



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF JANUARY 11, 2012

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATION – *Continue to date as outlined below*

60 Sampson Avenue – Ratification of Findings for Conditional Use Permit

PL-11-01369

Continue to February 22, 2012

WORK SESSION – *Discussion and action items*

520 Park Avenue – Discussion regarding a Variance

PL-11-01391

Bonanza Park Area Plan, revised supplement to General Plan - Discussion

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ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

MINUTES – JANUARY 11, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
January 11, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Jack Thomas, Adam Strachan
Thomas Eddington, Polly Samuels McLean

Commissioners Pettit and Worel were excused.

WORK SESSION ITEMS

Legal Training

Assistant City Attorney, Polly Samuels McLean, provided legal training on making motions, ethics, and the Land Management Code updates since 2010. She encouraged the Commissioners to ask questions or provide feedback on additional training in the future.

Assistant City McLean noted that the proper way to make motions was stated in the official handbook they all received when they were sworn in as a Planning Commissioner or were reappointed. She would send a PDF file if anyone needed another copy. The handbook outlines their duties and contains a section on motions. She believed the handbook also contained the Ethics Code.

Several of the Commissioners had not received the handbook. Ms. McLean offered to resend a copy to everyone.

Assistant City Attorney McLean noted that each of the Commissioners should have filled out disclosure forms when they were sworn in for their current terms. She stated that the disclosure forms now include an attachment, which helps them identify what needs to be disclosed per City and State Code. If the Commissioners have questions or concerns about what should be disclosed, they should contact the legal department. She reminded the Planning Commission that they have an ongoing obligation to update their disclosure forms as circumstances change. Ms. McLean also reminded the Planning Commission to make verbal disclosures at each meeting when appropriate. If it is an ongoing project and a disclosure was made at a previous meeting, it needs to be made again each time the project is on the agenda.

The Planning Commission discussed the length of Staff presentations and whether or not it is necessary to repeat what is written in the Staff report. They acknowledged that a lengthy presentation may benefit the public if they have not read the Staff report, but focusing on the important issues for discussion may be more beneficial. Ms. McLean offered to work with the Staff on how to improve their presentations during a meeting. Chair Wintzer suggested that the Planning Staff invite a different Commissioner to their Staff meetings to provide input from the Planning Commission perspective.

The suggestion was made to provide public seminars to help the community better understand the process and how they can participate. Ms. McLean stated that the City already has a prepared document and she would make sure it was more conspicuous to the public. She would also send a copy to the Planning Commission so they would know what was available to the public. She would also recommend that the City consider a public seminar.

Assistant City Attorney McLean highlighted the LMC updates for 2011, which included 1) TDRs; 2) updated extension of CUPs and added criteria of changes of physical conditions; 3) the addition of amenities clubs as a conditional use; 4) added criteria for subdivision plats including language that good cause includes preserving the character of the neighborhood; 5) allowed for extensions of MPDs; 6) defined good cause; 7) added the requirement to identify physical mine hazards in most planning applications; 8) specified that the Planning Director may formally deny planning applications which were enacted for 180 days or longer; 9) removed term limits for the HPB; 10) clarified that fences and driveways are subject to Historic Design Review; 11) defined subdivision to include a creation of one lot; 12) revised the definition of story to be consistent with the International Building Code.

The LMC updates for 2010 included 1) creating the ability to appoint an appeal panel for Planning Commission decisions; 2) added the 45 day limit to hear appeals; 3) added the ability for the Planning Director to waive the entire Historic District Review process for minor projects as defined in the Code; 4) removed a step in appealing a Staff determination; 5) MPDs were modified slightly; 6) Clarification of purposes and goals includes redevelopment and encourages mixed uses, etc.; 7) expanded the use of MPDs to the HR-2 zone; 8) clarified height exception, compatibility and limited support commercial uses and meeting space to 5% each of the unit equivalent floor area as opposed to gross floor area.

Assistant City Attorney McLean reminded the Planning Commission that major changes to the LMC occurred in 2009 for the Historic Districts and the Historic District Guidelines.

Commissioner Hontz preferred that the Staff report not contain a recommendation from Staff whether to approve or deny. She preferred to make her motion without having to agree or disagree with the Staff. Commissioner Strachan concurred. In addition, he preferred to read the evidence in the Staff analysis without the statement **No Unmitigated Impacts**. He thought that part of the analysis should be eliminated to allow the Commissioners to make the decision of whether the impacts are mitigated.

