Event; 4-1-1.30 Master Festival; 4-1-1.49 Special Event	Two categories of event licenses: Master Festival and Special Event. Public impact definitions are non-specific	Three categories of event licenses: Master Festival, Special Event, and Community Event. Public impacts are specifically defined to facilitate and complement the Event Prioritization Process	Creation of a new category of Community Event facilitates our local and community oriented events that have limited impacts and need for city services and staff time. Annually there are approx. 30 of these type of events, which represents thirty-nine percent (39%) of our overall event portfolio, the majority are self-contained. The code amendments reduce the amount of time and standards needed
Approval of Events	4-8-5 Standards for License Approval; 4-8-6 Conflicting License Applications	Standards for prohibiting or restricting event licenses are primarily limited to health, safety and welfare impacts	Expanded to include event debrief and SEAC recommendations based on economic, cultural and community impacts; modified conflict provisions	Based on Council Study sessions we're creating new tools to deny events

<p>Fee Reductions (previously Fee Waivers)</p>	<p>4-8-9 Fee Waivers</p>	<p>Event fees may be waived by the City Manager or City Council at the recommendation of the Special Events Department. Requests for fee waivers are accepted on a rolling basis. No budget is indicated for waived event fees</p>	<p>Consider SEAC recommendations; applications for fee reductions would be accepted bi-annually; City budget max. of two hundred thousand dollars (\$200, 000) will be allocated to be used towards reducing special event fees. Extraordinary requests or applications received outside of the specified deadline must address additional criteria in order to be considered for fee reductions</p>	<p>Aligns fee reductions with budget process</p>
<p>Liability Insurance</p>	<p>4-8-10 Insurance Requirements</p>	<p>MFL applications must include proof of liability insurance in the amount of two million dollars (\$2,000,000)</p>	<p>Proof of liability insurance would be set according to the hazard matrix. Staff research found use of a hazard matrix to be a best practice in other cities, including SLC. Our matrix was developed after consultation with risk management, insurance and department representatives.</p>	<p>Allows for insurance requirement amounts be adjusted per event based on the City's liability exposure. Some events will see lower amounts and some will be higher.</p>

Department Review:

Sustainability, Executive, Legal and Special Events Departments have reviewed this report. The Special Event Advisory Committee has been briefed on the changes proposed and provided feedback to staff.

Alternatives:**A. Approve:**

Approve the proposed Municipal Code Changes. These changes will allow City staff to better manage events by:

- Tailoring event requirements in accordance with their potential impacts, thus making the permitting process easier for events with fewer impacts, for example, Community Events;
- Providing additional standards for application denial beyond health, safety and welfare impacts, and allowing application denial if the City finds that events do not provide positive impacts to the community;
- Adhering to a well-defined and highly structured fee reduction policy that aligns with the City's budget process and facilitates the reduction of event fees for events that provide positive impacts to the community;
- Minimizing the City's liability exposure during events.

B. Deny:

Council could choose not to approve the proposed Municipal Code Changes. This would deny staff the tools needed to effectively manage events and mitigate their impacts on the community, as well as inhibit operation of small-scale, community events within City limits.

C. Modify:

Council could choose to modify the proposed Municipal Code Changes and provide edits to staff to ensure that City Council's goals are met.

D. Continue the Item:

Council could choose to continue the item and request that staff bring additional information back to Council.

E. Do Nothing:

Council could take no action. This would not provide direction to staff.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses + Multi-seasonal destination for recreational opportunities 		<ul style="list-style-type: none"> + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Vibrant arts and culture offerings 	<ul style="list-style-type: none"> + Well-maintained assets and infrastructure + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors + Fiscally and legally sound
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Very Positive 
Comments:				

Funding Source:

All funding would come from the City’s General Fund.

Consequences of not taking the recommended action:

Staff will lack direction on next steps to take to improve special events and reach Council-stated goals.

Recommendation:

City Council should hold a public hearing and consider amending the Municipal Code as proposed in the attached ordinance.

Exhibits:

- Exhibit A – Event Type Determination Sheet
- Exhibit B – Ordinance
- Exhibit C – Fee Reduction Policy
- Exhibit D – Fee Reduction Application
- Exhibit E – Proposed Changes to Municipal Code

EVENT TYPE DETERMINATION SHEET

EVENT NAME _____

EVENT DATE _____

	1	2	3
Attendance	0-199	200-499	500+
Public Use	Free Access	Limited Access	Closed to Public
Property	Event Space	Private Property	Public Property
Traffic Impact	very little - increased beyond normal flow	moderate - partial road closure,	very high - multiple full road closure
Impact on Public Parking	0-25 spots	26-100 spots	over 100 spots
Noise Impact	none	Under 65 db	Over 65 db
Cost of City Service/fee waivers	\$0-\$499	\$500-\$15,000	Above \$15,000
Transit	Regular	Enhanced with current resources	Enhanced with additional resources
Jurisdiction	Single	Two	Multiple
Risk Management Impacts	Low	Medium	High
Duration	1- 5 hours	1 day	multiple days
			TOTAL
			0

TOTAL POINTS

SMALL SCALE COMMUNITY EVENT/ SPECIAL EVENT	1 to 17
SPECIAL EVENT	18 to 24
MASTER FESTIVAL	25 and above

Special Event Fee Reduction Policy

Park City Municipal Corporation is committed to facilitating Park City's community vibrancy and economic development by hosting special events, and to mitigating for the impact of these events. In this effort, the city will annually allocate up to two hundred thousand dollars (\$200,000) to be used towards reducing fees required to provide city services for special events. Fees eligible to be reduced include: application, building permit, facility or equipment rental, public safety personnel, field and park rental, special use of public parking permit, bleacher and trail fees. Fees will be reduced for qualifying first-time and recurring events. In order to be eligible for a Special Event Fee Reduction, applications must be filled out in their entirety.

A. Special Event Fee Reduction Evaluation Criteria

The City will consider the following when reviewing a special event fee reduction request:

1. **Criterion 1:** Charges event admission or fees for participation, and policy for attendees or participants unable to pay such fees;
2. **Criterion 2:** Provides free programs, or raises funds for organizations or free programs, benefitting local youth, seniors or underserved constituents;
3. **Criterion 3:** Provides positive tax benefits, raises funds or provides revenue opportunities to the city to offset City services and costs required by the event;
4. **Criterion 4:** Provides event opportunities during resort off seasons, defined as September 21-November 15, and April 1-May 15, excluding holidays;
5. **Criterion 5:** Demonstrates that the imposition of fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

The City's Special Events Advisory Committee (SEAC) and Special Events Department will review all applications and submit recommendations to a panel consisting of the Economic Development Manager and Budget Manager(s). The Panel may approve event fee reductions up to a total of fifteen thousand dollars (\$15,000). The City Manager may approve fee reductions from fifteen thousand dollars (\$15,000) to twenty five thousand dollars (\$25,000). If the total fee reduction request exceeds twenty five thousand dollars (\$25,000), or includes city service fees other than those indicated above, the request must be approved by City Council in a Public Meeting or through an approved City Services Contract. In the case of appeal, the City Manager will have final authority in determining whether an applicant meets these criteria for fee reduction requests fewer than fifteen thousand dollars (\$15,000). Determinations on fee reductions between fifteen thousand and twenty five thousand dollars (\$15,000-\$25,000) can be appealed to the City Council.

B. Special Event Fee Reduction Appropriations

The City currently reduces fees for Special Events through collaboration with multiple city departments. Of the fees required for city events, no more than two hundred thousand dollars (\$200,000) per annum will be waived; allocation of fee reductions will be determined at the sole discretion of the Economic Development and Budget Manager(s), City Manager or City Council. Unmet thresholds at the end of a year will not be carried forward to future years.

C. Special Event Fee Reduction Categories

Applications for Special Events Fee Reductions will be placed in five potential categories for tracking and evaluation processes. Categorization is determined by the event meeting at least one criterion listed for each category:

1. Local/Community Cultural Event: Events of or relating to artistic or social pursuits, hosted by organizations from Summit and Wasatch counties, and including vendors and/or participants and marketed to audiences within the state of Utah;
2. Local/Community Recreational Event: Events of or relating to sporting or competitive pursuits, hosted by organizations from Summit and Wasatch counties, and including vendors and/or participants and marketed to audiences from within the state of Utah;
3. Regional Cultural Event: Events of or relating to artistic or social pursuits, hosted by organizers from Utah counties including Summit and Wasatch counties, or from states including but not limited to Colorado, New Mexico, Arizona, Nevada, Idaho, Wyoming, or Montana, and including national vendors and/or participants and marketed to national audiences;
4. Regional Recreational Event: Events of or relating sporting or competitive pursuits, hosted by organizers and including vendors and/or participants from Utah counties including Summit and Wasatch counties, or from states including but not limited to Colorado, New Mexico, Arizona, Nevada, Idaho, Wyoming, or Montana, and including national vendors and/or participants and marketed to national audiences;
5. National and/or International Event: Events of or relating to artistic or social, sporting or competitive, or other pursuits determined to be valuable by the City, hosted by international or national organizations from states excluding those defined as 'regional', listed above, and including vendors and/or participants and marketed to national or international audiences.

D. Application Process

Application forms may be downloaded from the City's www.parkcity.org website, available via email from the Special Events Coordinators, or within the Special Events Office of City Hall. In order to apply for a Fee Reduction, applicants must request an estimate of event fees from the Special Events Department; estimates will be made available by the Special Events Department no later than thirty days (30) prior to the Application deadline. Estimates are not binding on the City; event organizers should anticipate fluctuations in final costs based on estimated fees. Appeals to estimated Special Events fees must be submitted to City Council.

E. Deadlines

All applications for Special Events Fee Reductions must be received no later than the following dates each year to be eligible for bi-annual consideration;

- October 1st for events occurring January 1st through June 30th, and
- April 1st for events occurring July 1st through December 31st.

Applications received outside the scheduled application process may be considered when the applicant demonstrates an immediate need for funding and provides justification for why the application was not filled within the specified deadline, unless otherwise directed by the Council.

Extraordinary requests received must meet all of the following criteria to be considered:

1. The request must align with the Special Event Fee Reduction Evaluation Criteria;
2. The applicant must show good cause for the late filing and that the requested fee waivers represent an immediate fiscal need that could not have been anticipated before the deadline; and
3. The applicant must demonstrate significant consequences of not being able to wait for the next semiannual review.
 - i. Significant consequences could include inability to hold event due to event date or immediate fiscal need, but not wish or preference.

F. Award Policy

The reduction of Special Events fees shall be administered pursuant to applications and evaluation criteria established by the Special Events Department and Special Events Advisory Committee, and approved by the Economic Development and Budget Managers or City Manager upon the determination that such action is consistent with the overall goals of the City.

The Special Events Department and Special Events Advisory Committee will review all applications on a bi-annual basis, and forward a recommendation to the Economic Development and Budget Managers or the City Manager for authorization. All potential awards of fee reductions will be publicly noticed 48 hours ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual event permits and their associated fees may vary from permit to permit at the discretion of City. Any reduction of Special Event fees is valid only for the permit specified therein and shall not constitute a promise of future reward. The City reserves the right to reject any and all applications, and to waive any technical deficiency at its sole discretion. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

PARK CITY MUNICIPAL CORPORATION SPECIAL EVENT FEE REDUCTION APPLICATION



Special Events
435.615.5150
specialevents@parkcity.org

Complete applications for Special Events Fee Reductions must be received by following dates each year to be eligible for bi-annual consideration; October 1* for events occurring January 1* through June 30th, and April 1* for events occurring July 1* through December 31*. Applications received outside the scheduled application process may be denied for approval. In order to be eligible for a Special Event Fee Reduction, applications must be filled out in their entirety. Please refer to the Special Events Fee Reduction Policy for more information.

FEE REDUCTIONS ARE NOT VALID UNTIL APPROVED BY THE CITY MANAGER OR CITY COUNCIL

Per Park City Municipal Code Section 4.8.9: Annually, the city will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce fees required for special events. If the total fee reduction request exceeds twenty five thousand dollars (\$25,000), then the request must be approved by City Council Meeting in a Public Meeting or through an approved City Services Contract. Please refer to the Park City Municipal Code for complete information.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Date of Application	
Applicant Legal Organization Name	
Organization Contact (First, Last)	
Title/Position	Phone/Email
Organization Street Address	
Organization Mailing Address	
Is organization a registered non-profit?	Yes <input type="checkbox"/> No <input type="checkbox"/>

SPECIAL EVENT FEE INFORMATION

EVENT TITLE:		
EVENT DATE (S)		
Estimate of total fees requested to be waived, provided by the Special Events Department:	\$ _____	
EVENT TYPE	<i>Please refer to the Special Event Fee Waiver Policy for more information</i>	
<input type="checkbox"/> Local/Community Cultural	<input type="checkbox"/> Local/Community Recreational	
<input type="checkbox"/> Regional Recreational	<input type="checkbox"/> National/International	<input type="checkbox"/> Regional Cultural

SPECIAL EVENT FEE REDUCTION EVALUATION CRITERIA Please limit responses to each of the following criteria to 500 words.

On a separate page, please indicate your reasons for choosing Park City as the location for your event.

Will a fee be charged for attendance or participation? Yes No

On a separate page, please include a summary of all registration and/or participation fees, and policy regarding participants' inability to pay such fees.

Does the event provide programs for local youth or youth organizations? Yes No

On a separate page, please include a summary of how the event provides programs for local youth or youth organizations. Your description should address how many youth you expect to benefit, and include projections and/or statistics and data.

On a separate page, please include a summary of how the event will generate positive tax benefits, raise funds or provide revenue opportunities to Park City. Your description should include projections and/or statistics and data.

Please include a Statement of Need/Financial Hardship on a separate page. Your summary should address how the imposition of fees would create a financial hardship on the Applicant

How will full fees create a detrimental effect on services provided to the public?

APPLICANT AND SPONSORING BUDGET INFORMATION The following information is required in order for the City to consider waiving Special Event fees. Only direct program or event fees may be listed.

Program or Event Expenses

A. Salaries/ Fees

Artists/Performance/Speakers Contracted Staff	\$ _____
Administrative	\$ _____
Program Staff	\$ _____
Other (Specify)	\$ _____
Total Salaries/Fees	\$ _____

B. Facility/ Space Rental Fees (non-city)
\$ _____

C. Remaining Costs (itemize)

Equipment Rental (non-city)	\$ _____
Marketing	\$ _____
Travel	\$ _____
Insurance (non-city)	\$ _____
Misc. fees (please specify)	\$ _____
Other (please specify)	\$ _____
Total Event Costs	\$ _____

D. Total Special Events Fees
\$ _____

Attach additional pages as needed to illustrate details of expenses listed above.

TOTAL Program Operating Expenses (A+B+C+D)
\$ _____

Program or Event Income

E. Registration and/or Participation Income \$ _____

_____ participants x \$ _____ reg. or part. fees

F. Donations or Sponsorships

Corporate/ Business	\$ _____
Foundations/ Grants	\$ _____
Clubs/Organizations	\$ _____
Memberships	\$ _____
Individual Donors	\$ _____
Other (please specify)	\$ _____
Total Donation/Sponsorship Total	\$ _____

G. Other income (please specify)
\$ _____

Attach additional pages as needed to explain other income sources

TOTAL Program Operating Income (E+F+G)
\$ _____

RULES AND REGULATIONS

AGREEMENT AND SIGNATURE

I hereby certify that the information provided is true and correct to the best of my knowledge and that a true financial hardship would be wrought on the organization I represent if the municipal event fees are not waived.

Name (printed)

Signature (if electronic signature is available):

Date:

FOR MUNICIPAL USE ONLY

Date, Application received

Municipal Fees

- Application Fee _____
- Facility Rentals _____
- Field Rentals _____
- Public Parking Spaces _____
- Bleachers _____
- Fire Permit _____

- Total of fees that can be waived _____

Total Amount or Percentage of fees waived

\$ or % _____

Approved by City Manager – Diane Foster

Approved by Assistant City Manager – Matt Dias



TITLE 4 - LICENSING

CHAPTER 1 - IN GENERAL

4- 1- 1. DEFINITIONS.

All words and phrases used in this title shall have the following meanings unless a different meaning clearly appears from the context:

4-1-1.1 **ALCOHOLIC BEVERAGES.** Includes "beer" and "liquor" as they are defined herein.

4-1-1.2 **ARCADE.** A business dedicating at least eighty-five percent (85%) of its square footage to amusement games only, and not more than fifteen percent (15%) dedicated to concession and/or cashiering. No food preparation is allowed and alcoholic beverages may not be sold.

4-1-1.3 **BEDROOM.** Each room in a hotel, motel, lodge, timeshare project, condominium project, single family residence or other nightly lodging facility that is intended primarily for the temporary use of transient guests for sleeping purposes.

4-1-1.4 **BEER.** Any beverage containing not less than one-half of one percent (.5%) of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products. "Heavy beer" means beer

containing more than three point two percent (3.2%) of alcohol by weight. "Light beer" means beer containing not more than 3.2% of alcohol by weight. "Beer" may or may not contain hops or other vegetable products. "Beer" includes ale, stout and porter. Beer does not include a flavored malt beverage.

4-1-1.5 **BEER LICENSE - SPECIAL EVENT TEMPORARY .** A license issued by the City to an individual or organization for a maximum period of time of thirty (30) days to sell beer at an event. Person's holding a special event temporary beer license issued by the City are also required to obtain a State Temporary Special Event Beer permit, but are not required to obtain an on-premise beer license.

4-1-1.6 **BEER RETAILER.** Any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the Commission and Park City.

4-1-1.7 **BEER RETAILER - ON PREMISE.** Any beer retailer engaged, primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the retailer's premises. It

includes taverns.

4-1-1.8 **BUSINESS.** A distinct and separate person or entity engaging in business, as those terms are defined herein. A business is distinguished from another business by separate state sales tax numbers or separate ownership.

4-1-1.9 **CHARITABLE ORGANIZATION.** "Charitable organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

4-1-1.10 **CLUB LICENSEE.** A Club Licensee is a person licensed under Chapter 5, Club Licenses, of the Alcoholic Beverage Control Act.

4-1-1.11 **COMMERCIAL VEHICLES AND TRAILERS.** Businesses that utilize motor vehicles as their normal course of business, but do not transport people to, from and within Park City for a fee. Such businesses include but are not limited to delivery trucking, commercial hauling, snow removal services, u-haul or other cargo rental vehicles, concrete trucks and dump trucks.

4-1-1.12 **COMMISSION.** The State of Utah Alcoholic Beverage Control Commission.

4-1-1.13 **COMMUNITY EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as

defined by this Code; or creates public impacts through any of the following:

- (A) the attraction of crowds under 200,
- (B) limited to partial street closures,
- (C) use of public property,
- (D) limited increase to traffic flow,
- (E) limited use of off-site parking facility, or
- (F) use of amplified music below 65db.

~~4-1-1.124-1-1.14~~

~~4-1-1.134-1-1.15~~ **CONDUCTING BUSINESS.** For purposes of this Title the term "conducting business" shall include the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

~~4-1-1.144-1-1.16~~ **CORPORATE SPONSOR.** Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of fifty percent (50%) or more of the funds necessary to promote the event or account for fifty percent (50%) or more of the events operating expenditure budget.

~~4-1-1.154-1-1.17~~ **DABC.** The Utah Department of Alcoholic Beverage Control.

4-1-1.164-1-1.18 **DESIGNEE.** A Park City staff member qualified to process liquor-related Applications and renewals.

4-1-1.174-1-1.19 **DIRECTOR.** The

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~~Administrative Services Director~~Finance Manager of Park City.

~~4-1-1.184-1-1.20~~ DIVISION. The Park City Business Licensing Division.

~~4-1-1.194-1-1.21~~ EMPLOYEE BASED. Businesses which lease or otherwise provided employees to other businesses or any person in return for consideration. Such businesses include but are not limited to employment agencies and security firms.

~~4-1-1.204-1-1.22~~ ENGAGING IN BUSINESS. Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale, rental, gifting, or promotion of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment; each manufacturing or originating company whether individually occupying a premise or co-locating shall be required to obtain an individual business license for that business activity.

~~4-1-1.214-1-1.23~~ FIREWORKS PERMIT. A permit issued by the City Fire Marshal for aerial or concession fireworks,

pursuant to the Uniform Fire Code.

~~4-1-1.224-1-1.24~~ GIFTING. Includes various hospitality, gifting, filming, display, exhibiting or promotional use of goods, not for sale and other related activity that are marketing or promoting tools in which goods are given or traded to the public in general or desirable people so that the product will be associated with those people and appear in publications, media, internet, etc., and give the product exposure. Gifting is not just the display of goods with the hopes of future orders; it involves actually giving the product away, where the consideration for the gift is the exposure of the product; and includes direct or indirect interaction with customers, potential customers in order to increase awareness of a product, service of company. Corporate groups that receive gifts purchased by the corporation are not provided by another entity and are exclusively for the group will not be considered gifting.

~~4-1-1.234-1-1.25~~ HOURLY UPHILL LIFT CAPACITY. The aggregate number of persons that can be accommodated per hour by all of the ski lifts in a given ski resort operating at the maximum safe rate of operation.

~~4-1-1.244-1-1.26~~ HOURLY USER CAPACITY. The maximum number of persons that can be safely and reasonably accommodated per hour by an amusement park, golf course, athletic club, theater bowling alley, tennis club, racquetball club, swimming pool, and any other recreational, sports, or entertainment facility.

~~4-1-1.254-1-1.27~~ LICENSEE. Any person holding any beer or liquor license in

connection with the operation of a place of business or private club. This term shall also include beer or liquor handling employee of the licensee. The licensee is responsible for the acts and omissions of its employees.

4-1-1.264-1-1.28 **LICENSED PREMISE.** Any room, building, structure, or place occupied by any person licensed to sell beer or to allow the consumption or storage of liquor on such premises under Chapter 4; provided that in any multi-roomed establishment, an applicant for an on-premise or off-premise beer license shall designate a room or portion of a building of such business for the consumption or the sale of beer, which portions shall be specifically designated in the application and, in the license issued pursuant thereto, shall be the licensed premises. Multiple dining facilities located in one building, owned or leased by one license applicant and subject to the same type of beer or liquor license shall not be deemed separate licensed premises, and shall not be required to obtain a separate license for each area.

4-1-1.274-1-1.29 **LICENSE FEE(S).** Includes the administrative fee and service enhancement fee as defined by the Business License Fee Schedule.

4-1-1.284-1-1.30 **LIQUOR.** Includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one half one percent (.5%) of alcohol by volume; and which are suitable for beverage purposes; and includes a flavored malt beverage. Liquor does not include a

beverage defined as beer.

4-1-1.294-1-1.31 **MANUFACTOR.** Means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

4-1-1.304-1-1.32 **MASTER FESTIVAL.** Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following:

- (A) the attraction of large crowds greater than 500 people,
- (B) necessity for full street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City,
- (C) use of public property,
- (D) major increase to vehicular traffic flow
- (E) the need for expanded use of City transportation services,
- (~~FE~~) use of multiple off-site parking facility, or
- (~~GF~~) use of amplified music in or adjacent to a residential neighborhood.

4-1-1.314-1-1.33 **MOBILE FOOD VENDOR.** Any motor vehicle from which consumable on-site food service is offered. Mobile food vendors are restricted to serving construction sites.

4-1-1.324-1-1.34 **MONTHLY RENTAL FACILITY - UNDER MANAGEMENT.** Any place where rooms or units are rented or otherwise made available by a manager or management company for residential purposes on a monthly or longer time basis, but not including monthly or longer rental by the owner of the property without management.

4-1-1.334-1-1.35 **NIGHTLY LODGING FACILITY.** Any place where or any portion is rented or otherwise made available to persons for transient lodging purposes for a period less than thirty (30) days including, without limitation, a hotel, motel, lodge, condominium project, single family residence or timeshare project.

4-1-1.344-1-1.36 **NON-PROFIT CORPORATION.** A corporation, no part of the income of which, is distributable to its members, trustees or officers, or a non-profit cooperative association.

4-1-1.354-1-1.37 **NUISANCE.** Any licensed premises where: alcoholic beverages are manufactured, sold, kept, bartered, stored, consumed, given away or used contrary to the Alcohol Beverage Control Act, the Utah Liquor Commission Rules and Regulations, or this Code; or intoxicated persons are permitted to loiter about, or profanity, indecent, immoral, loud or boisterous language or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty-one (21) are permitted to purchase or drink beer or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge of licensee which tend to affect the public

health, safety, peace, or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health; or patrons are permitted to remove opened containers of alcoholic beverages or glasses containing alcoholic beverages from the licensed premises to the public street or way.

4-1-1.364-1-1.38 **PEDDLER.** A person who carries goods or merchandise with him or her and sells or offers for sale those goods or merchandise on a door-to-door or transient basis rather than from a fixed location.

4-1-1.374-1-1.39 **PERSON.** Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.

4-1-1.384-1-1.40 **PLACE OF BUSINESS.** Each separate location maintained or operated by the licensee within Park City from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" as used in connection with the issuance of beer and liquor licenses means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, clubs, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks, or similar areas, and also means private clubs, corporations and associations operating under charter or

otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel and motel rooms that are not open to the public shall not be "places of business" as herein defined.

4-1-1.394-1-1.41 **RESTAURANT.** A place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in indoor dining accommodations, or in outdoor accommodation and is engaged primarily in serving meals to the general public.

4-1-1.404-1-1.42 **RESORT LICENSE.** A type of liquor and/or beer license available to a resort. A resort, for purposes of the Resort License definition, is a single building which physically touches the boundary of a ski area and has at least 150 dwelling or lodging units, the building itself is at least 400,000 square feet (excluding areas such as above ground surface parking) and where at least half of the units are owned by a person other than the resort licensee.

4-1-1.414-1-1.43 **RETAILER.** Any person engaged in the sale or distribution of alcoholic beverages to the consumer.

4-1-1.424-1-1.44 **ROUTE DELIVERY.** Any delivery made to customers of a business, which makes repeated door-to-door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. However, nothing in Chapter 3 shall prevent orders from being taken from established customers and filled during such delivery visits. Such businesses will

include, but not be limited to, dairies and sellers of bulk meats or produce.

4-1-1.434-1-1.45 **SELL OR TO SELL.** Any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or any pretexts promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee unless otherwise defined in this title.

4-1-1.444-1-1.46 **SET-UP.** Glassware, ice, and/or mixer provided by a licensee to patrons who supply their own liquor.

4-1-1.454-1-1.47 **SKI RESORT.** A ski area, such as the Park City or Deer Valley Ski Areas, which is operated as a distinct and separate enterprise, and which shall be deemed to include, without limitation, the ski runs, ski lifts, and related facilities that are part of the ski area and primarily service the patrons of the ski area. The ski resort includes ski instruction, tours, first aid stations, parking garages, management and maintenance facilities, and workshops, but does not include food service, ski rentals, or retail sales of goods or merchandise, which are all deemed separate businesses even if owned by a resort operator.

4-1-1.464-1-1.48 **SKIER DAY.** A three (3) year average of the total number of lift tickets sold annually, including daily lift tickets, resident coupons, complimentary tickets, and an estimated average of season pass holders daily use. The three (3) year average shall be calculated by the Ski Resort and shall include the three most recent years

of operation from November 1 through June 30. The City may audit the analysis and any business records relied upon for the analysis. The calculation shall be submitted to the Finance Department by October 15th of each year.

4-1-1.474-1-1.49 **SOLICITED DELIVERY.** A delivery of previously ordered goods or services or the United States mail. Solicited delivery includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

4-1-1.484-1-1.50 **SOLICITOR.** A person who contacts individuals or the general public for the purpose of taking orders for goods or services, or encouraging attendance at sales presentations, lectures, seminars, or the like at which goods or services are promoted or offered for sale, whether the presentation is held within Park City or not, provided that the solicitor makes contact with the public at a location other than at the regular place of business at which the goods or services are actually sold or performed. For purposes of Chapter 3, the term "goods or services" shall include merchandise, produce, personal services, property services, investment opportunities, franchises, time intervals in the use of ownership or real property, and any other kind of tangible or intangible thing that is given in exchange for a valuable consideration.

4-1-1.494-1-1.51 **SPECIAL EVENT.**

Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following:

- (A) the attraction of crowds between 200 - 499 people,
- (B) necessity for partial street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City,
- (C) use of public property,
- (D) moderate increase to vehicular traffic flow,
- (E) use of off-site parking facility, or
- (F) use of amplified music in or adjacent to a residential neighborhood-(A) —The use of City personnel,
- ~~(B) — Impacts via disturbance to adjacent residents,~~
- ~~(C) — Traffic/parking,~~
- ~~(D) — Disruption of the normal routine of the community or affected neighborhood; or~~
- ~~(E) — Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts. Neighborhood block parties or other events requiring street closure of any residential street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a~~

Special Event.

4-1-1.504-1-1.52 **SPECIAL EVENTS COORDINATOR/MANAGER.** The Special Events Coordinator/Manager or his/her designee within the Department of Special Events and Facilities.

4-1-1.514-1-1.53 **STREET CLOSURE.** The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a master festival or special event license.

4-1-1.524-1-1.54 **SPONSOR.** A person, group, or business which has contracted to provide financial or logistical support to any special event or master festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.534-1-1.55 **SQUARE FOOTAGE.** The aggregate number of square feet of area within a place of business that is used by a licensee in engaging in its business.

4-1-1.544-1-1.56 **UNIT.** Any separately rented portion of a hotel, motel, condominium, apartment building, single family residence, duplex, triplex, or other residential dwelling without limitation.

4-1-1.554-1-1.57 **UNSOLICITED DELIVERY.** The delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall

include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the home owner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

4-1-1.564-1-1.58 **VENUE.** The location or locations upon which a special event or master festival is held, as well as the ingress and egress route when included in the festival license.

4-1-1.574-1-1.59 **WHOLESALER.** Any person other than a licensed manufacturer engaged in importation for sale or in the sale of beer, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.

(Amended by Ord. Nos. 01-31; 10-21; 13-32)

**CHAPTER 8 - EVENTMASTER
FESTIVAL LICENSE**

4- 8- 1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT.** The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The Applicant signs the festival license application and all other documents relevant to the event. The Applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity, which is not a natural person. See sponsor.

(B) **CONCESSION.** A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event.

(C) **FEES.** Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to an event or festival and established within the eventfestival licensing process.

(D) **LICENSEE.** The Applicant, as defined above, becomes the "licensee" when the Master Festival License ~~or Special License, Special Event License, or Community Event License~~ is signed by the Special Events Manager ~~Economic Development Manager~~ or his/her designee,

upon meeting all the criteria in this Chapter. As the license holder, the licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

(Amended by Ord. No. 01-31)

4- 8- 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

It is unlawful for any person to conduct a Community Event, Special Event or Master Festival with or without charge for admission, on public or private property, without first applying for and being granted ~~an Master Festival License or special~~ event license for the specific event and its venue(s). All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

(Amended by Ord. No. 01-31)

4- 8- 3. RENEWAL OF LICENSES.

Licenses under the provisions of this Chapter who successfully operate a ~~M~~master ~~F~~estival, ~~or S~~pecial ~~E~~vent, or Community Event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Master Festival, ~~or Special Event, or Community Event~~ License as provided in Section 4-8-4 herein. Events, which occur in series such as concerts, falling under the criteria established in this Chapter, must have a Master Festival, ~~or Special Event, or~~ Community Event License, which

specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

(Amended by Ord. No. 01-31)

4-8-4. ~~MASTER FESTIVAL LICENSE EVENT~~ APPLICATION PROCEDURE.

(A) **APPLICATION SUBMITTAL.** Applications for Community Events, Special Events and Master Festivals shall be made in writing to ~~the Special Events Manager~~Economic Development Manager or his/her designee. Application materials are available at City Special Events Department, ~~and the Chamber Bureau offices, as well as online on the City's website~~, and must be completed and submitted to the Special Event ~~Department~~Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, ~~and~~ not less than sixty (60) days prior to the scheduled opening of any Special Event, ~~and not less than thirty (30) days prior for a Community Event~~ unless otherwise approved by the City Council, or by the Economic Development Manager or his designee~~Special Events Manager~~ for ~~Special e~~Events, upon a showing of good cause.

(B) **CITY COUNCIL REVIEW.** The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

(1) Applications for new Mmaster Ffestivals;

(2) Applications for Mmaster Festival license renewals where

material elements of the event have substantially changed from the previous application; and

(3) Appeals of administrative decisions made pursuant to Subsection (C) Administrative Review, herein.

(4) As used herein, a 'new Master Festival' shall mean any Mmaster Festival being proposed for the first time, or a prior Mmaster Festival which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for license approval described at Section 4-8-5 herein as follows:

(a) **Staff Review and Recommendation.** Upon receipt of a complete Master Festival License application and accompanying fee, City staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Master Festival License application and notice to the Applicant, the

Special Events ~~Coordinator~~ Manager shall schedule the application for a public hearing before the City Council.

(b) **City Council Hearing.** Master ~~F~~ Festival applications requiring City Council review and appeals of administrative Master Festival, ~~or~~ Special Event or Community Events decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council’s decision shall be delivered to the Applicant within ten (10) days of the date of decision.

(C) **ADMINISTRATIVE REVIEW.**

The ~~Special Events Manager~~ Economic Development Manager or his/her designee shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

- (1) Special Event and Community Event applications;
- (2) Applications for Master Festival License renewals where

material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events ~~Coordinator~~ Manager shall review the application for compliance with Section 4-8-5 herein.

Following review of the application, the Special Events ~~Coordinator~~ Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval to the Economic Development Manager or his/her designee for final administrative approval. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will, if applicable, and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events ~~Coordinator~~ Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete ~~event~~ master festival license application and accompanying fee, the Special Events ~~Coordinator~~ Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events ~~Coordinator~~ Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant.

(Amended by Ord. 01-31)

4- 8- 5. STANDARDS FOR LICENSE APPROVAL.

Applications for Master Festivals, Community Events and Special Events shall be reviewed for compliance with the standards provided herein. The ~~Special Events Manager~~Economic Development Manager or his/her designee or City Council may prohibit or restrict any Special Event, Community Event or Master Festival whenever any of the conditions enumerated in this Section is found likely to occur, unless the event is modified to eliminate said conditions.

(A) The event does not provide positive economic, cultural, community value, or is not in accordance with the goals of the Park City Economic Development Plan or the Park City General Planning.

(B) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

(CB) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(DC) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on

the streets or with the provision of other public health and safety services.

(ED) The event will substantially interfere with any other Community Event, Special Event, or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(FE) Where applicable, the Applicant fails to provide the following:

(1) The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;

(2) Monitors for crowd control and safety;

(3) Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;

(4) Adequate off-site parking and traffic circulation in the vicinity of the event;

(5) Required insurance, cash deposit, or other security; or

(6) Any other services or facilities necessary to ensure compliance with City ~~noise, sign, or other applicable~~ ordinance(s).

(GF) The event created the imminent

possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(HG) The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(IH) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

(Amended by Ord. No. 01-31)

4-8-6. CONFLICTING LICENSE APPLICATIONS.

(A) No more than one (1) Master Festival, ~~or~~ Special Event, or Community Event shall be approved for the same date(s) unless the Special Events Manager Economic Development Manager or his/her designee or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager Economic Development Manager or his/her designee or City Council will apply the following criteria:

- (1) Geographic separation of the events;
- (2) Proposed time and duration of the events;

- (3) Anticipated attendance volumes;
- (4) Necessity for public personnel, equipment, and/or transportation services at the events; and
- (5) Anticipated traffic and parking impacts.

(B) When more than one (1) Community Event, Special Event or Master Festival application is received for the same date(s), the Special Events Manager Economic Development Manager or his/her designee finds that:

- (1) the events will adversely impact one another; or
- (2) concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Coordinator~~Manager~~ shall resolve the conflict as provided herein.

(C) The Special Events Coordinator~~Manager~~ shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the City Council~~Special Events Manager~~ shall resolve the issue based on the following order or priorities:

- (1) ~~(1)~~ The event that provides the greatest overall value to the City based on economic, cultural, and

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community impacts based on annual event debrief along with recommendations from the Special Event Advisory Committee.

~~Historic usage special events or master festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;~~

(22) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:

(a) the application is timely filed and processed by the City;

(b) said governmental application is made in good faith and not with the effect or purpose of improperly ~~violating~~ chilling constitutional rights of conflicting Applicants; and

~~(43)~~ If neither subsection (1), ~~or~~ (2) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

(Amended by Ord. No. 01-31)

4- 8- 7. LICENSES NECESSARY FOR A SPECIAL EVENT LICENSE AND MASTER FESTIVAL LICENSE.

The Applicant/licensee shall provide to the Special Events ~~Coordinator~~ Manager proof of a valid Special Event temporary liquor or beer license, fireworks license, and building permit, as applicable, as well as a receipt acknowledging that all application fees have been paid. The licensee must obtain all permits for any temporary structure constructed under the provisions of an event Master Festival License and must pass all inspections as a condition precedent to a valid ~~Special Event L~~icense. Temporary concessions on public or private property may be approved in conjunction with an Master Festival or Special Event in the sole discretion of the City. Such concessions must be directly related to the event and meet a demonstrated need of participants. Unless otherwise approved by City Council, all concessions require a regular business license.

(Amended by Ord. No. 01-31)

4- 8- 8. FEES TO BE ASSESSED.

(A) **APPLICATION FEE.** First-time Master Festival applications shall be assessed a fee of one hundred ~~sixty~~ dollars (\$160). Special Event and renewal Master Festival applications shall be assessed a fee of ~~eighty~~ forty dollars (\$40). Community Events shall be assessed a fee of forty dollars (\$40). All application fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full.

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(B) **CITY SERVICE FEES.** Upon receipt of a completed Master Festival, ~~or~~ Special Event, or Community Event application, the Special Events ~~Coordinator~~ Manager will provide the Applicant with an estimate of fees based on estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the special event. All City service fees will be adjudged to reflect actual cost. Unless waived pursuant to Section 4-8-9, all City service fees must be paid in full within thirty (30) days of the final assessment of City costs for the ~~Master Festival, or Special Event, or Community Event.~~

(C) **FINANCIAL SECURITY.** The Special Events ~~Coordinator~~ Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of an event master festival-license, as a guarantee against fees, damages, clean up, or loss of public property.

(Amended by Ord. No. 01-31)

4- 8- 9. FEE REDUCTIONS/WAIVERS.

(A) Annually, the city will allocate up to two hundred thousand dollars (\$200,000) to be used to reduce fees required for special events. Allocation of reduced fees will be determined at the sole discretion of the Economic Development Manager and Budget Manager(s), City Manager or City

Council. Unmet thresholds at the end of a year will not be carried forward to future years.

(B) The Economic Development Manager and Budget Manager(s) may approve event fee reductions up to a total of fifteen thousand dollars (\$15,000).. The City Manager may ~~reduce~~waive the following ~~eE~~Master Festival or Special Event licensing and associated fees up to a total of twenty five thousand dollars (\$250,000) upon a finding of eligibility pursuant to the criteria provided herein:

- (1) aApplication fee;
- (2) building permit;
- (3) fFacility or equipment rentals;
- (4) public safety officers;
- (5) fField and park rentals; and
- (6) special uUse of public parking permits; and spaces
- (7) and Bleachers.
- (8) trail fees

If the total fee waiver request exceeds twenty five thousand dollars (\$250,000) or includes other city service fees outside the fees mentioned above, then the request must be approved by City Council in a Public Meeting.

(C) All fee waiver requests will be reviewed twice a year. All event fee waiver requests ~~need to~~must ~~should~~ be submitted to the Special Events Department Coordinators? Manager prior to the application deadlines (For events occurring between January May 1st and June 30th October 31st - deadline is October 1st January 31st -for events occurring between November July 1st through April

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~~30th December 31st – deadline is- April 1st September 30th) at the time of application, but in no case later than the first day of the proposed event. Applications received outside of the normal application process may be considered for funding but must demonstrate an immediate need for funding and provide justification to why the application was not filled within the specified deadline.~~

(D) ~~Fee reduction waiver will be evaluated by the Special Event Advisory Committee (SEAC) and a recommendation will be submitted to the Special Events Department.- Special Event staff will make a recommendation to the Economic Development Manager and Budget Manager(s), City Manager or City Council. Final determinations will be made by these parties the City Manager. All decisions may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be determined by the City Manager pursuant to the following criteria, none of which shall be individually controlling:~~

~~(1) For profit or non profit status of the Applicant;~~

~~(12) Charges event admission or fees for participation, and policy for attendees or participants unable to pay such fees; Whether the event will charge admission fees for participants or spectators;~~

~~(23) Provides programs for local youth or youth organizations; Whether the event is youth/youth oriented;~~

~~(4) The duration of the event;~~

~~(3) Provides positive tax benefits, raises funds or provides revenue opportunities to the city to offset City services and costs required by the event;(35)~~

~~Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;~~

~~(46) The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;~~

~~(4) Provides event opportunities during resort off seasons, defined as September 21-November 15, and April 1-May 15, excluding holidays;(57) Whether the event occurs during the resort off seasons The season of occurrence; and~~

~~(5) Demonstrates that the imposition of fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.(68)~~

~~Demonstration of hardship by the Applicant.~~

Fee ~~reduction waiver~~ requests must be filed bi-annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee waiver for any application shall not create a precedent for future requests.

(Amended by Ord. Nos. 01-31; 06-57)

4- 8-10. INSURANCE REQUIREMENTS.

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Applicants shall provide upon application ~~for a Master Festival License under this Chapter~~ proof of ~~liability insurance coverage of a type and in the an amount determined of two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) aggregate two million dollars (\$2,000,000) or more as may be required~~ by the Special Events ~~Coordinator~~Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. All Applicants shall further indemnify the City from liability occurring at the event ~~licensed under this Chapter~~, except for any claim arising out of the sole negligence or intentional torts of the City or its employees. ~~Any reduction of these requirements must be approved prior to approval of permit by both the Special Events Coordinator and the City Attorney's Office.~~

(Amended by Ord. No. 01-31)

4- 8-11. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

~~Runs, walks, film-making, parades, public demonstrations, and promotions shall be considered Special Events. Unless the Economic Development Manager or his/her designee makes written findings that the specific proposal does not create a substantial public impact or require substantial City services, unless such event does not create substantial public impact or requires substantial City service.~~ Any ~~run, walk,~~ film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under Chapter 2, Business Licenses. For-profit corporations falling under the provisions of this Chapter

or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

(Amended by Ord. No. 01-31)

4- 8-12. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting ~~Community Events, Special Events, or Master Festivals~~ without having first obtained a ~~Master Festival~~-License are subject to arrest and the event is subject to closure.

(Amended by Ord. No. 01-31)

4- 8-13. REVOCATION FOR CAUSE; NOTICE TO CURE.

(A) **NOTICE TO CURE.** If the Special Events ~~Coordinator~~Manager or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the licensee, sponsor, or designated organizer' s representative of the ~~Community Event, Special Event or Master Festival~~ to cure the violation.

(B) **FAILURE TO CURE.** It is unlawful for the licensee, sponsor, or on-site organizer' s representative of an authorized ~~Community Event, Special Event, or Master Festival~~ to fail to take reasonable steps to

promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the licensee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

(C) **CLEAR AND PRESENT DANGER.** If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Community Event, Special Event, or Master Festival, the licensee, sponsor, or on-site organizer's representative of the Community Event, Special Event, or Master Festival shall be promptly notified that the license is revoked and that the Community Event, Special Event or Master Festival must immediately cease and desist.

(D) **VIOLATION OF CEASE AND DESIST ORDER.** If a license is revoked as specified in Subsection (C) above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

(Amended by Ord. No. 01-31)

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

(Created by Ord. 00-36)

4-8A-1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4-8A-2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of public outdoor music plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of public outdoor music plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize public outdoor music plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of public outdoor music plazas and thereby to protect the health, safety, and welfare of the citizens and guests of park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4-8A-3. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as A public outdoor music plazas”. It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of public outdoor music plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise and Title 15, Land Management Code, of the Municipal Code.

4-8A-4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC.** An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

(B) **STAGES.** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by special events staff.

4-8A-5. EVENTMASTER FESTIVAL LICENSE; REVIEW PROCEDURE.

The public outdoor music plazas identified at Section 4-8A-6 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to ~~eventmaster festival~~ licensing review pursuant to Title 4, Chapter 8, ~~EventMaster Festival~~ License. No licensee nor performer shall accrue any vested rights under this revocable license.

(Amended by Ord. No. 03-18; 03-31; 04-13)

4-8A-6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates and times may be programmed for public performances and outdoor music:

(A) **LOWER SUMMIT WATCH PLAZA.**

(1) **LOCATION.** On the north end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during

breaks. For amplified events or music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(B) **MINER' S PLAZA.**

(1) **LOCATION.** 415 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 ~~p.m.~~ Noon and conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed master festival as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Solo and duo acts with microphones for vocal, with prerecorded music during breaks. For amplified soundevents, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and

maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(C) **TOWN LIFT PLAZA.**

(1) **LOCATION.** 825 Main Street.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 ~~p.m.~~ Noon and must conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed ~~eventmaster festival~~ as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic acts with microphones for vocal, with prerecorded music during breaks. For amplified soundevents, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

(D) UPPER SUMMIT WATCH PLAZA.

(1) **LOCATION.** On the south end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 p.m. ~~Noon~~ and must conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.

(3) **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified ~~sound events~~ or music at on Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

(Amended by Ord. 01-20; 02-12; 03-18; 03-31; 03-35; 04-13)

4-8A-7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management

for each event.

(B) A sound technician shall provide on-site noise monitoring for each event with music, amplified or otherwise, and any amplified event.

(C) Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) No event shall exceed 250 people at one time unless a separate ~~event master festival~~ license is granted for that event.

(F) The Police Department or other proper City official shall have access at all times to all public outdoor music plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(G) All events shall take place only on authorized stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4-8A- 8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the public outdoor music plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4-8A- 9. LICENSE HOLDER, PROGRAM BOARD.

(A) The licensee(s) will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each public outdoor music plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) The licensee(s) shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The licensee(s) shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from the licensee(s)' use of the public outdoor music plazas. The licensee(s) shall maintain their own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or public outdoor music plaza owner.

(Amended by Ord. 03-31; 04-13)

4-8A-10. ON-GOING COMPLIANCE EVALUATION.

(A) Licensee(s) shall post a phone number at each venue so that individuals may phone in comments. Based upon such comments, the special events staff may issue additional conditions consistent with the intent of this Chapter to the program manager, including decreasing DB levels in three (3) DB increments with at least three (3) days between each reduction. A summary of, and recommended response to comments will be forwarded to the City Council within seven (7) days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue.

(B) The Police Chief, or his/her designee, may suspend the licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

- (1) Any violation of this Chapter as evidenced by a citation issued by the Police Department.
- (2) Any violation of law or City ordinance.
- (3) Upon any other evidence that the program manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

(Amended by Ord. 03-31; 04-13)

4-8A-11. TRANSFER

LIMITATIONS.

The ~~eventmaster festival~~ licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a public outdoor music plaza master festival license without City approval as provided herein. If any transfer of the controlling interest in a public outdoor music plaza license occurs without City approval, the license is immediately null and void and the public outdoor music plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZA LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The ~~eventmaster festival~~ licenses granted under this Chapter are in lieu of any administrative conditional permit (CUP) for outdoor music, including outdoor speakers, pursuant to Title 15 of the Municipal Code, Land Management Code. The Planning Department shall not issue any outdoor music permits in the Historic Commercial Business (HCB) zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved ~~eventmaster festival~~ license.

(Amended by Ord. 04-13)

Ordinance No. 15-XX

**AN ORDINANCE AMENDING TITLE 4, CHAPTERS 1 & 8 OF
THE MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, special events within the city limits of Park City continue to grow; and

WHEREAS, Park City Municipal Corporation desires to facilitate events that provide positive impacts to the local economy and help to build a higher quality of life for the local community; and

WHEREAS, Park City Municipal Corporation wants to ensure public health, safety, and welfare during all permitted events;

WHEREAS,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH THAT:

SECTION 1. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter One (In General). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Municipal Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 4 – Licensing of the Municipal Code Chapter Eight (Master Festival License). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Municipal Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE Park CITY COUNCIL this ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney



MANAGER'S REPORT – 11/5/2015

Submitted by: Matt Dias
Subject: Manager's Report - 923 Park Avenue Historic House Update

Update on the 923 Park Avenue historic house renovation that slid off of its cribbing and partially fell into the excavated basement area.