Commissioner Savage disagreed. He believed part of the Staff's responsibility is to offer some guidance. He thought the Planning Commission should trust that the Staff is rigorous in their analysis. Commissioner Thomas agreed that the Staff are trained planners and their opinions from the analysis are important. However, he supported eliminating the recommendation for approval because the motion should be the decision of the Planning Commission.

Chair Wintzer remarked that if the Staff makes a recommendation in favor of the applicant and the Planning Commission votes against that recommendation, it makes the next step more confusing for the applicant. He was not opposed to eliminating the recommendation from Staff. However, on the other side of the argument, the Staff spends three months with the applicant as opposed to the short time the Planning Commission spends during a meeting.

Director Eddington understood the argument, but he felt it would be difficult for the Staff not to make a recommendation after working through the process. If the Staff recommendation is eliminated, two sets of findings and conditions would be required. He was concerned that it would appear wishy-washy to an applicant.

The discussion was tabled to allow Commissioners Pettit and Worel the opportunity to express their opinions on Staff recommendations. Pending further discussion, the procedure for the Staff report would remain the same.

Commissioner Thomas stated that after working with the Staff on the Bonanza Park General Plan, he has a new-found respect for the value, integrity and intelligence of the Staff.

The work session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 11, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matthew Evans, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Pettit and Worel who were excused.

ADOPTION OF MINUTES – December 14, 2011

MOTION: Commissioner Hontz moved to APPROVE the minutes of December 14, 2011. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Whetstone referred to a memo provided to the Planning Commission, which was an update of the parking and traffic situation for the Deer Crest Hotel CUP, St. Regis Resort at Deer Valley. On May 11th, 2005 the Planning Commission approved an amended conditional use permit for the Deer Crest Hotel. One of the conditions required an updated planning and traffic study to be presented to the Planning Commission. Planner Whetstone read the condition, "A one year review of parking and traffic situation one year after certificates of occupancy are issued for the hotel shall be conducted by the Staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may results from the review. Further annual reviews may be required". Planner Whetstone noted that the condition also addresses changes to unit configurations or forms of ownership if any were made. She clarified that changes had not been made.

Planner Whetstone explained that the Staff had not conducted the review because Hales engineering had provided an updated traffic report. However, the Staff called dispatch to find out if there had been any complaints or issues related to traffic or parking situations. There were no complaints recorded with the police department with respect to the St. Regis Hotel.

Planner Whetstone remarked that the Certificates of Occupancy were issued in July and the study was dated August 26, 2011. The study included traffic and parking in the low season, as well as the high season during Christmas and Sundance. The study concluded that during the busiest time periods, the parking data showed that less than 50% of the available parking capacity was utilized. The peak winter seasonal average daily traffic volumes on Deer Hollow Road, which was a concern at the time of the Deer Crest Settlement Agreement, showed approximately 440 vehicles per day, which, is below the road capacity of 1,200 to 2,000 vehicles per day. The numbers were consistent with the previous traffic report.

Planner Whetstone stated that there were no revisions to the approved parking and traffic plans that were required to make sure the CUP was mitigating the impacts.

The Staff concurred with the conclusions, and since there were no recorded complaints with the police department, the St. Regis Resort was in compliance with their approved conditional use permit. This review completes the traffic review requirements, unless there is a change to unit configuration or ownership. The Staff would not recommend additional review; however, the Planning Commission had the discretion to make that request. Planner Whetstone pointed out that if an issue is raised with any conditional use, the Staff has the ability to review it to see if the impacts are mitigated to meet the requirements of the conditional use permit. If that occurred, the applicant would need to remedy the situation.

Chair Wintzer felt it was time for Park City to revisit the parking requirements to find out why the City requires twice the parking that is being used. If the City is trying to be more environmentally friendly, he suggested the possibility of reducing the parking requirement to encourage the use of public transportation. The amount of parking may remain the same but the number of parking stalls could be reduced.

Commissioner Thomas concurred with Chair Winters. He also found the traffic and parking update satisfactory.

Commissioner Strachan was concerned that people going to the St. Regis were parking in Deer Valley's parking lots. He recalled that it was an issue throughout the process and he was unsure if anything had been done to keep that from occurring. Commission Strachan agreed with the suggestion to revisit the parking requirements, and he felt they should also revisit the design. The St. Regis has all the parking it needs, but it is in the wrong place and people cannot find it or access it easily. Therefore, they park in Deer Valley lots.

Tom Bennett, representing the St. Regis, understood Commissioner Strachan's concern. He believed a large part of the problem is that people prefer to park in Deer Valley's lot and walk up to avoid tipping the valet. He was unsure how that could be monitored, unless Deer Valley chose to enforce it more strictly.

Commissioner Thomas disclosed that he would be recusing himself from the North Silver Lake discussion due to his design involvement with the project.

Director Thomas Eddington reminded the Planning Commission of the joint City Council/Planning Commission meeting from 5:30 to 7:00 p.m. the following evening to discuss the Bonanza Park plan.

Director Thomas Eddington reported that the Council visioning originally scheduled for February 3rd and 4th had been changed to February 9th and 10th. He would send a reminder email to the Planning Commission and include the time the Planning Commission is scheduled on the agenda. Chair Wintzer had a previous obligation and he was unsure if he would be able to attend.

Chair Wintzer stated that a previous planning commissioner, Steve Deckert, had passed away. Chair Wintzer remarked that Mr. Deckert was a great Planning Commissioner and a great member of the community. Chair Wintzer outlined a number of major accomplishments that Mr. Deckert had achieved in Park City, which spanned the history of Park City's growth. He did it as a planner, as well as two terms as a planning commissioner.

On behalf of the Planning Commission, Chair Wintzer thanked the Staff for their work on the General Plan for Bonanza Park. It was an incredible job and the entire Staff spent many hours. As a thank you, the Planning Commission presented the Staff with a card and a gift card for lunch.

Chair Wintzer also thanked Commissioner Thomas for his efforts and involvement working with the Staff to complete the General Plan for Bonanza Park. He was certain the end result showed the talent that Commissioner Thomas had contributed.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

Land Management Code – Amendments to Chapter 10 for Special Exceptions and Chapter 15 for Definitions of Special Exceptions. (Application #PL-11-01418)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the LMC Amendments to February 22, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 60 Sampson Avenue – Conditional Use Permit (Application #PL-11-01369)

Planner Matt Evans stated that it has been several years since Park City approved a nightly rental application. Nightly rentals are conditional uses in some of the residential zones in the City. The property at 60 Sampson Avenue is located in the HRL zone, which requires a conditional use permit for nightly rentals in the zone, per LMC Chapter 15-2.1-2.

Planner Evans noted that the Staff report outlined a number of criteria for review when considering a conditional use permit. He pointed out there was not a separate set of criteria for considering a nightly rental use.

Planner Evans reviewed the request for a conditional use permit for a home located at 60 Sampson Avenue. He presented slides showing an aerial view and the reviewed the zone designation. The structure is a 3,800 square foot single family home, and includes an oversized one-car garage and a driveway area leading to the garage. One of the criteria requires that the nightly rental can provide two off-street parking spaces.

Planner Evans stated that the home at 60 Sampson Avenue is located on the Historic Homes Inventory. A permit was pulled in 2007 for a remodel and the project was recently completed. A 2,000 square foot addition was added to the home. The number of bedrooms and bathrooms show that the house is a substantial size. The applicant would like to rent the home for nightly rentals, which is allowed under a conditional use permit, as long as the rental period does not exceed 30 days.

Planner Evans reviewed the list of criteria for considering nightly rentals as outlined in the Staff report. Criteria 2 addressed traffic considerations. Currently the home is used as a second residence for the owner. The Staff recognized that traffic impacts from a nightly rental would be greater than those associated with a single family dwelling. However, since the criteria is not specific to nightly rental, it does not ask the Staff analysis to make extra considerations for that use. Criteria 5 addressed off-street parking. Due to the driveway, by definition it would meet the requirement for two off-street parking spaces.

The Staff recommended that the Planning Commission approve the conditional use permit for a nightly rental based on the findings of fact, conclusions of law, and conditions of approval as indicated in the Staff report.

Planner Evans reviewed the conditions of approval outlined in the Staff report.