Respectfully:

Matt Dias, Asst City Manager

Manager's Report

Subject: 923 Park Avenue
Author: Bruce Erickson, Planning Director
Date: November 5, 2015
Type of Item: Administrative – Historic Preservation Update

Staff approved a Historic District Design Review (HDDR) application for the renovation of the historic house located at 923 Park Avenue on May 18, 2015, and a Building Permit was issued on July 13, 2015. The house is designated as “Significant” on Park City’s Historic Site Inventory. The historic house was being renovated which included being temporarily lifted by cribbing in order accommodate the construction of a new basement foundation. On Friday, October 23, at approximately 3:30 p.m., the cribbing beneath the historic house failed causing the historic house to slide off of the cribbing on the north side and partially fall into the excavated basement area.

We are very fortunate that none of the members of the construction crew were working on the foundation at the time of this accident – no injuries have been reported. The Fire Department and Police Department worked quickly with the Building and Planning Departments to secure the area. The chain link construction fence and police tape are currently keeping the area secure.

The Planning and Building Departments are working very closely to ensure the preservation of all salvageable historic materials. The cause of the accident is still under investigation. Staff will report back as soon as a date for the completion of the investigation is known. While safety is of the greatest concern, we are working diligently to ensure that the remaining historic material will be preserved. The applicant is responsible for salvaging any historic materials that can be made safe and serviceable through repair, but may have been damaged in the fall.

Staff has already met on site with the excavator, architect, and contractor to draft a plan to move forward. The ultimate goal is to save this structure from further damage and allow this renovation to progress as soon as possible. The preferred solution will be to lift the structure in whole from its current position. The final solution will be approved by the Building Department and an updated Historic Preservation Plan will be provided to the Planning Department.

A financial guarantee is in place for this project. The owner is responsible for preserving the historic house and reconstructing any damaged areas.



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the City Council meeting minutes for September 17, 2015.
Thank you for your consideration.

Respectfully:

Karen Anderson, Deputy City Recorder

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH
September 17, 2015**

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**PARK CITY COUNCIL MEETING – DRAFT
SUMMIT COUNTY, UTAH
September 17, 2015**

CLOSED SESSION

To discuss Property

WORK SESSION

Council Questions and Comments

Council member Henney states he attended City Tour, which was a great outing. Attended the Recycle Utah Aqua Affair. Attended HPCA board meeting Tuesday; School District Task Force had their first meeting that day as well, where subcommittees were discussed.. Was contacted by a resident asking about a possible pathway on Hillside and asks if anything can be done while we're still in construction season. Jonathon Weidenhamer, Economic Development Manager, reports they originally approved \$700,000 for a fully engineered pathway on the Hillside project. However, they moved away from that formal of a project and came back with two other alternatives – one on the other side of the guardrail like a goat path, the other option going down what is known as “dog poop trail.” Weidenhamer says he's happy to work on this but the next step is to get ballpark figures from an engineer and landscaper. Since this won't be something that will be maintained during the winter, however, he says the best time to revisit this would be in the spring. He will get his group together for a closer look, to which Council agrees. Lastly, Henney reports he got second in the sack race for those 12 and over.

Council member Simpson says we had a great Miner's Day parade and City Tour, thanks to Myles Rademan, Karen Anderson & ReNae Rezac. She asked about redoing the stairs from Sandridge to the end of China Bridge as there has been some concern about them needed repairs. Matt Twombly, Sustainability, states they are redesigning this and will be removing the stairs and putting in a concrete pathway. Simpson says she also attended part of the ULCT conference yesterday and heard a great presentation by the Millcreek Community Center coordinator.

Council member Beerman states he's attended several Mountain Accord meetings, several of which were held here in Park City. Reports Miner's Day was great as it felt more local this year with a smaller crowd. City Tour was great! He also thanked Rademan, Anderson, and Rezac as well for a great time that was well planned and organized. Attended the Wasatch Wander walk with a Senator Lee staffer and Justin Hardy, Governor Herbert's chief of staff, but says it got cut short due to weather. Attended a meeting for the ULCT selection meeting where he heard from towns he's never heard of before.

Mayor Pro Tem Peek attended the HPB meeting last night and reports they are deep in the weeds with demolition projects due to the pending ordinance. Reports the water department called a neighbor of his to say they had a water leak. He thanks the water department for a nice reach-out to help these residents who were out of town. Asked if the issue with the library gas meter was addressed, to which Twombly says they have taken care of it.

Communication from City Council Member Andy Beerman – Colorado Association of Ski

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH
September 17, 2015**

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Towns (CAS) Update

Council member Beerman reported on the CAS quarterly meeting, held in Vail, Colorado. He explained Park City is a member of CAS, which is mostly made up of Colorado resort towns. This quarter's topic was vacation home rentals held in Vail, Colorado. Reports Vail breaks out their second home owners from their primary home owners, as well as breaks out their lodging inventory on hotel rooms vs. condos; they also host 35% of their work force in town. Beerman says vacation home rentals are losing market share as many new players are coming on the scene. The current debate is about prohibition vs regulation and Beerman says Park City is ahead of the curve on this as we are the only town focused on safety inspections and licensing. Durango is on the other end of the spectrum as they prohibit all nightly rentals in their downtown. Beerman says the most effective way to regulate is by incorporating nuisance regulations to address noise and trash issues. A challenge being faced right now is the ability to track these types of rentals. States one of the latest trends is low-end rentals formerly identified as affordable housing becoming vacation home rentals.

Jason Glidden, Special Events Manager, states they will be coming back with a Staff report in the near future regarding next steps on these issues.

Council member Henney feels there are distinctions to be made in the VHR market and recognizes it's a different animal, especially when it comes to pushing locals to shop local, which doesn't work when there are no residents living downtown.

Beerman states we're ahead of the curve regarding summer programs, since many Colorado towns are just acknowledging summer events are a great way to grow their business. I-70 is currently a huge issue as congestion is a problem for Colorado towns, costing millions annually; they are expanding the interstate and putting in a toll lane. This congestion also is costing the area environmentally, around \$839 million annually.

Beerman further reports Colorado just added an Office of Outdoor Recreation position and their new director addressed the conference. Colorado towns are feeling event fatigue similar to Park City. Other observations include Vail's conference space being located above their parking garage – good to keep in mind for multi-use facilities. Aspen's rapid bus system includes pre-pay kiosks and streamlined routes – also good to keep in mind when considering airport-to-city options. States every bus in Vail & Aspen are either electric or natural gas operated. The new Aspen Arts Center is getting mixed opinions as height and looks are divisive issues. Lastly, states Aspen's downtown felt more relaxed than ours as there was no visible construction noise or clutter.

2015 Community Engagement Quarterly Update

Phyllis Robinson, Craig Sanchez, Elizabeth Quinn-Fregulia, Sustainability; and Kim Clark, Lower Park Design Coordinator, spoke to the community engagement update. Clark reports a series of meetings have been outlined to get feedback from the community regarding Lower Park Avenue Outreach Program. Feedback will be given in three separate groups – youth, seniors and general community. The youth discussion will be coordinated through the schools October 7th through the 23rd. The senior discussion will be October 14th, and an overall community workshop will take place November 4th. Robinson says Staff will come back to report before Council on November 17th.

Robinson reports they've used some of their emergency program management grant funds to create the BeReadyParkCity.org site. Quinn-Fregulia discussed the site's features, stating the intent is to serve as an information portal in non-emergency times and an active communication tool during an actual emergency and will not go down as the server is located on the East Coast. She discussed the new Instagram feature, which targets the tweens, teens and millennials. Most of the information on the site is aggregated from other sources which allows us to provide information without having to update it. Quinn-Fregulia also highlighted the fire alerts piece of the website that includes maps.

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Council member Simpson asked if this site can switch to a straight emergency page during page, to which Robinson says our city's home web page will do that. Simpson also discussed how the city of Herriman, Utah, got 80% of their residents to follow their site on Twitter, which acted better than a reverse 911 call during a recent fire. Mayor Pro Tem Peek asks if the FEMA maps can be added to the site. Beerman clarifies if Robinson recommends the community go to this site or the city's site during an actual emergency, to which Robinson says they will drive people to this site.

On the horizon for the next quarter, Robinson reports What's Next is coming up November 16, and that they are also working on a How Did That Happen? piece as well as staff training guides and a national citizens survey.

Henney states he would like to see short informative videos included on the site. Beerman states short videos on who we are building housing for to personalize the issue would be helpful as well.

2015 Housing Monthly Update

Robinson and Rhoda Stauffer, Sustainability, gave the monthly housing update. Stauffer reports an employer survey went out to businesses, which will update their employee generation numbers. Stauffer reports the Blue Ribbon Commission application materials were published today. They will close on the 7th; selection will be made by the 22nd and the first meeting will be held on the 26th.

Council member Henney asked about density pertaining to the Sandridge Lots and states he would like to know our workforce percentage living within city limits. Stauffer says when they say density, they mean number of units that could be built versus height. Regarding workforce within city limits, Stauffer says they will find out that percentage.

Council member Simpson asks who will be picking the Blue Ribbon Commission participants, to which Robinson states Staff will present a possible panel to Council. Council member Beerman asks what the restrictions are on the new Ivory homes being built. Stauffer explains the restrictions stipulate an applicant's job has to lie within school district boundaries with higher priority the longer they've worked here. They also must be full-time residents, but there is no income check. Beerman asked how applicants will be picked and if there will be a lottery, to which Stauffer says a lottery would only be held if there are several applicants vying for the same units; IHC also gets a high priority for a number of the units.

City Tour 2015 Summary and Presentation

Myles Rademan reported on City Tour 2015, stating debriefing notes were sent out today to Council. Rademan reports this was his 43rd city tour. This year's tour went to Breckenridge and Grand Junction, Colorado. Rademan explains City Tour is a great mechanism for us to see other resort towns and bring home ideas on how to do things differently. He says of all resort towns, Breckenridge is most similar to Park City; its Main Street is designated as a historic district and it also has a rich mining history. Meetings and dinners are a big part of tour and provide excellent networking opportunities. Participants heard from Breckenridge's Mayor, John Warner; police chief and sustainability professionals. Breckenridge shared insight on their partnership with Vail Resorts, which was valuable for us since we are just starting our partnership with them. Other topics discussed include subsidized day care for families with two working parents, transportation issues, reusable grocery bags, historic district signage, issues surrounding legal marijuana, and impacts of tourism.

Highlights from Breckenridge include the coveted river area in downtown that has been reclaimed from placer mining, the Arts District with blue trees that serve as way finders, their \$10 library renovation, a business roundtable and excellent hospitality. Other great features the tour experienced were riding the aerial transportation/gondola, enjoying mountain summer amenities and listening to Vail CEO Rob Katz.

A fancy fondue dinner hosted by Vail at the top of the mountain at Keystone Resort was also enjoyed

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that Rademan described as “the art of seduction” on the part of Vail in courting us.

Other stops included Eagle County Courthouse to hear from county officials about their issues, a Colorado River rafting trip and a stop to the Colorado National Monument outside Fruita, CO. In Grand Junction, participants were treated to a tour of Main Street where they learned about their public art program, traffic calming and streetscape design.

During the debrief meeting on the final day, participants discussed take-home ideas such as traffic mitigation, disposable bag and fee program, subsidized child care, balancing the needs of our two resorts and city/county collaboration and joint planning. Rademan says it is now up to the part of City Tour participants to do something about issues that are important to them that they feel the community could benefit from.

REGULAR MEETING

I. **ROLL CALL** – Mayor Pro Tem Dick Peek called the regular meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, July 30, 2015. Members in attendance were Andy Beerman, Liza Simpson and Tim Henney. Mayor Jack Thomas and Council Member Cindy Matsumoto were excused. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Phyllis Robinson, Communications & Public Affairs Director; Rhoda Stauffer, Matt Abbott, Elizabeth Quinn-Fregulia and Stuart Johnson, Sustainability; Adriane Juarez, Library Director; Becca Lael, Community Engagement Librarian; Brooke Moss, Human Resource Director; Cherie Ashe, Human Resources; Police Captain Rick Ryan; Anya Grahn and Hannah Turpin, Planning; and Karen Anderson, Deputy City Recorder.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Adriane Juarez, Library Director, introduced Becca Lael, the new Community Engagement Librarian. Lael will be managing the scheduling of community room rentals at the library. Juarez reports some of the non-profit agencies feel room rental fees are a bit high, so they wish to revert to the old schedule where groups can get one free room rental per month. She asks for feedback from Council, to which Council agrees to the rental change. Foster states if fee waivers are necessary, she will have the ability to authorize those; also, Juarez and Staff will come back before Council sometime in the fall to look at re-adopting the fee schedule. Foster says Council does not need to approve the one free room rental per month.

Rain Barrel Program Update – Manager’s Report

No comments were heard.

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Bill Humbert thanks Staff for the community engagement update today and applauds them for their efforts in getting people involved. He states government employers work hard to get citizens and employees involved but at times participants may feel intimidated or bullied. He states a Council member was culpable of bullying tactics at this year’s Miner’s Day parade when he overheard an inappropriate comment about passing the bond. Humbert also stated frustration with the school bond proposal and numbers given for athletic facilities, saying the actual costs are much higher than what was stated. Says he’s tried to get answers on how much these facilities will cost, but has not received any calls back from those he’s contacted.

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He concludes by stating he loves this community and doesn't want to see it spoiled by bullying tactics or intimidation.

Cody Stewart and Corby Cluff, Main Street residents, state that since July they have been awakened every night around 3 am by delivery trucks specifically going to Chimayo. After reviewing the municipal code, Stewart learned these trucks using their air brakes are in violation of the noise ordinance but that no one is willing to enforce it. A secondary complaint is noise in Swede Alley. After meeting with City employees, the City Attorney's office, emailing and working with police, Stewart and Cluff reiterate no one is willing to help them. Simpson explains the procedure for handling the matter and Diane Foster, City Manager, states she has addressed the issue with and will follow up with Stewart and Cluff.

Lauren Locke and Erin Brown of Sage Mountain, a local nonprofit, spoke on their advocacy for farm animals as they are currently building a small rescue facility for these animals. Brown states they are currently advocating a vegetarian diet as large-scale animal agriculture is the single most destructive industry facing the planet today. They urge Park City residents to adopt a non-animal diet.

Delphine Campes, 61 Daley Ave, states parking this year in Old Town has been the worst ever with all the events and renters, says property owners have decided to tear down historical lots and turn them in to parking lots. States there's nowhere to park and asks Council to do something about it as it is a disturbance to the neighborhood. Foster suggests Campes contact the Neighborhood Traffic Management Program where she can go to address all the right people at the same time. Kristin Whetstone, Planning, states they got a complaint that a parking lot was being made from a historical lot and that the first step is to apply for a historic design team pre-review, which will happen on Thursday and they will go from there.

IV. CONSENT AGENDA

1. Consideration of a Request for Use of Public Property to Display Public Art near 638 Park Avenue.
2. Consideration of a Request to Authorize the City Manager to Execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a Form Approved by the City Attorney, as Change Orders No. 1 and 2, for an Increase Not to Exceed \$86,644.01, for a Total Not to Exceed \$1,047,055.81.

**Council member Beerman moved to approve items 1 & 2 on the consent agenda
Council member Henney seconded
Approved 3-0 Matsumoto excused**

3. Consideration of an Amendment to the existing Vehicle and Pedestrian Easement for the April Inn located at 545 Main Street.

Council member Henney said he would like to understand this issue better. Council voted to pull this off the consent agenda

**Council member Henney moved to pull item no. 3 off
consent agenda for further discussion**

**Council member Beerman seconded
Approved 3-0 Matsumoto excused**

Francisco Astorga, Senior Planner, reports the easement has not been written as they're waiting on Planning Commission to review the conditional use permit for the construction of the combination single family dwelling and parking structure. The reason for the amendment is because the applicant has requested to use one of six parking spaces for the benefit of Park Ave residents, instead of all of the spaces being used for the April Inn. City Engineer Matt Cassel decided to bring it back since there was no discussion about this in the February discussion where it was decided all parking spaces were dedicated to the April Inn. Council member Simpson asked if this change is due to Planning Commission direction to the applicant. Astorga says no, that the placement of the garage next to the house was not meeting code. Council member Beerman asks if moving a stairway is in question. Astorga states it is in question but the issues regarding the stairway are controlled by the city engineer's office. They are considering a proposal to realign the staircase.

Public Hearing

Mayor Pro Tem Peek opened the public hearing. Ruth Meintsma, 305 Woodside, states the amendment to the original easement will create a possibility of changing the parking and the elimination of two garages on Park Avenue is monumental and the entire project is moving in a positive direction.

Sanford Melville, 527 Park Avenue, states the alley is already pretty tight and what is being proposed is a six-car carport. Explains the difficulty of maneuvering around a carport in this space and expresses concern since this area also serves as a pedestrian thoroughfare. Mayor Pro Tem Peek closed the public hearing.

**Council member Henney moved to approve an a mendment to the existing Vehicle
and Pedestrian Easement for the April Inn located at 545 Main Street.**

**Council member Beerman seconded
Approved 3-0 Matsumoto excused**

V. NEW BUSINESS

1. Consideration of an Ordinance Adopting a Waste and Recycling Receptacle Ordinance for Old Town Park City, UT, and an Amendment to Park City Municipal Code for Waste and Recycling Receptacles Managed by Nightly Rentals in Old Town Park City, UT.

Matt Abbott, Sustainability, stated the ordinance addresses consistency issues such as look, education and enforcement throughout Old Town. Changes include putting curbside receptacles no earlier than 6:00 pm the night before collection day and removed no later than 11:59 pm on the day they're collected. Another change includes a fee change from \$1000 to \$750. If the ordinance is adopted, there will be a 90-day education period with enforcement starting after that period. Council member Beerman asked about labeling the receptacles, to which Abbott states receptacles should be labeled on both front and the top. Council member Simpson asked about a maximum font size on the receptacles, to which Abbott says they didn't specify one as they didn't want to interfere with art as a replacement for labeling.

Public Hearing

Mayor Pro Tem Peek opened the public hearing. Becca Gerber asked for clarification on the

collection time.

Michael asked for a definition of “curbside.” Staff explains curbside means where the actual collection takes place and traffic is not impeded. Michael asks about impeding bicycles on Park Avenue. Simpson and Peek clarify curbside and Beerman adds it’s hard to make a clear definition in Old Town since every home is different. Abbott reminds us the educational period will address these questions. Mayor Pro Tem Peek closed the public hearing.

**Council member Simpson moved to approve an ordinance adopting a Waste Recycling Receptable Ordinance for Old Town Park City, UT, and an amendment to Park City Municipal Code for waste and recycling receptacles managed by Nightly Rentals in Old Town Park City, UT
Council member Henney seconded
Approved 3-0 Matsumoto excused**

2. Consideration of a Request to Move Current Dispatch Employees from the “Public Employee” Retirement System to the “Public Safety” Retirement System Offered by the State of Utah

Brooke Moss, Cherie Ashe and Police Captain Rick Ryan addressed the details of the change, emphasizing it means a higher benefit at a bigger cost to the city but one that is justified due to the dangerous nature of the jobs.

**Council Beerman moved to approve a request to move current dispatch employees From the “Public Employee” Retirement System to the “Public Safety” Retirement System offered by the State of Utah
Council member Simpson seconded
Approved 3-0 Matsumoto excused**

3. Consideration of a Resolution Designating September 26, 2015, as Park City Neighbor Day

Stuart Johnson, Anya Grahn and Marielle Pariseau, members of Leadership Park City Class 21, explain this is their class project, chosen because they feel the community needs to connect through smaller, more personal get-togethers. Pariseau asks Council and residents to make the pledge of connecting with three neighbors this September 26th, and to do so every year.

**Council member Simpson moved to approve a resolution designating September 26, 2015, as Park City Neighbor Day
Council member Henney seconded
Approved 3-0 Matsumoto excused**

4. Consideration of an Ordinance of the Bee Plat Amendment Located at 281 and 283 Deer Valley Drive, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney.

Hannah Turpin, Planning, states the applicant will combine four lots in to two with a common wall agreement on each side of the existing duplex. Council member Simpson states she is happy they have found a solution for this.

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Public Hearing

Mayor Pro Tem Peek opened the public hearing. No comments were heard. Mayor Pro Tem Peek closed the public hearing.

**Council member Simpson moved to approve an ordinance of the Bee Plat Amendment located at 281 & 283 Deer Valley Drive, Park City, UT, pursuant to findings of fact, conclusions Of law, and conditions of approval in a form approved by the City Attorney
Council member Henney seconded
Approved 3-0 Matsumoto excused**

5. Consideration of an Ordinance of the Miner's Plaza Plat Amendment at 415 Main Street, Park City, UT, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney.

Anya Grahn, Planning, states this amendment will remove interior lot lines so when plaza improvements are made in the future they can pull building permits. A minor encroachment also exists of a deck on a historic building on Park Avenue that encroaches on the northwest corner of the site as well as an easement having to do with a water line that will be discussed in the future.

Public Hearing

Mayor Pro Tem Peek opened the public hearing. No comments were heard. Mayor Pro Tem Peek closed the public hearing.

**Council member Henney moved to approve an ordinance of the Miner's Plaza Plat Amendment at 415 Main Street, Park City, UT, pursuant to findings of fact, conclusions of law, And conditions of approval in a form approved by the City Attorney
Council member Beerman seconded
Approved 3-0 Matsumoto excused**

VI. ADJOURNMENT

**Council member Simpson moved to adjourn
Council member Henney seconded
Approved 3-0 Matsumoto excused**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:45 pm. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek and Tim Henney. Council member Cindy Matsumoto was excused. Staff members present were Diane Foster, City Manager; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Ann Ober, Senior Policy Advisor; Alfred Knotts, Transportation Planning Manager; Jason Glidden, Special Events Manager; Jonathan Weidenhamer, Economic Development Manager; and Polly Samuels McLean, Legal. **Council member Simpson**

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moved to close the meeting to discuss Property. Council member Henney seconded. Motion Carried.

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

Prepared by Karen Anderson, Deputy City Recorder.



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

In 2012 staff developed a ten to twelve year implementation plan to (re-)construct all of the streetscape infrastructure (sidewalks, curb and gutters, streetlights, benches, signage, art...) as well as the public plazas. Council should review the proposed scope of services and approve the agreement from the committee selected Professional Service Provider and proceed with the reconstruction of the Miner's Plaza. The renovation of Miner's Plaza helps to meet many of City Council's desired outcomes, notably supporting Main Street's use by locals and visitors alike.

Respectfully:

Matthew Twombly, Senior Project Manager



City Council Staff Report

Subject: Main Street Miner’s Plaza Reconstruction -
Professional Service Provider Agreement Award

Author: Matthew A. Twombly

Department: Sustainability

Date: November 5, 2015

Type of Item: Administrative – Award of Contract

Summary Recommendations:

Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney’s Office with Blu Line Designs Co., in the amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars (\$116,755).

Executive Summary:

In 2012 staff developed a ten to twelve year implementation plan to (re-)construct all of the streetscape infrastructure (sidewalks, curb and gutters, streetlights, benches, signage, art...) as well as the public plazas. Council should review the proposed scope of services and award the agreement from the committee selected Professional Service Provider and proceed with the reconstruction of the Miner’s Plaza. The renovation of Miner’s Plaza helps to meet many of City Council’s desired outcomes, notably supporting Main Street’s use by locals and visitors alike.

Acronyms in this Report:

HDDR	Historic District Design Review
HPCA	Historic Park City Alliance
PCMC	Park City Municipal Corporation
RFP	Request for Proposals

Background:

The proposed Professional Services Provider scope identified in the RFP consists of:

The Team is expected to coordinate regular meetings with a Working Committee to further refine previous work, develop construction documents and project management for the project. The working committee will include representatives from the HPCA and City, including Sustainability, Economic Development, Planning, Engineering and Public Works. The deliverables will include:

- Analyze current concept plans;
- Assess the project cost estimates and schedule of construction;
- Work with the committee and PCMC staff to determine final design, schedule and estimates for presentation to the public, HPCA, and City Council;
- Present recommended plans, schedule and cost to HPCA Board;
- Coordinate Planning, Building and Engineering approval with City staff;
- Present finalized design to City Council;

- Coordination with utility companies where the reconstruction of the sidewalks will likely trigger the need for utility upgrades;
- Prepare construction documents:
 - 30% plus cost estimate submittal
 - 60% plus cost estimate submittal
 - 90% including specifications and cost estimate submittal
 - 100% including bid documents, specifications and final cost estimate submittal;
- Provide assistance to PCMC staff in bidding the project including pre-bid meeting and support, contractor questions, issuing addenda, preparing bid tabulations, verification of bidder's qualification, and presentation to City Council for the contract award; and
- Provide construction management for the project.

Briefly, the project includes the demolition of the existing park improvements including the restroom, stage and paving; a new restroom building; park improvements including paving, a stage, site furnishings, landscaping, informational kiosks, site utilities, art and other improvements. The potential for a water feature will be evaluated for inclusion in the final design of the Plaza.

Analysis:

The Request for Proposals (RFP) was advertised on September 5th and 9th, 2015 in the Park Record and 4th and 5th in the Salt Lake Tribune. Additionally, the RFP was posted on the City's website, e-notify and Utah Legals website.

A selection committee included the following participants:

PCMC:

- Jonathan Weidenhamer
- Clint Dayley
- Jason Glidden
- Matt Twombly

And from the HPCA:

- Alison Butz

Nine firms responded and their cost proposals are as follows:

Blu Line Designs	\$67,055 proposed: \$116,755 negotiated
MGB+A	\$117,755
Think Architecture	7% of \$575,000 project cost
Elliot Workgroup	\$42,013
CRSA	None To Be Negotiated
FFKR	\$74,193
Logan Simpson	\$65,692
Landmark Design	Some fees included – Negotiated
PEC	\$51,995

Selection of the consulting firm was based on the following criteria:

- Experience on similar projects.
- Strength of individuals committed to the project
- Relevance of proposed work plan
- Availability, Communications and Public Involvement
- Strength of addressing PCMC concerns
- Fee Structure or Other Considerations

The selection committee met on October 6, 2015. In review of the proposals the committee decided to interview three firms. The three shortlisted firms were Blu Line Designs, MGB+A, and Think Architecture. Based on their interviews the committee determined that Blu Line Designs and their team of subcontractors were the most qualified. Part of their team included the architectural firm Process Studio. The selection committee selected Blu Line based on their qualifications, their teams previous work together, experience with small plaza projects, the ability to provide graphic presentations of their work to build consensus in the approval process, strength of individuals and the overall team.

There were large differences in the proposals especially in the fees or structure. The RFP did not specifically identify a project or construction cost. The RFP identified the IBI estimates for the Main Street Improvements. The Miner's Plaza estimate at that time was \$528,000 not including inflation and design fees. Staff is anticipating that based on previous plaza work, which ranged from \$540,000 (\$230,000 estimate) to \$730,000 (\$412,000 estimate), the actual preferred and approved design of the Miner's Plaza may be over \$1 Million. We know we are re-constructing the plaza but the design and cost of construction are undefined at this point, which resulted in varying proposals and fees.

Park City's purchasing policy states that Professional Service Contracts are exempt from competitive bidding, where the lowest quote need not necessarily be awarded the contract. Furthermore, the policy states that emphasis will be placed on quality, with cost being the deciding factor when everything else is equal.

The RFP specifically states:

- A selection committee made up of Park City Municipal Corporation staff and select members of the Historic Park City Alliance's Infrastructure Committee will review the submitted Statements of Proposals and select a proposer. A short list interview may be required if two or three proposers are closely ranked. If short list interviews are required, they would occur during the week of **October 12, 2015. Price will not be the sole deciding factor.**
- Park City will negotiate a final scope and fee with the top ranked proposer and recommend to City Council for final approval and contract. Award of the contract is subject to approval by City Council.

On December 13, 2012 Council awarded a Professional Services Provider Agreement to MGB+A in the amount of \$114,080 for the Main Street sidewalk and Terigo Plaza design and engineering. During the conceptual and design development process it

became apparent that the proposed scope would not cover the amount of meetings (including, staff, HPCA, Planning approval, and Council review) required to produce documents for the contractor to bid for construction. Council awarded a change order on April 4, 2013 in the amount of \$65,270 for the additional meetings, design and engineer work for a total contract amount of \$179,350. The original proposals ranged from \$65,000 to \$129,000.

On December 12, 2013 Council awarded the 2014 Main Street Improvements (including 2 sections of sidewalks, as well as, the Bear Bench and City Hall Plazas) Professional Services Provider Agreement to MGB+A in the amount of \$165,950. The proposals ranged from \$103,000 to \$243,000. On March 5, 2015 Council awarded the 2015 Main Street Improvements (only including 2 sections of sidewalks) to MGB+A in the amount of \$69,619. These ranged from \$65,000 to \$103,000. Besides the range in proposed costs, the history outlines that the start of the sidewalks and most notably the plaza projects requires the greatest amount of design and engineering hours and is reflected in the design fees and proposals.

Based on these previous projects, the City's approval process including Historic District Design Review staff negotiated a final or recommended scope and fee with Blu Line Designs on October 23, 2015. The negotiated scope and fee represents the actual amount of work that this project will require to complete the project to Park City standards and required approval process. Staff and the Blu Line team has also considered the Council's heightened Critical Priority of Carbon Reduction and incorporated additional costs to design for that goal into the recommended fee.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, Budget and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

Approve the request, and authorize the City Manager to execute the service provider agreement in a form approved by the City Attorney's Office with Blu Line Designs, in the amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars (\$116,755): (Staff recommendation)

B. Deny:

Council could choose to not continue with the project at this time.

C. Modify:

Council could choose to modify the project, which would likely delay the schedule.

D. Continue the Item:

Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.

E. Do Nothing:

Same effect as continuance.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> + Balance between tourism and local quality of life + Varied and extensive event offerings ~ Accessibility during peak seasonal times + Safe community that is walkable and bike-able + Internationally recognized & respected brand + Unique and diverse businesses 	<ul style="list-style-type: none"> - Managed natural resources balancing ecosystem needs ~ Enhanced water quality and high customer confidence ~ Reduced municipal, business and community carbon footprints ~ Economically and environmentally feasible soil disposal 	<ul style="list-style-type: none"> ~ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Community gathering spaces and places + Vibrant arts and culture offerings 	<ul style="list-style-type: none"> + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Very Positive 	Negative 	Very Positive 	Positive 
<p>Comments: Events may have temporary negative impacts on the residential neighborhoods and certain businesses but the improvements will result in overall positive results from an activity, amenity and economic standpoint. The team will have to be sensitive to the historic district guidelines as we move into concept design.</p>				

Funding Source:

There is currently approximately \$750,000 estimated for the Miner's Plaza project out of the \$15 M 10-year project budget. Sustainability, Planning, Building, Engineering, Budget, Public Works and on a limited basis other City staff resources will be required to complete the project.

Recommendation:

Staff recommends that the City Council authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with Blu Line Designs Co., in the amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars (\$116,755).

Attachments:

Exhibit A: Blu Line Scope/Fee

Exhibit A

Blu Line Designs
 Project Name: Park City - Miner's Plaza
 blu #p15-157
 Date: 10.26.15
 PM: CAS

	blu line designs			Process Studio			Water Design					Spectrum Engineers				Meridian Engineers			MJ Structural Engineers				Subtotal Hours	Subtotal Costs		
	Principal Landscape Architect/PM	Associate Landscape Architect	Landscape Architect	Partner	Project Manager	Drafter	Principal Engineer	Engineering Design	Senior Designer	Designer	Drafter /CAD Technician	Principal Project Manager	Principal	Project Engineer	BIM / CAD Technician	Corporate Officer (PIC)	Project Manager	Project Engineer	Principal	Project Manager	Project Engineer	Drafter				
RFP Tasks																										
I. Preliminary Work																										
1.1 Kick-off Meeting/Site Reconnaissance	3		3	2	2							2	2			1	1							16	\$ 1,970	
1.2 Data Gathering			3	2	2													1						8	\$ 810	
1.3 Analyze Current Concept Plans	1	2	2																					5	\$ 540	
1.4 Assess Project Cost Estimates & Construction Schedule	1		2	1	1																			5	\$ 535	
																								0	\$ -	
Subtotal Task 1 Labor	5	2	10	5	5	0	0	0	0	0	0	2	2	0	0	1	1	1	0	0	0	0	0	34	\$ 3,855	
II. Conceptual Drawings																										
2.1 Conceptual Design Alternatives	25	15	50	4	4												1	1						100	\$ 10,580	
2.2 Review Data	2		4	1	1												2	2						12	\$ 1,255	
2.3 Preliminary Concept Plan	10	10	20	4	4								4											52	\$ 5,570	
2.4 Final Concept Plan, 3D model & Fly-through	10	10	25	4	4								4				2				4	4		67	\$ 6,950	
																								0	\$ -	
Subtotal Task 2 Labor	47	35	99	13	13	0	0	0	0	0	0	0	8	0	0	0	5	3	0	0	4	4	4	231	\$ 24,355	
III. Public Meetings																										
3.1 Committee Meetings Prior to Public Presentation	3		12																					18	\$ 1,770	
3.2 Present Plans, Schedule, & Cost to HPCA Board	12		16																					31	\$ 3,300	
3.3 Present Final Design to City Council	3		8																					14	\$ 1,410	
3.4 HDDR Application	8		8																					19	\$ 2,060	
																								0	\$ -	
Subtotal Task 3 Labor	26	0	44	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	82	\$ 8,540	
IV. Project Coordination																										
4.1 Meeting with PCMC Building, Planning, & Engineering Staff (10)	40		40	10								0	0	4		1	2							99	\$ 11,145	
4.2 Coordinate Sidewalk Reconstruction with Utility Companies	2																2							4	\$ 490	
4.3 Design Team Meetings at blu (5)	5		10	5								1	1	8			2							36	\$ 4,145	
4.4 Sustainable Design Committee Meeting (2)	6		8	2								4												20	\$ 2,370	
																								0	\$ -	
Subtotal Task 4 Labor	53	0	58	17	0	0	0	0	0	0	0	5	1	12	0	1	6	0	6	0	0	0	0	158	\$ 18,150	
V. Construction Drawings																										
5.1 Schematic Design (30% Submittal)	6	6	20	1	2	2						0	0	4	2	1	2	3	1	1	3	3		57	\$ 5,740	
5.2 Design Development (60% Submittal)	6	6	20	1	2	10						1	1	4	2	2	4	1	1	3	3			67	\$ 6,585	
5.3 Construction Documents (90% Submittal)	6	6	20	1	2	10						1	1	4	2	1	8	1	1	6	6			78	\$ 7,615	
5.4 Bid Documents (100% Submittal)	6	6	20	1	2	6						1	1	4	2	1	2	1	1	3	3			59	\$ 5,875	
5.5 Specifications		6	8	1	4							1	1				1	1		3	3			26	\$ 2,740	
																								0	\$ -	
Subtotal Task 5 Labor	24	30	88	5	12	28	0	0	0	0	0	4	4	16	8	2	7	18	4	4	18	15		287	\$ 28,555	
VI. Bidding Assistance																										
6.1 Provide Assistance to PCMC Staff in Bidding/Selection of CM/GC	1		2		2																			5	\$ 510	
6.2 Bidding Assistance	1				2																			3	\$ 330	
6.3 Pre-Bid Meeting	2		3		2									6								2		15	\$ 1,560	
6.4 Response for Clarification	1	2	6		1	4								2							2			18	\$ 1,710	
6.5 Bid Tabulation	1		2																					3	\$ 310	
6.6 Verification of Bidder Qualifications			4																					4	\$ 360	
6.7 Presentation to City Council for Contract Award	3																							3	\$ 390	
																								0	\$ -	
Subtotal Task 6 Labor	9	2	17	0	7	4	0	0	0	0	0	0	0	8	0	0	0	0	0	0	4	0	0	51	\$ 5,170	
VII. Cost Estimates																										
7.1 Conceptual Alternatives	1		4		1													2						8	\$ 800	
7.2 Final Concept Plan	1		3		1													2						7	\$ 710	
7.3 Schematic Design (30%)	1		3		2													4						10	\$ 1,020	
7.4 Design Development (60%)	1		3		2							1	1											8	\$ 900	
7.5 Construction Documents (90%)	1		3		1							1	1	2										9	\$ 1,010	
7.6 Bid Documents (100%)	1		3		1							1	1											7	\$ 800	
																								0	\$ -	
Subtotal Task 7 Labor	6	0	19	0	8	0	0	0	0	0	0	3	3	10	0	0	0	0	0	0	0	0	0	49	\$ 5,240	
VIII. Construction Management																										
8.1 Products & Materials Submittal Review	1		8		4													2						16	\$ 1,575	
8.2 Pre-Construction Meeting	2		2		2													2						10	\$ 1,050	
8.3 Weekly /Semi-Weekly Construction Observations & Reports (12)	36		48		12													4						102	\$ 10,820	
8.4 Site Inspections (2 Visits)	6		2		2												2							16	\$ 1,820	
8.5 Request for Information (RFIs) and Job Instructions (JIs)	3		12		2	2											1							26	\$ 2,545	
8.6 Payment Request Review and Approval	3																1							4	\$ 505	
8.7 Project Management and Coordination	8																							8	\$ 1,040	
																								0	\$ -	
Subtotal Task 8 Labor	59	0	70	0	22	2	0	0	0	0	0	0	0	12	0	0	5	0	0	0	12	0	0	182	\$ 19,355	
IX. Project Close-Out																										
9.1 Final Walk Through, Punch Lists	3			1	1									5								2		12	\$ 1,340	
9.2 Final Payment Request Review and Approval	3																							3	\$ 390	
9.3 Final As-Builts			6		1	1								2	2						2	4		18	\$ 1,555	
																								0	\$ -	
Subtotal Task 9 Labor	6	0	6	1	2	1	0	0	0	0	0	0	0	7	2	0	0	0	0	0	4	4	4	33	\$ 3,285	
X. Miscellaneous (Reimbursable Expenses)																										
10.1 Printing																									0	\$ 250
10.2 Travel (built-in)																									0	\$ -
																									0	\$ -
Subtotal Task 10 Labor	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 250
Subtotal Labor Hours	235	69	411	41	81	35	0	0	0	0	0	14	10	73	10	4	24	22	10	4	42	23		1,108	\$ 116,505	
Subtotal Labor Costs	\$30,550	\$7,935	\$36,990	\$5,125	\$8,100	\$2,625	\$0</																			



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Respectfully:

Ann Ober, Community Relations



City Council Staff Report

Subject: Amended Mountain Accord Blueprint and Interlocal Agreement
Author: Ann Ober
Department: Executive
Date: November 5, 2015
Type of Item: Approval

Summary Recommendations:

Approval of amendments to the Mountain Accord Interlocal Agreement for Phase II.

Abbreviations:

Interlocal Agreement – ILA
Utah Transit Authority - UTA

Executive Summary:

The Management Team of Mountain Accord is proposing that the contract management responsibility of Mountain Accord move from UTA to Wasatch Front Regional Council and that their Executive Director be made a member of the Management Team.

Interlocal

In June 2015, Council approved the Phase II Mountain Accord ILA. That agreement is largely operational, outlining contributions, conflict management and extraction from the process and is consistent with our current approach.

Over the past two years, some members of the community have expressed concerns with the process being housed at the Utah Transit Authority. That concern has been expressed by other communities as well. Though staff believes UTA has been a great partner in this process and on countless joint projects in the past, all the parties agreed that an alternative housing of this process would be appropriate in Phase II.

“The Wasatch Front Regional Council is an Association of Governments organized under the Interlocal Cooperation Act of Utah State Law. The Council consists of 21 voting members, 19 elected officials representing local governments from Box Elder, Davis, Morgan, Salt Lake, Tooele, and Weber counties, and one representative from the Utah Department of Transportation, and one representative from the Utah Transit Authority. The Council also includes 6 non-voting members representing the Utah State Senate, the Utah House of Representatives, the State Planning Director, the Utah League of Cities and Towns, the Utah Association of Counties, and Envision Utah.”

The Management team felt like this team is a better fit due to its broader focus. Though transportation is a key component of their mission, land planning is their second objective.

It should be noted that there is not a perfect home for this program. Everyone is seen as having significant goals of their own. To achieve a “pure” option in the future, the Phase II Request for Proposal contemplates the creation of an independent non-profit or organization. That opportunity will be investigate over the next two years.

Finally, this document makes two changes. First, it moves the management responsibilities to Wasatch Front Regional Council. Second, it makes their Director a member of the management team. No other changes were included.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Well-utilized regional public transit	~ Managed natural resources balancing ecosystem needs	~ Entire population utilizes community amenities	+ Engaged and informed citizenry <input type="text"/>
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Positive 	Neutral 	Neutral 	Positive 
Comments: It is impossible to say if the environmental benefits will increase or decrease until a significant Environmental Impact Study has been done on each component. The project does have a number of regional public transit projects included. This could allow for more community engagement with our transportation system, but additional study is required. The real benefit of the Mountain Accord process is that is has definitely engaged our public in a major discussion about where we are heading.				

Phase II Funding Source

This amendment does not amend our current commitment of \$100,000 per year.

Department Review: Transportation, Sustainability, Legal, Executive

Summary Recommendations:

Approval of amendments to the Mountain Accord Interlocal Agreement for Phase II.

PROGRAM AND FUNDING AGREEMENT

Mountain Accord Phase II

This Interlocal Program and Funding Agreement — Mountain Accord Phase II (“Agreement”) is entered into this ____ day of _____, 2015 by and among Cottonwood Heights (“Cottonwood Heights”), Draper City (“Draper”), the Metropolitan Water District of Salt Lake & Sandy (“MWDSLS”), Park City Municipal Corporation (“Park City”), Sandy City (“Sandy”), Salt Lake City (“SLC”), Salt Lake County (“Salt Lake County”), Summit County (“Summit County”), the Town of Alta (“Alta”), Utah Department of Transportation (“UDOT”), Utah Transit Authority (“UTA”), and Wasatch Front Regional Council (“WFRC”). Each is individually referred to as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, UDOT is a Utah state agency with the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems, and implementing the transportation policies of the state;

WHEREAS, UTA is a public transit district organized pursuant to Utah law, and provides transit services in and around the Wasatch Front;

WHEREAS, SLC, Sandy, Cottonwood Heights, Draper City, Alta, and Park City are Utah municipal corporations, and have various responsibilities and legal authorities related to land use, transportation, watershed and water resources, economic, and environmental issues;

WHEREAS, Salt Lake County and Summit County are Utah counties, and have various responsibilities and legal authorities relating to land use, transportation, watershed and water resources, economic, and environmental issues;

WHEREAS, MWDSLS is a Utah metropolitan water district operating pursuant to the Metropolitan Water District Act, Utah Code Annotated, Title 17B, Chapter 2A, Part 6, and has various responsibilities for providing wholesale water supplies to its member cities and others;

WHEREAS, WFRC is the metropolitan planning organization responsible for transportation planning for the Ogden-Layton and Salt Lake-West Valley City Metropolitan Areas;

WHEREAS, the Parties wish to build upon previous and certain ongoing efforts, including the recent Wasatch Canyons Tomorrow and the Mountain Transportation Studies, and conduct a comprehensive regional, long-term review of various transportation solutions in the central Wasatch Mountains that recognizes and incorporates the interdependent transportation, land use, recreation, wilderness, watershed and economic issues and opportunities;

WHEREAS, the Parties have previously entered into a Program and Funding Agreement for Wasatch Summit Phase I (“Phase I Agreement”), dated February 3, 2014, which established a Mountain Accord Program Charter dated February 2014 (“Program Charter”).

WHEREAS, the Parties signed the Mountain Accord agreement (“the Accord”) on August 3, 2015, which identifies a suite of actions that are recommended to be implemented to ensure that future generations can enjoy all the activities we do today, while preserving our watershed and natural environment; and

WHEREAS, the Parties desire to enter into this Agreement to provide for a transition from Phase I into Phase II (as defined below), and to define their respective roles and responsibilities with respect to Phase II.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals, mutual covenants and agreements herein set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. PROGRAM DESCRIPTION.

- A. The Parties intend to collaborate with each other to address long-term transportation, environmental, economic, and recreation needs in the Central Wasatch Mountains (the “Program”).
- B. Phase I of the Program has concluded. This Agreement supersedes and replaces the Phase I Agreement. During Phase I, the Parties to the Phase I Agreement (i) contributed to the Program and deposited funds into a segregated holding account managed by UTA, and (ii) engaged a Mountain Accord Program Facilitator (“Program Facilitator”) and a consultant to provide environmental professional services (“Environmental Technical Consultant”). UTA will retain in the holding account any funds left over from Phase I, and those funds will continue to be dedicated to Program expenses, as further detailed in paragraph 8. Contracts for the Program Facilitator and the Environmental Technical Consultant established under the Phase I Agreement will expire on September 30, 2015. These contracts may be extended through December 31, 2015 if agreed to by the Parties, to complete activities included in the scope of work for those Phase I contracts. At such time as those contracts expire, they will not be renewed for Phase II activities.
- C. The Parties anticipate that this phase of the Program (“Phase II”) will be up to a three year process that (i) will prioritize the recommendations identified in the Accord; and (ii) will implement various components of the Accord, as prioritized by the Executive Board (as defined below), with the available Program funding.

- D. The final work deliverables and general agreement on the major decisions in Phase II will be in accordance with the elements of the Accord, as prioritized by the Executive Board.
- E. Each of the Parties will pledge funds as more particularly set forth herein, for Phase II.

2. EXECUTIVE BOARD AND DESIGNATED REPRESENTATIVES. An Executive Board (“Executive Board”) is established to be the consensus-based governing body of the Program. The Executive Board may update the Program Charter as needed. Each Party may appoint one person (a “Designated Representative”) to be a member of the Executive Board. The Parties may invite third parties to serve on the Executive Board at their direction. The Executive Board shall meet at least quarterly, and may meet more frequently, as agreed upon by a majority of the Executive Board. The Parties hereby designate the following as their Designated Representatives on the Executive Board:

- Alta.....Mayor Tom Pollard
- Cottonwood HeightsMayor Kelvyn H. Cullimore, Jr.
- Draper City.....Mayor Troy Walker
- MWDSLSMichael L. Wilson, MWDSLS General Manager
- Park CityCouncil Member Andy Beerman
- Sandy.....Mayor Tom Dolan
- Salt Lake CityMayor Ralph Becker
- Salt Lake County.....Mayor Ben McAdams
- Summit CountyCouncil Member Christopher Robinson
- UDOTNathan Lee, Region 2 Director
- UTAMichael Allegra, Special Advisor to the UTA Board of Trustees
- WFRCAndrew Gruber, Executive Director

Any party may change its Designated Representative on the Executive Board. Such changes will be reflected by updating the Program Charter; no Amendment (defined below) to this Agreement will be necessary.

3. MANAGEMENT TEAM. A Management Team was established under the Program Charter to manage the activities of Mountain Accord. The Management Team will continue to administer the Program, approve contract scopes of work and budgets for consultants hired for the Program, make recommendations to the Executive Board for

formal decisions and conflict resolutions as necessary, and give direction on the day-to-day management of the Program. The Management Team consists of Mayor Ralph Becker, Council Member Andy Beerman, Mayor Tom Dolan, Mayor Ben McAdams, Michael Allegra with UTA, David Whittekiend with the US Forest Service, Andrew Gruber with WFRC, and Alan Matheson representing the State of Utah. Changes to the membership of the Management Team will be reflected by updating the Program Charter; no Amendment (defined below) to this Agreement will be necessary.

4. **PROGRAM DIRECTOR:** The Parties agree to engage a Program Director to coordinate and manage numerous Program elements for a diverse group of committees and stakeholders, including federal, state, and local governments, non-governmental organizations, and private interests. The Program Director shall be responsible for the day to day management of the Program, and will report to the Executive Board. The Management Team shall prepare and finalize a Scope of Work for the Program Director, which shall be approved by the Executive Board. Among other responsibilities, the Program Director will maintain the Program Charter, as directed by the Executive Board. The Program Director shall be selected in accordance with Paragraph 10. The Program Director shall work under contract with WFRC. Invoicing and payment of the Program Director will be handled as described in paragraph 11.