Jan Maltby, the applicant/owner stated that they have owned the house since 2004 and never planned to rent it. She was born and raised in Utah and even though it is their second home, she considers it home because her whole family lives in Salt Lake. Ms. Maltby remarked that renting was not their first choice but life changes made the decision. She wanted the neighbors to understand that they would be very careful about who they rent to because it is their home.

Chair Wintzer opened the public hearing.

Carol Sletta, a resident at 135 Sampson, stated that she lives two doors down and across the street from 60 Sampson. Ms. Sletta remarked that within the last ten days their neighborhood had been turned up-side-down. She was unsure whether several people were renting or whether it was one family in the neighborhood; but taxis come and go, fireworks are set off late at night, trash overflows the trash cans. Ms. Sletta suspected that the disruption was caused by nightly renters. She had called Shelly Hatch in the License Department to ask who had permits for nightly rentals in the neighborhood, and Ms. Hatch told her no one on Sampson Avenue had a nightly rental license. Ms. Sletta stated that people drive too fast. Those who live there and know the neighborhood make it a point to slow down. With all the taxis and traffic, the situation would be much worse if there was snow this winter. She was concerned about losing the neighborhood to people who do not live there or care about the community. When she first moved to Sampson in 1979 nightly rentals were not allowed. Later an ordinance was passed to allow nightly rentals in the neighborhood, and it was done without notice to the neighbors. Ms. Sletta believed the neighborhood needs to remain a neighborhood and a safe place in Park City.

John Phillips, a resident on Norfolk agreed with all the comments made by Carol Sletta. He had also noticed excessive activity in the neighborhood and it was very apparent that many people were occupying one house. Mr. Phillips believed that Ms. Maltby would screen her renters; however, the neighbors adjacent to his home rent their house on occasion and even though they try to screen their renters, many times the renters were deceptive. Based on the location and the quaintness of their small neighbor, he was concerned that a nightly rental would create a large impact to the rest of the neighborhood. Mr. Phillips was also concerned about parking and traffic. With a 3800 square foot four bedroom home, he could envision a large number of people in the house.

Jimmy Weinberg, a resident at 201 Upper Norfolk, stated he is a former city employee who is now retired. He worked in the parking department and for the public works department. In that neighborhood the streets are extremely narrow. During his time with the City, they prided themselves on trying to create neighborhoods. He believed that a nightly rental would be a detriment to the neighborhood on Upper Norfolk. Mr. Weinberg referred to condition of approval #5, which spoke about the inclement weather and the difficulty of trying to reach the residence and the possibility of having to park at the China Bridge parking structure. He noted that there are three sets of steps and over 250 stairs from China Bridge to Upper Norfolk. Sampson Avenue is extremely narrow and two vehicles cannot pass. Mr. Weinberg urged the Planning Commission to consider all the impacts and to remember what the City is trying to create in town. He did not want to take rights away from the owner, but he felt the request was inappropriate for the street.

Ruth Meintsman, a resident at 305 Woodside, stated that her neighborhood on Woodside is mostly nightly rentals and she wanted to comment on the impacts. Ms. Meintsma understood that Park City thrives on nightly rentals and it is great that people can come to Park City for a short stay and have a good time. However, there are serious impacts. She lives across the street from a four bedroom nightly rental. That house has a garage and one parking spot in the driveway, but usually there are always three vehicles and those cars are always in motion. She believed it was due to the fact that visitors do not understand the logistics of Old Town and how to get around without a vehicle.

Ms. Meintsma stated that trash was also an incredible problem. Typically on a three day rental stay the trash can is filled double and it remains on the street for most of the week until the trash is picked up on Thursday. Ms. Meintsma suggested that the only way that type of impact could be mitigated would be through intense communication between the owners and the renters, as well as the neighborhood. As an example, the owner could compile a list of email addresses and use that as a way to inform the neighbors of the name of the renters, how long they would be staying, and the number of people expected to occupy the house. This would enable the neighbors to introduce themselves and help the renters to understand the logistics of Old Town. Ms. Meintsma believed that would help resolve the current miscommunication with nightly rentals and solve many of the problems.

John Phillips stated that he lives next door to a duplex that has been used for nightly rentals for years. There have been no problems, but they have a huge parking lot and it is not located on Sampson, which is more narrow than his road. He clarified that he was not opposed to nightly rentals in the neighborhood, but he was concerned with nightly rentals in that particular area.

Chair Wintzer closed the public hearing.

Chair Wintzer stated that the HRL zone was created for his neighborhood 35 years ago for the purpose of creating a neighborhood for primary residents. They did not want nightly rentals or duplexes. When the HRL zone moved across the canyon, everything that his neighborhood did not want was put into a conditional use. Chair Wintzer believed that nightly rentals takes away from a neighborhood and changes the nature of that neighborhood. He was unsure what could be done now since it is a conditional use in the zone per the LMC. Chair Wintzer personally thought the Planning Commission should look at changing the requirements in the LMC, even though it would not apply to this application.

Commissioner Hontz appreciated the public input this evening because it validates the negative impacts she sees and lives with every day as an Old Town resident. Commissioner acknowledged that some of the impacts were from long-term rentals as well as nightly rentals, and she believed that some of the nightly rental impacts could be mitigated. In order to support the requested CUP, she would need to have public health, safety and welfare concerns addressed, along with criteria 2,4,5 and 14, which relate to on-site parking and access. She noted that many homes in Old Town have garages and parking pads, however, renters are locked out of the garages because the owners store their personal belongings in the garage. Many renters who do have garage access prefer to park on the street rather than take the time to open the garage. Commissioner Hontz appreciated that Planner Evans had pointed out that parking is not allowed on Sampson, but that does not always deter renters. It is a huge impact to the residents to have to call the City to enforce illegal parking and an additional impact to the City to enforce it.

Commissioner Hontz pointed out that 60 Sampson is a large home. The renters could most likely have more than two vehicles and there is not room on the site to accommodate more than two. She did not believe the suggestion to park at China Bridge was a reasonable solution. Commissioner Hontz noted that this winter is abnormal weather because snow is the normal for Park City. She wants snow in Park City and slippery and hard to drive roads. She could not understand why the City would create more problems that would need to be resolved in the future by allowing nightly

renters in that area. Commissioner Hontz remarked that Sampson Avenue is the most challenging street in Old Town for access and size. She thought they might be able to meet the requirements to allow the conditional use permit, but she questioned whether it was worth it in terms of approving this type of use. She also questioned whether the CUP could be rescinded if there were consistent problems.

Assistant City Attorney, Polly Samuels McLean, clarified that a conditional use is an allowed use as long as the impacts can be mitigated. She asked if Commissioner Hontz was concerned that the impacts could not be mitigated in this location due to the lack of parking and other constraints.

Commissioner Hontz replied that she would be comfortable with the CUP if someone could convince her that the impacts could be mitigated. She believed some of the impacts could be addressed through the rental agreement; however, if the impacts were not mitigated, the burden would fall on the neighbors to resolve it. She was also concerned that if the conditions are not met and the impacts are not mitigated, it would take additional time to rescind the CUP.

Assistant City Attorney McLean pointed out that the legal criteria is whether or not the impacts can be mitigated. She understood that Commissioner Hontz was saying that if the impacts were difficult to enforce, they could not be mitigated. Commissioner Hontz replied that it was her concern, but she was willing to listen to other Commissioners if they could find a way to resolve that issue.

Commissioner Hontz stated that trash is a problem throughout Old Town with nightly rentals. She concurred with Ms. Meintsma that the property management company cleans the day after trash pickup, and the trash sits there for a week. Trash on the street erodes the experience for both residents and guests.

Commissioner Thomas understood that the concern was who would rent the house and assumptions on the number of people who would occupy the house. More occupants create more trash and more parking issues. He pointed out that the Planning Commission could not control that aspect, which is similar to the fact that they could not control who purchases a house or who rents it long term. He noted that an owner or long-term renter with a large family generates a lot of cars and a lot of trash, but that is completely allowed and acceptable. He could not see much difference between that occurring with a long-term renter versus a short-term renter. Commissioner Thomas remarked that the HRL zone was created to accept these conditional uses. He believed the impacts could be mitigated the same as with the normal community.

Commissioner Hontz remarked that the difference is that if someone lives there long-term, it is easier for a neighbor to talk to them face to face regarding a problem. It is more difficult to talk to someone renting short-term because they are leaving soon and do not care to address the problem. Commissioner Hontz appreciated Commissioner Thomas' comments, but she believed there was a significant difference between the two.