5. **TECHNICAL CONSULTANTS.** The Parties agree to engage technical consultants as needed to implement various components of the Accord as prioritized by the Executive Board, to be paid for through the funds deposited by the Parties in the holding account. These technical consultants shall work under contract as described in Paragraph 9. The Management team or their designees shall prepare and finalize a Scope of Work for these technical consultants, which will be approved by the Executive Board. The technical consultant shall be selected in accordance with Paragraph 10.

6. **TERM.** The term of this Agreement shall be up to three (3) years, unless otherwise agreed by the Parties in accordance with Paragraph 13. However, in no case shall this Agreement extend for a term that exceeds fifty (50) years.

7. **FUNDING.** The amounts for funding Phase II of the Program, allocated by the Parties over a three year period, is expected to be as follows:

Salt Lake City	\$600,000
Salt Lake County.....	\$600,000
Utah Transit Authority	\$600,000
City of Sandy	\$300,000
MWDSLS	\$300,000
Park City Municipal Corporation.....	\$300,000
Draper City	\$180,000
City of Cottonwood Heights	\$150,000
Summit County	\$150,000

UDOT\$150,000
 Town of Alta\$ 45,000

Funding is due as follows: for each of the monetary contributions, one-third of each Party’s contribution will be due and payable on or before December 31, 2015; one-third of each Party’s contribution will be due and payable on or before December 31, 2016, and one-third of each Party’s contribution will be due and payable on or before December 31, 2017, assuming such amount is appropriated by the Party for such purpose. The funds shall be deposited in the UTA segregated holding account described in paragraph 8 of the Agreement and shall be used solely for the purposes of the Program, as directed by the Executive Board.

In addition, the State of Utah has contributed \$3,000,000 of fiscal year 2015 state funding through the Governor’s Office of Economic Development (“GOED”), which was received on May 6, 2015 through a grant agreement between GOED and UTA and was deposited in the Phase I holding account managed by UTA.

Parties anticipate that the State of Utah will continue to contribute to the Program each year. This amount will be determined annually by the Utah State Legislature. In the event that funding is not appropriated to the Program in the expected amounts, as set forth above, the Executive Board shall address the shortfall by reducing the scope of the Program, raising alternate funds, or taking other measures deemed appropriate by the Executive Board.

8. **HOLDING ACCOUNT.** All funds allocated by the Parties for Phase II of the Program will be deposited in a segregated holding account (the “Account”), which UTA created pursuant to the Phase I Agreement and will manage solely for the purposes of the Program pursuant to this Agreement and any further agreement of the Parties. The Account will be interest-bearing with all interest accruing to the Account to be used solely for payment of Program-related expenses. The Account may receive funds from the Parties and third party contributors, as approved by the Executive Board, and in accordance with UTA policies. UTA shall pay Program expenditures first from the funds appropriated by the State of Utah. Once the State of Utah funds are expended, UTA shall pay Program expenditures from the commingled funds contributed by the remaining Parties and any third party contributors. UTA shall provide financial information to the Program Director to issue a quarterly statement of contributions received, interest earned, invoices paid and current balance of the Account for Party and public review. UTA agrees to make all financial records associated with the Account available to any Party or third party contributor upon request. The Account may be audited at the request of any Party or third party contributor at the requestor’s own expense.

9. **CONTRACTOR ADMINISTRATION.** WFRC shall be responsible for administration of the Program Director contract established under this Agreement. Additional contracts as authorized by the Executive Board may be administered by other Parties as agreed to by the Executive Board. Contract administration services

will be provided by the Parties at no charge to the Program. Parties will not enter into any contracts committing Program funds without the knowledge and consent of the Executive Board.

Any Party that administers a contract authorized and funded pursuant to this Agreement shall coordinate with the Management Team, as authorized by the Executive Board, in such matters as developing scopes of work, issuing Notices to Proceed, issuing change orders, accepting the work products of the Program contractors and similar items.

10. **CONTRACTOR SELECTION.** The Management Team, or their designated representative, shall prepare scopes of work for any new Program consultant contracts funded pursuant to this Agreement, which must be approved by the Executive Board. The Party administering the contract shall issue requests for proposals and administer Program contracts in accordance with their agency's policies. The Management Team, with input from the Executive Board, shall appoint members of the Executive Board or their designated staff to participate on the evaluation and selection committees for any new Program contracts.
11. **PAYMENT OF INVOICES.** Any Party administering any contracts authorized and funded pursuant to this Agreement will review the invoices to make sure they meet the Party's contracting and accounting policies and procedures, and will forward invoices received from the contractors to each Party's designated representatives for review and approval. Each Party shall have ten (10) business days in which to review and either approve or disapprove payment of the invoice (in whole or in part). Failure to notify the administering Party of disapproval within ten (10) business days will be deemed approval. Approved invoices shall be submitted to UTA for payment. UTA will not process any invoices for payment from the Account until approval from all Parties has been provided, whether through express approval or non-response within ten (10) business days. Any portion of an invoice that is not approved will not be paid until issues of concern have been resolved and a revised invoice has been distributed to all Parties and all Parties have approved the revised invoice, whether through express approval or non-response within ten (10) business days. In no event shall UTA be expected or required to pay amounts in excess of funds already appropriated to the Program and deposited into the Account described in paragraph 8.
12. **COORDINATION AND INFORMATION SHARING.** The Parties agree to keep each other timely informed of substantive independent communications and activities related to the Program. The Program Director may speak on behalf of the Program to third parties, including the media, as authorized by the Scope of Work for the Program Director. The Parties agree to make available to the Program relevant and useful information procured or maintained in the ordinary course of a Party's business.
13. **ENTIRE AGREEMENT; AMENDMENT.** This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no

statements, promises, or inducements made by any Party or agents of any Party that are not contained in this Agreement shall be binding or valid. Alterations, extensions, supplements or modifications to the terms of this Agreement shall be agreed to in writing by the Parties, incorporated as amendments (an “Amendment” or “Amendments”) to this Agreement, and made a part hereof. Notwithstanding the foregoing, the Parties hereby authorize the Executive Board to amend this Agreement to include new funding partners, on the same terms contained herein, without further approval from the Parties’ respective legislative bodies. To the extent of any conflict between the provisions of this Agreement and the provisions of any later Amendments, the later Amendments shall be controlling.

14. RECORDS. Each party shall maintain its records pertaining to this Agreement, specifically including but not limited to records pertaining to procurement or financial matters under this Agreement, in accordance with the Utah Government Records Access and Management Act and applicable Federal law. Records created by or through the work of the Program consultants shall be maintained by such consultants in accordance with their respective Scopes of Work.

15. WITHDRAWAL FROM AGREEMENT. Any Party may withdraw from participation in the Program by giving written notice of such termination to all other Parties and specifying the effective date thereof. No Party or Parties withdrawing from participation hereunder shall be entitled to any refund of any monies previously contributed to Phase II expenses pursuant to this Agreement; provided, however, any such Party or Parties shall not be obligated to make any further contributions contemplated in this Agreement following the date of such withdrawal.

16. TERMINATION OF THE AGREEMENT. At the expiration of this Agreement or if the Executive Board determines the Program should be discontinued, any funds remaining in the Account described in Paragraph 6, including any accrued interest, shall be refunded to each Party or contributor *pro rata*.

17. DISPUTE RESOLUTION

- A. The Parties agree to make a good faith effort to resolve any dispute regarding the construction or interpretation of any provision of this Agreement, or regarding any policy matter or the determination of an issue of fact, at the lowest reasonable and appropriate possible level. In the event any such dispute is not able to be resolved in this manner, the dispute shall be referred to the Management Team for resolution of the dispute.
- B. If the dispute is not resolved by the Management Team, within fourteen (14) calendar days from the date of first notification by one Party to the other of the disputed issue, the dispute may be advanced, by any Party to the Executive Board.
- C. If the dispute is not resolved by majority vote of the Executive Board within thirty (30) calendar days after referral to the Executive Board, then the Parties

to the dispute shall refer the dispute for resolution to a single mediator, agreed upon by the Parties involved in the dispute. If the Parties are unable to agree upon a single mediator, the matter shall be referred for resolution to a three-member Mediation Panel to be mutually agreed upon by all Parties involved in the dispute. Panel members shall be independent of the entities involved in the dispute and shall be recognized and approved by State and/or federal courts as qualified and experienced mediators/arbitrators. Each Party to the dispute shall pay its own costs and fees, including a prorated share of the fees for the appointed mediator(s). Any of the above time periods may be modified by mutual agreement of the Parties to the dispute.

- D. If the dispute cannot be resolved by the mediator or Mediation Panel within ninety (90) calendar days from the date of referral to the mediator or Mediation Panel, or if the parties involved in the dispute cannot mutually agree upon a mediator or the members of the Mediation Panel, the dispute may be brought before a court or other tribunal appropriate under the circumstances for *de novo* review. A matter may proceed to court only after exhaustion of the above procedures.

18. NOTICES. Notices required under this Agreement shall be sent to the Designated Representative at the contact information set forth below, with a copy, if applicable, to the following:

UDOT

Nathan Lee
Utah Department of Transportation
Region Two
2010 South 2760 West
Salt Lake City, Utah 84104

Copy to:

Renee Spooner
Utah Department of Transportation
4501 South 2700 West
P.O. Box 148455
Salt Lake City, UT 84114-8455

UTA

Michael Allegra, Special Advisor to
the Board of Trustees
Utah Transit Authority
669 West 200 South
Salt Lake City, UT 84101
Email: mallegra@rideuta.com

Copy to:

UTA General Counsel
669 West 200 South
Salt Lake City, UT 84101

SALT LAKE CITY

Mayor Ralph Becker
Salt Lake City Mayor's Office
451 South State Street, Room 306
P.O. Box 145474
Salt Lake City, UT 84114
Telephone: (801) 535-7704
Email: Ralph.Becker@slcgov.com

Copies to:

Salt Lake City Attorney
451 South State Street, Room 505
P.O. Box 145478
Salt Lake City, UT 84114-5478
Telephone: (801) 535-7788

Laura Briefer
Salt Lake City Department of
Public Utilities
1530 South West Temple
Salt Lake City, UT 84115
Email: laura.briefer@slcgov.com

COTTONWOOD HEIGHTS

Mayor Kelvyn H. Cullimore, Jr.
1265 East Fort Union Blvd., Suite
250
Cottonwood Heights, UT 84047
Email: kcullimore@ch.utah.gov

Copy to:

c/o Wm. Shane Topham
Callister Nebeker & McCullough
10 East South Temple, 9th Floor
Salt Lake City, UT 84111
Telephone: (801) 530-7300
Facsimile: (801) 364-9127
Email: wstopham@cnmlaw.com

ALTA

Mayor Tom Pollard
Town of Alta
P.O. Box 8016
Alta, UT 84052
Telephone: (801) 363-5105
Email: tjp@townofalta.com

PARK CITY

Council Member Andy Beerman

Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Email: andy@parkcity.org

Copies to:

Diane Foster, City Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Email: diane@parkcity.org

City Attorney
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060-1480
Telephone: (435) 615-5025

SANDY CITY

Mayor Tom Dolan
Sandy City
10000 Centennial Parkway
Sandy, Utah 84070

Copy to:

John Hiskey
Sandy City
10000 Centennial Parkway
Sandy, Utah 84070
Telephone: (801) 568-7104
Email: jhiskey@sandy.utah.gov

SALT LAKE COUNTY

Mayor Ben McAdams
Salt Lake County Government
Center
2001 South State Street, Ste N2100
PO Box 144575
Salt Lake City, Utah 84114-4575
Email: ben@slco.org

Copy to:

Kimberly Barnett
Salt Lake County Government
Center
2001 South State Street, Ste N2100

PO Box 144575
Salt Lake City, Utah 84114-4575
Email: kbarnett@slco.org

SUMMIT COUNTY

Christopher Robinson
Summit County Council
P.O. Box 982288
Park City, Utah 84098
Email:
cfrobinson@summitcounty.org

Copy to:

Tom Fisher
Summit County Manager
60 N. Main
P.O. Box 128
Coalville, Utah 84017
Email: tfisher@summitcounty.org

MWDSLS

Michael L. Wilson
Metropolitan Water District of Salt
Lake & Sandy
3430 East Danish Road
Cottonwood Heights, UT 84093
Telephone: (801) 942-9685
Email: wilson@mwdsls.org

DRAPER CITY

Mayor Troy Walker
Draper City
1020 East Pioneer Road
Draper, UT 84020
Email: Troy.Walker@draper.ut.us

Copy to:

Rachelle Conner
Draper City
1020 East Pioneer Road
Draper, UT 84020
Email:
Rachelle.Conner@draper.ut.us

WFRC

Andrew Gruber, Executive Director
Wasatch Front Regional Council
295 North Jimmy Doolittle Road

Salt Lake City, UT 84116
Email: agruber@wfrc.org

Except as otherwise provided in this Agreement, any notice, demand, request, consent, submission, approval, designation or other communication which any Party is required or desires to give under this Agreement shall be made in writing and mailed, faxed, or emailed to the other Parties addressed to the attention of the Designated Representative. A party may change its Designated Representative, address, telephone number, facsimile number, or email address from time to time by giving notice to the other Parties in accordance with the procedures set forth in this Section.

19. INTERLOCAL COOPERATION ACT REQUIREMENTS. In satisfaction of the requirements of the Interlocal Act, the Parties agree as follows:

(a) This Agreement shall be authorized by resolution of the legislative body of each Party pursuant to Section 11-13-202.5 of the Interlocal Act, and the Executive Director of UDOT.

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(c) A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, and in addition to the funding obligation of Paragraph 5, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Mayor or chief executive officer of each Party. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

20. NO THIRD PARTY BENEFICIARIES. There are no intended third party beneficiaries to this Agreement. It is expressly understood that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any claim or right of action by any third person under this Agreement. It is the express intention of the Parties that any person other than

the Party who receives benefits under this Agreement shall be deemed an incidental beneficiary only.

21. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterpart originals, all such counterparts constituting one complete executed document.

22. AUTHORIZATION. Each Party is duly authorized to enter this Agreement.

IN WITNESS WHEREOF, the above-identified Parties enter this Agreement effective the date of the last Party's signature, except for the purposes of funding under Paragraph 5, the effective date as to each Party is the date of that Party's signature

UDOT agrees to provide \$150,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

UTAH DEPARTMENT OF
TRANSPORTATION

Nathan Lee, Region 2 Director

Approved as to Form

Salt Lake County agrees to provide \$600,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

SALT LAKE COUNTY

Ben McAdams, Mayor

Approved as to Form

Summit County agrees to provide \$150,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

SUMMIT COUNTY

Kim Carson, Council Chair

Approved as to Form

Salt Lake City agrees to provide \$600,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

SALT LAKE CITY

Ralph Becker, Mayor

Approved as to Form

City of Sandy agrees to provide \$300,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

CITY OF SANDY

Tom Dolan, Mayor

Approved as to Form

Cottonwood Heights agrees to provide \$150,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

COTTONWOOD HEIGHTS

Kelvyn H. Cullimore, Jr., Mayor

Kory Solorio, Recorder

Approved as to Form

Wm. Shane Topham, City Attorney

Park City Municipal Corporation agrees to provide \$300,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Approved as to Form

Utah Transit Authority agrees to provide \$600,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

UTAH TRANSIT AUTHORITY

Jerry Benson, Interim President/CEO

Matt Sibul, Chief Planning Officer

Approved as to Form

Town of Alta agrees to provide \$45,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

TOWN OF ALTA

Tom Pollard, Mayor

Approved as to Form

Wasatch Front Regional Council agrees to provide contract management support for the Program Director contract.

Signed this ___ day of _____, 2015.

WASATCH FRONT REGIONAL COUNCIL

Andrew Gruber, Executive Director

Approved as to Form:

MWDSLS agrees to provide \$300,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY

Michael L. Wilson, General Manager

Approved as to Form:

Shawn E. Draney, General Counsel

Draper agrees to provide \$180,000 (subject to required appropriations).

Signed this ___ day of _____, 2015.

DRAPER CITY

Troy Walker, Mayor

Approved as to Form:



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff has considered constructing the Sandridge to China Bridge Stairs in order to significantly reduce maintenance and operations and increase safety from the existing asphalt and wood box steps. Staff requests authorization to proceed with the Sandridge to China Bridge Stairs Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Vancon Inc. This project helps meet a number of City Council's Desired Outcomes, especially contributing to well-maintained infrastructure and walkability.

Respectfully:

Matthew Twombly, Senior Project Manager



City Council Staff Report

Subject: Sandridge to China Bridge Stairs -
Construction Contract Award

Author: Matthew A. Twombly

Department: Sustainability

Date: November 5, 2015

Type of Item: Administrative – Award of Contract

Summary Recommendations:

Authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Vancon, Inc., in the amount of Sixty Five Thousand Four Hundred dollars. (\$65,400).

Executive Summary:

Staff has considered constructing the Sandridge to China Bridge Stairs in order to significantly reduce maintenance and operations and increase safety from the existing asphalt and wood box steps. Staff requests authorization to proceed with the Sandridge to China Bridge Stairs Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Vancon Inc. This project helps meet a number of City Council's Desired Outcomes, especially contributing to well-maintained infrastructure and walkability.

Acronyms in this Report:

LED Light-emitting diode

Background:

In 1998 the Sandridge Parking lots were constructed on imported fill. The original plan was to include a set of stairs running directly down the slope of the imported fill from the parking lot down to a walkway connection to the driveway at China Bridge (See map). It was determined by the Building Department that the fill was not structurally adequate for the footings of the stairs. Instead of running straight down the hillside, a series of asphalt filled "landings" winding around the slope of the filled hillside to about halfway up the parking lot. The grade was too steep for a trail or sidewalk, so a series of landings were constructed. The landings do not allow for alternating footsteps, which is an uncomfortable means of walking.

In addition to the awkwardness of the landings, they were constructed as a temporary solution to the fill. These landings have been a significant issue for maintenance especially snow removal. As these landings were temporary and wind around the hillside the lighting is also marginal.

Analysis:

In September 2015, the City contracted with Alliance Engineering for the survey, design, engineering and production of the contract documents for the project. Consistent with

the other Old Town Stairs, the stairs will be constructed of the Alaskan Yellow Cedar Glu-Laminated wood stringers and handrail system. Alaskan Yellow Cedar is the preferred exterior glu-laminated wood as it contains natural preservatives and insect resistant, which does not require chemical treatment. The treads will be metal grates increasing safety and better maintenance. An LED shoebox street light will be added to also increase visibility and safety.

The Invitation to Bid was advertised on October 3rd and 7th, 2015 in the Park Record and October 5th and 6th in the Salt Lake Tribune. Additionally, the Advertisement was posted on the City's website, e-notify and Utah Legals website.

On October 26, 2015 a public bid opening was held at the Marsac building 3rd floor. There were five bidders on the project and the bids are as follows:

Bidder	Base Bid	Add Alt
Vancon Inc	\$65,400	No bid
T and T Builders	\$86,725	\$5,375
Northridge Construction	\$163,042	\$6,018
England Construction	\$176,500	\$7,000
Terra Engineering and Construction	\$260,000	\$10,000

The lowest responsive and responsible bidder was Vancon Inc., at **\$65,400**. The engineer's estimate was \$80,000 - \$90,000. The Add Alternate was to replace 4 wood landings with metal grates on the 3rd Street Stairs between Park Avenue and Woodside. These were requested by Public Works. These can be done separately in the Spring as the Sandridge stair project is more critical at this time.

Construction is scheduled to begin shortly after the agreement is executed and all bonds and insurance requirements are submitted to the City. The completion date for the project is January 31, 2016.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

Approve the request, and Authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Vancon, Inc., in the amount of Sixty Five Thousand Four Hundred dollars. (\$65,400): (Staff recommendation)

B. Deny:

Council could choose to not continue with the project at this time.

C. Modify:

Council could choose to modify the project, which would likely delay the schedule.

D. Continue the Item:

Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.

E. Do Nothing:

Same effect as continuance.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Safe community that is walkable and bike-able	~ Managed natural resources balancing ecosystem needs ~ Economically and environmentally feasible soil disposal	+ Shared use of Main Street by locals and visitors + Entire population utilizes community amenities	+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Positive 
Comments:				

Funding Source:

There is currently approximately \$95,000 in the Old Town Stairs Main Street budget. Sustainability and Public Works resources will be required to complete the project.

Recommendation:

Staff recommends that the City Council authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with Vancon Inc., in the amount of Sixty Five Thousand Four Hundred dollars. (\$65,400).

Attachments:

Exhibit A Site Map

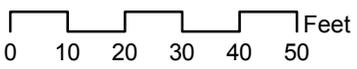


Existing Asphalt Landings

New Stairs

Sandridge Parking Lot

Sandridge Stairs





DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

The Park City Police Department requests a ceremonial swearing in by the Mayor and Council for two Police Officers and one Sergeant.

Thank you for your consideration.

Respectfully:

Claire Marlin, Executive Assistant for Police



Office of The Mayor and City Council

OATH OF OFFICE

STATE OF UTAH)

SS.

COUNTY OF SUMMIT)

I, Corey Allinson, do solemnly swear that I will support, obey, and defend the Constitution of the United States, the Constitution of the State of Utah, and the laws of Park City Utah, and that I will discharge the duties of the office of Sergeant with good faith and fidelity.

Corey Allinson - Sergeant

Subscribed and sworn to before me this 5th day of November, 2015.

Karen Anderson, Notary Public



Office of The Mayor and City Council

OATH OF OFFICE

STATE OF UTAH)

SS.

COUNTY OF SUMMIT)

I, Clint Johnson, do solemnly swear that I will support, obey, and defend the Constitution of the United States, the Constitution of the State of Utah, and the laws of Park City Utah, and that I will discharge the duties of the office of Police Officer with good faith and fidelity.

Clint Johnson – Police Officer

Subscribed and sworn to before me this 5th day of November, 2015.

Karen Anderson, Deputy City Recorder



Office of The Mayor and City Council

OATH OF OFFICE

STATE OF UTAH)

SS.

COUNTY OF SUMMIT)

I, Clint Parker, do solemnly swear that I will support, obey, and defend the Constitution of the United States, the Constitution of the State of Utah, and the laws of Park City Utah, and that I will discharge the duties of the office of Police Officer with good faith and fidelity.

Clint Parker – Police Officer

Subscribed and sworn to before me this 5th day of November, 2015.

Karen Anderson, Deputy City Recorder



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

End of Season Review for the 2015 Park Silly Sunday Market and satisfactory compliance with the City Services Agreement, and the Master Festival Event License and automatic renewal for the 2016 Park Silly Sunday Market Season.

Respectfully:

Jennifer Diersen,

City Council Staff Report

Subject: Park Silly Sunday Market, 2015 End of Season Review - Automatic Renewal of City Services Agreement for 2016 Season
Author: Jenny Diersen, Special Events Coordinator
Department: Sustainability, Special Events
Date: Thursday, November 5, 2015
Type of Item: Administrative

Summary Recommendations:

Staff Recommends that the Park City Council affirm staff findings that the Park Silly Sunday Market is operating consistently with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2015 contract year and qualifies for the automatic renewal of the Services Agreement for 2016. Special Events Staff will return to Council in the spring for the approval of the supplemental plan for the 2016 Park Silly Sunday Market.

Executive Summary

End of Season Review for the 2015 Park Silly Sunday Market and satisfactory compliance with the City Services Agreement, and the Master Festival Event License and automatic renewal for the City Services Agreement for the 2016 Park Silly Sunday Market. Staff believes that the Park Silly Sunday Market has complied with the Council approved 'Measures of Success' metrics for their operations in 2015 and therefore qualify for the defined automatic renewal for their Service Agreement for 2016.

Acronyms in this Report:

PCMC – Park City Municipal Corporation
PSSM – Park Silly Sunday Market
HPCA – Historic Park City Alliance

Background:

On March 11, 2014 Park City Municipal Corporation (PCMC) and the Park Silly Sunday Market (PSSM) entered into a 3 (three) year City Service Agreement. The goals of the agreement are to reduce the negative impacts of the market, and provide a means for all stakeholders to provide feedback in an effort to reach the goals of all parties involved. As part of the City Service Contract, PSSM must present a complete an End of Season Review to City Council by November 15th of each contract year.

Analysis:

The End of Season Review is to be presented to and approved by the Park City Council by November 15th of each contract year. As of November 5, 2015 all operational, financial, and collaborative requirements within the City Services Agreement between Park City Municipal Corporation and Park Silly Sunday Market are currently being executed with no foreseen negative concerns or impacts. Staff will continue to monitor the operations of the market to ensure that all Supplemental Plans and Measures of Success for 2016 continue to be met. As required, an 'End of Year Measures of Success Chart' of the 2015 market is included Exhibit A.

Operational Times & Days

Park Silly Sunday Market operated their 2015 season within the 2015 Market Use Area (Exhibit A). The season began on Sunday, June 7 and ended Sunday, September 20, 2015. The Park Silly Sunday Market operated from 10:00 a.m. to 5:00 p.m. Set up began no earlier than 6:00 a.m. and the street was cleared and available for parking no later than 8:00 p.m. on each market day.

In 2015, the PSSM operated on 14 Sundays.

Exceptions:

1. The Park Silly Sunday Market was not held on Sunday, August 2, 2015 in order to accommodate the Annual Park City Kimball Arts Festival.
2. The Park Silly Sunday Market was not held on Sunday, August 9, 2015 in order to accommodate the Tour of Utah, Final Stage.
 - a. Lower Main Street will be utilized for the Final Stage of the Tour of Utah, consistent with allowances in Section B.2.2.2, the Park Silly Sunday Market declined in writing to host the Market on Sunday, August 9, 2015.
3. The Park Silly Sunday Market is requesting to extend the close of market by one hour on September 20, 2015 for Silly Fest. The Park Silly Sunday Market is requesting to have the stage with a band until 6:00 p.m. and for the beer garden to remain open until this time as well. Clearing and reopening of the street will happen no later than 8:00 p.m.
 - a. Park Silly Sunday Market is asking for this extension of hours which is consistent with allowances in Section B.2.2.3, in which Park City shall consider expanded hours and special holiday late closures (Opening Day, Holiday Weekends and Silly Fest).

Council approved the allowance of the extended hour for September 20th in March of 2015. PSSM did receive one complaint regarding noise after 5 p.m. during this market. PSSM staff addressed the concern of the resident and informed them that there had been an extension of the market on that day only and that the music would be turned off promptly at 6 p.m. Music ended at 6 p.m. and Main Street was cleared and reopened by 7:30 p.m.

Working Group

In accordance with section D.9.8, to the City Services Contract, Park Silly Sunday Market has satisfactorily conducted a Working Group, which will include (a) two (2) HPCA Representatives, (b) two (2) Park Silly Market Representatives, and (c) two (2) members of the Park City Council.

Dates were as follows, times and meeting locations on Main Street were varied as to experience the start, mid-day and end of day of the market at a later date:

- 1: June 21, 11 to 12 p.m., 5th Street
- 2: July 19, 11 to 12 p.m., 5th Street
- 3: August 16, 2 to 3:0 p.m., Brew Pub Parking Lot
- 4: September 6, 11 to 12 p.m., 5th Street (Labor Day Weekend)
- 5: September 23, 10 to 11 a.m. at PSSM Office - End of Season Review

Park Silly Sunday Market notified all parties (HPCA, Council, and Staff) of all Walk Through dates prior to the Market Season in 2015. In addition, PSSM continued to remind those necessary parties of the meeting dates, times and locations before the meeting. On one occasion, HPCA had no representation, and on another occasion only had one representative for the meetings in 2015. Working Group Meetings started at varied times (11:00 a.m. and 2:00 p.m.) and also started at the 5th Street and Wasatch Brew Pub on different occasions, so that Working Group could view various areas on the street.

Park Silly Sunday Market Service Obligations

In accordance with section D.9.3 of the City Services Contract, Park Silly Sunday Market agrees to provide the HPCA with access to vendor space.

- a. One 10 x 10 vendor booth space with full set up for HPCA member use each week.
- b. Space in the PSSM Information kiosk/table for HPCA outreach, coupons, information, etc...
- c. Deadline of May 1, 2015 for all HPCA requests.

Staff received changes for 2015, and received documented correspondence for the following changes:

- c. Deadline of May 1, 2015 for all HPCA requests. Any unfilled dates for June that are not fulfilled by the May 1 deadline, will be filled by other vendors as pertains to the Vendor Mix requirements, and subsequently on the first of each month through August 1, 2015.
- d. HPCA members who are scheduled and fail to notify PSSM staff prior to 5:00 p.m. on the Thursday before the scheduled Sunday will receive a bill for a \$50.00 cancellation/no show fee. The next scheduled member will not be permitted to participate or load-in if the cancellation/no-show fee has not been paid.

The amendment to the deadline for HPCA was agreed upon by PSSM and HPCA, and approved by Council in spring of 2015. This amendment allowed HPCA membership more time to schedule and confirm business participation while allowing PSSM time to sell to vendors if HPCA membership did not book a particular Sunday.

During the 2015 season, HPCA filled all of the requests as outlined above, except for the September 20 (closing date) market. PSSM filled the space with another artist. Only once did an HPCA vendor not show up and not call in by the Thursday before the scheduled Sunday. HPCA was charged the \$50.00 no show/cancellation fee and paid the fee before to the following week.

Financial Consideration & City Services

The End of Season Report reviews contracted municipal funds for the 2015 season as well as total amount of City Services and Fee Waivers as pertains to actual costs and fee waivers for the 2015 season. The City Service Agreement includes the following sections C and E:

C. City Services

6. City Services

6.1 Basic City Services. In addition to enhanced restroom and trash services to all events, at no additional cost to PSSM, Park City will provide the following City Services:

- (a). PSSM shall be entitled to a waiver of the following fees:
 - a. Parking Fees for any approved Use Areas.
 - b. Building Permit fee and inspection fees for all tents and temporary structures.
 - c. Transit Department fees (labor and operational costs) for re-routing transit and moving bus stop locations on Park Avenue.
 - d. Transit Department for re-routing Main Street Trolley.
 - e. Parks Department for street banner installation (does not include banner costs).
 - f. Application fees for the Master Festival Event License.
 - g. Use of City-Owned type 1 and bicycle barricades, if available.
- (b.) PSSM shall be entitled to a credit of 480 hours (4 officers, 8 hours for 15 Sundays) or enhanced Police patrols when determined necessary by the Park City Police Department.
- (c.) PSSM shall be entitled to use of Park City Main Street and other approved use areas at no cost, as outlined in the use areas.
- (d). Installation and two (2) municipal electronic message signs, as otherwise agreed in accordance with mutually acceptable Supplemental Plans Concerning Traffic Control.

E. Financial

10. Service Contract. Subject to annual budget appropriation, Park City hereby agrees to make the following annual contributions to PSSM towards the cost of the Market for the term of this

contract:

Contracted Year 2015

- (a) Cash payment for the contracted period December 2, 2014 through December 1, 2015 will be as follows:
 - (i.) \$45,000.00 will be for Operations, Expanded Activities, Marketing, Media, Cross Promotions and Public Relations as defined in Section D.9.4
- (b) Annual fee waivers, based on a combination of the following:
 - (i.) Fee waivers – 2015 fees estimated at \$42,000, (not including waiver of parking use fees)

10.1 Park City agrees that this agreement and all Park City's Obligations and contributions shall be included in the City Manager's Recommended Budget delivered to the City Council on the first scheduled meeting in May and must be approved by the Park City Council no later than June 30 of each year. Payment shall be made within 15 days of the Supplemental Plan approval. No payments shall be made prior to approval of the Supplemental Plan.

Based on the Master Festival Event License and City Services Agreement between PCMC and PSSM and sections C and E estimated fees in the Spring of 2015 Supplemental plan were \$72,539.70. After totaling actual total City Services and Fees for 2015 are \$73,003.70 (\$50,953.70 not including Parking fees). Financial Annual Contributions of \$45,000.00 were released in April 2016.

Actual total fees reported after the last market from City Departments were a difference of \$464.00 between the estimate for 2015 and actual of 2015. Costs changes are explained as follows, please note, parking costs are included:

Streets Department – Streets Department could not identify these costs. Costs were removed.

Police Department – Fee Estimates were based off of 2014 reports in spring 2015. However, actual 2014 police service hours for PSSM were 524 hours. In 2015 Police Officer Hours actually dropped to 520 hours. However, fee estimate rose on the chart as the estimate was incorrectly reported in the spring.

VMS Signs & Barricades – These fees are for rental costs and placement. Signs stayed in place, so PSSM was given a credit on set up and removal, otherwise costs would have been closer to \$6,000.00.

Departments	Estimated Item	Estimate Fees	Actual Item	Actual Fees
Parking Department	Parking spaces for 14 days	\$22,050.00	Parking spaces for 14 days	\$22,050.00
Streets Department	30 Hours	\$3,600.00	NA	00.00
Police Department	480 Hours	\$36,000.00	520 Hours	\$39,000.00
Transit Department	15 Hours	\$2,250.00	15 Hours	\$2,250.00
Parks Department	Banner installation	\$648.70	Banner installation	\$648.70
Building Department	Inspections and permits	\$3,375.00	Inspections and permits	\$3,375.00

Application Fee	Annual Permit Fee	\$80.00	Annual Permit Fee	\$80.00
VMS Signs & Barricades	2 VMS/ Electronic Signs	\$4,536.00	2 VMS/ Electronic Signs	\$5,600.00
Total Fees	2015 fee estimate	\$72,539.70	2015 Actual	\$73,003.70

End of Year Comparison Numbers for PSSM

Attendance:

Total yearly PSSM attendance by PCMC & PSSM Staff:

- **2015 PSSM Season – 188,589 = 14.25 % increase from 2014, 55% increase since 2011.**
- 2014 PSSM Season – 165,000 = 6.5% increase from 2013
- 2013 PSSM Season – 155,000 = 11% increase from 2012
- 2012 PSSM Season – 140,000 = 15% increase from 2011
- 2011 PSSM Season – 121,272

Average weekly attendance:

- **2015 – 13,471 = 17 % increase from 2014, 66% increase from 2011.**
- 2014 – 11,500
- 2013 – 10,500
- 2012 – 9,200
- 2011 - 8,085

Bike Valet

2015 – 1,876 = 6% decrease from 2014

2014 – 1,995

Zero Waste Statistics

*Waste Statistics will be reported in pounds moving forward for year over year comparison.

2014:

- To Landfill – 40, thirty gallon bags
- Composted – 35, thirty gallon bags
- Comingled Recycling - 125, thirty gallon bags

2015:

To Landfill – 2,760 pounds
 Composted – 1,840 pounds
 Co-mingled Recycle – 9,240 pounds
 Glass – 3,300 pounds

Department Review:

Sustainability, Legal, Executive, Budget, Building, Police, Parking, Transit and Transportation Departments have reviewed this report and comments have been incorporated.

Alternatives:

A. Approve:

Affirm Staff findings that the Park Silly Sunday Market is operating consistently with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2015 contract year and qualifies for the automatic renewal of the Services Agreement for 2016. Special Events Staff will return to Council in the spring for the approval of the supplemental plan for the 2016 Park Silly Sunday Market.

This is Staff's recommendation.

B. Deny:

Deny that Park Silly Sunday Market is operated consistently with their City Services Agreement in 2015 and therefore deny the Master Festival License and automatic renewal for the City Services Agreement for the 2016 season.

C. Modify:

Modify the parameters of the Park Silly Sunday Market and the automatic City Services Agreement, and therefore the 2016 Master Festival License.

D. Continue the Item:

The City Council may continue the public hearing for more information or discussion, thus postponing the findings of the 2015 End of Season Review, and postponing the continuance of the 2016 City Service Agreement and Master Festival License.

E. Do Nothing:

The Council may do nothing and take no action. The Master Festival License, 2015 End of Season Review and City Services Agreement would not be approved for the 2016 Park Silly Sunday Market Season, and therefore would not take place.

Significant Impacts:

World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
<ul style="list-style-type: none"> + Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses 	<ul style="list-style-type: none"> + Reduced municipal, business and community carbon footprints 	<ul style="list-style-type: none"> + Shared use of Main Street by locals and visitors + Community gathering spaces and places + Vibrant arts and culture offerings 	
<p style="text-align: center;">Positive</p> <p style="text-align: center;"></p>	<p style="text-align: center;">Positive</p> <p style="text-align: center;"></p>	<p style="text-align: center;">Positive</p> <p style="text-align: center;"></p>	

Funding Source:

Funding for the Park Silly Market comes from the Transportation and Parking Fund from income generated through the paid parking meter program.

Consequences of not taking the recommended action:

The End of Season Review for 2015 would not be found satisfactory, and the City Services Agreement and Master Festival License with Park Silly Sunday Market would not be automatically renewed for the 2016 contract year.

Recommendation:

Staff Recommends that the Park City Council affirm Staff findings that the Park Silly Sunday Market is operating consistently with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2015 contract year and qualifies for the automatic renewal of the

Services Agreement for 2016. Special Events Staff will return to Council in the spring for the approval of the supplemental plan for the 2016 Park Silly Sunday Market.

Attachments:

Exhibit A – End of Year Measures of Success Chart 2015 Park Silly Sunday Market

Exhibit B – Parking Count Chart 2015

Exhibit C – 2015 Vendor Types Defined & Vendor Mix

Exhibit A – PSSM – Mid Season Review 2015 Measures of Success Chart

Park Silly Sunday Market - Mid- Season Review Measures of Success		<u>Legend</u> S –Satisfactory Meeting Contracted Requirements I - In progress / Meeting Requirements U – Unsatisfactory/ Not meeting Requirements
Vendor Mix		
A. Importers (allowed per week maximum) i. 2015 – 8	Notes: Sending weekly reports.	S
B. Jewelers (allowed per week maximum) i. 2015 – 12	Notes: Sending weekly reports.	S
C. On-site Food Vendors & Snack food Vendors (per week maximum) i. 2015 – 12	Notes: Sending weekly reports.	S
D. PSSM will include a HPCA representative in the jurying of jewelry vendors	Notes: Meeting requirement – Representative was Puggy Holmgren	S
E. PSSM will coordinate three (3) market walk through with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	Notes: Meeting requirements: All Walk-throughs were completed PSSM provided walk through dates, times and reminders. HPCA failed to provide a representative on 6/21, and 7/19.	S
F. PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix.	Notes: Requirements were provided in February of 2015.	S
Parking / Traffic / Pedestrian Management		
A. Create event parking plan i. Identify vendor vehicle ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Setup program to encourage parking of vendors in approved vendor locations	Notes: i. PSSM continues to work with Staff & private parking garages to park vendors in appropriate areas. Park Silly Sunday Market has been taking vendor license plate numbers as they enter into the market so Parking Services can better identify vendors. The Market continues to notify vendors that parking is at the Sand Ridge Lots or other spaces not identified for vendors. Park Silly Sunday Market has added Vendor License Plate column to their application for the 2016 year, as to allow easier license plate collection. ii. A resident parking area has been established and is being enforced along the west side of Park Ave. from 9 th to 14 th Street. Door to door notification took place on 6/5/2015. Parking Enforcement continued to communicate with the residents to resolve parking concerns and challenges during the market. In addition Library Patron Only signs were created for the Library Parking Lot. Neither Special Events Staff nor PSSM received any direct complaints about the Residential Parking area. iii. Supplemental Parking has been established at the Park City High School. Park Silly Market also works with Canyons Transportation for SLC visitors to provide a shuttle from SLC area hotels to the Market each Sunday.	S
B. Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market.	Notes: Meeting requirements. i. Staff went on KPCW weekly throughout the summer regarding upcoming events and discusses parking and transportation and coordination for all events as well as the market each week. ii. PSSMs print, online and radio advertising includes directions for participants to take alternate transportation to the event. Including City transit, bikes or walking to attend. iii. Bike Valet at 9 th Street has received an average of 134 bikes per week at the Bike Valet on 9 th Street. Highest number this season was 199 bikes on 7/12. Total Bikes at Bike Valet this season was 1,876 bikes. iv. PSSM worked with Canyon Transportation to provide shuttle service from SLC hotels to PSSM. During the 2015 season, only 2 riders were reported on this shuttle service.	S

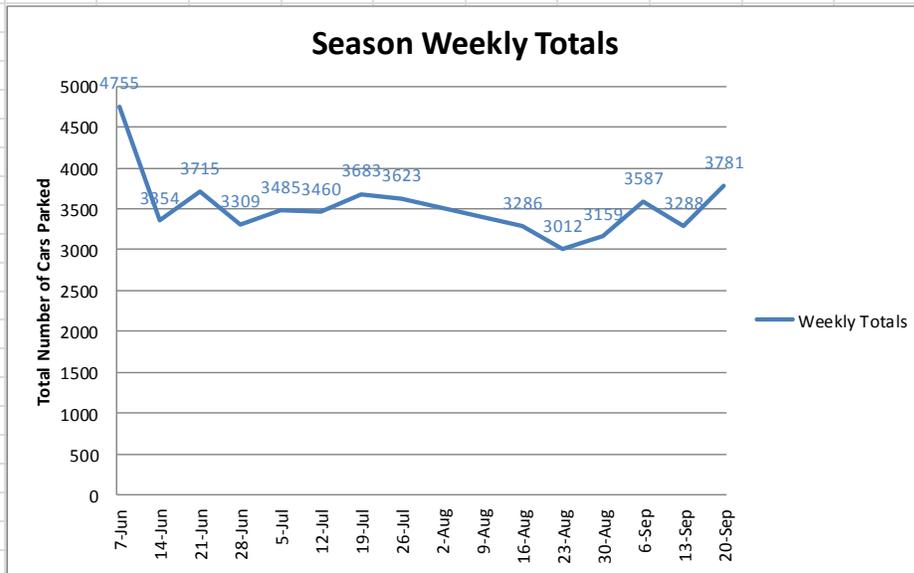
<p>C. Submit sign Plan to Staff at the time of Supplemental Plan containing the following:</p> <ul style="list-style-type: none"> i. Locations ii. Size & Type iii. Message iv. Placement and removal times 	<p>Notes: Requirements met in Spring of 2015.</p>	S
<p>D. Work with City to Create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley</p>	<p>Notes: Requirements have been met – Intersection remained manageable and required no additional resources.</p>	S
<u>Market Set-Up and Inspections</u>		
<p>A. Weekly notification to staff of footprint or operational changes</p>	<p>Notes: Meeting requirements. Construction at 5th Street, reduced the vendors at the Farmers Market by 4. Musician at this location was moved to 7th Street near the local/non-profit vendors. Staff and PSSM working on supplemental plans to accommodate this in 2016.</p>	S
<p>B. Location of interior sponsor signs</p>	<p>Notes: Meeting requirements</p>	S
<u>Street Cleaning and Trash Removal</u>		
<p>A. Pre-Meet with City’s Street Department to create a street cleaning and trash removal plan</p>	<p>Notes: Requirements have been met : Additional Street Sweeps were requested and completed by on July 5th after 4th of July Festivities as well as on July 21 after Savor the Summit. Any concerns from Streets Dept. regarding waste removal were addressed immediately by PSSM staff.</p>	S
<p>B. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.</p>	<p>Notes: Meeting requirements: Park City Parks Crew and PSSM reworked when and how the city receptacles were being used and replacement with the PSSM recycle set up. The street has been maintained clean pre, during and post market. There have been no negative reports from the Parks or Streets Crew. Street Construction on Bonanza on 7/5 for paving was brought to the attention of Staff which was addressed to PSSM ahead of time. A Detour was put in place and Street was reopened by 10 a.m. that morning. PSSM Staff has sent Staff 2 images of curb/tripping hazards and City Staff addressed and fixed the issues. During the Sept 6 Market, VMS Boards were removed early to prepare for Miners Day festivities which were the next day. In 2016, VMS boards need to remain in place until the market end.</p>	S
<u>Coordination with PCMC and HPCA</u>		
<p>A. PSSM will schedule monthly ‘Working Group’ meetings from June through October</p>	<p>Notes: Requirements have been met.</p>	S
<p>B. PSSM will schedule three (3) market walkthroughs with the “Working Group” within the season.</p>	<p>Notes: Met requirements.</p>	S
<p>C. PSSM will schedule a weekly market walk through with City representatives</p>	<p>Notes: Met requirements. Staff from Departments including Special Events, Building, Police, and Parking walked through the venue and were onsite to address concerns, impacts and challenges each week. Any concerns by City or PSSM staff were addressed immediately.</p>	S
<p>D. PSSM will supply the City Representatives with weekly report containing the following</p> <ul style="list-style-type: none"> i. Estimated attendance ii. Zero Waste statistics 	<p>Notes: Staff received weekly reports through the season. i. Average attendance is 13,471 per week. Total attendance for the 2015 season was 188,589 people. ii. 14,380 pounds of recycling, compost & glass were diverted from landfills, as compared to 2,760 pounds of landfill waste. – WOW!</p>	S

<p>iii. Breakdown of number of vendors and types</p>	<p>iii. Limited Vendor Categories: Import vendors were consistently under the maximum allotment of 8, except for one market where PSSM met the maximum allotment of Import Vendors. Jewelry vendors have been at the maximum allotment of 12, except three markets where they were under the allotment. To-go/Snack food Vendors were consistently under the maximum allotment of 12, except for two markets where they met the maximum.</p> <p>The PSSM did not exceed the maximum amount of allotted vendors in any area during the 2015 PSSM Season.</p> <p>There were 1,910 Vendors total for the 2015 season - 21% of Vendors are from Summit County, 74% from Utah, and 5% were from out of state.</p>	
<u>Marketing and PR</u>		
<p>a. Main Street/HPCA logo on all advertisements & promotions</p>	<p>Notes: Meeting requirements.</p>	S
<p>b. Engage in co-promotions with Chamber, HPCA, Park City Restaurant association</p>	<p>Notes: Meeting requirements. Park Silly Market provides free promotions of Park City businesses in their Park Silly Info Booths (3) each Sunday. Park Silly Market provides one free booth for HPCA each Sunday. HPCA/ Main Street membership information and logo placement on all media and advertising. Park Silly Market gives restaurants first right of refusal to apply as a food vendor for restaurant association. Park Silly Market also provides free advertising or promotion by request for all HPCA, Chamber and Restaurant Association Members through social media outlets which reach 17,000.</p>	S
<p>c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to:</p> <ul style="list-style-type: none"> I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage; IV. Radio spots and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, ‘ if applicable” 	<p>Notes: Met all requirements.</p>	S
<u>Other Items:</u>		
<p>Attendance must average 7,500 visitors to the market per season. This number shall be established and verified annually by Staff and PSSM</p>	<p>Notes: Average attendance ranged between 8,701 (lowest on 9/13) and 16,561 (highest on 8/16) per week during the 2015 PSSM season. Total attendance was 188,589.</p>	S
<p>Quantify Marketing & PR Value – of at least \$150,000</p>	<p>Notes: Current estimated value as determined by Staff is in excess of \$150,000.</p>	S
<p>PSSM shall present an annual report to the city in February of the preceding market season. This report will contain the following:</p> <ul style="list-style-type: none"> i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc. 	<p>Notes: Was submitted in March of 2015. In February of 2016, a Supplemental Report for the 2016 PSSM shall be provided.</p>	S

Exhibit B – Parking Count Chart for PSSM 2015

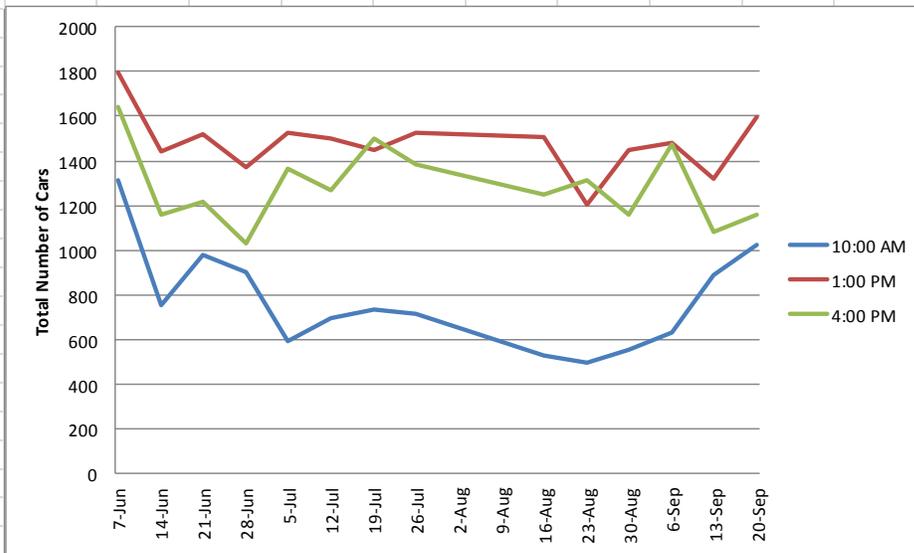
Total Counts

	7-Jun	14-Jun	21-Jun	28-Jun	5-Jul	12-Jul	19-Jul	26-Jul	16-Aug	23-Aug	30-Aug	6-Sep	13-Sep	20-Sep
Weekly Totals	4755	3354	3715	3309	3485	3460	3683	3623	3286	3012	3159	3587	3288	3781



Hourly Totals of Cars Parked

	7-Jun	14-Jun	21-Jun	28-Jun	5-Jul	12-Jul	19-Jul	26-Jul	16-Aug	23-Aug	30-Aug	6-Sep	13-Sep	20-Sep
10:00 AM	1316	753	980	905	593	694	734	714	528	495	553	632	889	1025
1:00 PM	1794	1441	1517	1374	1527	1499	1446	1524	1508	1202	1447	1481	1318	1595
4:00 PM	1645	1160	1218	1030	1365	1267	1503	1385	1250	1315	1159	1474	1081	1161



Side Note:

Sunday August 2nd Arts Festival
 Sunday August 9th Tour of Utah

Exhibit C - 2015 Vendor Types Defined & Vendor Mix

All categories are juried by the PSSM staff by way of required online application details including, but not limited to: product descriptions, photo samples of products, photo of booth display, history/business description including their 'story', list of sources and co-packing use.

PRIORITY 1: Artisan— A vendor that sells unique, art and handmade crafts (excluding food and jewelry). Starting materials must be significantly altered and enhanced by the artist. Preferential consideration given to local artists based in the state of Utah.

PRIORITY 2: Farmer – A vendor that sells fresh produce from his or her farm and/or a vendor that sells food products made of produce from his or her farm.

PRIORITY 3: Jeweler – A vendor that sells unique, handmade jewelry of their own making and design. Limited space available in this category (12 per market date).

PRIORITY 4: Gourmet Food – A vendor that sells foods or baked goods, made in Utah, which are intended/packaged for off-site consumption. Preferential consideration given to members of Utah's Own.

PRIORITY 5: Designer – A vendor that plans the precise form, look or working of an item, excluding jewelry, in writing before such item(s) is manufactured pursuant to that vendor's specific request. To qualify as a designer, the vendor shall be required to submit specific design plans of all item(s) to be sold at the market. Preferential consideration given to local designers based in the state of Utah.

PRIORITY 6: Young Vendor – A vendor, 17 years of age or younger, that sells their own unique, handmade goods.

PRIORITY 7: Food – A vendor that prepares and sells food for consumption at the Market. First right of refusal is offered through the HPCA membership. Limited space available in this category (12 per market date, 10 of which are propane-approved space).

PRIORITY 8: Service Vendor – A vendor that provides on-site services to market attendees (ex. – henna, face-painting).

LAST PRIORITY: Importer – A vendor that purchases goods manufactured and/or procured outside the U.S. (jewelry not permitted in this category). This category is considered a 'last sell' vendor type. Vendors in this category are invited in April, based on remaining space available, in an effort to maximize opportunity to other vendor types. Limited space available in this category (8 per market date).



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant requests to amend The Parkite Commercial Condominium record of survey plat for the purpose of platting two private commercial condominium units (Units D and E) from a portion of the existing commercial convertible space. Converting the space to private commercial units allows the units to be separately owned, as opposed to leased. The amendment also memorializes a recorded easement on the lower level. There are no changes to the use of these spaces. Units D and E remain commercial spaces consistent with the existing approvals for the building. On October 14, 2015, the Planning Commission unanimously forwarded a positive recommendation. No public input was provided at the hearing.

Respectfully:

Kirsten Whetstone, Senior Planner

City Council Staff Report



Subject: First Amendment to the Parkite Commercial Condominiums Record of Survey Plat
Author: Kirsten A Whetstone, MS, AICP
Date: November 5, 2015
Type of Item: Condominium Record of Survey Amendment
Project Number: PL-15-02912

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends City Council hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: Gorsuch Ranch Family Partnership LLLP and Causey Parkite, LLC represented by Marshall King, Alliance Engineering
Location: 333 Main Street
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail, offices and residential; Park Avenue residential
Reason for Review: Amendments to record of survey plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests to amend The Parkite Commercial Condominium record of survey plat for the purpose of platting two private commercial condominium units (Units D and E) from a portion of the existing commercial convertible space (Exhibit A). Converting the space to private commercial units allows the units to be separately owned, as opposed to leased. The amendment also memorializes a recorded easement on the lower level. There are no changes to the use of these spaces. Units D and E remain commercial spaces consistent with the existing approvals for the building. On October 14, 2015, the Planning Commission forwarded a positive recommendation.

Background

The property is located at 333 Main Street between Main Street and Park Avenue. The underlying individual platted lots were combined into one lot of record on March 26, 2009 with the 333 Main Street Subdivision plat. An extension was granted on March 8, 2010 and the plat was recorded at Summit County on April 12, 2011 (Exhibit B).

The building was recently remodeled and a Certificate of Occupancy was issued in October 2015. The building includes residential units platted with the recorded Parkite Residential Condominium record of survey plat and commercial area currently platted as individual private commercial units (C-1 and C-2) and as convertible commercial space.

The building includes a total of 29,363 sf of commercial space located on the Lower Level and Level One.

Included with the 333 Main Street Subdivision plat were five (5) easements for emergency and pedestrian access, utilities, services, and parking as described in the title report and land title of survey for 333 Main Street. These easements were also recorded on the Parkite Commercial Condominium plat. The Parkite Residential Condominium plat reflects amendments to the north tunnel easements, to accommodate use of the tunnel for access to the lower level parking garage for residential units only. The condominium plat amendment does not change any of these access easements.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired. Construction moved forward with the building in single ownership.

On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use application. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units (C-1 and C-2) as well as additional commercial convertible space consistent with the HDDR approval. The Parkite Commercial Condominium record of survey plat was approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014. This is the plat being amended with this current application.

On December 5, 2014, the Parkite Residential Condominium record of survey plat was also recorded at Summit County.

On September 1, 2015, an application to amend the Parkite Commercial Condominium

plat was submitted. The application was deemed complete on September 9, 2015. On October 14, 2015, the Planning Commission held a public hearing and unanimously forwarded to City Council a positive recommendation to approve the plat amendment. There was no public input provided at the meeting.

Analysis

Lot and Site Requirements

The proposed plat amendment does not change any of the following Lot and Site requirements for the HCB and HR-2 zone and these continue to apply to this site.

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2- <u>Complies.</u>
SIDE SETBACKS	0' in HCB and this Lot width in HR-2 (100' width). LMC requires 10' minimum and 30' total side setbacks.	0' in HCB- <u>Complies</u> 0'- 2.22' (north) and 0.2 -0.7' (south) in HR-2 (total = 0.2' – 2.92')- <u>valid Complying Structure</u>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	30' at property line on Main follows 45 degree angle to maximum height of 45' in HCB. 27' from existing grade in HR2. <u>Complies.</u>
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* - <u>Complies.</u>
MINIMUM LOT WIDTH	25'	224.73'* - <u>Complies.</u>
FLOOR AREA RATIO	4.0 (67,420 sf) within HCB only based on 16,854 lot area within HCB (parking and driveways are not included in the FAR calculations). There is no FAR for the HR2 zone.	FAR in the HCB portion is 2.89 based on HCB gross floor area of 48,755 sf. <u>Complies.</u>
PARKING	Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main/lower floors). Third story (now residential)	56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of

	fully paid with 1986 Parking Agreement for 56 spaces.	Swede Alley. <u>Complies</u>
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*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

Proposed Plat Amendment

This record of survey plat amendment amends the commercial convertible space. The plat adds Commercial Units D and E from a portion of the existing platted commercial convertible space. The remaining commercial space remains platted as convertible area (15,492 sf) and common area on Level One. There are no proposed use changes with this plat amendment. Convertible space is area that could be re-platted into separate commercial condominium units in the future in order to sell individual commercial units. It is considered a Unit until such conversion takes place or if the time to convert expires.

Current commercial units are (C-1) an 8,138 sf unit and (C-2) a 5,733 sf unit. Unit D is proposed to be 1,851 sf and Unit E is proposed to be 2,758 sf.

To resolve ADA access to Unit C-1 on the lower level, an elevator was proposed, as well as a corridor on the lower level connecting the elevator to Unit C-1 (see Exhibit A sheet 2). This area is designated as limited common ownership appurtenant to Unit C-1 with easement rights only. The area is part of the residential common area on the lower level subject to the Parkite Residential Condominium record of survey plat. There are no proposed changes to this area and therefore no amendment to the Parkite Residential plat is required.

Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat. This access easement for C-2 is memorialized on Sheet 3 of this amended plat.

Common area for the terrace along Main Street is platted for the commercial units to be maintained by the commercial HOA. The central portion of the lower level is platted on The Parkite Residential Condominiums plat as residential common area for the parking garage. On the first level, at the south end of the building the commercial space extends to the rear wall and is below grade with no access to Park Avenue from any of the commercial spaces. At the northern portion of the building commercial space is located on the main level of the historic structures, with residential space located above and/or behind the commercial space. All of the storefront properties have access on to Main Street, are subject to the vertical zoning ordinance, and have no access onto Park Avenue. The vertical zoning ordinance is described in the HCB chapter of the LMC (Section 15-2.6-2 Uses), as well as in Chapter 15- Definitions (Storefront) and states that storefront area (e.g. individual unit/spaces within 50' of the public sidewalk on Main Street and not more than eight feet (8') above or below the level of Main Street) have various use restrictions (e.g. residential and office uses are not permitted).

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with

regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The amended plat does not change the Master Parking Agreement.

Loading and services for the commercial uses continue to be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress. Commercial uses are retail uses.

Good Cause

Staff finds good cause for this condominium plat as it plats commercial condominium units consistent with the HDDR and allows for individual ownership of commercial space on Main Street. The condominium plat is consistent with the State Condominium Act, complies with the Land Management Code, and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project was reviewed by internal City Departments and utility providers on September 15, 2015. No issues or concerns were raised.

Notice

Legal notice was published in the Park Record and public sites on September 26, 2015. On September 30, 2015, the property was posted and notice was mailed to property owners within 300 feet per requirements of the Land Management Code.

Public Input

Staff received a phone call from a neighbor on Park Avenue asking whether the access easement provided access for any commercial use out to Park Avenue. Staff responded to the neighbor that the access easement describes access through the tunnel to Swede Alley and that no commercial access to Park Avenue is proposed with this plat. Only emergency egress is permitted to Park Avenue.

Future Process

Approval of this amended condominium record of survey plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The City Council may approve the amended Parkite Commercial Condominium Record of Survey plat as conditioned or amended, or
- The City Council may deny the amended plat and direct staff to make findings for this decision, or
- The City Council may continue discussion on the plat amendment and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for plat amendments.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

Consequences of not taking the Suggested Recommendation

The commercial space would continue to be owned by one entity and could not be sold separately. They could continue to be leased to separate entities.

Recommendation

Staff recommends City Council hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Exhibits

- Exhibit A- Proposed amended condominium plat
- Exhibit B- Existing Parkite Commercial Condominium plat
- Exhibit C- Aerial Photo
- Exhibit D- Applicant letter

Ordinance No. 15-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street, Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval to amend the Parkite Commercial Condominiums record of survey plat to create commercial condominium units D and E from a portion of the platted commercial convertible space.

WHEREAS, the property was properly noticed and posted on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015, to receive input on the amended condominium plat and forwarded a positive recommendation to the City Council; and

WHEREAS, on November 5, 2015, the City Council held a public hearing on The First Amendment to The Parkite Commercial Condominiums record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to The Parkite Commercial Condominiums record of survey plat.

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

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

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment. There is an existing four story commercial building on the property that was recently remodeled and a certificate of occupancy was issued in October 2015.
2. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to

- the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
 4. Commercial uses within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
 5. Residential condominium spaces within the building were platted with The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014 and recorded at Summit County on December 5, 2014.
 6. Commercial areas within the building were platted with The Parkite Commercial Condominiums record of survey plat approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014.
 7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.
 8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.
 9. This plat amendment does not change the existing access, utility, and parking easements.
 10. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).
 11. This plat amendment does not change the parking requirements or parking agreements.
 12. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.
 13. Access is provided to a parking garage via the existing north tunnel for residential condominium units only. The parking garage is located on the lowest level and is designated as common area for the residential uses.
 14. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.
 15. An elevator was constructed at the Main Street level to provide ADA access to Unit

C-1 on the Lower Level. A walkway from the elevator to Unit C-1 provides ADA access. Easements for the elevator and walkway were recorded and documented on The Parkite Commercial Condominium plat providing perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel.

16. Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.
17. The access easement for C-2 is memorialized on Sheet 3 of this amended plat.
18. On September 1, 2015, an application was submitted to the Planning Department requesting an amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units (Unit D and Unit E) from platted commercial convertible space and to memorialize the access easement for Unit C-2 on the lower level.
19. Unit D is identified as 1,851 square feet in area. Unit E is identified as 2,758 square feet in area. The remaining commercial convertible space decreases by 4,609 square feet to 10,883 square feet.
20. Creation of private commercial condominium units allows this commercial area to be sold as a private commercial unit, as opposed to being a tenant leased space. No change of use or changes to any existing easements or agreements are proposed with this requested plat amendment.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.

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

PASSED AND ADOPTED this ____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: First Amendment to the Parkite Commercial Condominiums Record of Survey Plat
Author: Kirsten A Whetstone, MS, AICP
Date: October 14, 2015
Type of Item: Condominium Record of Survey Amendment
Project Number: PL-15-02912

Summary Recommendations

Staff recommends Planning Commission hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant: Gorsuch Ranch Family Partnership LLLP and Causey Parkite, LLC represented by Marshall King, Alliance Engineering
Location: 333 Main Street
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail, offices and residential; Park Avenue residential
Reason for Review: Amendments to record of survey plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests to amend The Parkite Commercial Condominium record of survey plat for the purpose of platting two private commercial condominium units (Units D and E) from a portion of the existing commercial convertible space (Exhibit A). Converting the space to private commercial units allows the units to be separately owned, as opposed to leased. The amendment also memorializes a recorded easement on the lower level. There are no changes to the use of these spaces. Units D and E remain commercial spaces consistent with the existing approvals for the building.

Background

The property is located at 333 Main Street between Main Street and Park Avenue. The underlying individual platted lots were combined into one lot of record on March 26, 2009 with the 333 Main Street Subdivision plat. An extension was granted on March 8, 2010 and the plat was recorded at Summit County on April 12, 2011 (Exhibit B).

The building was recently remodeled and a Certificate of Occupancy was issued in October 2015. The building includes residential units platted with the recorded Parkite Residential Condominium record of survey plat and commercial area currently platted as individual private commercial units (C-1 and C-2) and as convertible commercial space.

The building includes a total of 29,363 sf of commercial space located on the Lower Level and Level One.

Included with the 333 Main Street Subdivision plat were five (5) easements for emergency and pedestrian access, utilities, services, and parking as described in the title report and land title of survey for 333 Main Street. These easements were also recorded on the Parkite Commercial Condominium plat. The Parkite Residential Condominium plat reflects amendments to the north tunnel easements, to accommodate use of the tunnel for access to the lower level parking garage for residential units only. The condominium plat amendment does not change any of these access easements.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired. Construction moved forward with the building in single ownership.

On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use application. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units (C-1 and C-2) as well as additional commercial convertible space consistent with the HDDR approval. The Parkite Commercial Condominium record of survey plat was approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014. This is the plat being amended with this current application.

On December 5, 2014, the Parkite Residential Condominium record of survey plat was also recorded at Summit County.

On September 1, 2015, an application to amend the Parkite Commercial Condominium plat was submitted. The application was deemed complete on September 9, 2015.

Analysis

Lot and Site Requirements

The proposed plat amendment does not change any of the following Lot and Site requirements for the HCB and HR-2 zone and these continue to apply to this site.

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2- <u>Complies.</u>
SIDE SETBACKS	0' in HCB and this Lot width in HR-2 (100' width). LMC requires 10' minimum and 30' total side setbacks.	0' in HCB- <u>Complies</u> 0'- 2.22' (north) and 0.2 -0.7' (south) in HR-2 (total = 0.2' – 2.92')- <u>valid Complying Structure</u>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	30' at property line on Main follows 45 degree angle to maximum height of 45' in HCB. 27' from existing grade in HR2. <u>Complies.</u>
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* - <u>Complies.</u>
MINIMUM LOT WIDTH	25'	224.73'* - <u>Complies.</u>
FLOOR AREA RATIO	4.0 (67,420 sf) within HCB only based on 16,854 lot area within HCB (parking and driveways are not included in the FAR calculations). There is no FAR for the HR2 zone.	FAR in the HCB portion is 2.89 based on HCB gross floor area of 48,755 sf. <u>Complies.</u>
PARKING	Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main/lower floors). Third story (now residential) fully paid with 1986 Parking Agreement for 56 spaces.	56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of Swede Alley. <u>Complies</u>

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

Proposed Plat Amendment

This record of survey plat amendment amends the commercial convertible space. The plat adds Commercial Units D and E from a portion of the existing platted commercial convertible space. The remaining commercial space remains platted as convertible area (15,492 sf) and common area on Level One. There are no proposed use changes with this plat amendment. Convertible space is area that could be re-platted into separate commercial condominium units in the future in order to sell individual commercial units. It is considered a Unit until such conversion takes place or if the time to convert expires.

Current commercial units are (C-1) an 8,138 sf unit and (C-2) a 5,733 sf unit. Unit D is proposed to be 1,851 sf and Unit E is proposed to be 2,758 sf.

To resolve ADA access to Unit C-1 on the lower level, an elevator was proposed, as well as a corridor on the lower level connecting the elevator to Unit C-1 (see Exhibit A sheet 2). This area is designated as limited common ownership appurtenant to Unit C-1 with easement rights only. The area is part of the residential common area on the lower level subject to the Parkite Residential Condominium record of survey plat. There are no proposed changes to this area and therefore no amendment to the Parkite Residential plat is required.

Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat. This access easement for C-2 is memorialized on Sheet 3 of this amended plat.

Common area for the terrace along Main Street is platted for the commercial units to be maintained by the commercial HOA. The central portion of the lower level is platted on The Parkite Residential Condominiums plat as residential common area for the parking garage. On the first level, at the south end of the building the commercial space extends to the rear wall and is below grade with no access to Park Avenue from any of the commercial spaces. At the northern portion of the building commercial space is located on the main level of the historic structures, with residential space located above and/or behind the commercial space. All of the storefront properties have access on to Main Street, are subject to the vertical zoning ordinance, and have no access onto Park Avenue. The vertical zoning ordinance is described in the HCB chapter of the LMC (Section 15-2.6-2 Uses), as well as in Chapter 15- Definitions (Storefront) and states that storefront area (e.g. individual unit/spaces within 50' of the public sidewalk on Main Street and not more than eight feet (8') above or below the level of Main Street) have various use restrictions (e.g. residential and office uses are not permitted).

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The amended plat does not change the Master Parking Agreement.

Loading and services for the commercial uses continue to be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress. Commercial uses are retail uses.

Good Cause

Staff finds good cause for this condominium plat as it plats commercial condominium units consistent with the HDDR and allows for individual ownership of commercial space on Main Street. The condominium plat is consistent with the State Condominium Act, complies with the Land Management Code, and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project was reviewed by internal City Departments and utility providers on September 15, 2015. No issues or concerns were raised.

Notice

Legal notice was published in the Park Record and public sites on September 26, 2015. On September 30, 2015, the property was posted and notice was mailed to property owners within 300 feet per requirements of the Land Management Code.

Public Input

Staff received a phone call from a neighbor on Park Avenue asking whether the access easement provided access for any commercial use out to Park Avenue. Staff responded to the neighbor that the access easement describes access through the tunnel to Swede Alley and that no commercial access to Park Avenue is proposed with this plat. Only emergency egress is permitted to Park Avenue.

Future Process

Approval of this amended condominium record of survey plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the amended Parkite Commercial Condominium Record of Survey plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended plat and direct staff to make findings for this decision, or
- The Planning Commission may continue discussion on the plat amendment and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for plat amendments.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

Consequences of not taking the Suggested Recommendation

The commercial space would continue to be owned by one entity and could not be sold separately. They could continue to be leased to separate entities.

Recommendation

Staff recommends Planning Commission hold a public hearing for the First Amendment to The Parkite Commercial Condominiums Record of Survey plat located at 333 Main Street and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance.

Exhibits

- Exhibit A- Proposed amended condominium plat
- Exhibit B- Existing Parkite Commercial Condominium plat
- Exhibit C- Aerial Photo
- Exhibit D- Applicant letter

Ordinance No. 15-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street, Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval to amend the Parkite Commercial Condominiums record of survey plat to create commercial condominium units D and E from a portion of the platted commercial convertible space.

WHEREAS, the property was properly noticed and posted on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015, to receive input on the amended condominium plat and forwarded a recommendation to the City Council; and

WHEREAS, on November 5, 2015, the City Council held a public hearing on The First Amendment to The Parkite Commercial Condominiums record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to The Parkite Commercial Condominiums record of survey plat.

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

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

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment. There is an existing four story commercial building on the property that was recently remodeled and a certificate of occupancy was issued in October 2015.
2. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to

the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. Commercial uses within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
5. Residential condominium spaces within the building were platted with The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014 and recorded at Summit County on December 5, 2014.
6. Commercial areas within the building were platted with The Parkite Commercial Condominiums record of survey plat approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.
9. This plat amendment does not change the existing access, utility, and parking easements.
10. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).
11. This plat amendment does not change the parking requirements or parking agreements.
12. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.
13. Access is provided to a parking garage via the existing north tunnel for residential condominium units only. The parking garage is located on the lowest level and is designated as common area for the residential uses.
14. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.
15. An elevator was constructed at the Main Street level to provide ADA access to Unit

C-1 on the Lower Level. A walkway from the elevator to Unit C-1 provides ADA access. Easements for the elevator and walkway were recorded and documented on The Parkite Commercial Condominium plat providing perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel.

16. Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.
17. The access easement for C-2 is memorialized on Sheet 3 of this amended plat.
18. On September 1, 2015, an application was submitted to the Planning Department requesting an amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units (Unit D and Unit E) from platted commercial convertible space and to memorialize the access easement for Unit C-2 on the lower level.
19. Unit D is identified as 1,851 square feet in area. Unit E is identified as 2,758 square feet in area. The remaining commercial convertible space decreases by 4,609 square feet to 10,883 square feet.
20. Creation of private commercial condominium units allows this commercial area to be sold as a private commercial unit, as opposed to being a tenant leased space. No change of use or changes to any existing easements or agreements are proposed with this requested plat amendment.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.

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

PASSED AND ADOPTED this ___ day of ____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Acting City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Lot 1 of the 545 Main Street plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey are owned by the same entity. The property owner desires to reconfigure these five (5) lots into three (3) lots of record, Cardinal Park Plat Amendment, by removing and shifting lot lines.

Respectfully:

Francisco Astorga, Senior Planner

City Council Staff Report

Subject: Cardinal Park Plat Amendment
Author: Francisco J. Astorga, Senior Planner
Project Number: PL-15-02466
Date: November 5, 2015
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends that the City Council hold a public hearing for the Cardinal Park Plat Amendment located at 550/554/560 Park Avenue and 545 Main Street and consider approving it based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: 545 Street Holdings, LLC represented by Billy Reed
Jonathan DeGray, and Marshall King (Alliance Engineering)
Location: 545 Main Street & 550/554/560 Park Avenue.
Zoning: Historic Residential-2 and Historic Commercial Business
Adjacent Land Uses: Residential and Commercial
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Executive Summary

Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey are owned by the same entity. The property owner desires to reconfigure these five (5) lots into three (3) lots of record by removing and shifting lot lines.

Acronyms found in the Staff Report

HCB Historic Commercial Business
HR-2 Historic Residential-2
CUP Conditional Use Permit
LMC Land Management Code
HR-1 Historic Residential-1

Background

On April 14, 2015, the City received a completed revised Plat Amendment application for the Cardinal Park Subdivision. The property is located at 545 Main Street and 550, 554, 560 Park Avenue. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1. The four (4) Park

Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).

During the May 13, 2015, Planning Commission meeting the Commission forwarded a positive recommendation with a unanimous vote of 3-0. The Planning Commission had four (4) members in attendance that night. The Chair only votes if there is a tie. The application was placed on hold during the Steep Slope Conditional Use Permit (CUP) for the construction of a new single-family dwelling over a parking structure AND a CUP for a *Residential Parking Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue.

Also during the May 13, 2015, Planning Commission meeting there was ample discussion regarding building form and scale, Steep Slope CUP criterion #6, specifically regarding that the garage must be subordinate in design to the main building. The Planning Commission moved to continue that item to a future date as a model was offered by the applicant to be submitted for review by the Planning Commission. Since that time, the applicant has been working with staff as they have made the necessary changes as requested by Staff and the Planning Commission to meet the Steep Slope CUP criteria. The Planning Commission approved the CUP with conditions during their October 28, 2015 Planning Commission meeting.

District Purpose

The purpose of the Historic Commercial Business District is to:

- A. preserve the cultural heritage of the City's original Business, governmental and residential center,
- B. allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- C. facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- D. encourage the preservation of Historic Structures within the district,
- E. encourage pedestrian-oriented, pedestrian-scale Development,
- F. minimize the impacts of new Development on parking constraints of Old Town,
- G. minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- H. minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- I. support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- J. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

The purpose of the Historic Residential-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - 1. Upper Main Street;
 - 2. Upper Swede Alley; and
 - 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Analysis

The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75'), except Lot 1, and a width ranging from 32.42' to 35'. The April Inn lot would be combined with the newly reconfigured lot northwest of it. See diagram below showing the proposed plat:

Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue. This proposed lot would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions per the special requirements listed in the HR-2 District of the Land Management Code (LMC). There are no provisions in the LMC which prohibit the two (2) zoning districts within the same lot.

The LMC lists a specific parking use in the HR-2 listed as Conditional, i.e., Planning Commission review and approval. The LMC lists Conditional Use no. 22 as a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot.* The applicant applied for a Conditional Use Permit for this use which was heard by the Planning Commission on October 28, 2015. The Planning Commission approved the requested parking use with conditions during their October 28, 2015 meeting. The applicant would like to provide residential parking for the April Inn on the Park Avenue lot accessed off Main Street only in the form of a structure consisting of parking level/structure on the lower level, with a single-family dwelling above, two floors, being accessed off Park Avenue. If the lots are not combined, the applicant is unable to move forward with their proposal. In order to meet the parking requirements for the units on Main Street, the parking needs to be located on the same lot.

A single-family dwelling is an allowed use in the HR-2 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The area of proposed Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District and the remainder is located in the HCB district. The minimum lot area in the HCB District is 1,250 square feet. The area of proposed Lot 2 is 2,431.5 square feet. The area of proposed Lot 3 is 2,437.5 square feet. The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2. A duplex dwelling is a conditional use in the Historic Residential-2 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lots, including the HR-2 District portion of Lot 1, do not meet the minimum lot area for a duplex dwelling. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25'). The proposed lot width of Lot 1 within the HR-2 District is 35 feet. The proposed lot width of Lot 2 is 32.42 feet. The proposed lot width of Lot 3 is 32.5 feet. The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.

Regarding Lot 1, specifically when viewed in context of the HR-2/HCB District, staff recognizes that any provisions regarding lot size shall be governed by the rights and restrictions of their corresponding zoning Districts. Staff recognizes that in the future the property owner might want to take advantage of the combined lot area of 8,425.5 square feet as some parameters are a product of lot area. Staff recommends approval of the plat amendment, only based on that each zoning district governs its own area, i.e., the maximum building footprint associated with the rights of building a single-family dwelling in the HR-2 District be restricted to the HR-2 zoned area consisting of 2,625

square feet. Also, any Floor Area Ratio (FAR) requirements within the HCB area to be restricted to the HCB zoned area within lot 1 consisting of 5,800.5 square feet. These restrictions and limitations are also included in the HR-2 special requirements section of this staff report.

The applicant stipulates this condition of approval. The following table shows applicable development parameters in the Historic Residential-2 District:

LMC Provision	HR-2 Requirements
Building Footprint	Lot 1: 1,132.5 square feet max. Lot 2: 1,060.5 square feet max. Lot 3: 1,062.7 square feet max.
Front/Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	5 feet minimum, 10 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.
Parking spaces	Two (2) spaces per unit.

The following table shows applicable development parameters in the Historic Commercial Business District:

LMC Provision	HCB Requirements
Floor Area Ratio	The maximum Floor Area Ratio (FAR) is 4.0.
Front/Rear/side Yard Setbacks	There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.
Side Yard Setbacks	5 feet minimum, 10 feet total.
Maximum Building Volume	The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. [...]
Parking spaces	Per Parking Ratio Requirements table in LMC § 15-3-6.

Staff finds that the rear yard setback for Lot 1 shall be measured from the zone line, as this Plat Amendment currently removes that property line which in terms of lots, separated the Park Avenue and the Main Street lots. Based on the determination that Lot 1 is to be reviewed separately from each zoning District, staff does not find that any extra-ordinary items need to be addressed with this plat amendment as the site will follow the overall character and fulfill the purpose of each individual area, neighborhood, and zoning district.

The Planning Director has made a determination that even though there is more than one (1) unit on the Lot, in this case the use of the structure in the HR-2 zone is that of a single-family dwelling. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house without a garage. A single-family dwelling requires two (2) parking spaces. The applicant proposes one (1) parking space accessed directly off Park Avenue onto its parking pad and one (1) parking space accessed off Main Street through the alley directly below the proposed house adjacent to the other five (5) parking spaces requested for the April Inn site.

The Conditional Use Permits are for the development at 550 Park Avenue, currently a portion of proposed lot 1 of the Cardinal Park Subdivision. The applicant has not requested any changes or amendment through this application for the work currently being worked on the April Inn, which is the other portion of proposed Lot 1 of the requested Cardinal Park Subdivision.

Ownership

The submitted Plat Amendment combines an HCB lot with a residential Park Avenue lot, HR-2 lot. The current property owner would own everything within these two (2) areas, proposed lot, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.

Vegetation Protection

LMC § 15-2.3-15 indicates that:

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.

Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

Special Requirements

LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot. **Complies.**

The applicant requests to build a residential parking structure for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements. **Complies.**

The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.

3. All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6. **Complies.**

The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.

4. Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1). **Complies.**

The new structure fronting on Park Avenue does not contain commercial uses.

5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area. **Complies.**

Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area

6. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4. **Complies.**

Applicant requests a total of one (1) unit over the HR-2 portion of the development.

7. All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue. **Complies.**

The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.

8. Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics. **Not applicable.**
9. No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts. **Not applicable.**
10. The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development. **Not applicable.**
11. Any Historic Structures included in the development shall be restored or

rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation. **Not applicable.**

12. Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development. **Not applicable.**

13. The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood. **Complies.**

The width of the proposed structure is twenty nine feet (29').

14. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section. **Complies.**

No density transfer is being proposed.

15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B). **Complies as conditioned.**

Good Cause

Planning Staff finds that there is good cause for this plat amendment as Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

The City received one public comment regarding this application on May 8, 2015. See Exhibit G – Public Comment.

Alternatives

- The City Council may approve the Cardinal Park Avenue Plat Amendment as conditioned or amended; or
- The City Council may deny the Cardinal Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Cardinal Park Avenue Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The property lines would remain as is. The applicant would not be able to move forward with their Conditional Use Permit for a Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot.

Summary Recommendation

Staff recommends that the City Council hold a public hearing for the Cardinal Park Plat Amendment located at 550 & 560 Park Avenue and 545 Main Street and consider approving it based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Applicant's Project Description

Exhibit C – Aerial Photograph with Zoning

Exhibit D – Topographic Map

Exhibit E – County Tax Map

Exhibit F – Site Photographs

Exhibit G – Public Comment

Exhibit H – 05.13.2015 Planning Commission Meeting Minutes

Exhibit I – Fee In Lieu of Parking Agreement 545 Main Street & HDDR Action Letter

Exhibit J – 09.17.2015 City Council Staff Report including 02.26.2015 Report

Exhibit K – 02.26.2015 City Council Meeting Minutes

Exhibit L – 09.17.2015 [DRAFT] City Council Meeting Minutes

Exhibit A – Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE CARDINAL PARK PLAT AMENDMENT LOCATED AT 545 MAIN STREET & 550, 554, 560 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 545 Main Street and 550/554/560 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 13, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 13, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 5, 2015, the City Council held a public hearing to receive input on the plat amendment; and

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

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

SECTION 1. APPROVAL. Cardinal Park Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 545 Main Street and 550, 554, 560 Park Avenue.
2. The property is in the Historic Commercial Business and Historic Residential-2 District, respectively.
3. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey.
4. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1.
5. The four (4) Park Avenue lots are vacant and are recognized by Summit County

- as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).
6. The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots.
 7. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75'), except Lot 1, and a width ranging from 32.42' to 35' and the April Inn lot would be combined with the newly reconfigured lot northwest of it.
 8. Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue.
 9. Lot 2 would be addressed 554 Park Avenue.
 10. Lot 3 would be addressed 560 Park Avenue.
 11. Lot 1 would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions.
 12. A single-family dwelling is an allowed use in the Historic Residential-2 District.
 13. The minimum lot area for a single-family dwelling is 1,875 square feet.
 14. The area of proposed Lot 1 is 8,425.5 square feet.
 15. The minimum lot area in the HCB District is 1,250 square feet.
 16. The proposed area of lot 1 within the HR-2 District is 2,625 square feet.
 17. The area of proposed Lot 2 is 2,431.5 square feet.
 18. The area of proposed Lot 3 is 2,437.5 square feet.
 19. The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2.
 20. A duplex dwelling is a conditional use in the Historic Residential-2 District.
 21. The minimum lot area for a duplex dwelling is 3,750 square feet.
 22. The proposed lots, including the HR-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling.
 23. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25').
 24. The proposed lot width of Lot 1 within the HR-2 District is 35 feet.
 25. The proposed lot width of Lot 2 is 32.42 feet.
 26. The proposed lot width of Lot 3 is 32.5 feet.
 27. The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.
 28. Any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts.
 29. The maximum building footprint of lot 1 shall be 1,132.5 square feet (HR-2 District).
 30. The maximum building footprint of Lot 2 shall be 1,060.5 square feet.
 31. The maximum building footprint of Lot 3 shall be 1,062.7 square feet.
 32. The rear yard setback for Lot 1 shall be measured from the zone line.
 33. The current property owner would own everything within these two (2) areas, proposed lot, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.
 34. The Property Owner must protect Significant Vegetation during any Development activity.

35. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
36. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.
37. The applicant must submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.
38. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
7. The current property owner owns everything within these two (2) zone areas of Proposed Lot 1 until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.
8. The rear yard setback for Lot 1 shall be measured from the zone line, as this Plat Amendment currently removes that property line which in terms of lots, separated

the Park Avenue and the Main Street lots.

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

PASSED AND ADOPTED this 5th day of November, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

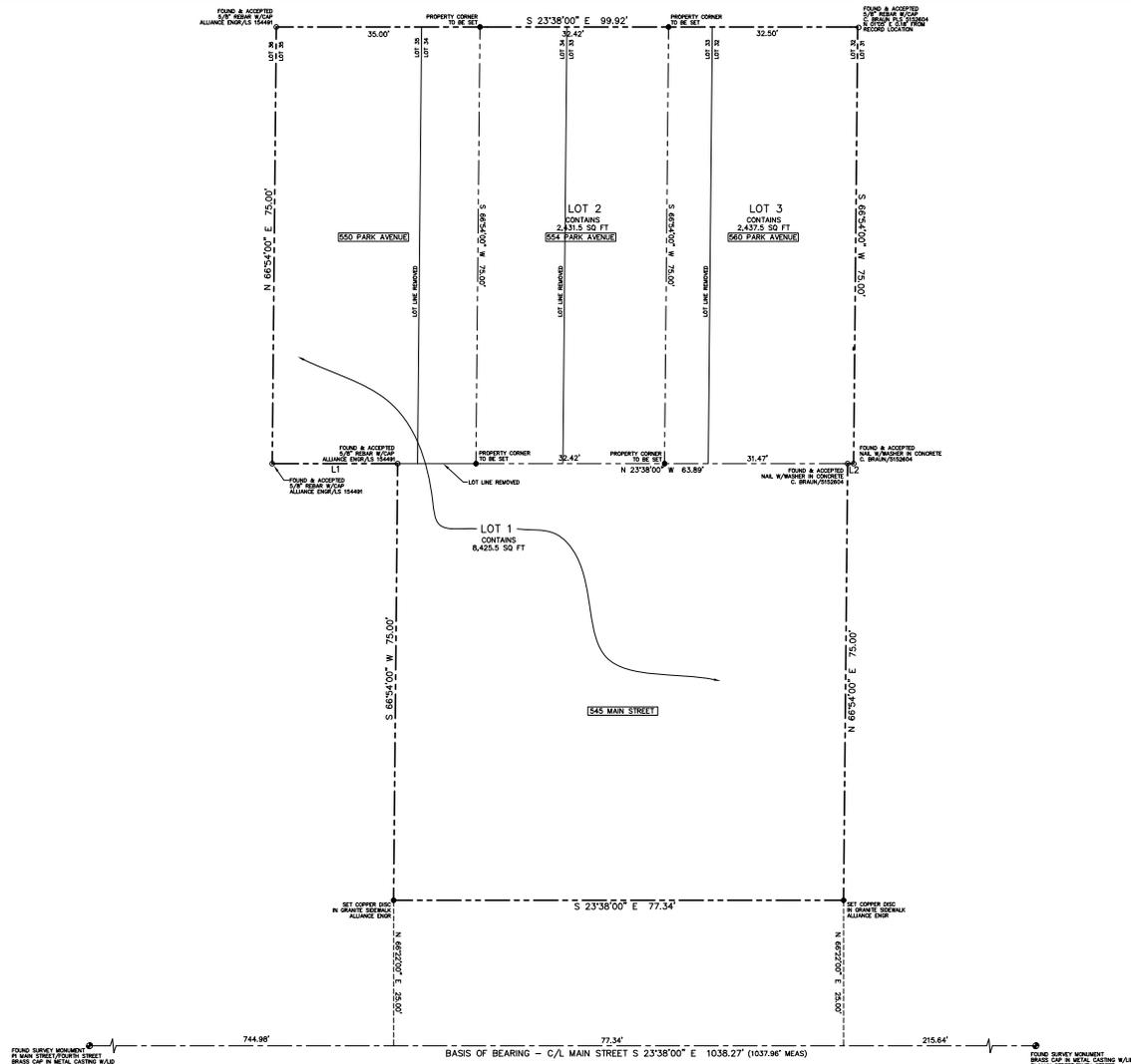
Acting City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of the CARDINAL PARK SUBDIVISION has been prepared under my direction, and that the same has been or will be monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTIONS

PARCEL 1
 LOT 1, 545 MAIN STREET, Lot Line Adjustment Plat, Park City, Utah, according to the official plat recorded October 21, 1997, as Entry No. 490199, thereof on file and of record in the Summit County Recorder's Office.
 Also described as and being located within the following: All of Lots 13, 14 and 15, and the North 2.4 feet of Lot 12, Block 9, PARK CITY SURVEY OF BUILDING LOTS.

PARCEL 2
 All of Lot 34, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.
 Also, commencing at the northeast corner of Lot 33, Block 9, PARK CITY SURVEY, AMENDED; and running thence Southwesterly along the boundary line between Lots 33 and 32, Block 9, PARK CITY SURVEY, AMENDED, a distance of 2.0 feet; thence Southeastery and parallel to the easterly boundary line of said Lot 33 to the southerly boundary line of said Lot 33; thence Northwesterly along the southerly boundary line of said Lot 33 to the easterly boundary line of said Lot 33; thence Northerly along the easterly boundary line of said Lot 33 to the point of beginning.
 Also, commencing at the northeasterly corner of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, thence Southwesterly along the said Lot 35 lot line, 2.4 feet; thence Southwesterly parallel to the lot line of Lot 35, 13 feet; thence Northwesterly to the northwesterly line of Lot 35, 2.4 feet; thence Northwesterly along said lot line 13 feet to the point of beginning.
 Also, beginning at the northwest corner of said Lot 35, Block 9, PARK CITY SURVEY, AMENDED; and running thence Southerly 2.4 feet; thence Easterly 62 feet; thence Northerly 2.4 feet to the southerly side of Lot 34, Block 9; thence westerly 62 feet to the point of beginning.

PARCEL 3
 All of Lots 32 and 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.
 Less and excepting therefrom the easterly 2 feet of said Lot 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

PARCEL 4
 The southerly 22.6 feet of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 545 MAIN STREET HOLDINGS, LLC, an Oklahoma limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as CARDINAL PARK SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this ____ day of _____, 2015.

Nichole Lipps, Manager
 545 Main Street Holdings, LLC

ACKNOWLEDGMENT

State of _____;
 County of _____;

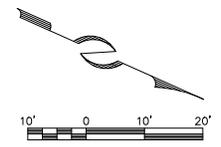
On this ____ day of _____, 2015, Nichole Lipps personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Nichole Lipps acknowledged to me that she is a managing member of 545 Main Street Holdings, LLC, an Oklahoma limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTE
 1. This condominium plat is subject to the Conditions of Approval in Ordinance 15-_____.

A PARCEL COMBINATION PLAT
 IN BLOCK 9, PARK CITY SURVEY
CARDINAL PARK SUBDIVISION
 LOCATED IN BLOCK 9, PARK CITY SURVEY AND ALSO IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LINE	BEARING	DISTANCE
L1	N 23°38'00" W	21.55
L2	N 23°48'44" W	1.03



 (435) 649-9447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	4/14/14 JOB NO.: 9-9-14 FILE: X:\ParkCitySurvey.dwg\enr\plat2014\090814_2015.dwg SHEET 1 OF 1						

PARK CITY SURVEY, BLOCK 9,
LOTS 32-35
CARDINAL PARK AVENUE SUBDIVISION

PROJECT INTENT

Lots 32-35 are owned by one entity. The original lot lines when Park City Survey was platted still exist between these lots. In addition, there is also a smaller parcel within Lot 33 and two smaller parcels within Lot 35. The owner desires to remove the existing deed lines creating the smaller parcels as well as removing the original lot lines. The goal at that point is to create three different lots of record with the intent of constructing a single family residence on each lot.



Exhibit C - Aerial Photograph with Zoning
Cardinal Park Subdivision



HR-2A

HCB

Subject Property

Main St

City owned alley

HR-1

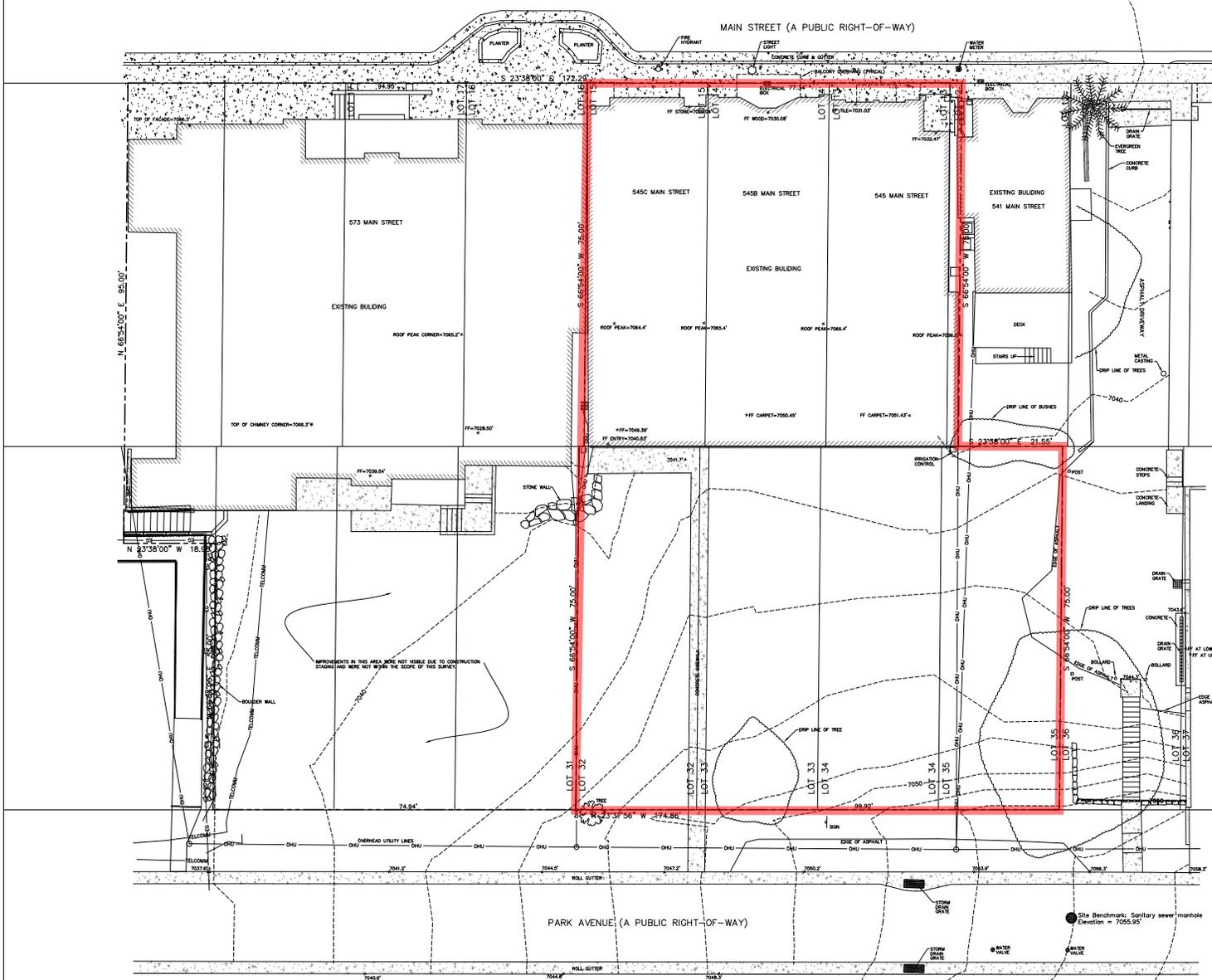
Park Ave



0 12.5 25 50 75



Exhibit D – Topographic Map

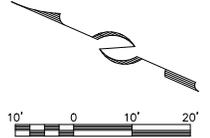


SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4438730 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

- NOTES**
1. Site Benchmark: Sanitary sewer manhole Elevation=7055.95'
 2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
 3. This topographic map is based on a field survey performed on December 3, 2012.
 4. Property corners were set or found during a survey performed February 14, 2012.
 5. Snow coverage at the time of the survey was approximately 0" to 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 23°48'44" W	1.03

LOT 37
 LOT 36



(435) 648-8467
STAFF:
 MARSHALL KING
 MARTY MORRISON
DATE: 12/17/12

TOPOGRAPHIC MAP
545 & 573 MAIN STREET
 FOR: GRAND BOULEVARD PROPERTIES, LLC
 JOB NO.: 5-11-12
 FILE: X:\ParkCitySurvey\dwg\arr\topo2012\051112.dwg

SHEET
 1
 OF
 1

Exhibit E - County Tax Map

NOTE: # REFERS TO STREET ADDRESS

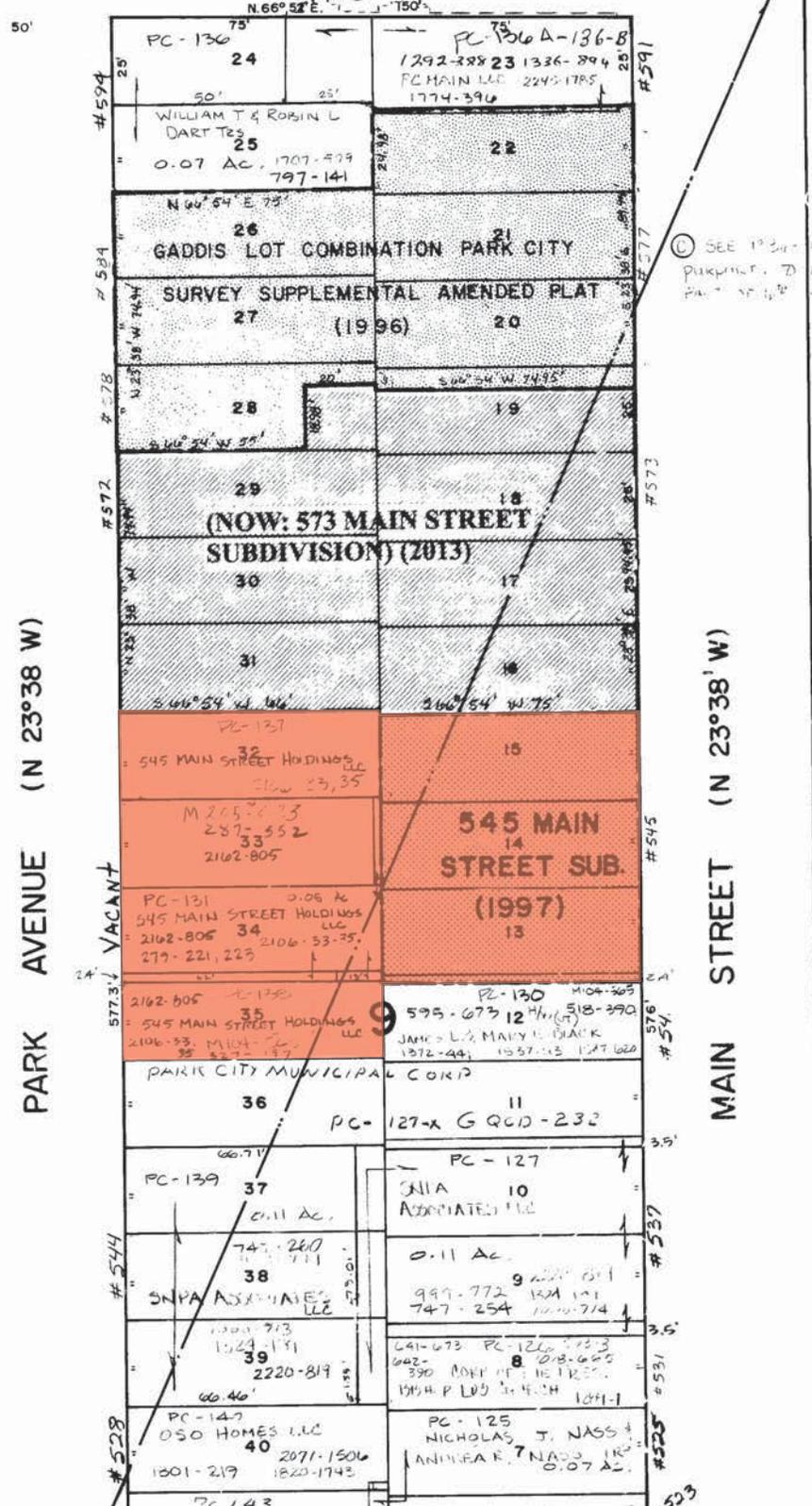
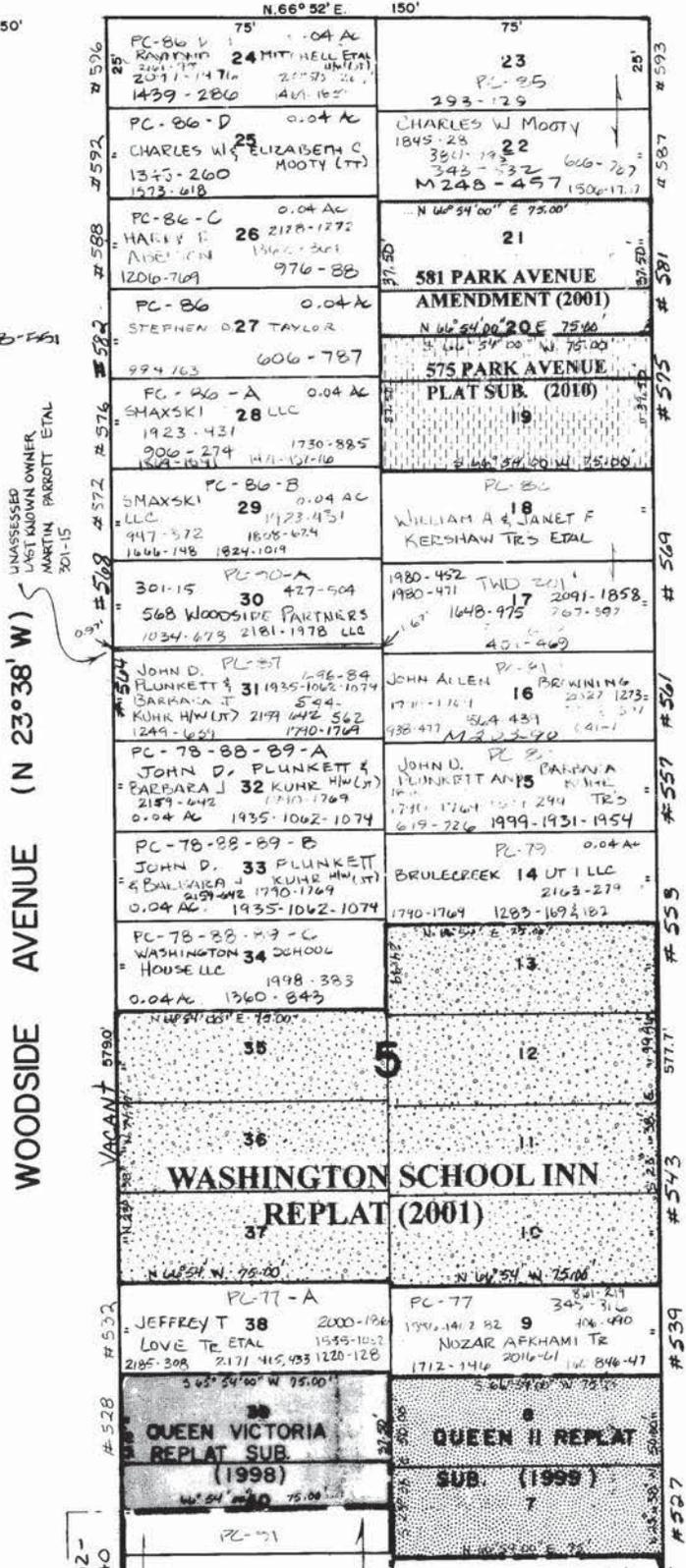
BOOK PAGE

BLOCKS 5,9,28, SECTION 16, T2S, R4E, SL.B.8.M.

SECOND STREET

STREET

60TH STREET



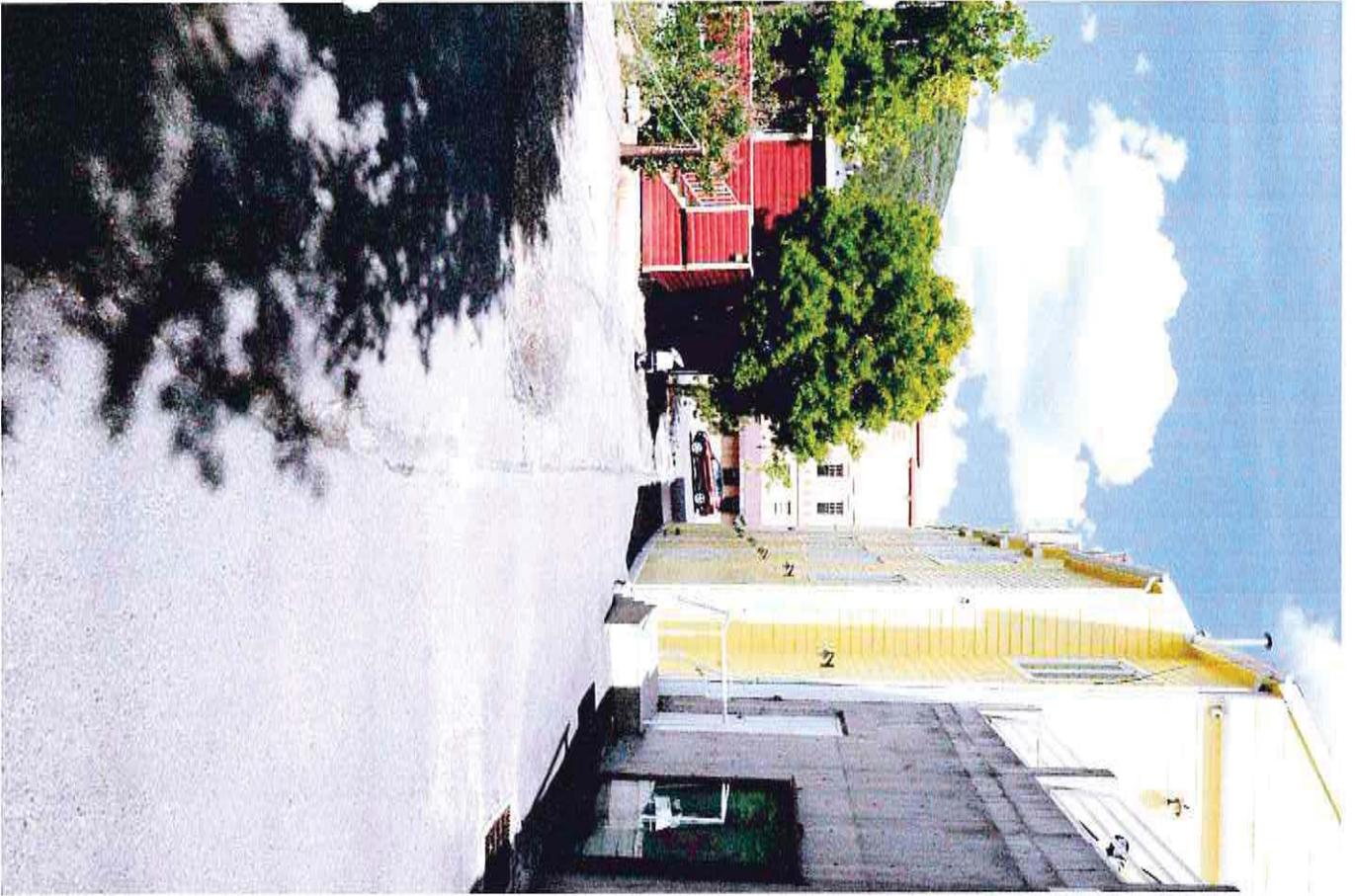
SEE 1934-1935 PLAT OF 573 MAIN STREET

MAIN STREET (N 23°38' W)

PARK AVENUE (N 23°38' W)

WOODSIDE AVENUE (N 23°38' W)

Cardinal Park Avenue – Driveway Looking East



Cardinal Park Avenue – Driveway Looking West



AUG 21 2014



Cardinal Park Avenue – Looking South

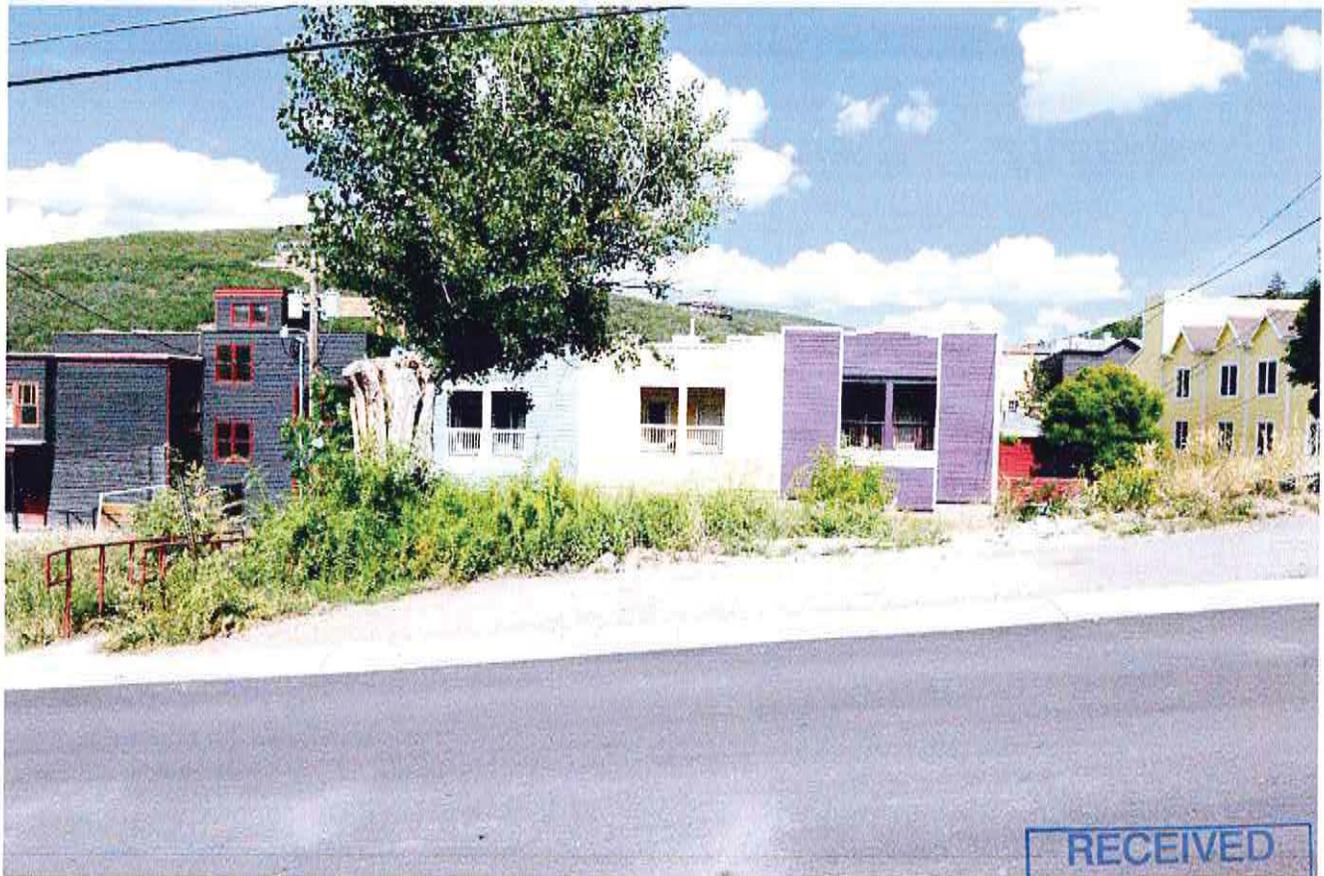


Cardinal Park Avenue – Looking Northwesterly

RECEIVED
AUG 21 2014
PAC PLANN



Cardinal Park Avenue – Looking North



Cardinal Park Avenue – Looking East

RECEIVED
AUG 21 2014
PARK CITY
PLANNING

May 7, 2015

To: Park City Planning Commission

From: John Plunkett & Barbara Kuhr, 557 Park Avenue

Re: April Inn and Park Ave Plat Amendment and CUP Applications

Dear Planning Commissioners:

We live across the street from this project. We're glad that a single-family house has been proposed for one of the Park Avenue lots, but have some concerns that we hope the Planning Department and Commission can address as Conditions of Approval for both the Plat and CUP applications:

Plat Amendment

There are Special Requirements for CUPs in this Sub-Zone A of Park Avenue. We request that these Special Requirements be included on the Plat, to make enforcement clear for future owners of the property:

— Parking spaces accessed from Main Street are only for use by Residents of the April Inn, and only for parking, not HCB garbage collection.

— The April Inn emergency exit only door cannot be used as an entrance to the HCB building.

— The Park Avenue garage can only be used by the residents of the Park Ave house. This is important because the applicant owns both the Claim-jumper and April Inn buildings in the HCB, and all the Park Avenue lots behind them — The temptation to use Park Avenue for HCB parking or garbage collection is great, but is prohibited by the sub-zone restrictions.

The specific Sub-zone A restrictions include (edited excerpts):

15-2.3-8 (B)

(1)...Commercial Uses must be located...beneath the Main Floor of a residential structure facing Park Avenue

(4)...new Structures fronting on Park Avenue may not contain Commercial Uses...

(7)...emergency Access...onto the HR-2 portion of the Property must be designed...to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(9)...No loading docks, service yards, exterior trash equipment, exterior trash compounds, outdoor storage, ADA access, or other similar Uses are allowed within the HR-2 portion of the Property...

CUP Applications

We believe the double-tandem garages, and parking spaces in the rear-yard set-back violate the LMC, and we request that they be brought into compliance. Five Park Avenue parking spaces for a small, one-bedroom house seems excessive, and calls into question their Use by the HCB properties. There is also Significant Vegetation that is half on the City easement and half on the Park Ave lots, that is not shown on the development plans and should be taken into consideration.

The double garage doors violate two of the HR-2 Purposes:

15-2.3-1

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use...

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions”

The parking spaces in the rear-yard setback are another violation, as the LMC states that parking cannot cover more than 50% of the rear-yard area.

Public Utility Boxes, Vegetation

There are several telephone utility boxes that will have to be moved from their Park Ave location behind the Claimjumper. We have been told they will be relocated on the City easement by the stairs, but this is not shown on the Landscape plans for the Park Avenue lot. We request that the plans be revised to include the utility boxes, as well as new Significant Vegetation to replace the mature trees that will be lost in construction.

Thank-you for your consideration.

Sincerely,

John Plunkett & Barbara Kuhr
557 Park Avenue

Francisco Astorga

From: Sanford Melville <smelville@outlook.com>
Sent: Thursday, September 17, 2015 12:01 PM
To: Council_Mail
Cc: Francisco Astorga; Matt Cassel
Subject: Public Comment on Consent Agenda Item Number 3 - Consideration of Amendment to Easement for April Inn Across City Alley

Dear Mayor and Council,

I see that City Council has on their agenda tonight as No. 3 on the "Consent Agenda" a request from the developer of 550 Park and 545 Main to modify their proposed easement in the City's alley for the April Inn -- they want one of the parking spaces for 550 Park to also be allowed as one of the 6 carport spaces they propose to build on the lower level of a structure at 550 Park, which will be accessed from the Alley. See packet at pp 50-67. I ask that you consider my comments below and further discuss this agenda item.

I do think there are issues with the City agreeing to an easement across the City's alley to allow a six-stall carport on the alley for several reasons. These include that it will essentially turn the alley into the carport's driveway since it is a carport of six spaces, which must be backed out of from each carport space. The proposal is not for access to a garage entrance, which would be like the Cunningham Building across the alley, and be just an garage entrance for cars to drive in and out of. Allowing an easement for purposes of a 6-stall carport on the alleyway will require far more intrusion on and use of the alley, and that seems to be a giving-away of a substantial portion of the City's alley to this developer, for which I see little public benefit.

Instead the developer could use more than one of his lots behind the April Inn for his proposed parking amenities for the April Inn and make an actual garage with access from the alley (like the Cunningham Bldg garage). While the developer may instead wish to utilize more of the City alley for purposes of building only a carport and not build an actual garage, it would seem more appropriate for the developer to use his own lots.

Although not shown in the current packet, this developer has also proposed that in order to accommodate the 6-stall carport, the public stairway up to Park Avenue be rebuilt to a configuration that will move across the alley and end blindly along the wall of the Cunningham Building garage right at the garage exit. This will be a potentially unsafe modification. Picture a family walking down the stairs, with a child running ahead and arriving at the bottom of the stairway just as a car pulls out of the garage. That child will not be visible until he steps into the path of the exiting vehicle. The developer has also proposed the removal of the beautiful mature trees on the Park Avenue side of the alley. In addition, the proposed stairway rebuild will jeopardize the historic stone retaining wall from which the current public stairway extends.

Also, I ask whether the neighboring property owners and holders of easements to the alley, such as the Cunningham building, have been consulted about the proposed easement.

Thank you for considering my comments.

Sanford Melville
527 Park Avenue

Also to accomodate the 6-stall carport the stairway will be modified to be unsafe since it will end blindly at the Cunningham bldg's garage entrance. The trees there will also go, and the historic stone wall probably also for this project.

Hope

Sent from Windows Mail

Planning Commission Meeting
May 13, 2015
Page 16

apply.

3. **545 Main Street & 550/554/560 Park Avenue – Plat Amendment to create four (4) lots of record from five (5) lots (Application PL-15-02466)**
4. **550 Park Avenue – Steep Slope CUP for construction of a new single-family dwelling and a CUP for a parking area with five or more spaces. (Application PL-14-02541 and PL-15-02471)**

Planner Astorga requested that the Planning Commission discuss the two items together, conduct a public hearing and take two separate actions.

Planner Astorga noted that there were two different zoning districts within the plat amendment that includes 545 Main Street, which is the April Inn, and four lots on Park Avenue. He presented a slide showing that Lots 2 and 3 would become larger. Lot 3 would be 32.5 feet in width and the standard 75' deep lot. Lot 2 as proposed would be 32.42 x 75'. Lots 2 and 3 are on Park Avenue and the zoning district on that side of the block is H-2. Historically the H-2 was known as the HTO zone, which was the historic transitional overlay from the Main Street uses that tended to spill into the residential H-1 zone.

Planner Astorga noted that the applicant submitted the plat amendment application, as well as a conditional use permit. He explained that the purpose of combining 550 and 545 Main Street is to accommodate a use that is listed in the H-2 zone. Planner Astorga stated that the plat amendment and the CUP are related because the special criteria for the H-2(A) zone applied to both. He stated that the reason for the plat amendment is to accommodate a structure on 550 Park Avenue with a conditional use permit for the structure and residential a parking area with five or more parking spaces for the associated use on the same lot.

Planner Astorga reported that the original application that was submitted was not a plat amendment. It rearranged the lot on Park Avenue but it did not combine the two lots. The applicant had to request a plat amendment to remove the lot line because the use would not work as the April Inn recently received a Historic District Design Review approval to remodel 12 units into 3 units. Planner Astorga pointed out that the April Inn is not a historic building however when it was approved there was no parking on site. The developer began working with the Staff and paid \$14,000 per parking space in order to move forward with that specific remodel. Planner Astorga remarked that his unique concept was a conditional use permit based upon a building where the main floor and the upper floor would be the single family dwelling, and the lower level would be the parking structure for the uses associated in the HCB zoned lot. The Code allows for this type of request. The

Staff report contained the analysis regarding the special requirements for the H□-2(A). The Staff report for the conditional use permit application outlines the necessary criteria for the Steep Slope C□P, special conditional use requirements, as well as the H□-2(A) criteria. Planner Astorga reported that a few months ago the City Engineer, Matt Cassel, went before the City Council on behalf of the applicant to see if the Council would grant an easement on the alley to use the property for the lowest level of the structure. He noted that people mistakenly think it is a right-of-way because of the layout, but it is actually City owned property. The easement would allow the structure to only be accessed through Main Street. The City Council indicated that the easement would be granted and they were in the process of drafting the final language.

Planner Astorga reported on a letter he received from □ohn Plunkett that was included as public comment in the Staff report.

Chair Strachan understood that there would be six parking spaces in Lot 1 □two would be uncovered and four would be covered. He asked if the uncovered spaces would be off of Park Avenue or toward Main Street.

□onathan DeGray, representing the applicant, replied that they would be toward Main Street. Planner Astorga reviewed the proposed site plan showing where the parking spaces would be located.

Commissioner Phillips thought the two uncovered spaces already exist because people park cars there. Chair Strachan asked if Lots 2 and 3 would eventually be single family homes. Mr. DeGray answered yes. Commissioner Strachan asked if those homes would have garages. Mr. DeGray answered yes. There would be space for one car in the garage and another car in the driveway. Chair Strachan assumed there would be no access from the easement to those lots. Mr. DeGray replied that this was correct. They would be independent lots accessed off of Park Avenue. Planner Astorga clarified that the six parking spaces belong to the April Inn. The main floor of the structure has separate parking for the house.

Chair Strachan referred to the letter from Mr. Plunkett and he asked if the applicants would be willing to a condition stating that none of the parking that may be built on Lots 1, 2, or 3 for the residential uses could ever be used for the April Inn or any commercial use. He noted that Mr. Plunkett was concerned that if the April Inn parking overflows they could potentially tell people to park in the Park Avenue residence parking.

Paul Colton, representing the applicant, noted that the Code already has that requirement and they were not opposed to adding it as a condition. Planner Astorga noted that per

Code the parking must be below the Park Avenue level. The Staff was comfortable adding a condition of approval to reiterate the Code requirement.

Assistant City Attorney McLean suggested a condition to read, "Parking for the April Inn may only be accessed from Main Street." Mr. Colton pointed out that the only physical access to the parking is off of Main Street.

Chair Strachan also favored some of the other conditions that were suggested by Mr. Plunkett. For example, a condition stating that the emergency exit door for the April Inn could not be used as an entrance. Planner Astorga clarified that he had not added language regarding the door because the building permit for the April Inn shows that the door would be eliminated. Chair Strachan asked if there was any access to the April Inn from the Park Avenue side. He was told there was not. Chair Strachan stated that the fine line between the H-1 and the HCB was difficult to work with and he felt this proposal actually works for the commercial side without impacting the residential on Park Avenue. Commissioner Orel thought it was a creative solution. Commissioner Phillips concurred. It also relieves some of the existing parking pressures.

Chair Strachan opened the public hearing for both the plat amendment and the C-P.

Sanford Melville, a resident at 527 Park Avenue, commented on the letter from John Plunkett and he stated for the record that he fully supported the comments and concerns that were raised in the letter. Mr. Melville was concerned about the four tandem parking spaces on the middle level of the Park Avenue home. A one-bedroom residence was being proposed and he thought it was unusual to have four-car parking for a one-bedroom house.

He believed it called into question the ultimate use of the parking. If this is approved, Mr. Melville thought a condition of approval should include a statement that the four car parking could only be used for the Park Avenue residents. Mr. Melville was also concerned about the two garage doors facing Park Avenue for the tandem parking. He referred to the elevation on page 190 of the Staff report. He thought it presented a visual wall of garage doors on the street level which is something Park City has been trying to eliminate from recent projects. Mr. Melville found nothing in the proposal to protect the historic retaining wall at the top of the steps on Park Avenue on the City property. He suggested adding a provision to protect or damage or not undermine the historic wall. Mr. Melville was concerned about the re-routing of the steps leading from Park Avenue to the alley and the City property. He thought it appeared that the applicant was proposing to use almost all of the City property up to Park Avenue as entrances to the lower garage level. The exhibit on page 188 illustrates how they intend to re-route the steps. The existing steps go down into the alley. If the steps are re-routed he was concerned that they would become very steep. Mr. Melville was concerned that the public steps would be sacrificed for the project. He noted that the steps are heavily used by the residents of Park Avenue and re-routing them

would be unfortunate. Mr. Melville believed there were inconsistencies in the drawings as far as whether there would be doors on the six parking spaces or whether it would be an open space. It was unclear from the packet how that would look.

Mary Winter, a resident at 320 McHenry, stated that she had not studied this particular item; however, after listening to Mr. Melville she agreed that if this is a one bedroom structure it makes no sense to have the parking. She asked the Planning Commission to scrutinize the project and consider the comment about the stairs being used by the public. If all of this is being facilitated by using City property, that also makes no sense because of the Visioning of small town and historic character. If the applicant has to use City property to facilitate all of this development, she would ask the Planning Commission to look at it carefully because that was not what the citizens in Old Town intended in the Visioning.

Chair Strachan closed the public hearing.

Chair Strachan asked if the four spaces built for the single family homes would only be used by the single family residents, or whether they could be used by April Inn. Planner Astorga stated that per Code, the parking spaces that access off Park Avenue could only be used for the single family dwelling. The HCB uses can only spill over into the H-2 if it is below the Park Avenue level. Therefore the spaces cannot be used as parking for any of the HCB.

Chair Strachan asked the reason for having four spaces for a one-bedroom dwelling. Mr. DeGray explained that the two tandem garages are locked out. Two spaces are required and dedicated for the residents. When he rents the building he wants to have a lockout to store his vehicles and other things.

Chair Strachan asked if Lots 2 and 3 would have tandem garages side by side. Mr. DeGray stated that Lots 2 and 3 are individual single family lots that have not been designed. Because of the loss of space on the lowest level to facilitate the parking for the residential units at the April Inn, it would be a very small house that would probably be used as a one-bedroom rental facility. Having extra storage for his uses made more sense than having a 1,000 square foot home.

Commissioner Phillips agreed that it was a lot of stalls for one unit, but he understood that the garage could be used for storage, table tennis, or other uses. However, the garage is supposed to be subordinate in design, but he sees a lot of garage doors facing the street with a subordinate entry. He personally did not believe the garages were subordinate.

Mr. DeGray stated that based on the Staff's input during the HDD review they created stepping in the front elevations and recesses at the entry and at the garage door to create

movement along the front elevation. Mr. Phillips noted that those techniques are typically used. He was unsure how to define subordinate and asked Planner Astorga if he was correct in understanding that the Code requires garages to be subordinate.

Planner Astorga replied that the General Plan defines the word subordinate, but he was unsure whether there was a specific regulation or policy requiring it. Planner Metstone noted that the Historic District Design Review Guidelines address garages being subordinate.

Commissioner Phillips understood that the second half of the garage was for the building owner. He asked if it was the same owner of the Main Street property, and if so, whether he could park there and walk down the stairs into the other building. Regardless of whether it is the owner or a tenant they were trying to discourage that type of access. Planner Astorga replied that it was actually prohibited. Mr. DeGray noted that during the plat discussion the Planning Commission had talked about adding a condition limiting the use of the parking garage to the residents at 550 Park Avenue.

Assistant City Attorney McLean noted that Criteria 6 for a Steep Slope CIP outlined on page 170 of the Staff report specifically states that the garage must be subordinate in design to the main Building. Criteria 6 also states that in order to decrease the perceived bulk of the main building, the Planning Commission may require a garage separate from the main structure or no garage.

Mr. DeGray asked Planner Astorga to show the streetscape on page 191 of the Staff report because he thought the west elevation of the building was somewhat deceiving as what is seen from the street.

Commissioner Phillips noted that in the past the Planning Commission has requested that applicants step the garage. He referred to the three homes on page 191 and commented on the percentage of garage doors facing the street. He believed the intent of the word "subordinate" was to keep from having the whole face of the house be the garage. Commissioner Phillips pointed out that the existing house has a single car garage with a nice dominant entry. He was concerned that the entry door of the proposed house would not even be seen driving down Park Avenue because it is recessed, and only the garage doors would be visible. Commissioner Phillips felt strongly that the intent of the Code was to prevent that from occurring.

Assistant City Attorney McLean understood that Commissioner Phillips felt that the double garage door impacts the building form and scale. However, those impacts could be mitigated if, for example, there was one garage door. Commissioner Phillips understood the difficulty of having one garage door because there were two separate

garages. He thought adding windows to the side of the garage would help add some interest to the building driving down the street. Commissioner Phillips offered design suggestions for the applicant to consider. Planner Metstone suggested the possibility of flipping the entrance and the garage so the entrance would be to the front and the garage would be recessed.

Commissioner Campbell thought that because it was already stepped the two garage doors would not present the unified facade that it appeared to be in the drawing. He believed the applicant had already complied with the intent of the Code by making that step and they were giving up garage space to do it. He suggested that they try to camouflage the garage doors in some way to make it look more like the siding of the house. Commissioner Campbell thought a 3-D model would help better visualize the true effect of the garage doors, because he believed the garages were stepped more than what was showing in the drawing.

Commissioner Morel agreed that the garage doors were not subordinate to the house. She also thought a 3-D model would help.

Chair Strachan read from the Code regarding special requirements for MPDs and Conditional Use Permits in Subzone A. "The commercial portions of a structure extending from the HCB to the H-2 must be designed to minimize the commercial character of the building and use, and must mitigate all impacts on the adjacent residential uses." He pointed out that it was not the classic "reasonably mitigate" the impacts. In these situations all the impacts must be mitigated. Chair Strachan remarked that the owner was using this as a personal garage to forward a commercial use of renting the unit. He pointed out that under that scenario it was a commercial use and not a residential use. The impact to the adjacent residential uses would be the owner driving up and down Park Avenue to park in the garage when he does not live there. Chair Strachan did not believe the purpose and intent of the garage a residential use that complies with the Code.

Mr. DeGray thought Chair Strachan was misrepresenting the intent of the owner. The owner intended to use the garage purely for storage while he was renting the building whether nightly or monthly. The owner would not be using the garage daily. Chair Strachan remarked that the owner may not have that intent but he could use it on a daily basis. Mr. DeGray agreed, but the purpose is to use it as storage space, which is not prohibited by Code. He clarified that it was not for a commercial enterprise.

Chair Strachan clarified that if this was only for a residential unit, the person designing the residential unit would not opt for four parking spaces for a one-bedroom unit. He believed they would opt to have more bedrooms and two parking spaces. Chair

Strachan stated that the extra garage was obviously for the owner of the residential unit on Lot 1 so he could park there and use it for storage in conjunction with the commercial lot that he owns. He pointed out that in combining the lots Lot 1 becomes a commercial lot. It is residential on the top but the rest is commercial.

Assistant City Attorney McLean recommended that the Planning Commission look at Criteria. She understood that their concern was that the impacts of this design do not coordinate with adjacent properties in terms of preserving of natural vegetation, minimizing driveway and parking areas and provide variation of the front yard. Those concerns were addressed in Criteria 5. She also heard concerns related to Criteria 6 regarding the garage must be subordinate in design to the main building. Another issue was addressed in Criteria 8, the dwelling volume.

Commissioner Campbell stated that the perceived bulk of the garage and the house were intertwined. He believed the only issue was the two garage doors. If one of the garage doors looked like siding you would not be able to tell it was a garage door unless you were up close to it.

Mr. DeGray summarized the direction from the Planning Commission for either re-designing the front of the garage or better portraying what was actually designed. He was willing to prepare a 3-D model showing the shade and shadow and how the garages are stepped back. He would look at creating even further stepping between the garage doors and making the entry to the building proud of the garage doors. He asked if that would be acceptable to the Planning Commission if he came back with a proposal that accomplished those three items.

Chair Strachan suggested that the Planning Commission could forward a positive recommendation for the plat amendment this evening because the design for Lot 1 design works as a good way to access the HCB zone. They should continue the CIP for the single family dwelling and approve the CIP for a parking area with five or more spaces.

Assistant City Attorney McLean pointed out that the Findings for both CIPs were intertwined. She recommended that both CIPs be continued and that the Staff draft separate Findings for each CIP application. She noted that the CIP for parking could be a Consent Agenda item at the next meeting.

Commissioner Campbell clarified that he was personally not opposed to having four cars in the garage. However, he would like the applicant to hide the fact that two-thirds of the front of the house is a garage door. Commissioner Phillips concurred.

Mr. DeGray commented on the landscaping element and noted that the curb cut is limited to the front of the northerly garage door. He would also show that as a street view on a 3-D model.

Chair Strachan requested that the applicant also address the public comments regarding the stairs and how they would be re-routed. Assistant City Attorney McLean stated that she was not aware that the stairs were moving. The stairs are on City property and she asked if they had obtained permission from the City engineer to re-route the stairs. Planner Astorga stated that a condition of approval states that any type of work or remodeling of the City stairs would have to be approved by the City Engineer. Planner Astorga understood that the reason for changing the stairs was to allow for a car to pull in and out of the first driveway.

Mr. DeGray stated that the bottom third of the stairs would be remodeled and the number of rise and run would remain the same. The steepness of the stairs would be the same. Mr. DeGray remarked that historic wall that was mentioned would not be affected at all. Planner Astorga noted that the landscaping would also have to be approved by the City Engineer through the encroachment agreement process. Chair Strachan asked Mr. DeGray to address those issues at the next meeting to allay their concerns and the public concerns.

Commissioner Phillips noted that the stairs are heavily used. He asked about the width of the existing paved area of the alley and whether it would be wide enough to paint a line for pedestrians. Assistant City Attorney McLean stated that they were working on the easement to allow the applicant to use the alley. As part of that they could require designating a pedestrian area to make it safer for pedestrians since they were adding parking for six additional cars.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at Cardinal Park Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner [redacted] moved to CONSIDER the Steep Slope Conditional Use Permit for construction of a new single-family dwelling at 550 Park Avenue, as well as the Conditional Use Permit for a parking area of five or more spaces to June 10, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact □ Cardinal Park Subdivision □ Plat Amendment

1. The property is located at 545 Main Street and 550, 554, 560 Park Avenue.
2. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively.
3. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey.
4. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAI-1.
5. The four (4) Park Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 □ 33), PC-131 (lot 34), and PC-138 (lot 35).
6. The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots.
7. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75') and a width ranging from 32.42' to 35' and the April Inn lot would be combined with the newly reconfigured lot northwest of it.
8. Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue.
9. Lot 2 would be addressed 554 Park Avenue.
10. Lot 3 would be addressed 560 Park Avenue.
11. Lot 1 would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions.
12. There are no provisions in the Land Management Code (LMC) which prohibit the two (2) Districts within the same lot.
13. A single-family dwelling is an allowed use in the Historic Residential-2 District.
14. The minimum lot area for a single-family dwelling is 1,875 square feet.

15. The area of proposed Lot 1 is 8,425.5 square feet.
16. The minimum lot area in the HCB District is 1,250 square feet.
17. The proposed area of lot 1 within the H□-2 District is 2,625 square feet.
18. The area of proposed Lot 2 is 2,431.5 square feet.
19. The area of proposed Lot 3 is 2,437.5 square feet.
20. The areas of proposed lots meet the minimum lot area for single-family dwellings in the H□-2.
21. A duplex dwelling is a conditional use in the Historic □esidential-2 District.
22. The minimum lot area for a duplex dwelling is 3,750 square feet.
23. The proposed lots, including the H□-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling.
24. The minimum lot width allowed in the Historic □esidential-2 District is twenty-five feet (25').
25. The proposed lot width of Lot 1 within the H□-2 District is 35 feet.
26. The proposed lot width of Lot 2 is 32.42 feet.
27. The proposed lot width of Lot 3 is 32.5 feet.
28. The proposed lots, including the H□-2 portion of Lot 1, meet the minimum lot width requirement.
29. Any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding □oning Districts.
30. The maximum building footprint of lot 1 shall be 1,132.5 square feet. (H□-2 District).
31. The maximum building footprint of Lot 2 shall be 1,060.5 square feet.
32. The maximum building footprint of Lot 3 shall be 1,062.7 square feet.

33. The rear yard setback for Lot 1 shall be measured from the one line.

34. The current property owner would own everything within these two areas, proposed lot 1, until a Condominium ecord of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.

35. The Property Owner must protect Significant Vegetation during any Development activity.

36. Significant Vegetation includes large trees six inches (6 $\frac{1}{2}$) in diameter or greater measured four and one-half feet (4 $\frac{1}{2}$) above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

37. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.

38. The applicant must submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

39. LMC 15-2.3-8 indicates special requirements for Master Planned Development and Conditional se Permits in Sub-one A, consisting of lots in the H $\frac{1}{2}$ -2 District that are west of Main Street, excluding those Lots within Block 13.

40. Special requirements apply to Lots in Sub-one A that are part of a Plat Amendment that combines a Main Street, HCB oned, Lot with an adjacent Park Avenue, H $\frac{1}{2}$ -2 oned, Lot for the purpose of constructing a residential dwelling or Garage on Park Avenue.

41. The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue protected across the H $\frac{1}{2}$ -2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

42. The proposed structure within the H $\frac{1}{2}$ -2 portion of the lot meets the minimum side and front yard setbacks of the H $\frac{1}{2}$ -2 District as stated.

43. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.

44. The proposed structure within the H $\frac{1}{2}$ -2 portion of the lot meets the building height

requirements of the H□-2 District as stated.

45.The new structure fronting on Park Avenue does not contain commercial uses.

46.Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.

47.The number of residential units allowed on the H□-2 portion of the Development is limited by the Lot and Site □equirements of the H□-2 District as stated in Section 15-2.3-4.

48.The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. □o emergency access onto the H□-2 portion of the property is proposed.

49.□ext to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.

50.The width of the proposed structure is twenty nine feet (29').

51.There are no historic sites or buildings within the proposed plat amendment.

52.The applicant controls the Claim□umper Building located at 573 Main Street, which already received a Plat Amendment approval by the City in 2012, and these same Special □equirements were analy□ed, reviewed, and applied, as findings of fact, conclusions of law, and conditions of approval were met.

53.□o density transfer is being proposed.

54.Maximum allowed Building Footprint for the H□-2 Lot is sub□ect to Section 15-6-5(B).

55.All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law □ Cardinal Park Subdivision □ Plat Amendment

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval Cardinal Park Subdivision Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding Zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
5. **1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)**

Planner Metstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

FEE IN LIEU OF PARKING AGREEMENT

545 MAIN STREET

THIS FEE IN LIEU OF PARKING AGREEMENT 545 MAIN STREET (the “Agreement”), is made the 23rd day of September 2014, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company (“545 Main”) and Park City Municipal Corporation (“Park City”), a nonprofit corporation of Utah.

WITNESSTH:

WHEREAS, 545 Main owns the property located at 545 Main Street, Park City, Utah, commonly known as the April Inn (the “Property”);

WHEREAS, in connection with that certain Revised Notice of Planning Department Action, Project Number PL-13-02118, dated August 4, 2014 (the “Notice”, a copy of which is attached hereto) 545 Main is required to provide parking spaces or pay a fee in lieu of providing such spaces to Park City;

WHEREAS, within the HCB District, the Land Management Code 15-2.6-9 Parking Regulations requires “The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.”

WHEREAS, Park City, as a result of its revised FAR calculations, has determined that the correct number of required spaces in connection with Paragraph 19 of the Notice is four (4) spaces;

WHEREAS, 545 Main desires to seek approval of Park City for the actual creation of four (4) additional parking spaces on property which adjoins the Property, but desires to obtain a building permit and proceed with the construction referenced in the Notice without any delay that might otherwise be caused by seeking approval of the four (4) parking spaces;

WHEREAS, 545 Main and Park City desire to agree that 545 Main will deposit with Park City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space), some or all of which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property adjoining the Property, all in accordance with the terms of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and covenants of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Number of Required Parking Spaces.** Park City has calculated that the number of parking spaces required in connection with the work referenced in the Notice, and specifically Paragraph 19 of the Notice is four (4) parking spaces. For the HCB district, the Land Management Code requires LMC 15-2.6-9 “The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.”

2. **Fee in Lieu of Parking.** At the time this Agreement is executed, 545 Main shall deliver to Park City a fee in lieu of parking for four (4) parking spaces in the total amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space) (the “Fee”). Upon receipt of this executed Agreement and the Fee, the requirement for parking for the Property based upon the Notice shall be satisfied. 545 Main shall submit a complete application for approvals which would allow for the parking at 550 Park Avenue within two months of executing this Agreement and diligently pursue an application to Park City to obtain approval of four (4) parking spaces on property which adjoins the Property, which would satisfy the four (4) parking space requirement of the Notice for the Property. The requirement to submit a complete application shall be satisfied when 545 Main or its agent has delivered the following items to the Park City Planning Department:

- A. a filled out and signed Conditional Use Permit for Planning Commission Review application found on the Park City website at: <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=4592> (although the approval being sought is not a Conditional Use Permit, the Planning Department Director has determined that the Conditional Use Permit application contains all of the necessary information required to seek the approval that 545 Main seeks). The application shall include 1) a survey of the property; and 2) schematic plans including a scaled site plan and landscape plan showing any retaining walls, dimensions of the four (4) parking spaces, materials to be used in the parking spaces and any hard surfaces, and the width of the driveway onto the lot.
- B. an application fee of \$1,140.00

If, within two years from the date of this Agreement 545 Main obtains approval for the four (4) parking spaces, or any lesser number of spaces, Park City will refund to 545 Main the Fee, if four (4) spaces are approved, or \$14,000.00 per space for each parking space approved if less than four (4) spaces are approved and Park City shall retain the remainder of the Fee. Park City shall not pay any interest on any part of the Fee if refunded. In the event that none of the four (4) spaces are approved within two years of the date of this Agreement, Park City will retain the entire Fee.

3. **Proceeding at Own Risk.** 545 Main acknowledges that it is proceeding with an application to put the parking at 550 Park Ave either through a request to the Planning Commission pursuant to LMC 15-3-2 (“Required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.”) or a plat amendment to connect the parking area to the Property with the restriction that the parking be for residential use only pursuant to LMC 15-2.3-2 (A) (11). Park City has not given any assurance or guaranteed any results in these applications.

4. **Successors and Assigns.** This Agreement and all of the covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the successors and assigns of each party.

5. **Waiver.** No waiver of any breach of this Agreement shall be deemed a waiver of any subsequent breach of the same or any other condition.

6. **Time of Essence.** Time is of the essence of this Agreement and every term, covenant, and condition herein contained.

7. **Notices.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

545 Main Street Holdings, LLC
501 N. W. Grand Boulevard, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

Christy Alexander
P.O. Box 1480, 445 Marsac Ave
Park City, UT 84060-1480
E-mail: Christy.alexander@parkcity.org

8. **Section Headings.** Section headings and numbers are for convenience only, and are not to be considered limitations or modifications or provisions set forth in the body of this Agreement.

9. **Applicable Law.** The parties hereby expressly agree that this Agreement shall be governed and construed in accordance with Utah law and courts of law sitting in Summit

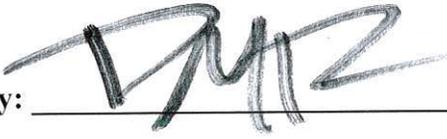
County, State of Utah shall have jurisdiction and venue for purposes of hearing any disputes arising out of this Agreement.

10. Severability. The provisions of this Agreement are severable, and should any provisions hereof be void, voidable, or unenforceable, or invalid, such void, voidable, unenforceable, or invalid provision shall not affect any other portion or provision of this Agreement.

11. Entire Agreement. This Agreement constitutes the entire agreement of the parties with respect to the fee in lieu of parking requirement under the Notice, and supersedes all oral understandings and agreements. Alterations or amendments to this Agreement must be in writing, executed by the parties hereto.
[signature page follows]

IN WITNESS WHEREOF, on the date first shown above, 545 Main has caused this Fee In Lieu Of Parking Agreement 545 Main Street to be executed, and Park City has caused this Agreement to be accepted and executed in its corporate name by its City Manager.

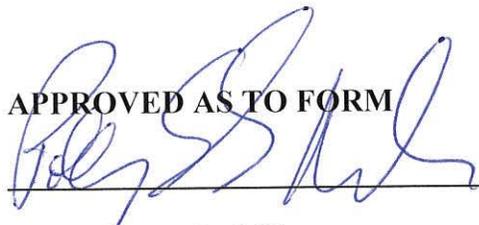
PARK CITY:

By: 
City Manager

Attest:

Marci Heil, City Recorder



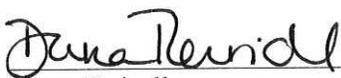

APPROVED AS TO FORM
City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.

Its: Manager

By: 
Dana Reindl
Its: Vice President



August 4, 2014

Billy Reed
115 Jennifer Ct.
Alamo, CA 94507

REVISED NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 545 Main Street
Project Description: Historic District Design Review
Date of Revised Action: August 4, 2014
Project Number: PL-13-02118

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the June 19, 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through 8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed renovation and addition to the existing non-historic building will comply with applicable Guidelines. This letter serves as the revised final action letter and approval for the proposed design for the addition at 545 Main Street. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 545 Main Street.
2. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
3. The property is located in the Historic Commercial Business (HCB) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and all the guidelines of the 2009 Historic District Design Guidelines.
4. The parcel is approximately 5,800.5 square feet in size for entire three combined lots. The minimum lot size requirement in the HCB district is 1,250 square feet and the maximum allowable FAR is 4.0.
5. The existing developed site is located on the 545 Main Street plat.

6. The neighborhood is characterized by historic and non-historic commercial retail, office, restaurant uses, apartments, condos and single family homes on average historically-sized lots.
7. The proposed addition is 1,226 square feet. The existing non-historic building is 12,699 square feet and with the addition will have 13,925 square feet total area. The existing FAR is 2.19 and with the proposed addition will have an FAR of 2.4 total.
8. The proposed addition will comply with all setbacks. Hot tubs must be located with a five foot setback in the side and rear yards.
9. Access to the property is from Main Street.
10. No off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.
11. The proposed addition meets the height limits and height envelopes for the HCB zoning. The building footprint and setbacks also comply with the zoning requirements.
12. The proposal, as conditioned complies with applicable Universal Design Guidelines for new construction in Historic Districts.
13. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design, B- Primary Structures, D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting, and I- Sustainability.
14. On April 7, 2014, a Historic District Design Review application was submitted to the Planning Department for the above described work.
15. On April 17, 2014, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. No public comment was provided regarding the addition that was not mitigated.
16. On June 24, 2014, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on July 4, 2014.
17. On August 4, 2014, Staff revised the final action approval to incorporate revisions to the parking requirement.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on June 17, 2014 and approved on June 24, 2014, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by August 4, 2015, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
10. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

11. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
 12. Stone retaining walls shall consist of square, natural stones, small in size that a miner could carry.
 13. All windows shall be trimmed and the trim shall be consistent on all exterior windows.
 14. All stone veneer should consist of natural stone.
 15. All exterior concrete must be textured.
 16. All exterior metal trim must be non-reflective.
 17. Hot tubs require a building permit and compliance with the zone setbacks.
 18. An encroachment agreement, between the applicant and the City Engineer for the balconies encroaching into the City Right-of-Way, shall be obtained prior to building permit approval.
 19. A fee-in-lieu, of \$14,000 per each four (4) required parking spaces, shall be paid or provide parking on-site prior to building permit approval.
 20. Approval of this HDDR was noticed on June 24, 2014, and any approval is subject to a 10 day appeal period.
 21. All standard conditions of approval shall apply (see attached).
-

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5068, or via e-mail at christy.alexander@parkcity.org.

Sincerely,



Christy J. Alexander, AICP
Planner II



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street), allowing the owners to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

In the February 26, 2015 staff report, staff indicated to Council that six (6) parking spaces would be dedicated for the use by residents/guests of the Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for a proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: Amendment to Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Authors: Matthew Cassel, Engineering
Francisco Astorga, Planning
Date: September 17, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Executive Summary:

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street). The easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). In the February 26, 2015 staff report, staff indicated to Council that these six (6) parking spaces would be dedicated for the use by residents/guests of the April Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for the proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Acronyms:

LMC – Land Management Code
ROW – Right-of-Way
Etc. – Et cetera

Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property

developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,

- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
- The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-Way – The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a ROW. Despite a thorough review, no records were found that indicated that the alley was ever formally dedicated as ROW. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public ROW, a vehicle and pedestrian easement would not be required).

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). This easement would allow the development of six (6) parking spaces immediately west of April Inn dedicated for use by residents/guests of April Inn. The parking is located on the developer's property. This easement agreement has been created but staff has held the document and not processed it until Council approves the development's other applications. The Cardinal Park plat was approved by City Council on June 4, 2015. Additionally, the steep slope CUP and the CUP for a parking area with five or more spaces is scheduled to be heard by the Planning Commission on September 23, 2015.

Analysis:

545 Street Holdings, LLC (the developer) currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 34 and 35 are currently being developed as 550 Park Avenue. April Inn recently re-modeled their facility from 12 units down to 3 units.

The developer has submitted plans for the development of 550 Park Avenue. Their plans propose using one (1) of the six (6) parking spaces dedicated for use by April Inn residents/guests to be used to satisfy the parking requirements for 550 Park Avenue.

550 Park Avenue is required to provide two off-street parking spaces. One parking space is proposed to be accessed from Park Avenue while the other parking space is proposed to be accessed from Main Street.

The six (6) space parking facility is still located to the immediate west of the April Inn, and would still be accessible only from Main Street via the alley. Two of the parking spaces would still be surface while the other four will be covered. The covered parking spaces are proposed to be located under 550 Park Avenue.

Staff previously supported the vehicle and pedestrian easement for two reasons (from the February 26, 2015 staff report):

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents/renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. The vehicle and pedestrian easement allows parking for the residential uses of April Inn to be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. Staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

Staff supports the amendment to the vehicle and pedestrian easement for two reasons:

- April Inn still meets their LMC parking requirement – The Planning Department had previously determined that the three (3) units in April Inn would require four (4) off-street parking spaces. With six (6) parking spaces proposed, two (2) of the spaces were not specifically dedicated to meeting a parking requirement so one (1) of the parking spaces could be dedicated to 550 Park Avenue,
- As noted in the paragraph above, due to the reduction in residential units in April Inn, the traffic impacts to Main Street should be reduced. Changing one parking space to being dedicated to 550 Park Avenue, staff still anticipates seeing an overall reduction in traffic impacts to Main Street.

Department Review:

This report has been reviewed by City Manager, Legal, Public Works and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the amendment to the easement will allow April Inn (545 Main Street) and 550 Park Avenue to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the amendment to the easement will then require the developer to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the easement.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors + Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
Comments:				

There are no significant or financial impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the amendment to the easement is not granted, the developer will need to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue instead of their current proposal of one parking space accessed from Park Avenue and one parking space accessed from Main Street.

Recommendation:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street) The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Attachments:

- February 26, 2015 Staff Report,
- Exhibit of Easement and Property Ownership.
- Draft Vehicle and Pedestrian Easement
- Proposed Cardinal Park Plat



City Council Staff Report

Subject: Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Author: Matthew Cassel, City Engineer
Date: February 26, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Description:

The Vehicle and Pedestrian Easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,
- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley

- property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
- The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-way The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a right-of-way. Despite an thorough review, no records were found that indicated that the alley was ever formally dedicated as right-of-way. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public right-of-way, a vehicle and pedestrian easement would not be required).

Analysis:

April Inn currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 32, 33, 34 and 35 are currently un-developed and front Park Avenue. April Inn is currently re-modeling their facility from 12 units down to 3 units. They have submitted plans for the development of the lots fronting Park Avenue and are requesting to build a 6 space parking facility to the immediate west of the April Inn, which would be accessible from Main Street via the alley. Two of the parking spaces will be surface while the other four will be covered. The covered parking spaces are proposed to be located under a house—the house's access will be from Park Avenue. These six parking spaces would be on April Inn property and would be dedicated for the use by residents—guests of the April Inn. This easement request would allow access to this parking facility through and across the alley. Because of the differential grade and proposed development, access from Park Avenue would be difficult.

Staff supports the vehicle and pedestrian easement for two reasons:

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents—renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. By allowing this vehicle and pedestrian easement, parking for the residential uses of April Inn will be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. If Council approves the vehicle and pedestrian easement for April Inn, staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

A draft of the easement is included with this staff report. Easement specifics

- Language is inserted to address the closing of Main Street for special events,
- The 1984 easement agreement with Old Towne and Sierra Pacific includes a paragraph stating "City shall maintain the right-of-way as required for safe

pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate. □ Staff interprets this paragraph to indicate that the City will maintain the alley to minimum safety standards for pedestrian access (but not vehicular access). If the grantee would like to add amenities such as more lighting, landscaping, signage, etc, they may upon City approval. A paragraph such as this one will be included in the vehicle and pedestrian easement for April Inn.

An alternative to granting the vehicle and pedestrian easement would be to sell the property to the parties and retain an easement for pedestrian use. Because of the significant grade difference, this alley will never be a thoroughfare and thus will not be part of the City's transportation network. Also, staff does not foresee the future use of this alley to change. The advantage of selling the property would be the shifting of current maintenance program for the alley to the parties purchasing the property. One disadvantage will be the ownership of this parcel by three separate entities and the City resources necessary for the parties to come to an shared ownership agreement.

Department Review:

This report has been reviewed by City Manager, Legal, Sustainability, Public Works, and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the easement will allow April Inn (545 Main Street) to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the easement will then not allow April Inn to provide on-site parking accessed from Main Street.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the easement.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
<input type="checkbox"/> High Desired Outcomes might the Recommended Action Impact	<input type="checkbox"/> Safe community that is walkable and bike-able		<input type="checkbox"/> Shared use of Main Street by locals and visitors <input type="checkbox"/> Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
Comments: 				

There are no significant or financial impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the easement is not granted, vehicle and pedestrian access to the proposed on-site parking for the April Inn (545 Main Street) cannot occur.

Recommendation:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Attachments:

- Draft Vehicle and Pedestrian Easement, Exhibit of Easement and Property Ownership.
- Eric Dehaan Memorandum dated October 11, 1999 including the
 - Non-Exclusive Easement Agreement between Park City, Old Towne Associates and Sierra Pacific

Property Map April Inn (545 Main) and 550 Park Ave



When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
P.O. Box 1480
Park City, Utah 84060

NON-EXCLUSIVE VEHICLE AND PEDESTRIAN EASEMENT AGREEMENT

THIS NON-EXCLUSIVE VEHICLE AND PEDESTRIAN EASEMENT AGREEMENT (the “Agreement”) is entered into this ____ day of _____, 2015, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company (“545 Main”) and Park City Municipal Corporation (“Park City”), a nonprofit corporation of Utah.

RECITALS

WHEREAS, 545 Main owns the real property located at 545 Main Street and certain property to the rear or west of 545 Main Street, Park City, Utah 84060, more particularly described in **Exhibit A** hereto (“Parcel 1”); and

WHEREAS, Park City owns lots of record generally known as the north 21 ½ feet of Lot 11 and all of Lot 36, Block 9 of the Park City Survey, which fronts Main Street south of 545 Main Street over which 545 Main would like to access Parcel 1, which lots of record is more particularly described in **Exhibit B** hereto (“Parcel 2”); and

WHEREAS, on March 22, 1984, Old Towne Associates (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into an agreement with Park City to use this Parcel 2 for pedestrian and vehicular access to their adjacent properties. The 1984 agreement allows Old Towne Associates and Sierra Pacific to improve Parcel 2 subject to City’s prior approval and, while the City provides maintenance as required for safe pedestrian access, Old Towne Associates and Sierra Pacific may provide supplemental maintenance as deemed necessary and appropriate; and

WHEREAS, 545 Main desires a private, non-exclusive vehicle and pedestrian easement for ingress and egress over Parcel 2 for the benefit of Parcel 1, subject to closures from time of Parcel 2 by Park City in connection with various special events throughout the year.

AGREEMENT

NOW THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises and covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. GRANT OF EASEMENT. Park City hereby grants to the owner of Parcel 1, its successors and assigns, for the benefit of Parcel 1 its successors and assigns, a private, non-

exclusive vehicle and pedestrian easement over Parcel 2 for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1, which grant of easement is expressly made subject to Park City's right, in its sole discretion, to temporarily close Parcel 2 to vehicular access during special events. The easement granted herein shall be effective from and after the date of recording of this Agreement in the official records of the Summit County Recorder. This non-exclusive vehicle and pedestrian access granted to 545 Main Street shall be appurtenant to Parcel 1.

2. **GOVERNING LAW.** This Agreement shall be interpreted and governed by the laws of the State of Utah.

3. **FUTURE USE.** The City may, at some future date, elect to install utilities or other public improvements within this property and easement. To the extent that any utility work or public improvement requires the removal, relocation, replacement and/or destruction of any encroachments, 545 Main may have been using within the City's property, the City shall require 545 Main to remove such encroachments pursuant to the notice in paragraph 4 below. 545 Main acknowledges that 545 Main have no rights to compensation for the loss of the encroachments or loss of the use of the property and/or change in the grade and elevation of the easement. This acknowledgement, in the event the encroachments are removed for any reason whatsoever in the sole determination of the City, is the consideration given for the granting of this easement for the continued use.

4. **PUBLIC IMPROVEMENTS.** Prior to commencing public improvements in a manner that will require the removal or relocation of encroachments, the City will give 545 Main ninety (90) days prior written notice, in which time 545 Main shall make adjustments to and remodel their respective improvements as necessary to accommodate the changes in the property at 545 Main's cost.

5. **MAINTENANCE.** 545 Main or its successors shall, at their sole expense, maintain their encroachments in a good state of repair at all time, and upon notice from the City, will repair any damaged, weakened or failed sections. If a notice to repair is received from the City, 545 Main or its successors, Old Towne Associates or its successors and Sierra Pacific or its successors shall coordinate the repairs. 545 Main agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of 545 Main's use of the easement for private purposes, or from the failure of 545 Main's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

6. **AMENDMENT OR WAIVER.** This Agreement may be amended only by an instrument in writing signed by the parties hereto. No provision of this Agreement and no obligation of either party under this Agreement may be waived except by an instrument in writing signed by the party waiving the provision or obligation. The waiver of any breach of any of the terms, covenants or conditions hereof on the part of one party to be kept and performed shall not be a waiver of any preceding or subsequent breach of the same or any other term, covenant or condition contained herein.

7. **ENTIRE AGREEMENT.** This Agreement, including exhibits, contains the entire Agreement and understanding between the parties with regard to the subject matter of this Agreement. All terms and conditions contained in any other writings previously executed by the parties and all other discussions, understandings or agreements regarding the subject matter of this Agreement shall be deemed to be superseded by this Agreement.

8. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

9. **CONSTRUCTION OF AGREEMENT.** The language and all parts of this Agreement shall be in all cases construed simply according to their fair meaning and not strictly for or against either of the parties hereto. Headings at the beginning of sections and subsections of this Agreement are solely for the convenience of the parties and are not part of this Agreement. When required by the context, whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular; the masculine gender shall include the feminine and neuter genders and vice versa; and the word "person" shall include corporations, partnerships or other forms of associations or entities.

10. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original and such counterparts shall together constitute but one and the same instrument.

11. **SEVERABILITY.** Invalidation of any one of the covenants or provisions of this Agreement or any part thereof by judgment or court order shall not affect any other covenant or provision of this Agreement, which shall remain in full force and effect. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and sending notice to 545 Main or their successors.

12. **NOTICES.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

545 Main Street Holdings, LLC
501 N. W. Grand Boulevard, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

E-mail: _____.

13. **INCORPORATION OF RECITALS AND ATTACHMENTS.** All Recitals in this Agreement and all attachments hereto are hereby fully incorporated by reference herein.

14. **NO PARTNERSHIP.** Neither this Agreement nor the acts of the parties is intended to create and does not create a joint venture or partnership between the parties.

15. **FURTHER ASSURANCES.** Each party shall execute and deliver any and all documents that may be reasonably requested by the other party in order to document and perform fully and properly the provisions of this Agreement.

16. **COVENANTS TO RUN WITH THE LAND.** The respective benefits and burdens of the easement granted herein and the terms hereof shall run with and be appurtenant to Parcel 1 and Parcel 2 and shall inure to the benefit of and be binding on their respective owners, successors in interest and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Non-Exclusive Vehicle and Pedestrian Easement Agreement on the date first above written.

PARK CITY:

By: _____
City Manager

Attest:

Marci Heil, City Recorder

APPROVED AS TO FORM

City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.
Its: Manager

By: _____
Print Name: _____
Its: Vice President

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
February 26, 2015 Page | 4**

IV. CONSIDERATION OF MINUTES FROM THE FEBRUARY 12, 2015 CITY COUNCIL MEETINGS

**Council member Peek moved to approve the
February 12, 2015 City Council minutes
Council member Beerman seconded
Approved unanimously**

V. CONSENT*(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of a request for a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Council member Beerman stated that at the end of the staff report it mentioned selling the property, inquiring if that was something staff was in favor of. Cassel stated that staff is not in favor.

**Council member Beerman moved to approve the consent agenda
Council member Simpson seconded
Approved unanimously**

VI. NEW BUSINESS

1. Main Street Project Discussion

Matt Twombly, Project Manager, discussed the Main Street projects stating that the 2014 improvements have come in at the budget that was analyzed. Stating the streetscape projects are coming in under budget and the plazas are coming in over budget. Twombly will be coming to Council on March 5th with the 2015 Streetscape design plan. Council member Henney expressed frustration with the loss of parking with the City Hall plaza as well as this being a low priority on the HPCA list without addressing their main priority of the Brew Pub plaza. Council member Peek stated that Swede Alley does need the safety and face lift. Council member Matsumoto agreed with Peek that this area needs a face lift and softening the look of the area is a good idea. Council member Beerman stated that the work that has been done so far is great and is pleased with the plaza's so far but he too is frustrated that the HPCA priorities have been leap frogged. Council member Simpson stated that she does not recall this project leap frogging any other project, she agrees with Matsumoto and Peek. Mayor Thomas agrees with Matsumoto, Peek and Simpson.

Mayor Thomas opened the floor for public input.

Alison Butcher, HPCA, stated that the biggest worry with the HPCA is that the Council has allocated a certain amount of money and it will run out. They were looking to book end Main

reviewing the municipal code, Stewart learned these trucks using their air brakes are in violation of the noise ordinance but that no one is willing to enforce it. A secondary complaint is noise in Swede Alley. After meeting with City employees, the City Attorney's office, emailing and working with police, Stewart and Cluff reiterate no one is willing to help them. Simpson explains the procedure for handling the matter and Diane Foster, City Manager, states she has addressed the issue with and will follow up with Stewart and Cluff.

Lauren Locke and Erin Brown of Sage Mountain, a local nonprofit, spoke on their advocacy for farm animals as they are currently building a small rescue facility for these animals. Brown states they are currently advocating a vegetarian diet as large-scale animal agriculture is the single most destructive industry facing the planet today. They urge Park City residents to adopt a non-animal diet.

Delphine Campes, 61 Daley Ave, states parking this year in Old Town has been the worst ever with all the events and renters and property owners have decided to tear down historical lots and turn them in to parking lots. States there's nowhere to park and asks Council to do something about it as it is a disturbance to the neighborhood. Foster suggests Campes contact the Neighborhood Traffic Management Program where she can go to address all the right people at the same time. Kristin Whetstone, Planning, states they got a complaint that a parking lot was being made from a historical lot and that the first step is to apply for a historic design team pre-review, which will happen on Thursday and they will go from there.

IV. CONSENT AGENDA

1. Consideration of a Request for Use of Public Property to Display Public Art Near 638 Park Avenue
2. Consideration of a Request to Authorize the City Manager to Execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a Form Approved by the City Attorney, as Change Orders No. 1 and 2, for an Increase Not to Exceed \$86,644.01, for a Total Not to Exceed \$1,047,055.81

Approved unanimously

3. Consideration of an Amendment to the existing Vehicle and Pedestrian Easement for the April Inn located at 545 Main Street.

Council voted to pull this off the consent agenda.

Approved unanimously

Francisco Astorga, Senior Planner, reports the easement has not been written as they're waiting on Planning Commission to review the conditional use permit for the construction of the combination single family dwelling and parking structure. The reason for the amendment is because the applicant has requested to use one of six parking spaces for the benefit of Park Ave residents. City engineer decided to bring it back since there was no discussion about this in February. Simpson asks if this change is due to Planning Commission direction to the applicant. Astorga says no, that the placement of the garage next to the house was not meeting code. Beerman asks if moving a stairway is in question. Astorga states it is in question but the issues regarding the stairway are controlled by the city engineer's office. They are considering a proposal to realign the staircase.

Public Hearing

Ruth Menitane [sic], 305 Woodside, states the amendment to the original easement will create a possibility of changing the parking and the elimination of two garages on Park Avenue is monumental

and the entire project is moving in a positive direction.

Sanford Melville, 527 Park Avenue, states the alley is already pretty tight and what is being proposed is a six-car carport. Explains the difficulty of maneuvering around a carport in this space and expresses concern since this area also serves as a pedestrian thoroughfare.

Approved unanimously

V. NEW BUSINESS

1. Consideration of an Ordinance Adopting a Waste and Recycling Receptacle Ordinance for Old Town Park City, UT, and an Amendment to Park City Municipal Code for Waste and Recycling Receptacles Managed by Nightly Rentals in Old Town Park City, UT:

Matt Abbott, Sustainability, states the ordinance addresses consistency issues such as look, education and enforcement. Changes include starting curbside no earlier than 6:00 pm on collection day and include a fee change from \$1000 to \$750. If the ordinance is adopted, there will be a 90-day education period after which Staff will return with a Manager's Report. Beerman asks about labeling the toters, to which Abbott states receptacles should be labeled on both front and the top.

Public Hearing

Becca Gerber asked for clarification on the collection time.

Michael asked for a definition of "curbside." Staff explains curbside means where the actual collection takes place and traffic is not impeded. Michael asks about impeding bicycles on Park Avenue. Simpson and Peek clarify curbside and Beerman adds it's hard to make a clear definition in Old Town since every home is different. Abbott reminds us the educational period will address these questions.

Approved unanimously

2. Consideration of a Request to Move Current Dispatch Employees from the "Public Employee" Retirement System to the "Public Safety" Retirement System Offered by the State of Utah

Brooke Moss, Cherie Ashe and Police Captain Rick Ryan addressed the details of the change, emphasizing it means a higher benefit at a bigger cost to the city but one that is justified due to the dangerous nature of the jobs.

Approved unanimously

3. Consideration of a Resolution Designating September 26, 2015, as Park City Neighbor Day

Stuart Johnson, Anya Grahn and Marielle Pariseau, members of Leadership Park City Class 21, explain this is their class project, chosen because they feel the community needs to connect through smaller, more personal get togethers. Pariseau asks Council and residents to make the pledge of connecting with three neighbors this September 26th, and to do so every year.

Approved unanimously

4. Consideration of an Ordinance of the Bee Plat Amendment Located at 281 and 283 Deer Valley Drive, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney.

Hannah Turpin, Planning, states applicant will combine four lots in to two with a common wall



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant is requesting a Plat Amendment for the purpose of combining lots 13, a portion of lot 14, and an un-platted, metes and bounds parcel into one (1) lot of record located in Block 20 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and the un-platted parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant is requesting this amendment in order to construct a new single-family home on the combined lots.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Respectfully:

John Boehm, Planner I

City Council Staff Report



Subject: 134 Main Street Plat Amendment
Author: John Paul Boehm
Date: November 5, 2015
Type of Item: Legislative – Plat Amendment
Project Number: PL-15-02845

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 134 Main Street Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Executive Summary

The applicant is requesting a Plat Amendment for the purpose of combining lots 13, a portion of lot 14, and an un-platted, metes and bounds parcel into one (1) lot of record located in Block 20 of the Snyder’s Addition to the Park City Survey. The applicant currently owns both lots and the un-platted parcel and requests to combine the lots to create one (1) new larger lot of record. The applicant is requesting this amendment in order to construct a new single-family home on the combined lots.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Acronyms in this Report

HR-2B	Historic Residential District – Subzone B
CUP	Conditional Use Permit
LMC	Land Management Code
HDDR	Historic District Design Review

Topic

Applicant:	Braden Bell
Location:	134 Main Street
Zoning:	Historic Residential Subzone B (HR-2B)
Adjacent Land Uses:	Single-family and Duplex homes
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Purpose

The purpose of the Historic Residential District (HR-2) is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the preservation and renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A, (D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,

(G) ensure improved livability of residential areas around the historic commercial core,

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,

(I) encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

(K) minimize impacts of Commercial Uses on surrounding residential neighborhood.

Background

On July 28, 2015, the applicant submitted a complete application for 134 Main Street Subdivision. The property is located at 134 Main Street in the Historic Residential (HR-2) District sub-zone B.

The property (tax ID- PC-256) is currently vacant and has a historic home to the north (122 Main) and a non-historic home to the south (146 Main). The applicant approached the City earlier this year to discuss the potential of constructing a new single-family home. In March of 2015, the applicant met with staff during a Design Review Team conference that was part of the Historic District Design Review (HDDR) pre-application process. At this meeting, the applicant was informed that he would need a plat

amendment to remove the interior lot lines in order to meet the minimum lot size requirement for the HR-2 District. Staff also discussed the issues of compatibility with historic structures, parking, flood-plain, and soils with the applicant.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 1,956 square feet. The minimum lot area for a single-family dwelling in the HR-2 district is 1,875 square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be twenty-eight feet (28'). Lots under fifty feet (50') in width in the HR-2 district have required side yard setbacks of three feet (3'). The proposed lot will be seventy-one feet (71') in depth. Lots under seventy-five feet in depth in the HR-2 district have required ten foot front and rear yard setbacks. The proposed lot will be compatible with the existing neighborhood as the lots adjacent to the subject property range from twenty-six feet (26') in width to fifty feet (50'). The houses within 200 feet to the north and south on the east side of Main Street consist of typical "Old Town" single-family dwellings. The proposed lot combination meets the lot and site requirements of the HR-2 District.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. The proposed new construction must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will create a code compliant sized lot from a substandard lot, a remnant lot and a metes and bounds parcel. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2105. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Planning Commission Review

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Alternatives

- The City Council may approve the application for the 134 Main Street Plat Amendment, as conditioned or amended, or
- The City Council may deny the plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the current lot configuration would remain as is. The property would not meet the minimum lot size for a single-family home.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving the 134 Main Street Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial
- Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 134 MAIN STREET PLAT AMENDMENT, LOCATED AT 134 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 134 Main Street, have petitioned the City Council for approval of the 134 Main Street Plat Amendment; and

WHEREAS, the property was properly noticed and posted on September 29, 2105 according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 134 Main Street Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 134 Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 134 Main Street Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 134 Main Street within the Historic Residential (HR-2) District, Subzone-B.
2. The 134 Main Street Plat Amendment consists of Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel located in Block 20 of the Snyder's Addition to the Park City Survey.

3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel, into one (1) lot of record containing a total of 1,956 square feet.
4. The application was deemed complete on August 10, 2015.
5. The HR-2 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 1,956 square feet.
7. The maximum footprint allowed in the HR-2 zone is 876.3 square feet for the proposed lot based on the lot area of the lot.
8. The property is currently vacant.
9. Lot 13 does not currently meet the minimum lot size requirement for single-family homes in the HR-2 District
10. The remnant of lot 14 is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
11. The un-platted, metes and bounds parcel on the property is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
12. The lot is located in a FEMA Flood Zone A.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. The City will require a 10 foot wide snow storage easement along the front of the property and a 10 foot wide stream and drainage meandering corridor easement along the rear of the property.
5. The applicant must meet all requirements for construction of structure in a FEMA Flood Zone A.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

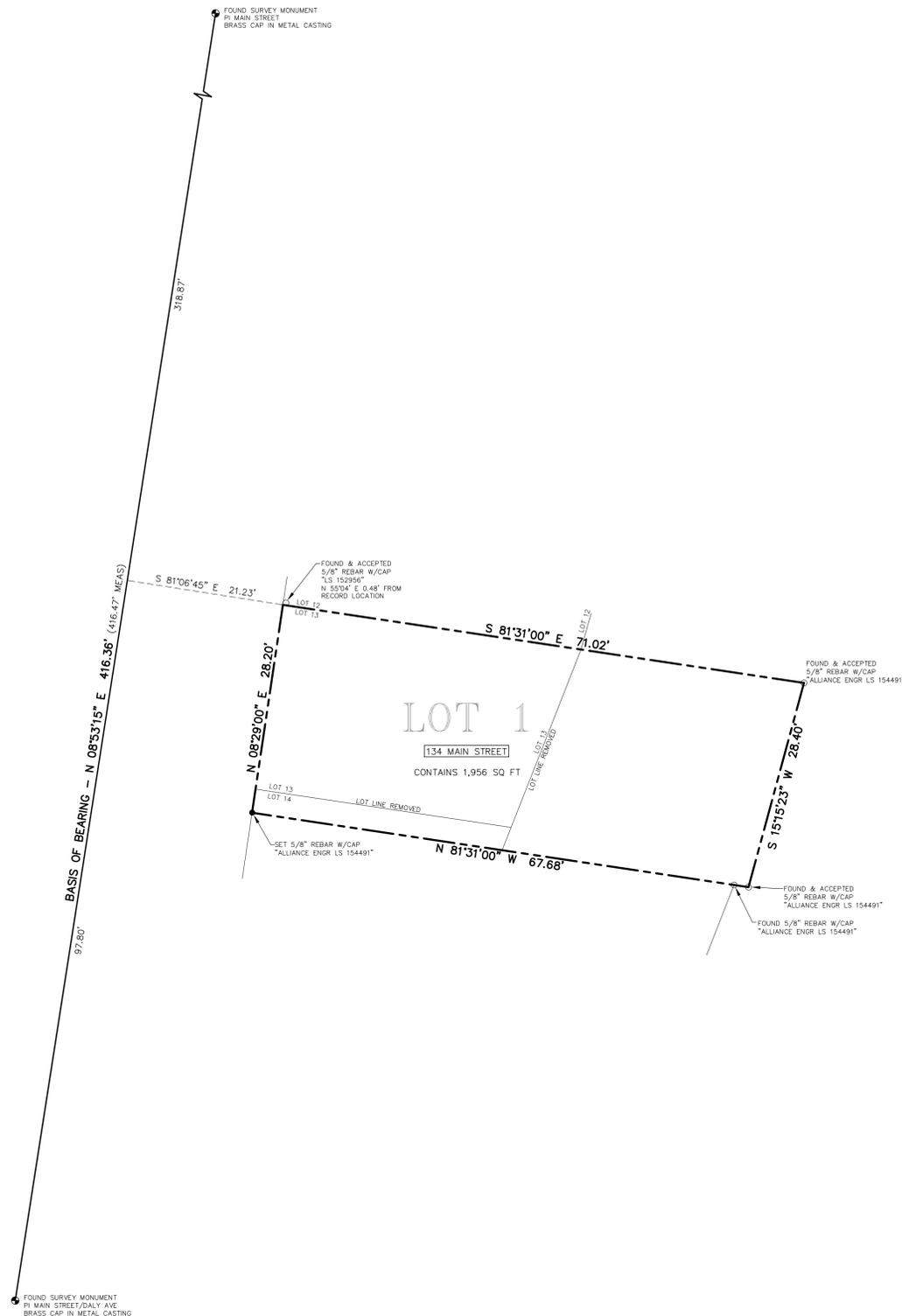
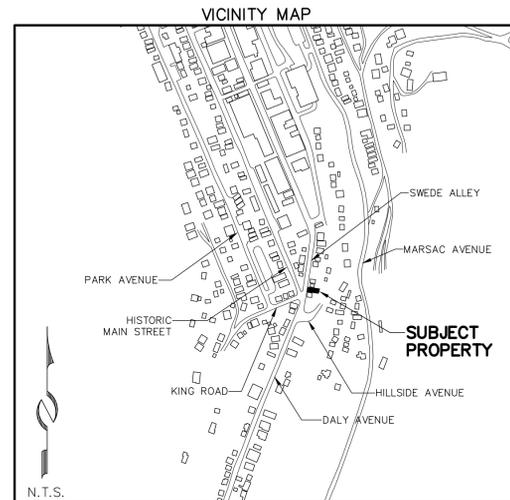
Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of 134 MAIN STREET PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

DEED DESCRIPTION

Beginning at the northwesterly corner of Lot 13, Block 20, Amended Plat to Park City Survey and running thence South 81°31' East along the northerly lot line of said Lot 13 extending to the westerly line of the Silver Creek flume, thence southerly along the westerly line of said flume to the point South 8°29' West 3.2 feet and South 81°31' East from the northwesterly corner of Lot 13, Block 20, thence North 81°31' West to the westerly lot line of Lot 13, said Block 20, thence North 8°29' East 3.2 feet to the point of beginning.

Also:

Beginning at a point on the westerly lot line of Lot 13, Block 20 Amended Plat of Park City, at a point South 8°29' West 3.2 feet from the northwest corner of said lot and running thence South 81°31' East parallel with the northerly lot line of said Lot 13, extending to the westerly line of the Silver Creek flume, thence southerly along the westerly line of said flume to a point South 8°29' West 3.2 feet and South 81°31' West to the westerly lot line of Lot 14, said Block 20, thence North 8°29' East 25 feet to the point of beginning.

SURVEY DESCRIPTION

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the corner common to the northwesterly corner of Lot 13 and the southwesterly corner of Lot 12, Block 20, Park City Survey, said point also being North 08°53'15" East 97.80 feet and South 81°06'45" East 21.23 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence along the north boundary of Lot 13 South 81°31'00" East 40.63 feet to the northwesterly corner of Lot 13, said point being on the boundary of Parcel 1 described in that certain Warranty Deed recorded November 15, 1994, as Entry No. 419295, Book 850, Page 738, in the Office of the Summit County Recorder; thence along the boundary of said Parcel 1 the following two (2) courses: 1) South 81°31'00" East 30.39 feet; thence 2) South 15°15'23" West 28.40 feet; thence North 81°31'00" West 67.68 feet to a point on the west boundary of Block 20, Park City Survey; thence along the west boundary of Block 20 North 08°29'00" East 28.20 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Braden Bell, the undersigned owner of the herein described tract of land, to be known hereafter as 134 MAIN STREET PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2015.

Braden Bell

State of _____ :ss. **ACKNOWLEDGMENT**
 County of _____

On this _____ day of _____, 2015, Braden Bell personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Braden Bell acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

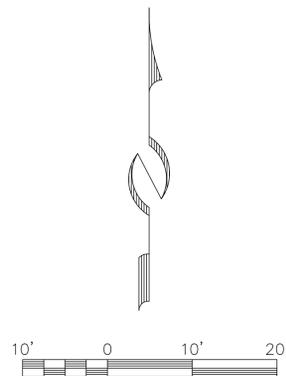
Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

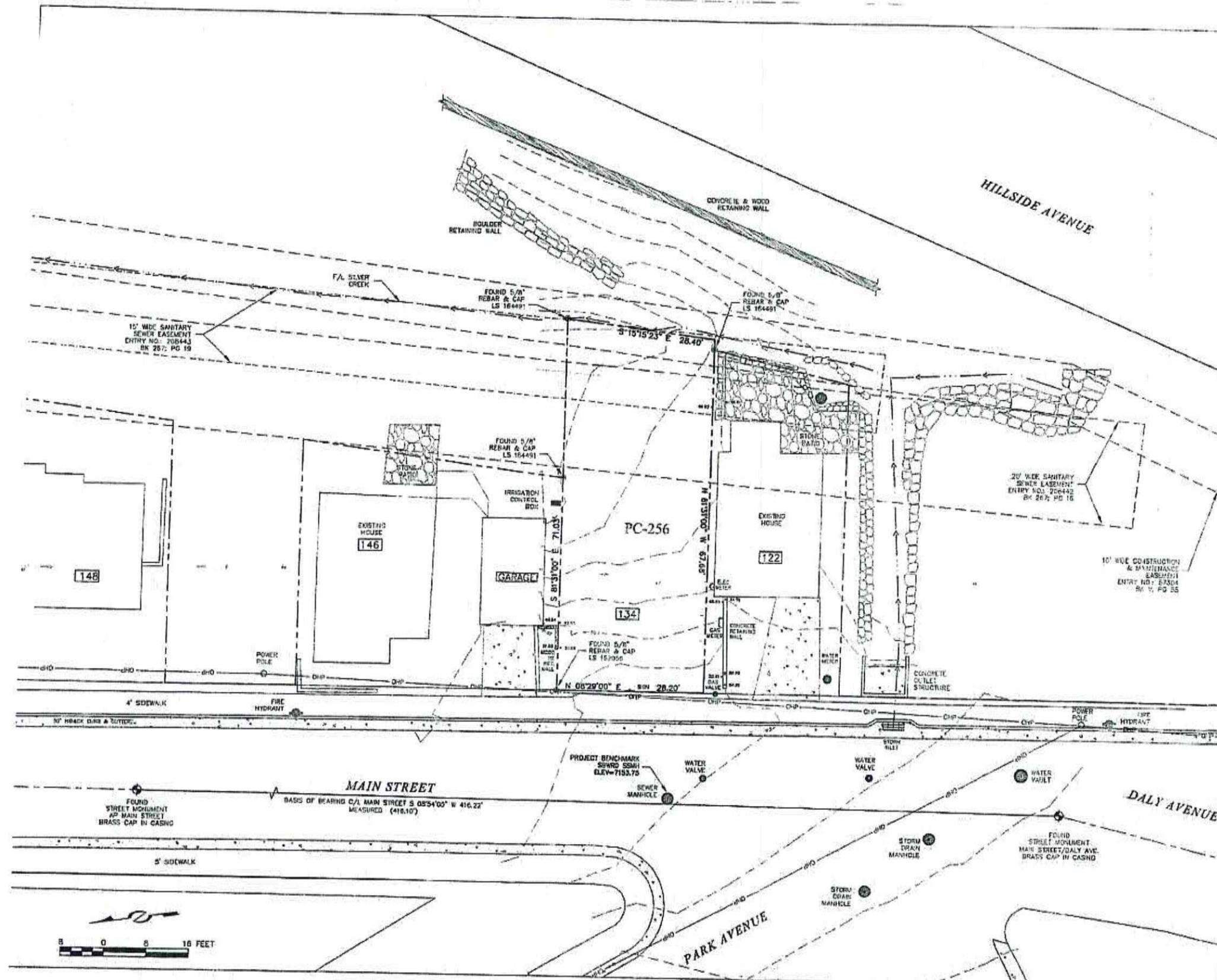
This plat amendment is subject to the Conditions of Approval in Ordinance 15-_____.



AN AMENDMENT TO BLOCK 20, PARK CITY SURVEY
134 MAIN STREET PLAT AMENDMENT

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

<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
---	---	---	--	--	--	--	--



RECEIVED
JUL 28 2015
 PARK CITY
 PLANNING DEPT

SURVEYOR'S CERTIFICATE

I, Robert J. McManis, do hereby certify that I am a registered land surveyor and that I hold certification No. 349961-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described herein. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.



LEGAL DESCRIPTION

Beginning at the Northwest corner of Lot 13, Block 20, Amended Plat of Park City Survey and running thence South 81°31' East along the Northern lot line of said Lot 13 extending to the Westerly line of the Silver Creek Flume, thence Southwesterly along the Westerly line of said Flume to the point South 00°29' West 3.2 feet and South 81°31' East from the Southwest corner of Lot 13, Block 20, thence North 81°31' West to the Westerly line of Lot 13, Block 20, thence North 08°29' East 3.2 feet to the Point of Beginning. Also:

Beginning at a point on the Westerly lot line of Lot 13, Block 20, Amended Plat of Park City Survey at a point South 08°29' West 3.2 feet from the Northwest corner of said Lot and running thence South 81°31' East parallel with the Westerly lot line of said Lot 13 extending to the Westerly line of the Silver Creek Flume, thence Southwesterly along the Westerly line of said Flume to a point South 00°29' West 3.2 feet and South 81°31' West to the Westerly line of Lot 14 and Block 20, thence North 08°29' East 25 feet to the Point of Beginning.

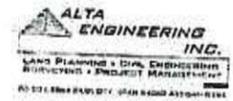
LEGEND

- ⊗ FOUND REBAR AND CAP (AS NOTED)
- 122 STREET ADDRESS

NARRATIVE:

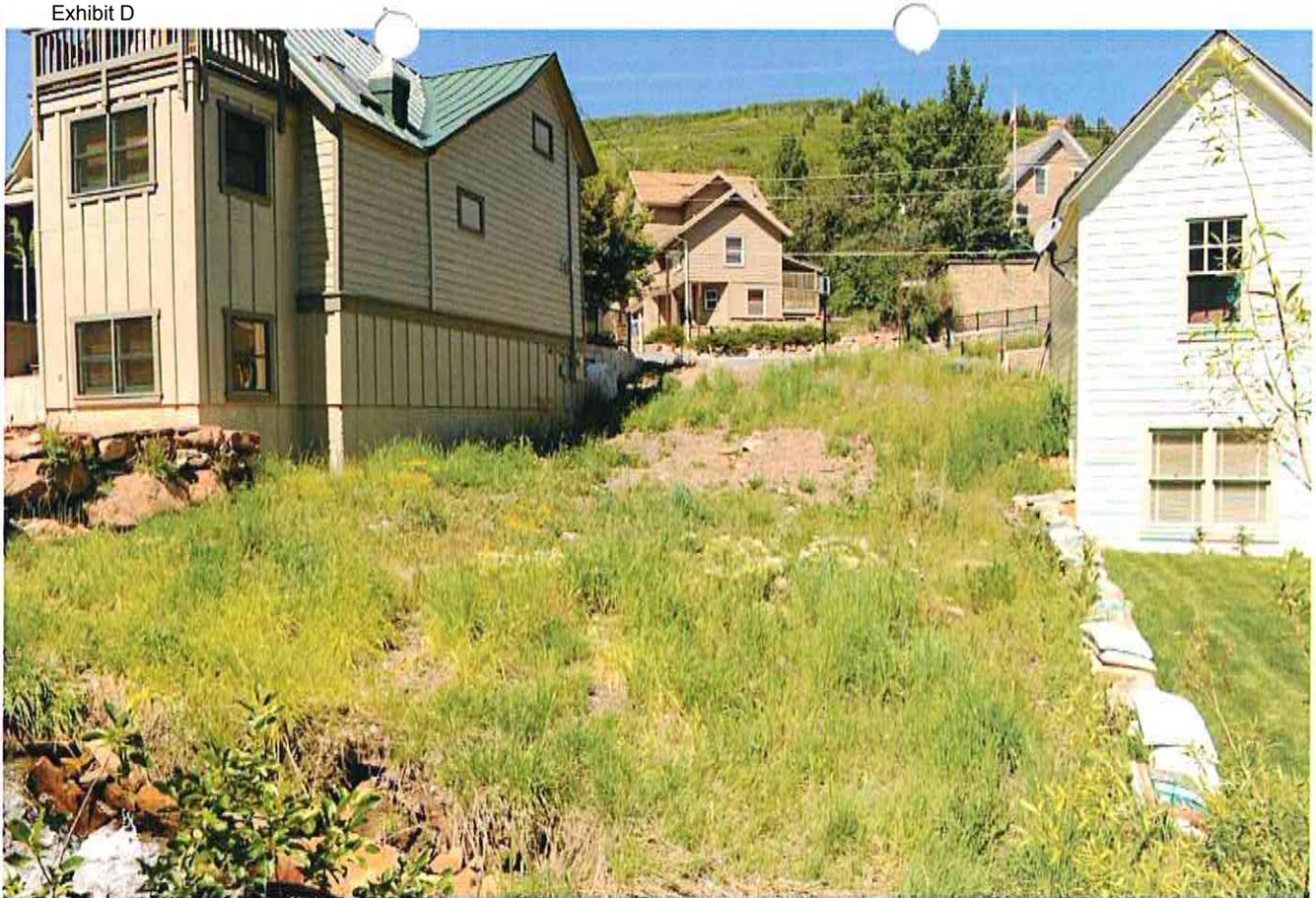
- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Date of Bearing of this survey is North 08°29'00" East between the Iron Street Monument at the NE of Day Avenue and Main Street and the found Street Monument at the angle point of Main Street as shown on the Monument Control Map prepared by Bush & Cudgel (1981) on file and of record in the Office of the Recorder, Summit County, Utah.
- 4) Project Benchmark: Center of cover of SERRIS Manhole as noted Elevation = 7153.75'
- 5) Date of field survey: May 7, 2010
- 6) The architect/owner is responsible for verifying building setbacks, zoning requirements and building heights.

PARCEL PC-256
BLOCK 20 PARK CITY SURVEY
EXISTING CONDITIONS &
TOPOGRAPHIC SURVEY
 FOR JACK THOMAS ASSOCIATES, P.C. JOB NO.: 05-10-02

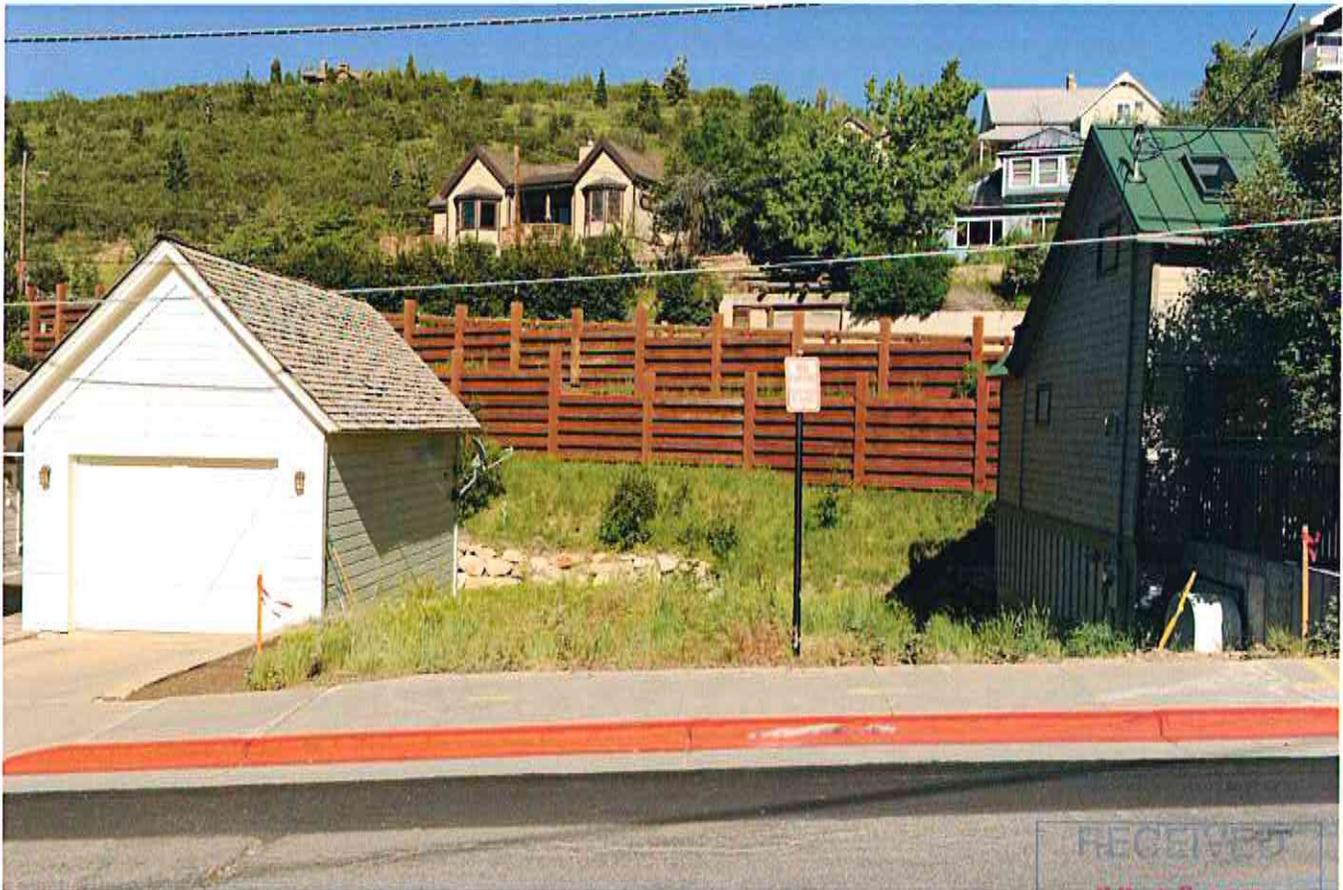




<p>(435) 648-8487 Alliance Engineering Inc. <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2054 Park City, Utah 84302-2054</small></p>	<p>STAFF: MARSHALL KING JEFF KITCHEN HARRISON HOLLEY</p>	<p>AERIAL PHOTOGRAPH 134 MAIN STREET BLOCK 20, PARK CITY SURVEY FOR: PARK CITY MUNICIPAL CORPORATION JOB NO.: 5-3-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\134 main-ortho.dwg</p>	<p>SHEET 1 OF 1</p>
<p>DATE: 6/25/15</p>			



134 Main Street looking westerly



134 Main Street looking easterly

RECEIVED
JUL 28 2015
PARK CITY
UT 84302



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant is requesting a Plat Amendment for the purpose of combining 1 and a half (1.5) existing lots (Lot 14 and a remnant portion of lot 15) into one (1) lot of record located in Block 16 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to renovate the existing historic single-family home at 1055 Norfolk Avenue.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Respectfully:

John Boehm, Planner I

City Council Staff Report



Subject: 1055 Norfolk Avenue Plat
Amendment
Author: John Paul Boehm
Date: November 5, 2015
Type of Item: Legislative – Plat Amendment
Project Number: PL-15-02877

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 1055 Norfolk Avenue Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Executive Summary

The applicant is requesting a Plat Amendment for the purpose of combining 1 and a half (1.5) existing lots (Lot 14 and a remnant portion of lot 15) into one (1) lot of record located in Block 16 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to renovate the existing historic single-family home at 1055 Norfolk Avenue.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Acronyms in this Report

HR-1	Historic Residential District
CUP	Conditional Use Permit
LMC	Land Management Code
HDDR	Historic District Design Review

Topic

Applicant:	Carabiner Capital, LLC represented by Marshall King, Alliance Engineering
Location:	1055 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Single-family and Duplex homes
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,
- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 6, 2015, the applicant submitted a complete application for the 1055 Norfolk Avenue Plat Amendment. The property is located at 1055 Norfolk Avenue in the Historic Residential (HR-1) District.

There is currently a historic structure on the site. This single-family home was built across the lot line between lots 14 and 15 of the Snyder's Addition to the Park City Survey in 1906. The applicant states their intentions are to renovate the historic single-family home on the proposed combined lot and will need to remove the lot line running through the existing structure to do so.

There have been several lot splits consistently down the same street where others have combined one and a half (1½) lots, including the adjacent property to the north at 1063 Norfolk Avenue. Like the historic site at 1055 Norfolk, the single-family home at 1063 Norfolk was built across the lot line between lots 15 and 16. In 2013, the City Council approved the 1063 Norfolk Subdivision that removed the lot line running the historic home on that property and combined lots 16 and the northern ½ of lot 15.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet, a one and half (1½) lot combination. The minimum lot area for a single-family dwelling in the HR-1 district is 1,875 square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') feet. The proposed lot will be compatible with the existing neighborhood as the lot to the north is thirty-seven and a half (37.5') feet in width. There is an existing home to the south of the subject property that also sits on one and a half lots (1½) with thirty-seven and a half (37.5') feet of street frontage. The houses within 200 feet to the north and south on the west side of Norfolk Avenue consist of typical "Old Town" single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District.

Due to the historic home across the property line, the existing structure does not meet the current side yard setback requirement of three feet (3'). Any alterations to the existing structure would need to meet these setback requirements. This means that there is a six foot (6') area in the middle of the existing home that cannot be renovated. Combining the lots would allow for approved renovations to take place on the existing home.

The 1063 Norfolk Subdivision that was approved in 2013 combined lot 16 and the northern ½ of lot 15 of the Snyder's Addition to the Park City Survey. The remainder of lot 15 is undevelopable as is twelve and a half feet in width (12.5') which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25'). Combining this remnant lot with lot 14 of the Snyder's Addition to the Park City Survey will eliminate this undevelopable lot.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any renovation to the historic structure must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will remove the existing lot line between the two (2) lots and through the existing historic home. The plat will incorporate a remnant half (½) lot into a platted lot and resolve existing non-complying setback issues. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2105. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Planning Commission Review

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Alternatives

- The City Council may approve the application for the 1055 Norfolk Avenue Plat Amendment, as conditioned or amended, or
- The City Council may deny the plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one and a half (1.5) existing lots would not be adjoined and remain as is. Any renovations to the existing home on the property would need to meet the zone setbacks to the property line running through the middle of the home. The undevelopable remnant of lot 15 would remain.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving the 1055 Norfolk Avenue Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial
- Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 1055 NORFOLK AVENUE PLAT AMENDMENT, LOCATED AT 1055 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1055 Norfolk Avenue, have petitioned the City Council for approval of the 1055 Norfolk Avenue Plat Amendment; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 1055 Norfolk Avenue Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1055 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1055 Norfolk Avenue Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 1055 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 1055 Norfolk Avenue Plat Amendment consists of Lots 14 and the southerly ½ of 15 of Block 16 of the Snyder's Addition to the Park City Survey.

3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on August 10, 2015.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. There is an existing historic structure located at 1055 Norfolk Avenue.
9. The existing historic structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 14 and 15.
10. The remnant of lot 15 is undevelopable as is twelve and a half feet in width (12.5') which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').
11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law:

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

Conditions of Approval:

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of 1055 NORFOLK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

All of Lot 14 and the south half of Lot 15, Block 16, of Snyder's Addition to Park City, according to the official plat thereof on file in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Carabiner Capital, LLC, the undersigned owner of the herein described tract of land, to be known hereafter as 1055 Norfolk Avenue Plat Amendment, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2015.

Van D. Greenfield, Manager
 Carabiner Capital, LLC

ACKNOWLEDGMENT

State of _____; ss.
 County of _____

On this _____ day of _____, 2015, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Van D. Greenfield acknowledged to me that he is the managing member of Carabiner Capital, LLC, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

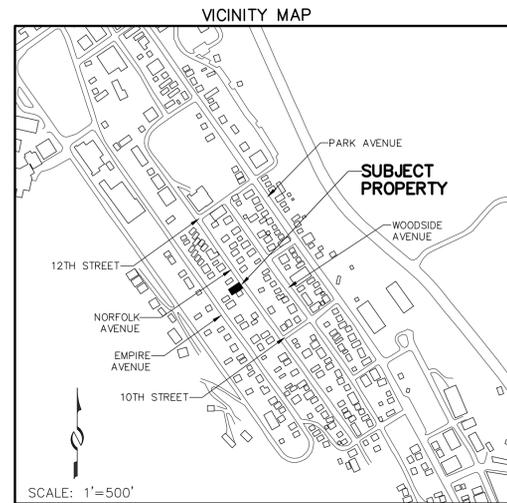
Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

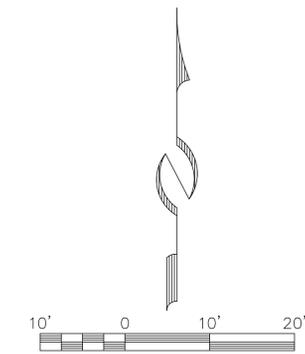
This plat amendment is subject to the Conditions of Approval in Ordinance 15-_____.



1055 NORFOLK AVENUE PLAT AMENDMENT

AN AMENDMENT TO BLOCK 16, SNYDER'S ADDITION TO PARK CITY SURVEY

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



<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
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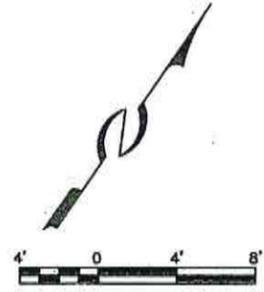
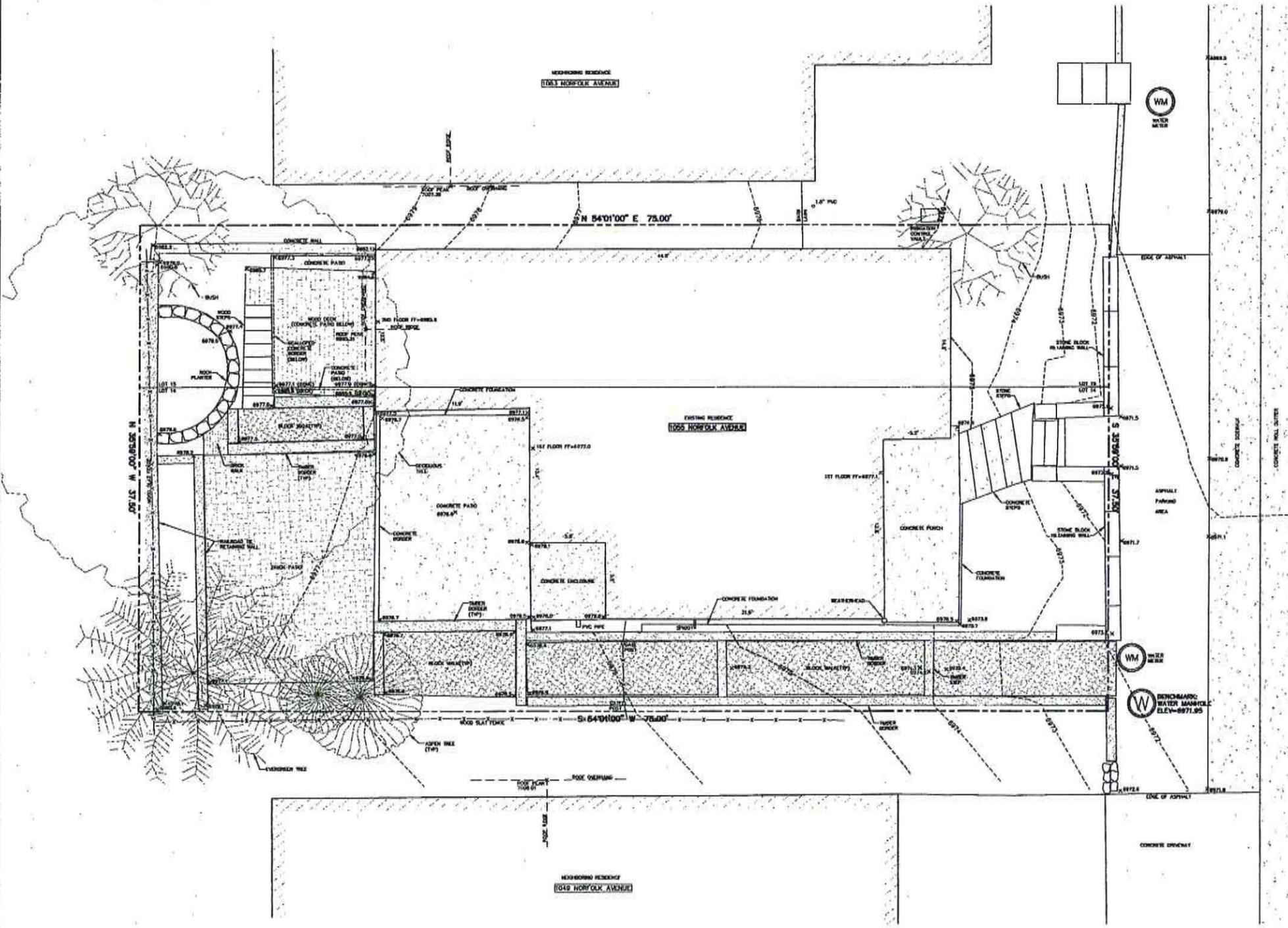
SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

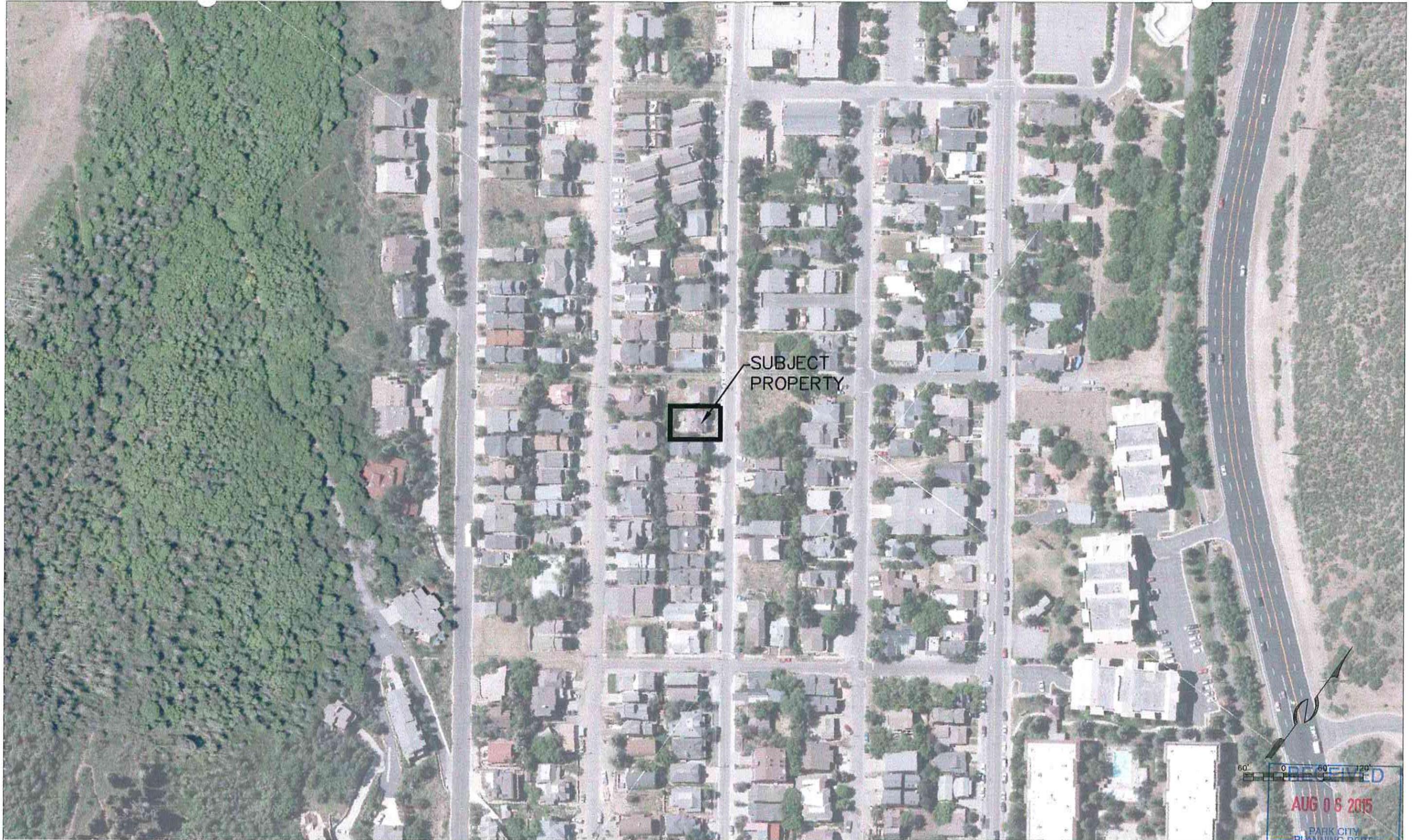
1. Site Benchmark Water manhole Elevation=6971.95
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey completed on June 4, 2015.
4. Property corners were set.



RECEIVED
AUG 06 2015
 PARK CITY
 PLANNING DEPT.

<p>(435) 649-9497 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 313 Main Street, P.O. Box 2664, Park City, Utah 84002-2664</p>	<p>STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP 1055 NORFOLK AVENUE LOT 14 & SOUTH 1/2 LOT 15, BLOCK 16</p>		<p>SHEET 1 OF 1</p>
		<p>FOR: WASATCH MOUNTAIN CONTRACTORS JOB NO.: B-5-15 FILE: X:\SnydersAddition\dwg\arr\topo2015\080515.dwg</p>		

DATE: 6/15/15



SUBJECT PROPERTY



AUG 05 2015

PARK CITY PLANNING DEPT.

<p>(435) 648-9487 Alliance Engineering Inc. <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2054 Park City, Utah 84060-2054</small></p>	<p>STAFF: MARSHALL KING JEFF KITCHEN</p> <p>DATE: 8/4/15</p>	<p>AERIAL PHOTOGRAPH 1055 NORFOLK AVENUE BLOCK 16, SNYDER'S ADDITION</p> <p>FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 8-5-15 FILE: X:\SnydersAddition\dwg\Exhibits\1055 norfolk-ortho.dwg</p>	<p>SHEET 1 OF 1</p>
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1055 Norfolk Avenue – Looking westerly



1055 Norfolk Avenue – Looking westerly

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1055 Norfolk Avenue – Rear looking easterly

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1055 Norfolk Avenue – Rear looking easterly

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DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

The applicant is requesting a Plat Amendment for the purpose of combining one and a half (1.5) existing lots (Lot 19 and a remnant portion of lot 18) into one (1) lot of record located in Block 11 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to demolish the existing, non-historic structure at 812 Norfolk Avenue and construct a new single-family home on the combined lots.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council.

Respectfully:

John Boehm, Planner I

City Council Staff Report



PLANNING DEPARTMENT

Subject: 812 Norfolk Avenue Plat
Amendment
Author: John Paul Boehm
Date: November 5, 2015
Type of Item: Legislative – Plat Amendment
Project Number: PL-15-02886

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 812 Norfolk Avenue Plat Amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The City Council, as an independent body, may consider the recommendation but should make its decisions independently.

Executive Summary

The applicant is requesting a Plat Amendment for the purpose of combining one and a half (1.5) existing lots (Lot 19 and a remnant portion of lot 18) into one (1) lot of record located in Block 11 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot. The applicant is requesting this amendment in order to demolish the existing, non-historic structure at 812 Norfolk Avenue and construct a new single-family home on the combined lots.

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council.

Acronyms in this Report

HR-1	Historic Residential District
CUP	Conditional Use Permit
LMC	Land Management Code
HDDR	Historic District Design Review

Topic

Applicant:	812 Norfolk Ave.,LLC represented by Marshall King, Alliance Engineering
Location:	812 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Single-family and Duplex homes
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,
- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 7, 2015, the applicant submitted a complete application for the 812 Norfolk Avenue Plat Amendment. The property is located at 812 Norfolk Avenue in the Historic Residential (HR-1) District.

There is currently a non-historic structure on the site. This single-family home was built across the lot line between lots 18 and 19 of the Snyder's Addition to the Park City Survey in 1972. The applicant states their intentions are to demolish the existing, non-historic structure at 812 Norfolk Avenue and construct a new single-family home on the combined lots.

Combinations of lots with half lots are common in this neighborhood as many homes, both historic and post-historic, were built across property lines.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,472.4 square feet. The minimum lot area for a single family dwelling in the HR-1 district is 1,875 square feet. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex.

The minimum lot width allowed in the historic district is twenty-five feet (25'). The proposed width will be thirty-seven feet (37.39'). The proposed lot will be compatible with the existing neighborhood as the lots adjacent to the subject property range from thirty-seven and a half feet (37.5') in width to forty-six and a half feet (46.5'). The houses within 200 feet to the north and south on the east side of Norfolk Avenue consist of typical "Old Town" single-family dwellings. The proposed lot combination meets the lot and site requirements of the HR-1 District.

Due to the construction of the non-historic home across the property line, the existing structure does not meet the current side yard setback requirement of three feet (3'). Any alterations to the existing structure would need to meet these setback requirements. No exterior renovations can occur while the house straddles the lot line.

Combining the lots would allow for approved renovations to take place on the existing home. It would also allow for the non-historic structure to be demolished and replaced with a new single-family home.

The remnant parcel of Lot 18 is undevelopable as is twelve and a half feet (12.5') in width, which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25'). Combining this remnant parcel with Lot 19 of the Snyder's Addition to the Park City Survey will eliminate this remnant parcel.

There is a four foot (4') walkway easement on the northernmost portion of the property for the adjacent neighbor at 824 Norfolk Avenue to access their back deck. This easement will remain and will be recorded on the amended plat.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. The proposed new construction must comply with current Historic District Design Guidelines. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if applicable, are required prior to building permit issuance for any construction on the proposed lot.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will remove the existing lot line between the two (2) lots and through the existing non-historic home. The plat will incorporate a remnant one half (1/2) lot into a platted lot and resolve existing non-complying setback issues. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with required Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on September 29, 2015. Legal notice was also published in the Park Record by September 26, 2015 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has received public input on this application. This input is attached as exhibit E. Staff has found that the property line dispute is a civil matter which is not part of the City's review. Staff is basing its recommendation on a complete application that includes a survey stamped and signed by a certified surveyor. This survey shows no encroachments.

Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Planning Commission Review

On October 14, 2015, the Park City Planning Commission held a public hearing and voted unanimously (6-0) to forward a positive recommendation to the City Council. No public input was received at this meeting.

Alternatives

- The City Council may approve the application for the 812 Norfolk Avenue Plat Amendment, as conditioned or amended, or
- The City Council may deny the plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one and a half (1.5) existing lots would not be adjoined and remain as is. Any renovations to the existing home on the property would need to meet the zone setbacks to the property line running through the middle of the home. The undevelopable remnant of Lot 18 would remain.

Recommendation

Staff recommends the City Council hold a public hearing and consider forwarding a positive recommendation for the 812 Norfolk Avenue Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial
- Exhibit D – Photographs
- Exhibit E – Public Input

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 812 NORFOLK AVENUE PLAT AMENDMENT, LOCATED AT 812 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 812 Norfolk Avenue, have petitioned the City Council for approval of the 812 Norfolk Avenue Plat Amendment; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on October 14, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 5, 2015 the City Council held a public hearing on the proposed 812 Norfolk Avenue Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 812 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 812 Norfolk Avenue Plat Amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 812 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 812 Norfolk Avenue Plat Amendment consists of Lots 19 and the southerly ½ of 18 of Block 11 of the Snyder's Addition to the Park City Survey.

3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,472.5 square feet into one (1) lot of record.
4. The application was deemed complete on August 10, 2015.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,472.5 square feet.
7. The maximum footprint allowed in the HR-1 zone is 1075.5 square feet for the proposed lot based on the lot area of the lot.
8. There is an existing, non-historic structure located at 812 Norfolk Avenue.
9. The existing structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 18 and 19.
10. The remnant parcel of lot 18 is undevelopable as is twelve and a half feet (12.5') in width which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').
11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law:

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

Conditions of Approval:

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
4. A four foot (4') wide walkway easement along the north property line of the combined lots will be recorded on the plat.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE



I, Martin A Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the 812 NORFOLK AVENUE PLAT AMENDMENT has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lot 19 and the South 12.5 feet of Lot 18, in Block 11, SNYDERS ADDITION TO PARK CITY, according to the official plat thereof, as recorded in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 812 Norfolk Ave., LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 812 NORFOLK AVENUE PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2015.

Marcelyn C. Molloy, Manager
812 Norfolk Ave., LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this _____ day of _____, 2015, Marcelyn C. Molloy personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Marcelyn C. Molloy acknowledged to me that she is the manager of 812 Norfolk Ave., LLC, a Utah limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

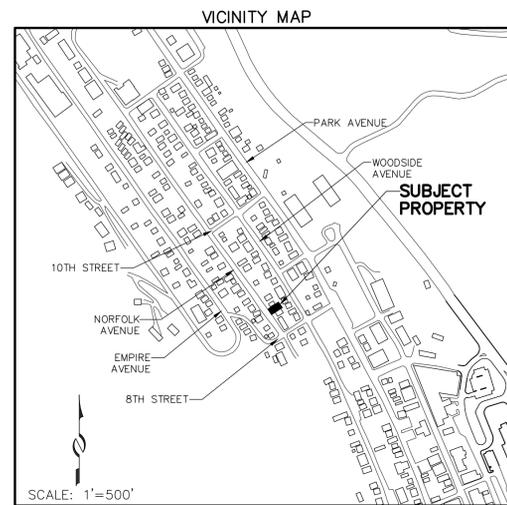
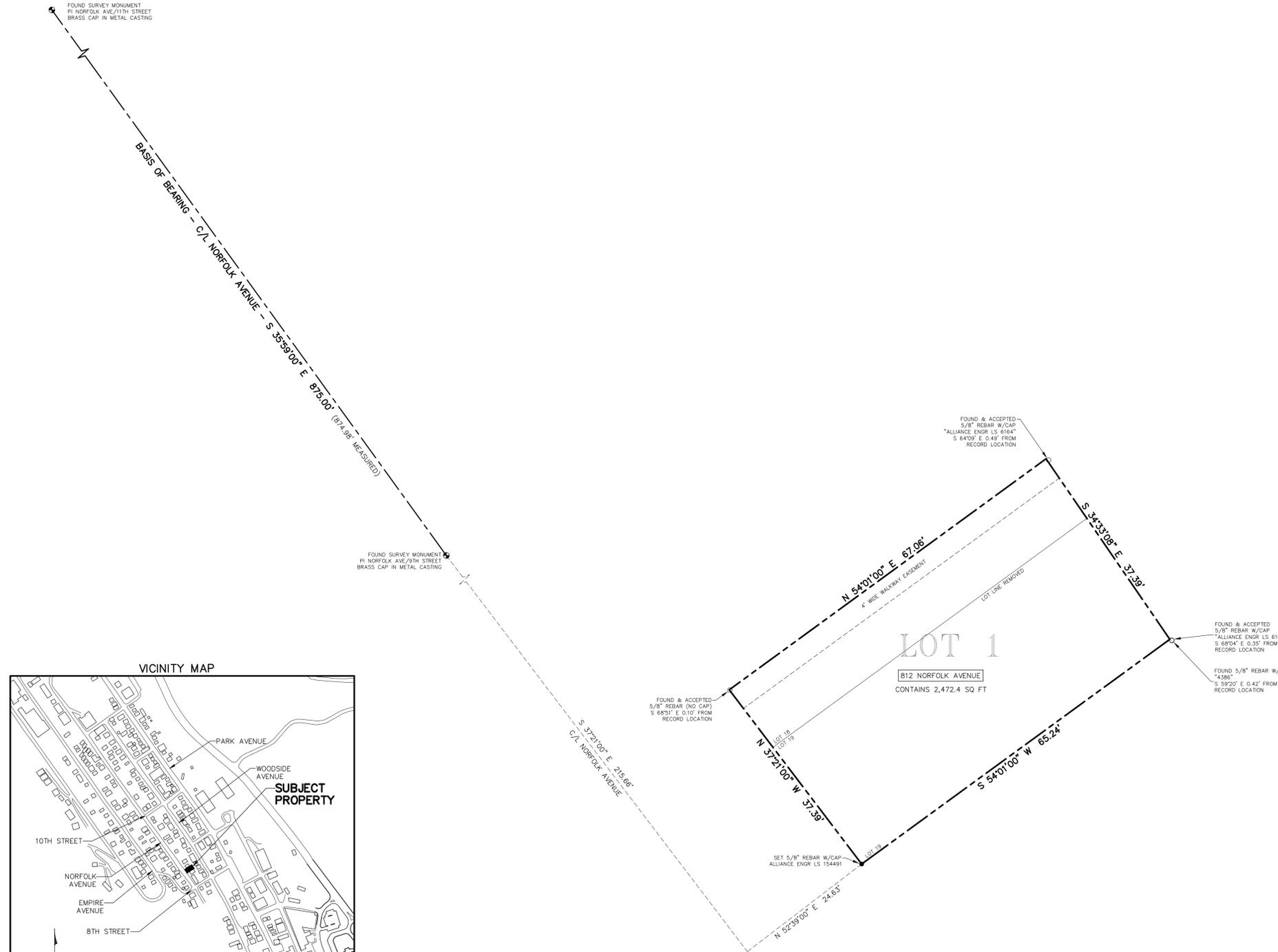
Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

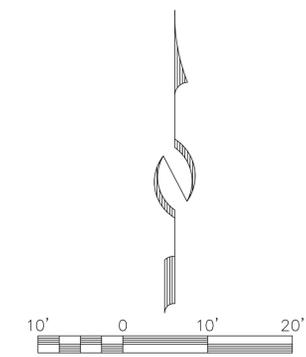
This plat amendment is subject to the Conditions of Approval in Ordinance 15-_____.



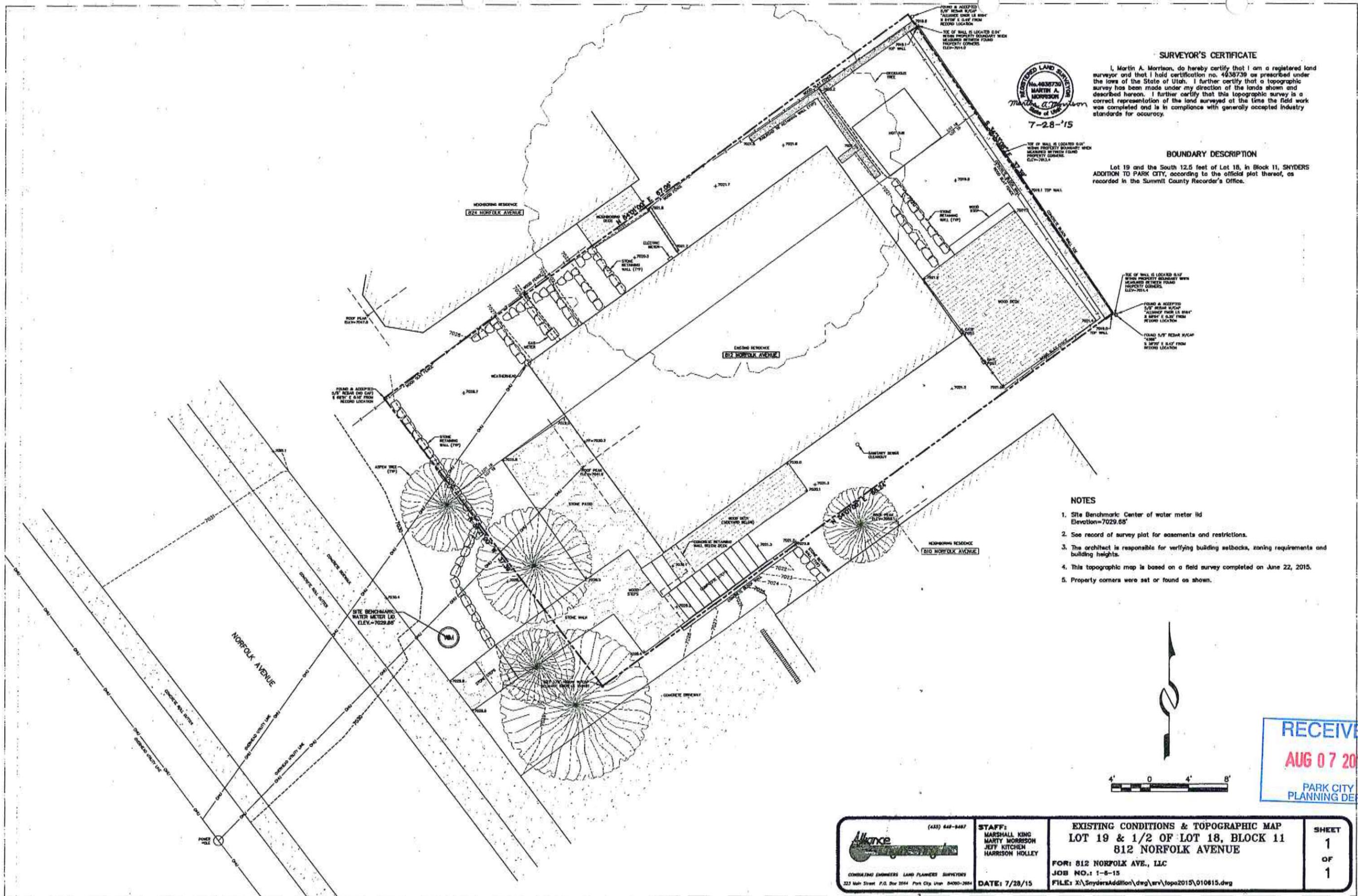
812 NORFOLK AVENUE PLAT AMENDMENT

AN AMENDMENT TO BLOCK 11, SNYDER'S ADDITION TO PARK CITY SURVEY

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



<p>(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
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SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4638730 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

BOUNDARY DESCRIPTION
 Lot 19 and the South 12.5 feet of Lot 18, in Block 11, SNYDERS ADDITION TO PARK CITY, according to the official plot thereof, as recorded in the Summit County Recorder's Office.

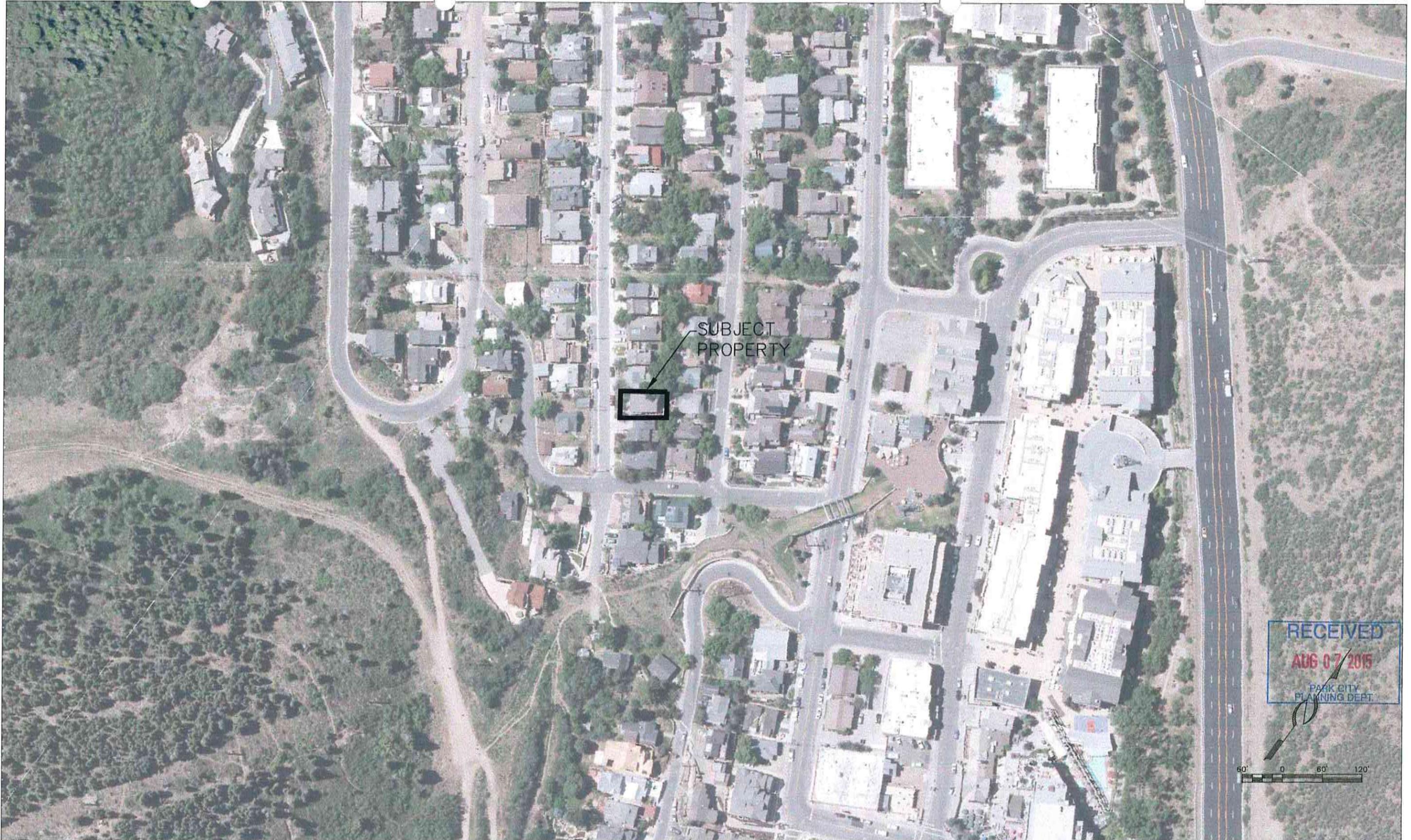
NOTES

1. Site Benchmark: Center of water meter lid
Elevation=7029.66'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey completed on June 22, 2015.
5. Property corners were set or found as shown.



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 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2044 Park City, Utah 84002-2044	STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT 19 & 1/2 OF LOT 18, BLOCK 11 812 NORFOLK AVENUE	SHEET 1 OF 1
	DATE: 7/28/15	FOR: 812 NORFOLK AVE., LLC JOB NO.: 1-5-15 FILE: X:\SnydersAddition\dwg\arv\topo2015\010615.dwg	



SUBJECT PROPERTY

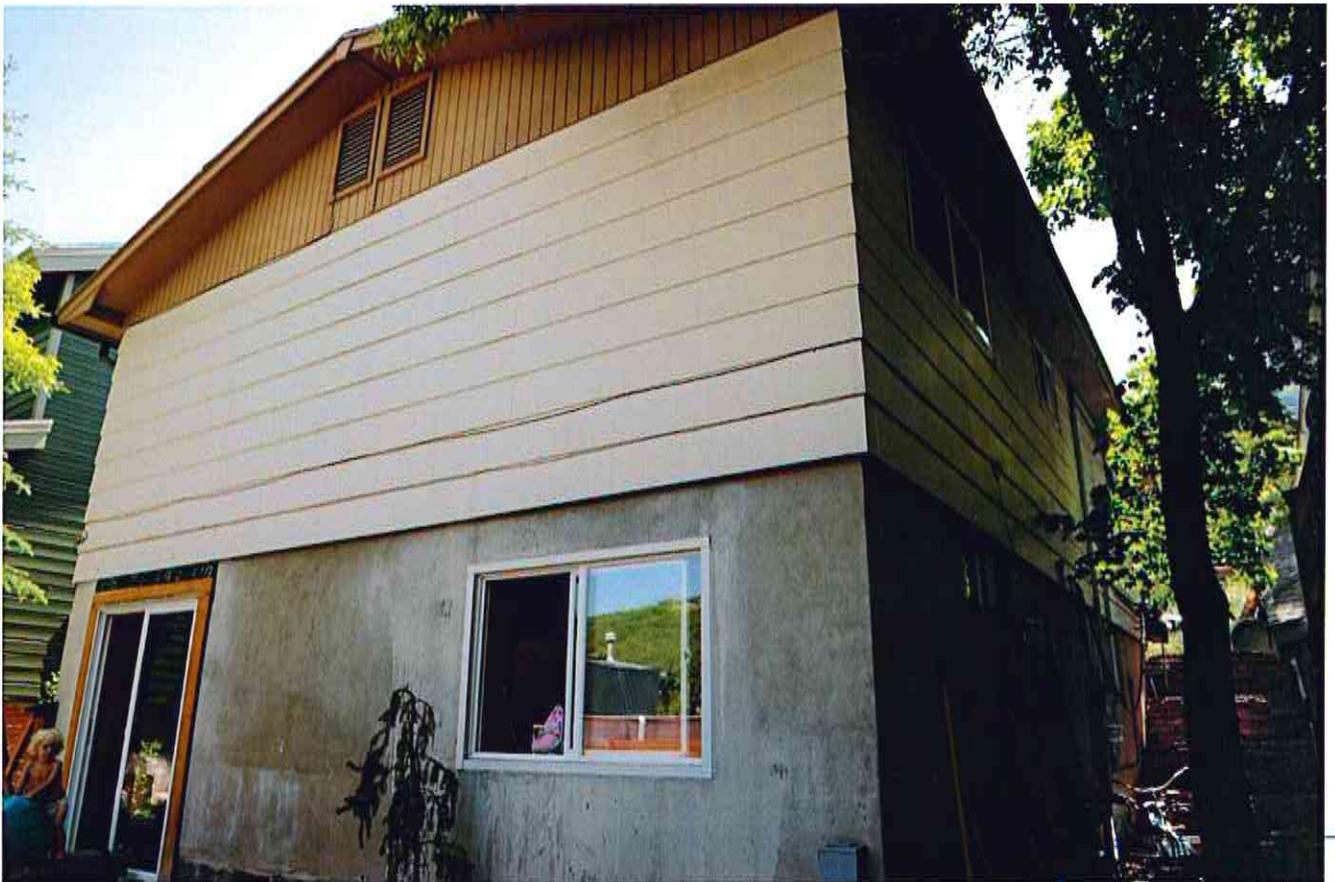
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 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 332 Main Street P.O. Box 2884 Park City, Utah 84302-2884</small>	<small>(435) 649-9487</small> STAFF: MARSHALL KING JEFF KITCHEN	AERIAL PHOTOGRAPH 812 NORFOLK AVENUE BLOCK 11, SNYDER'S ADDITION	SHEET 1 OF 1
	DATE: 7/1/15	FOR: MARCELYN MOLLOY JOB NO.: 1-6-15 FILE: X:\SnydersAddition\dwg\Exhibits\812 norfolk-ortho.dwg	



812 Norfolk Avenue – Looking easterly



812 Norfolk Avenue – Looking westerly

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812 Norfolk Avenue – Looking westerly

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812 Norfolk Avenue – Looking easterly

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October 14, 2015

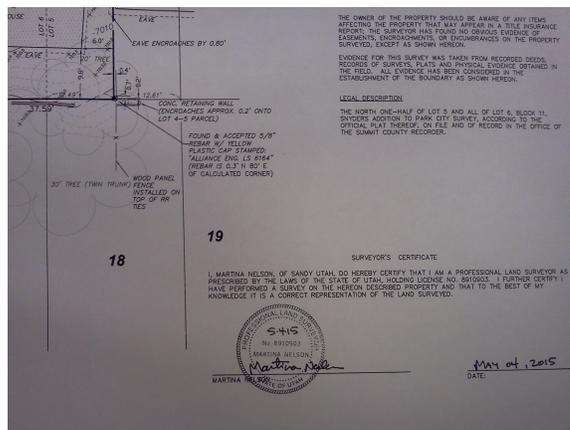
To: All Members of the Park City Planning Commission

Regarding: Application # PL-15-02886

I am writing to formally request that you deny any and all requests for amendments to the plat map for 812 Norfolk until such time as major code violations have been satisfied by the current owners and the boundary line has been legally and firmly established by the court.

The true boundary of the east property line is under dispute.

In May of 2015 the planning department was made aware on plans submitted to them by Gary Bush, that the retaining wall built by the owners of 812 Norfolk crosses the property line and sits, in part on 817 Woodside.



It has been established by Martina Nelson, P.L.S. Of Park City Surveying that the retaining wall does encroach onto 817 Woodside Avenue. I ask that the City remove the current failing retaining wall and replace it one that meets Park City Municipal code, PCM ordinances, and Park City Historical codes.

I have spoken with both attorney Brent Gold and land surveyor Marty Morrison of Alliance Engineering. There are currently three accepted ways to determine the boundary lines of a property with Park City:

- Survey off of established marker at Empire
- Survey of established marker at Marsac
- Survey using GPS coordinates recorded with Summit County

The Supreme Court has not set president as to which method has precedence when determining boundary lines for properties in Park City. Therefore all three have current legal standing and disputes are taken before the court for decision.

As Marty explained to me, he reviewed Martina's findings, determining she correctly established the property corner and the retaining wall does encroach onto the property of 817 Woodside. Marty explained that Martina correctly used the established markers on Park Avenue and Woodside coming off of the Marsac marker (reset by Alliance Engineering for PCMC). He also explained that his coworkers used the established markers on Park Avenue and Norfolk to determine the boundary line for the survey they performed for the owners of 812 Norfolk. This explains the two different findings. He explained that had his coworkers used the same established markers at Park Avenue and Woodside Avenue, their survey would have coincided with Martina's showing the retaining wall encroaches onto 817 Woodside.

In November of 2013 the owners of 812 Norfolk were required by Park City Municipal Building Department to build a retaining wall within their property to run the length of the east property line. The owner of 812 Norfolk built a retaining wall without first having the property surveyed to establish the property corners and east boundary line. The wall is failing as the PCM Building Department, contrary to Park City ordinance, did not require drainage. The six foot retaining wall and six foot fence that sits atop the six foot retaining wall do not meet Park City Municipal codes and ordinances, nor does it comply with the historic code.



As it can be established that the retaining wall does encroach onto 817 Woodside Avenue, we ask that the City remove the current failing retaining wall and replace it with a retaining structure that meets PCM code, PCM ordinances, and Park City Historical building codes.

Sincerely,

Wysteria Bodell



October 12, 2015

Subject: 812 Norfolk Avenue

Dear Planning Commission

I have been a resident of Old Town, Park City for 36 years. I live on Crescent Tram. Recently two homes were built on Norfolk Ave that were within the height code. When we built our home in 1979 it was designed by a top architect from Salt Lake City and has a corner of three story windows. This was carefully planned to delight in the view of charming old town that resonates like a painting. I enjoyed that view for many years and has been the biggest source of joy living in my home. Those two houses on Norfolk have cut off my view by 75% and it is a sad loss to me. I now view two black roofs.

I take issue with the height code as it stands now. I feel that a long term resident should be shown consideration when new residents build in our town. In many states there is a view shed law whereby a neighbors view cannot be compromised. The builder is required to place a height marker defining the elevation of the new neighbors house. Thus one height code does not suit every situation. I stated this before the commission before the other two houses were built and it fell on deaf ears.

I am now very concerned with the 812 Norfolk Avenue proposal by obviously a new resident/builder who will build in front of my last remaining 25% view point. I want to be shown some consideration and respect for the enjoyment of the view from my home. View is a valued point in the world of Real Estate. After 36 years, I hope my long time residency will be valued and not compromised by a new face in town.

Mary Whitesides

Mary Whitesides

PO Box 2189 Park City, Utah 84060 P: 435-649-7249 C: 435-513-0740 F: 435-655-3279 mary@dancindeerdesign.com
www.dancindeerdesign.com



DATE: November 5, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that the City Council review the proposed LMC Amendment disallowing Nightly Rentals from the HR-L District-East, the McHenry Avenue sub-neighborhood. The Planning Commission forwarded a positive recommendation for this Legislative LMC Amendment. Nightly Rentals are currently a conditional use within this District.

Respectfully:

Francisco Astorga, Senior Planner

City Council Staff Report



Subject: LMC Amendment
Author: Francisco J. Astorga, Senior Planner
Date: November 5, 2015
Type of Item: Legislative – Land Management Code Amendment
Nightly Rentals in the HR-L District-East

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low (HR-L) Density District as described in this staff report, open the public hearing, and consider approving the attached ordinance.

Description

Proposal Name: LMC Amendment regarding Nightly Rental conditional use in the HR-L District-east Chapter 2.1.
Applicant: Planning Department
Proposal: Land Management Code Amendment

Acronyms within this Report

LMC Land Management Code
HR-L Historic Residential-Low Density District
CUP Conditional Use Permit

Executive Summary

Staff recommends that the City Council review the proposed LMC Amendment disallowing Nightly Rentals from the HR-L District-East, the McHenry Avenue sub-neighborhood. The Planning Commission forwarded a positive recommendation for this Legislative LMC Amendment. Nightly Rentals are currently a conditional use within this District.

Background

For several years the Planning Department has been having discussions with residents in the HR-L District-East, regarding the Conditional Use of Nightly Rentals in their neighborhood. Exhibit B is a map of this area. The HR-L District is comprised of two (2) sectors within Old Town. The HR-L District-East is known as the McHenry Avenue neighborhood mainly accessed off Rossie Hill Drive on the east side of Old Town. The HR-L District-West is on the west side of Old Town primary comprised of Sampson Avenue, King Road, and Ridge Avenue. The proposed LMC amendment would only affect the HR-L District-East.

The LMC defines a nightly rental as the following:

Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

On October 14, 2015, the Planning Commission reviewed this proposed LMC Amendment disallowing Nightly Rentals in the HR-L District-East as proposed by the Planning Department. During that meeting the Planning Commission opened a public hearing and public comment was made by several property owners in this neighborhood. Several comments were made in support of the LMC Amendment from property owners while one comment was made from one property owner not to amend the LMC. As reflected in the meeting minutes found in this Planning Commission packet the majority of the Commission favored the Amendment.

On October 28, 2015, the Planning Commission reviewed the proposed LMC Amendment disallowing Nightly Rentals in the HR-L District-East and opened the public hearing. The Commission forwarded a positive recommendation, 5-0 vote.

District Purpose

The purpose of the (HR-L District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

A conditional use is an allowed use if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with application standards. The LMC indicates that the City shall not issue a Conditional Use Permit (CUP) unless the Planning Commission concludes that:

- 1. the Application complies with all requirements of this LMC;
- 2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- 3. the Use is consistent with the Park City General Plan, as amended; and
- 4. the effects of any differences in Use or scale have been mitigated through careful planning.

The HR-L District-East consists of 24 properties. The following table below represents the current Assessment/Appraisal Code per Summit County EagleWeb website accessed in October 2015:

	Number of Sites
Residential Primary Improved	14
Residential Secondary Improved	7
Residential Secondary Unimproved	3

Of the twenty-four (24) properties, fourteen (14) of them have primary residents, seven (7) of them are set as secondary homes, and three (3) of them are vacant.

Staff found that in 2007, the Planning Commission approved a CUP for Nightly Rental at 202 Ontario Avenue, within the HR-L District-East. Should the Planning Commission, and ultimately City Council, follow Staff's recommendation of prohibiting Nightly Rentals in this HR-L District-East, the approved use at 202 Ontario Avenue would become a legal non-conforming use which use would be allowed to continue as outlined in LMC § 15-9 Non-conforming Uses and Non-complying Structures.

General Plan

Volume II of the General Plan contains a Nightly Rental Balance Strategy, pages 81 - 86. The General Plan indicates that there are 3,928 nightly rentals in Park City as of January 2012. Based on the entire stock of housing units in the City limits, Nightly Rentals equated to 46% of housing units. While the Old Town neighborhood has the highest percentage of Nightly Rentals within the City, consisting of 25%, and is 48% Nightly Rental within the Old Town neighborhood, this neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The General Plan indicates that the higher numbers of Nightly Rentals in Old Town are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately twenty-three (23) units per acre.

The General Plan recommends that in order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect. Old Town should remain a mix of the two (2) as primary residents and resort oriented neighborhood.

The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The General Plan indicates that the City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood. Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HR-L Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.

Land Management Code HR-L District

The District Purpose as stated in the LMC (first/second page of this staff report) lay out a key element found throughout the Park City Historic Districts and particularly in the HR-L District-East to “to reduce density that is accessible only by substandard streets”. McHenry Avenue is sub-standard in terms of width. Parking management in the district further exacerbates traffic problems and can be compounded in snow conditions. Nightly rental users unfamiliar with parking restrictions or snow conditions can cause large restrictions on vehicle access.

District Purpose B considers the provision of lower density “residential use” within Old Town. Nightly Rentals have the potential to fill bedrooms to the maximum and perhaps have sleeping provisions in living rooms or other spaces, even though space may comply with building and life safety codes. By having Nightly Rental units full during holiday periods, the density of people in this district is increased. The potential for noise, and lights disrupting residential normalcy is increased.

Staff finds that by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record. The Planning Department sent courtesy letters to every property owner according to Summit County records with the HR-L District-East neighborhood.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The Planning Department received two (2) letters regarding the proposed amendment, one in support and one in opposition. See Exhibit E – Public Comments. Also public input was shared during the October 14,

2015, and October 28, 2015 public hearings. See Exhibit F – 14 Oct. 2015 Planning Commission Meeting Minutes.

Significant Impacts

The proposed amendment limits the ability for a property owner to submit a Nightly Rental CUP application to the Planning Department for Planning Commission review and Final Action. The amendment prohibits Nightly Rentals in the HR-L District-East. The existing site, 202 Ontario Avenue, with the approved Nightly Rental CUP would be treated as legal non-conforming use regulated under LMC § 15-9 Non-conforming Uses and Non-complying Structures.

Recommendation

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low (HR-L) Density District as described in this staff report, open the public hearing, and consider forwarding approving the attached ordinance.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – HR-L District-East Area
- Exhibit C – HR-L District Table
- Exhibit D – General Plan Strategy: Nightly Rental Balance
- Exhibit E – Public Comments
- Exhibit F – 10.14.2015 Planning Commission Meeting Minutes

Exhibit A – Proposed Ordinance

Draft Ordinance 15-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HR-L) DISTRICT.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals; implementing the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HR-L) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise.

WHEREAS, by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 13, 2005, October 14, 2015, and October 28, 2015; and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 5, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City

Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 Section 2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Acting City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.1-2. USES.

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Nightly Rentals⁸
- (2) Lockout Unit
- (3) Accessory Apartment²
- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (12) Fences greater than six feet (6') in height from Final Grade^{5,7}

(C) PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-56; 09-10; [15-xx](#))

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷See LMC Chapter 15-4-2, Fences and Walls

⁸[Conditional Use Permit allowed only in the West sub-neighborhood located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.](#)

Exhibit B HR-L District-East

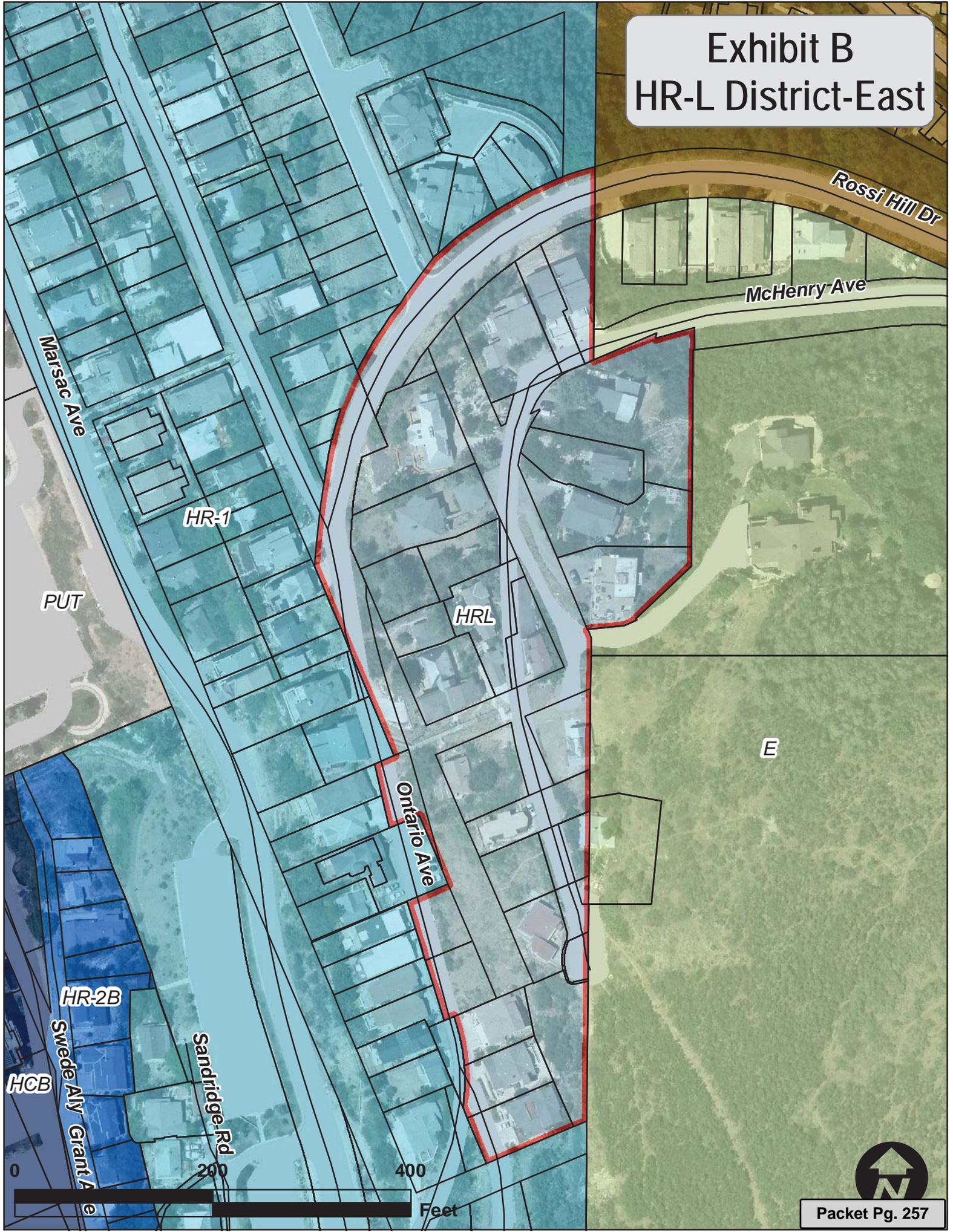


Exhibit C – HR-L District Table

#	Street	Parcel	Appraisal Code
353	McHenry	PC-509-C-5-A	RESIDENTIAL SECONDARY IMPROVED
351	McHenry	PC-509-C-5	RESIDENTIAL PRIMARY IMPROVED
347	McHenry	PC-509-C-4	RESIDENTIAL SECONDARY IMPROVED
335	McHenry	335-MC-1	RESIDENTIAL PRIMARY IMPROVED
331	McHenry	331-MC-A	RESIDENTIAL PRIMARY IMPROVED
327	McHenry	331-MC-B	RESIDENTIAL SECONDARY UNIMPROVED
321	McHenry	321-MC-1	RESIDENTIAL PRIMARY IMPROVED
257	McHenry	PC-500-1	RESIDENTIAL SECONDARY IMPROVED
277	McHenry	PC-501-A-1	RESIDENTIAL PRIMARY IMPROVED
253	McHenry	BAER-1	RESIDENTIAL SECONDARY UNIMPROVED
235	McHenry	IBS-1	RESIDENTIAL PRIMARY IMPROVED
320	Ontario	331-MC-C	RESIDENTIAL SECONDARY UNIMPROVED
316	Ontario	PC-488-A	RESIDENTIAL SECONDARY IMPROVED
308	Ontario	308-ONT-1	RESIDENTIAL PRIMARY IMPROVED
264	Ontario	264-ONT-ALL	RESIDENTIAL PRIMARY IMPROVED
210	Ontario	IVERS-2	RESIDENTIAL SECONDARY IMPROVED
206	Ontario	IVERS-3	RESIDENTIAL SECONDARY IMPROVED
202	Ontario	IVERS-4	RESIDENTIAL SECONDARY IMPROVED
154	Ontario	HBTRS-1	RESIDENTIAL PRIMARY IMPROVED
302	McHenry	PC-486-A	RESIDENTIAL PRIMARY IMPROVED
310	McHenry	RHS-4	RESIDENTIAL PRIMARY IMPROVED
320	McHenry	RHS-3	RESIDENTIAL PRIMARY IMPROVED
330	McHenry	RHS-2	RESIDENTIAL PRIMARY IMPROVED
350	McHenry	RHS-1	RESIDENTIAL PRIMARY IMPROVED

Appraisal Code	Sites
RESIDENTIAL PRIMARY IMPROVED	14
RESIDENTIAL SECONDARY IMPROVED	7
RESIDENTIAL SECONDARY UNIMPROVED	3



SENSE OF
COMMUNITY



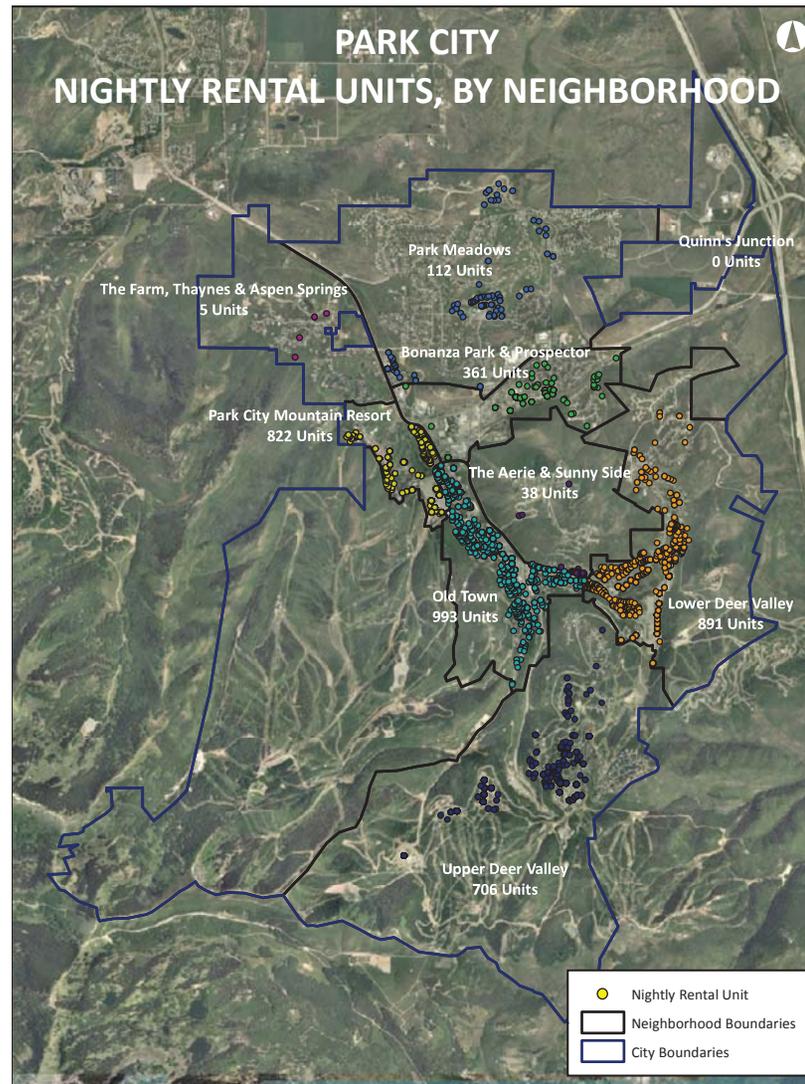
STRATEGY: Nightly Rental Balance

Currently, a Nightly Rental is defined within the Land Management Code as the rental of a dwelling unit for less than thirty (30) days. Due to the resort nature of the Park City economy, the land is often more valuable than the structure located upon it. The economics of the property are often significantly increased if the structure can be commercialized. As a result, the City has experienced a higher demand of nightly rentals. This is directly related to the existing trend of increased second-home ownership within the City which allows for nightly rental opportunities.

Nightly Rentals are allowed in every zoning district except:

- Recreation and Open Space (ROS)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Community Transition (CT)

The Single Family (SF) zone only allows for nightly rentals within the Prospector Village Subdivision.

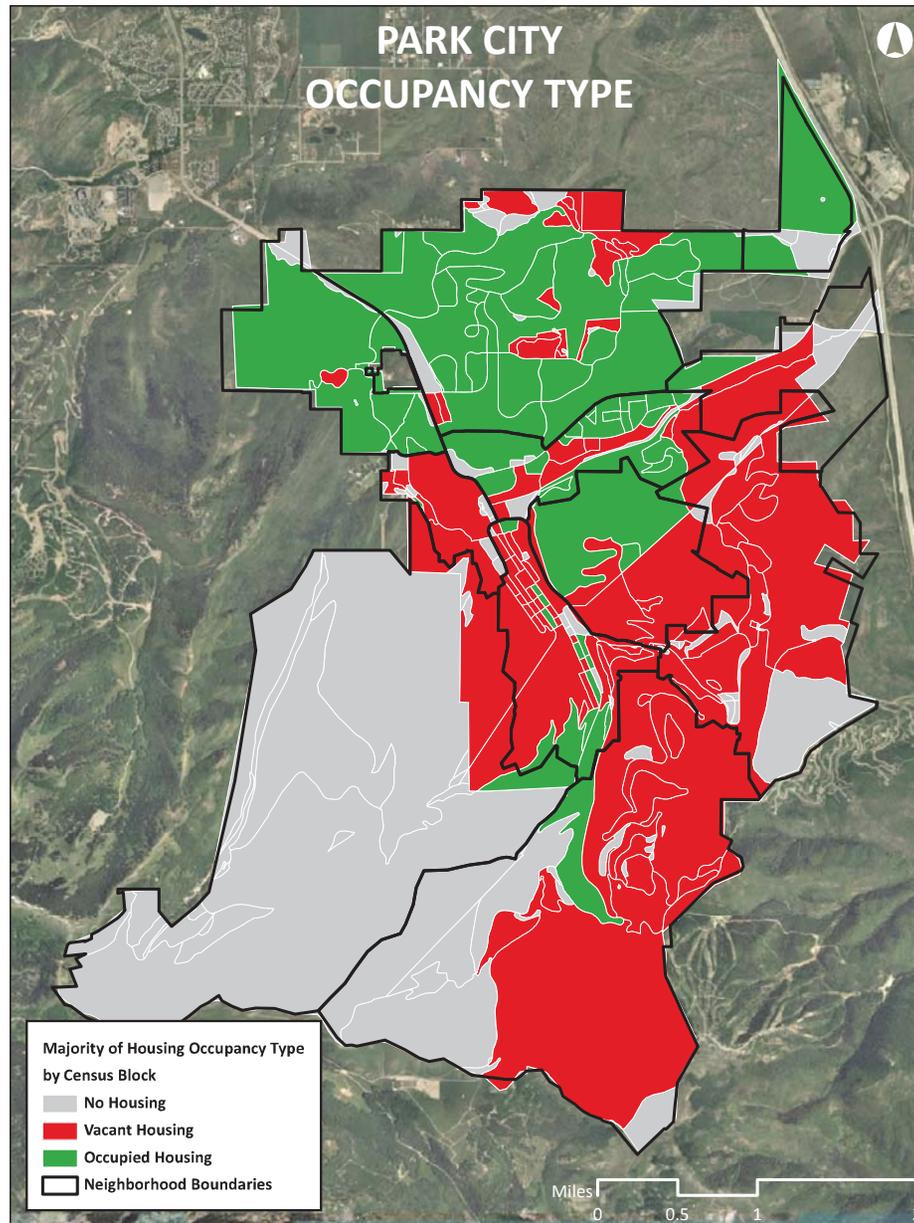


Nightly Rental units are scattered throughout Park City. The neighborhood with the most units is Old Town (993) followed by the resort neighborhoods. The City should look closely at Old Town and consider the provision of incentives for primary home ownership. Balancing this resource for locals, as well as visitors, will be essential to the success of Main Street and the neighborhood.

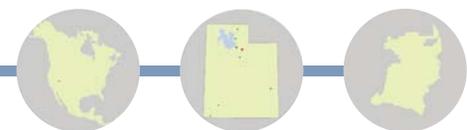
Nightly Rental is a Conditional Use (CUP) in the Historic Residential-Low Density (HR-L) District and is prohibited in the April Mountain/Mellow Mountain Subdivision located in the Residential Development (RD) District.

There are 3,928 nightly rentals in Park City out of 8,520 total housing units (January 2012) within the City; therefore, based upon the entire stock of housing units in Park City, 46% are nightly rentals.

Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods have a majority of occupied housing units, while the rest of town is predominantly vacant (e.g. secondary) housing. The Old Town neighborhood is comprised of Census Blocks that are predominantly vacant housing; however, there are several blocks that contain a majority of occupied housing.



Occupancy Type: The map to the left illustrates the existing neighborhood boundaries in terms of the majority of housing occupancy type by Census Block. The map is divided into three categories: no housing, vacant housing, and occupied housing.



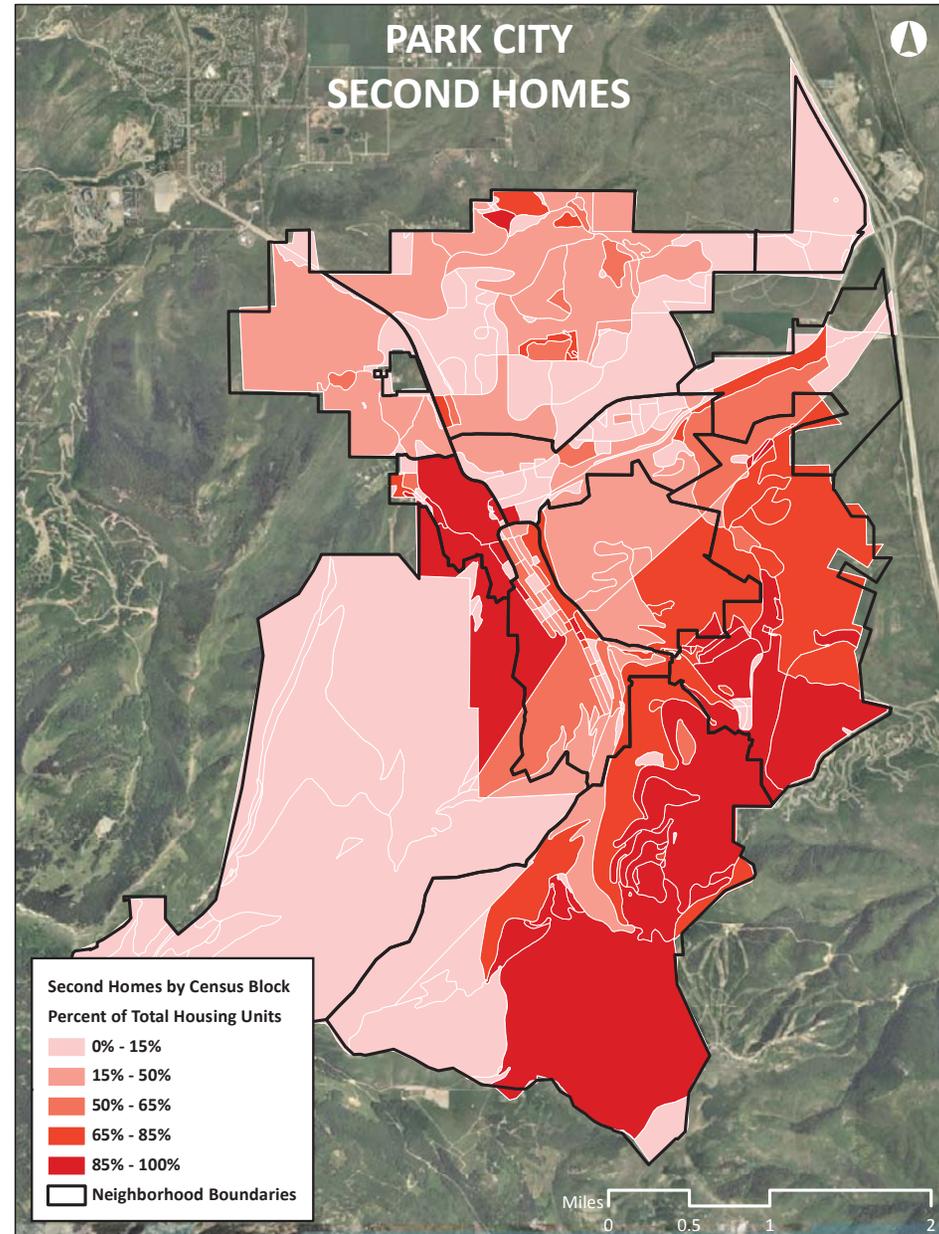
The Nightly Rental table on the following page contains the total number of nightly rentals per neighborhood, percent of nightly rentals within the City per neighborhood, total number of housing units, and the percent of nightly rental units in each neighborhood.

The 'Neighborhood Type' designation, located at the right side of the table, consists of primary or resort oriented designation based on the occupancy majority. Where there is a majority of vacant housing, second home ownership, and also nightly rental, the neighborhood has been identified as a resort neighborhood.

The neighborhood with the highest percentage of nightly rental in Park City is Old Town containing 25%, followed by Lower Deer Valley, Resort Center, then Upper Deer Valley. The Nightly Rental average (percent of total housing units) within the City is forty-six percent (46%).

While the Old Town neighborhood has the highest percentage of nightly rentals (25%) and the higher number of nightly rentals than any other neighborhood (993 out of 2,059), the Old Town

Second Homes: The map to the right shows second homes by Census Block in terms of percent of total housing units. The map is represented in terms of color intensity. The darker tones show a higher percentage of second homes while the lighter tones show a lower percentage.



Neighborhood	Number of Units	Percent of All Nightly Rental	Total Housing Units	Nightly Rental as Percent of All Units	Neighborhood Type
Thaynes	5	0%	231	2%	Primary Res
Park Meadows	112	3%	1,456	8%	Primary Res
Bonanza Park & Prospector	361	9%	1,208	30%	Primary Res
Resort Center	822	21%	1,135	72%	Resort
Old Town	993	25%	2,059	48%	Primary Res/Resort
Masonic Hill	38	1%	186	20%	Primary Res
Lower Deer Valley	891	23%	1,070	83%	Resort
Upper Deer Valley	706	18%	1,173	60%	Resort
Quinn's Junction	-	0%	3	0%	Primary Res
TOTAL	3,928		8,520	46%	

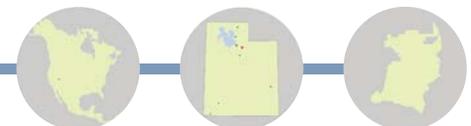
Neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The higher values for Nightly Rentals are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately 23 units per acre.

City records show a population of approximately 4,200 people in the 1930 Census, solely within what is now known as Old Town. This statistic notes the density of the town historically.

In order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain

primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect.

The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and



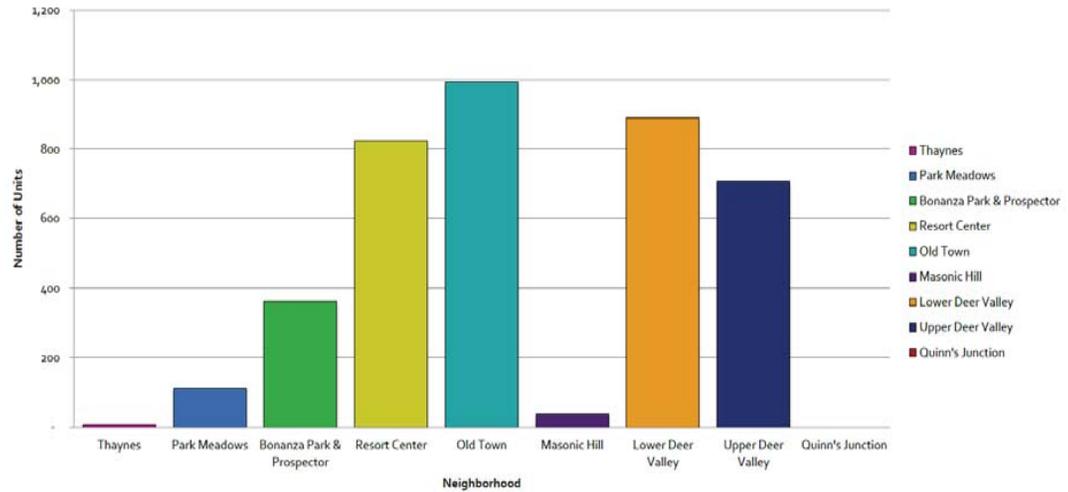
they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.

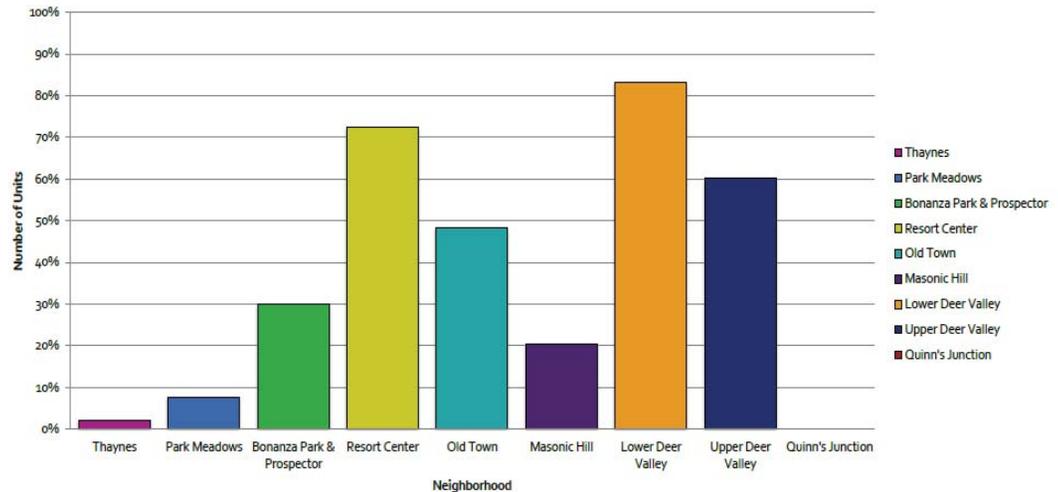
Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HRL Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.

Park City Nightly Rental Units By Neighborhood



Park City Nightly Rental Units as a Percent of Total Residential Units



October 7, 2015

Dear Planning Commission,

I am writing to you today about my concerns with regards to potential changes in the HR-L zoning on the east side of Old Town.

I purchased my first home at 99 King Rd in 1987 and I currently reside at 97 King Rd on the west side HR-L zone.

My main concern is that if nightly rentals are no longer an allowed use with a CUP on the east side of the HR-L district that this will set a precedent. I believe that we all have the right to make a decision if we want to live in our home or rent it nightly to visiting guests. The CUP process is in place to make sure that the home meets certain guidelines for rentals. If said owner wants to use it as a second home and rent it when they are not in town that should be there right.

The argument is that nightly rental guests are loud. My stance is that nightly rental guests are visiting our City to have a good time. I have never had any issues in my neighborhood with nightly rental guests. The guests that I have spoken with have been kind and gracious.

I can tell you many stories of long term renters that make your life hell at 3:00 in the morning. Long term renters have one car and one dog per person. I believe that it was 2006 when the long term renters at 99 King Rd would throw wild parties most nights. Their two dogs were the dogs that were going all the way to Red Pine canyon and killing the sheep at night.

Whether you live on the east or west side HR-L district you should have the right to choose how you live in your home.

Nightly rental homes also bring in 45% more property tax revenue and 10.45% nightly rental tax.

Sincerely,

A handwritten signature in blue ink that reads "Stephen". The signature is written in a cursive, flowing style.

Stephen Elrick

In 1983 the residents of McHenry Ave. applied to be zoned for no nightly rentals. The HRL zone was formed to give us this designation. Some years later it was discovered that that designation had been taken away .

We are re-applying to be a "no nightly rental" zone for many of the same original reasons.

#1 On the basis of life /safety issues. McHenry is a very narrow, steep , dead end street. In the winter our road reduces to one lane. What makes the difference in our safety is that the residents know the road, how to drive it and help each other. We do not have to contend with strangers who rent nightly trying to come and go on our street. We don't have people parking on the road and making it impassable for the plow. (Our cohesiveness was demonstrated this summer during our 13 week road project....when we all pulled together to get thru a difficult ordeal)

#2...Our property values are increased by being a neighborhood of full time residents. There are no unsightly trash cans and extra cars all over the road. The houses are not dark most of the year.

We watch out for our neighbors' homes and keep the street free of any crime. We have a neighborhood park that the residents maintain. It is a welcome stop for tourists and other residents walking by....and has received a State Beautification Award.

Our neighborhood is distinguished by larger lots and more open space. Our home values have continued to increase without nightly rentals. We believe that we have a special area of Old Town that is more marketable because of our full time character.

#3....We are one of the last bastions of Old Town neighborhoods left. We are worth saving.

Full time neighborhoods are rapidly disappearing in Old Town. We are probably the largest pocket of full time residents left. The fact that since 1983 when we made our original request...nothing has changed as far as nightly rental demonstrates the power of our full time cohesiveness. The fabric and character of our neighborhood has remained strong for 30 years. The few 2nd homeowners...know that we will watch their houses and all will be well when they are absent. This means a lot to people moving into Park City.

#4...We are just as viable today as 1983. Among our residents we have one teenager, 3 children under 13 and a baby on the way. In addition, 3 new grandchildren are visiting the Hill regularly...(Rossi Hill 2nd generation).

We respectfully ask that support be given to our effort to keep our neighborhood in the spirit of "keep Park City, Park City". Not only will it enhance our quality of life...but those visitors that walk thru our neighborhood.



McHenry Ave. Neighborhood Study..

17 units, 8 full time, 4 yearly rental, 1 monthly rental, 4- 2nd homes(no rental)

351/353 Duplex...Bonnie/ Don & Christine....351 occasional monthly rental, 353 2nd home /no rental

347.....Beth & Blake....2nd home /no rental

335.....Merritt & Bob Bennett.....**Full Time**

331.....Jerry Fiat.....2nd year of construction??

321.....Ed & Debbie Axtell.....**Full Time**

287.....Patricia & David Constable.....**Full Time**

277.....Michael Kaplan.....**Full Time**/ yearly rental

235.....Anita Baer.....**Full Time**

243.....Laura & David.....yearly rental

?.....Dustin& Brady Christiansen (Armstrong).....**Full Time**

302Michael & Yvette Gallagher.....yearly rental

300.....Tom & Ann Grady.....2nd home /no rental

310.....Matey Erdos & Morgan Hole.....**Full Time**

320Mary & Charlie Wintzer.....**Full Time**

330David & Stacy Wintzer.....yearly rental

350.....Barbara & Jean Runell.....2nd home/ no rental

Francisco Astorga

From: Brad Brainard <bbrainard@saguaroime.com>
Sent: Tuesday, October 06, 2015 12:39 PM
To: Council_Mail; Francisco Astorga
Subject: NIghtly Rentals

October 6, 2015

Dear Council Members,

We would like to express our unequivocal opposition to amending the current Nightly Rental policy for HRL District- East. As homeowners, we purchased with this option in effect and object to the possibility of that being stripped away. How we choose to utilize our property should be at our discretion, not dictated by local government. As non-resident owners our property tax is higher, even though we use fewer government services-please don't take away an option to recover some of those costs.

Vote against prohibiting nightly rentals.

Sincerely

Bradley J and Catherine P Brainard
316/317 Ontario Ave
PO Box 4281
Park City, Utah 84060

Draft - Planning Commission Meeting
October 14, 2015
Page 22

does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.
5. **Land Management Code Amendment regarding Nightly Rentals use in the HRL Chapter 2.1 and Definitions Chapter 15 (Application PL-15-02817)**

Chair Strachan commended Planner Astorga on his work in preparing the Staff report. It was a complete package with excellent analysis and good visuals.

Planner Astorga stated that this item was a pending ordinance to prohibit nightly rentals from the HRL East District. He explained that the HRL District identified in the zoning map is found in two parts of town. The one they were looking at this evening is known as the McHenry Avenue sub-area neighborhood. The second portion of the HRL District is the King/Sampson/Upper Norfolk area. Planner Astorga clarified that this particular LMC amendment would only apply to the McHenry sub-area neighborhood.

Planner Astorga reported that the Staff first identified the number of sites in the District and came up with a total of 24 sites. They then went to the Summit County website to identify whether those sites were primary or secondary ownership. They found that three sites

were vacant and identified on the County website as residential secondary unimproved. The two other categories were residential primary improved and residential secondary improved. Planner Astorga reported that 13 sites were primary and 8 sites were secondary. He noted that the Staff reviewed the City records for business licenses that were issued for nightly rental and found one license. However, after researching further they found that in 2007 the Planning Commission approved a conditional use permit for a nightly rental at 202 Ontario. Planner Astorga pointed out that within the last ten years the Planning Department has only looked at one nightly rental in this part of the District, and it was on Ontario Avenue and not McHenry. He remarked that even though it is not part of the specific McHenry neighborhood, it is still part of that specific zoning district. Planner Astorga presented a site plan to show that three sites on the end completely access off of Ontario Avenue and not Rossi Hill.

Planner Astorga explained that this issue began prior to 2008 and the Planning Department has had many conversations regarding nightly rental use in this specific District. He stated that McHenry Road is narrow and after having several discussions with the City Engineer it was determined that the road width does not meet specific engineer codes. Planner Astorga noted that the primary reason for this amendment were the impacts that have to be mitigated for a conditional use permit, specifically in terms of additional vehicles that would impact this neighborhood.

Planner Astorga reported that the pending ordinance activated on May 13, 2015. Due to various reasons, this was the first time the Planning Department had the opportunity to do additional research and bring it to the Planning Commission. Planner Astorga stated that the Staff also looked at the nightly rental strategy in the General Plan that was recently adopted. That section of the General Plan was included in the Staff report on pages 83-91.

The Staff had done an occupancy and second home analysis and each neighborhood was identified in a specific category on page 87 of the Staff report. It was broken down into primary residential or resort oriented. Planner Astorga noted that Old Town fell in the middle of the two categories because 48% of Old Town is already nightly rental. In addition, 25% of all nightly rental licenses were found in Old Town. He explained that the strategy in the General Plan indicates that they should continue to entertain both types of neighborhoods within Old Town. However, because Old Town already has a high designation at 48%, the Staff believes that prohibiting nightly rental from this small McHenry neighborhood would strengthen the primary neighborhood and contribute to the mix they were trying to accomplish in Old Town based on its proximity to the Resort.

Planner Astorga stated that based on the strategy in the General Plan, as well as the purpose statements of the HRL District, the Staff recommended that the Planning Commission consider removing the conditional use designation for nightly rentals in this specific area of town.

Planner Astorga reported that noticing letters were sent to every property owner for this meeting, even though it was not required by State Code. However, because of a noticing discrepancy the Planning Commission would not be able to take action on this item this evening. He requested that the Planning Commission continue this item to October 28, 2015; but possibly give a head nod this evening on whether or not they agreed with the Staff recommendation. He was also interested in hearing their comments to see if any issues need to be fine-tuned before they take formal action at the next meeting. Planner Astorga noted that the City Council would take action on this amendment on November 5th because the pending ordinance expires 180 days from its inception.

Planner Astorga had received two letters of public input. One was from Mary Wintzer, a property owner in this District who supported the amendment. The second letter was from Steve Elrich, a property owner outside of this District who was concerned that his neighborhood would be next. Planner Astorga had informed Mr. Elrich that the Planning Department was not ready to make a recommendation outside of this neighborhood; and that due to the proximity to the Resort the Staff believed it would not be appropriate to remove that conditional use from his neighborhood. Planner Astorga noted that this particular amendment has always been noticed for this specific neighborhood only.

Chair Strachan opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, stated that Merritt and Bob Bennett and David and Stacy Wintzer could not attend this evening but they supported this amendment to prohibit nightly rentals in the McHenry neighborhood. Ms. Wintzer noted that Barbara and John Rennell were in Switzerland and they neither supported nor opposed the amendment.

Ms. Wintzer thought Planner Astorga had identified the key impacts regarding the poor access. The road narrows to one lane in the winter and it is a substandard road. She stated that even though Ontario was included, the neighbors on McHenry were the ones making this request. They are a unique neighborhood unlike any in Old Town. They applied for and received a no nightly rental designation in 1983 because they knew who they were and what they wanted for their neighborhood. In 25 years the City has never had a nightly rental application on McHenry, which speaks to the spirit, the character, and the fabric of their neighborhood. They are totally different from any Old Town area. Ms. Wintzer remarked that the McHenry neighborhood has larger lots with yards. They have open space and everything else you would find in a normal neighborhood. It is like "human penguin colony" and the neighbors take care of each other. The neighbors built the park on dedicated McHenry after obtaining permission from the City. It overlooks Old Town and they received a State Beautification award for it. Tourists enjoy it as well as hikers and others in the community. Ms. Wintzer stated that there is a lot of camaraderie and carrying

not only about their neighborhood but also Old Town. They feel strongly about keeping the neighborhood the way it is even after they are gone. It is a viable neighborhood that spans several generations. Ms. Wintzer clarified that the McHenry neighbors were asking that they not be subjected to not knowing who was staying on their street or knowing whether they will meet someone on the road who does not know how to safely drive the streets. Ms. Wintzer believed her neighborhood represents the spirit of Old Town and what Old Town once was. They exemplify sense of community, small town feeling, and natural setting because of the open space. When people come to McHenry Avenue they know they are someplace different than any other area of Old Town. She emphasized that the neighbors were asking to be recognized and to have their neighborhood preserved. Ms. Wintzer pointed out that their property values have increased because of the character of the neighborhood. That was their argument 25 years ago and it is still true today because people are willing to pay for neighborhood security and community.

Michael Kaplan stated that he lives in the neighborhood and he agreed with some of the points Ms. Wintzer had made. However, he has been living there for 16 years and he purchased his house with the intent of turning it into a nightly rental. Changing the Code would affect what he thought he could do when he bought the house. Mr. Kaplan noted that most of the properties on the street about properties that are allowed to be nightly rentals. They still hear the noise and are awakened late at night from nightly rental properties. Mr. Kaplan stated that a prohibition on nightly rentals could have a negative effect when someone wants to sell their property if it cannot be used as nightly rental property. He noted that Planner Astorga presented fine-tuning the ordinance as an option. Mr. Kaplan suggested grandfathering the properties that currently exist with the ability to have nightly rentals and to have the ordinance in place for properties that will be built in the future. He thought that would be a better compromise.

Commissioner Campbell asked if Mr. Kaplan would be willing to have the grandfather clause expire with the transfer of a property. Mr. Kaplan was not prepared to answer that question without giving it more thought. His suggestion was an effort to meet the needs of those who currently live there.

Assistant City Attorney McLean explained that State law regulates non-conforming uses. If a nightly rental existed prior to this ordinance being pending, that use would be vested and it could continue as long as it was not abandoned for more than one year. However, once the pending ordinance was started they would not be able to grandfather the use.

Anita Baer stated that she has lived on McHenry for 26 years and it is a great neighborhood. She has a piece of property for sale and she has contingencies on it such as no flat roof and no nightly rentals. If her property sells that would be part of the condition of the sale. Mr. Baer lives alone and she feels safe in her neighborhood. If this ordinance

is not adopted, she might consider moving because she wants to live in a neighborhood and not a place where different people come in and out.

Charlie Wintzer pointed out that the ordinance was changed to allow nightly rentals ten years ago. If Mr. Kaplan has owned his property for 16 years he purchased it before nightly rentals were allowed in the neighborhood. Ms. Wintzer stated that when he was on the Planning Commission they denied two CUPs for nightly rental on Sampson. The condition to mitigate the traffic was that they would park in the parking structure and walk up on a snowy night. With the lack of enforcement they questioned how they could be done but the City Council overturned their decision. Mr. Wintzer remarked that over time he has come to the conclusion that a CUP is an allowed use and you need to fight harder to get whatever you want. If a CUP is an allowed use, it would be taken advantage of. He honestly believed their properties are worth more money without nightly rentals. If someone wants nightly rental they can go anywhere else in town. Those who do not want nightly rental will come to this neighborhood.

David Constable stated that he and his wife were doing an addition on 287 McHenry. They purchased the property 12 years ago and at that time he believed it was a nightly rental free zone. He was disappointed when he recently discovered that nightly rentals could be allowed. Mr. Constable was currently living in a rental unit on Daly Avenue until their house is finished. Prior to that they were on Deer Valley Drive where there were six nightly rentals next to them and one across the street. In his opinion, residents and nightly rentals do not co-exist. Nightly rentals create traffic and parking problems, as well as the major problem of different agenda. People come on vacation with the idea of having fun, which is a completely different attitude from someone who lives there on a permanent basis. Mr. Constable thought it was unfair to subject a full-time resident to that kind of disturbance. He believed this area of town was a perfect place to prohibit nightly rentals and create a balance in the community by allowing this to be a real neighborhood. Mr. Constable commented on Mr. Kaplan's and noted that there are only two or three lots left on McHenry that can be built on. At this point grandfathering would be a moot point. Mr. Constable was not concerned about property values and he thought the ordinance would be a bonus.

Matey Erdos, a 16 year resident at 310 McHenry, stated that she was compelled to McHenry for the reasons Ms. Wintzer had described. It is a great neighborhood and a great community. She intends to stay there full time for as long as she could. Ms. Erdos was opposed to nightly rentals and stated that she over-emphasized and underscored what some of the others have said. Ms. Erdos was concerned that they had not emphasized enough the volume of traffic coming up and down a very narrow steep street. It was as grave concern because she did not believe McHenry could handle the volume of traffic from nightly rentals. Ms. Erdos echoed her support for not allowing nightly rentals on McHenry.

Chair Strachan closed the public hearing.

Commissioner Band asked for clarification on how McHenry went from not being allowed nightly rental to allowing nightly rental ten years ago. Planner Astorga stated that the City did a major LMC rewrite in 1999 where the City amended every zoning district in the entire City. Based on his research, the HRL District was created sometime in the 1980s, and in 2000 the nightly rental use was re-introduced as a result of the LMC rewrite.

Charlie Wintzer explained that when the Code was first put in place, the neighborhood, with the help of Bill Ligety who was the Planning Director, wrote the HRL zone to keep it single-family and larger lots. The neighbors on Sampson also liked that idea and asked if they could be part of the HRL. When Sampson started to become ski in ski-out property the development community put pressure on the City to make a change. The neighbors on McHenry were busy getting ready for the Olympics and failed to notice that a change was being made that would affect their neighborhood. Ms. Wintzer clarified that the change was due to pressure from the developers to change Sampson; not McHenry. For that reason, the neighbors were only requesting this amendment for McHenry and not the entire HRL zone.

Commissioner Band was completely in favor of allowing the residents to go back to prohibiting nightly rentals because it was in accordance with the General Plan. She used to live on Empire and she moved away because she had a young child and there were no families. They have talked about keeping Park City Park City and the General Plan and the community are in favor of trying to keep some pockets of Old Town where people actually live. Commissioner Band would like to see this happen more often.

Commissioner Thimm thought the proposal was consistent with the LMC. He was familiar with the street and it is difficult to drive. He shared the concern about someone unfamiliar with Park City trying to drive the road in snow. He believed it was a well-founded reason and why the LMC was set up. Commissioner Thimm remarked that in addition to preserving the neighborhood it was also a public safety decision. He pointed out that the Planning Commission does not consider property values, but they do follow the Land Management Code.

Commissioner Thimm asked if the City needed to rewrite a new zone for this amendment. He was unsure how they could place an ordinance on a portion of a zone. Commissioner Joyce pointed out that footnote was attached stating that this conditional use only applies in the west half of the HRL. Commissioner Thimm was pleased with that it could be addressed with a footnote because he was concerned about creating a new district.

Chair Strachan stated that his only question was whether the subzone should be defined more specifically, as opposed to Sampson/King/Ridge. He was concerned that someone on the border might interpret that to mean they could have nightly rentals. Chair Strachan recommended having a survey line to delineate exactly where the subzone starts and stops. Planner Astorga replied that his recommendation was doable.

Commissioner Campbell was in favor of people in the neighborhood being able to self-govern on this type of an issue. His only hesitation was that the decision by the neighbors was not unanimous. During public input at least one resident was opposed and he felt like they would be taking away a right that he has now. Commissioner Campbell asked if the Planning Commission had the right to take away the right of nightly rentals.

Assistant City Attorney McLean stated that it was a zoning decision and the Planning Commission has the ability to make legislative decisions. She noted that any LMC change affects the property rights for someone. As an example, Director Erickson pointed out that every time they write a legislative act that reduces height the people who have not already built are subject to the new height restriction, regardless of what their neighbor was allowed to do. Commissioner Campbell understood the example; however, they do not reduce the height for existing houses and make them comply with the new restriction. Director Erickson replied that if someone currently has a valid business license for nightly rentals and the conditional use has not expired, it would become a valid non-conforming use.

Commissioner Campbell understood the difference and he was comfortable with the explanation. Commissioner Joyce clarified that if a conditional use permit for nightly rental lapses for more than one year, the use goes away and nightly rentals would no longer be permitted. Director Erickson replied that he was correct.

Commissioner Joyce stated that he lives in one of the true anomalies in town that is platted as no nightly rentals. His only concern was that the City has primarily left nightly rental enforcement to the HOAs. He asked if an HOA governed this area. Ms. Wintzer stated that they used to have an HOA but the City said they were not a subdivision and the HOA was discontinued.

Commissioner Joyce favored the amendment to prohibit nightly rentals, but he thought they needed to be careful in how they justify it. He was comfortable justifying it on the fact that the majority of residents have requested it. However, he would have an issue justifying it based on the substandard street because almost all the streets in Old Town are narrow and substandard. If that is the justification, they would have to evenly apply it to all the areas with those types of streets. He preferred not to use safety as the reason for approving this amendment.

Director Erickson stated that substandard streets needed to be read in combination with the other criteria in the LMC, such as neighborhood character, which they determine through public input, and preservation of a mix of housing types in the district, etc. He noted that the Findings were crafted to include all of the requirements from the LMC and the General Plan for neighborhood protection in that area. Commissioner Joyce was satisfied with that explanation.

Commissioner Phillips favored the amendment and he specifically agreed with the comments made by Commissioners Thimm and Band. He would like the Staff to research whether other areas were suitable for this type of neighborhood because it is a good way to preserve Park City. It is a main mission for the community as it evolves and continues to evolve. Commissioner Phillips felt this was preserving a neighborhood just as they like to preserve historic homes.

Commissioner Worel stated that as she read the Staff report she was reminded of the Sampson Avenue request for nightly rentals that the Planning Commission denied. She was on the Planning Commission at that time and the main concern were the impacts that additional traffic and parking would create for snow removal and emergency vehicles. She has been on McHenry and she sees the same situation. Commissioner Worel stated that asking people to park at China Bridge in the middle of winter and walk is not an option because people will not do it. She did not believe it was fair to put the burden of enforcement on the neighbors, which was another issue that was raised when they looked at the nightly rental on Sampson Avenue. It is unpleasant for anyone to have to call the police or a tow truck and the neighbors should not have to bear that burden. Commissioner Worel was in favor of enforcing no nightly rentals in the McHenry Avenue neighborhood.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code amendment regarding night rentals use in the HRL East neighborhood, Chapter 2.1 and Definitions Chapter 15 to October 28, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

6. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HDB), and associated definitions in Chapter 15-15, Defined Terms (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission review amendments to Chapter 2.5 which is the Historic Recreation Commercial (HRC) zone, the lower Main