Commissioner Thomas still thought they were making assumptions on who would be renting the house. He was comfortable with the conditions and believed the impacts could be mitigated. Commissioner Thomas thought the issues begged a conversation on re-evaluating some of the

zones in terms of conditional uses and allowed uses. However, the Code is clear for this application and he was not opposed to the requested CUP.

Commissioner Savage concurred with Commissioner Thomas. Based on the comments this evening, he found nothing that would cause him to think that the impacts associated with nightly rentals would be materially different than the impacts that exist from the people who already use the house. Commissioner Savage noted that the Staff analysis indicates that there are no unmitigated impacts and he had not heard anything to make him think otherwise. Based on legal advice, if that is the case, the Planning Commission has an obligation to approve the application.

Commissioner Strachan stated that he heard evidence of unmitigated impacts from three separate people who have nightly rentals in their neighborhoods. He did not believe a rental agreement was an effective tool to mitigate the impacts because the landlord has no incentive to enforce the rental agreement. Once the landlord receives the money he is often an absentee party. Commissioner Strachan remarked that a CUP is infinite and once it is granted it cannot be taken away. They could assume that the impacts of a nightly rental are the same as the impacts of a primary resident family, but if that assumption is wrong, they cannot rescind the CUP. Commissioner Strachan pointed out that it only takes three or four instances of disagreeable and uncooperative nightly renters to make the impacts different than the impacts created by a permanent resident. He could not find the ability to mitigate the impacts of nightly rentals in this application.

Commissioner Strachan believed the LMC should be amended to only allow nightly rentals on the streets that immediately surround Main Street.

Chair Wintzer remarked that Condition of Approval #5 regarding the China Bridge was unrealistic and it could not be enforced. If the street is so difficult that it requires that type of a condition, it indicates that the impact was unmitigated.

Ms. Maltby remarked that the house could also be accessed from King Road, which would address concerns regarding emergency vehicles. There is no parking but there is direct access to the house. King Road is a two lane road and much wider than Sampson. Ms. Maltby stated that she has owned the house since 2004 and has never had a problem accessing the house due to bad weather. Chair Wintzer replied that the difference was that Ms. Maltby had a four-wheel drive vehicle and had lived in Park City long enough to understand the road and weather conditions.

MOTION: Commissioner Strachan moved to DENY the conditional use permit application for nightly rentals at 60 Sampson Avenue. Commissioner Hontz seconded the motion.

VOTE: The motion passed 3-2. Commissioners Hontz, Strachan and Wintzer voted in favor of the motion. Commissioners Thomas and Savage voted against the motion.

Ms. Maltby asked if she had any recourse against their decision. Chair Wintzer advised Ms. Maltby that she was entitled to the appeal process and her project planner could explain the details.

**2. North Silver Lake, Lot 2B – Extension of Conditional Use Permit
(Application #PL-11-01392)**

Commissioner Thomas recused himself from this item and left the room.

Planner Evans reviewed the request for a one-year extension of the conditional use permit for the North Silver Lake Lot 2B Subdivision. The original CUP was approved on July 8, 2008 for the North Silver Lake Lodge. The first one-year extension of that CUP was granted by the Planning Director and that decision was appealed to the Planning Commission and then to the City Council. On July 20th, 2011 the City Council upheld the decision by the Planning Commission to uphold the Planning Director's decision to grant the extension. Planner Evans pointed out that the appeal process actually gave the extension 20 additional days and that extension was set to expire on July 21, 2012. If this request for a second extension is granted, the CUP would expire on July 21, 2013.

Planner Evans noted that the Staff report identified the appropriate sections in the LMC that allows a conditional use permit to receive two extensions; one from the Planning Director and a second from the Planning Commission, as long as the conditional use permit meets specific criteria. The first criteria was no change in circumstance that would result in unmitigated impacts. The second criteria was that the extension would not result in finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Planner Evans pointed out that there have been no Code changes and no physical changes to the property, other than the landscaping that the applicant was required to do as a condition of the CUP.

Planner Evans noted that the Staff report mentioned that the applicant was required to bond to fill in the hole on the property. Attached to the Staff report was the original Staff report from the June 24th, 2010 meeting where the conditions specify that the financial guarantees included re-vegetation of the perimeter enhancement capping of new disturbances and previous disturbances and clean up of all staging areas on site. Planner Evans clarified that the requirement was not to fill in the actual area that was excavated but to actually cap it. The required work was done and the condition was met. In addition, the landscaping that was required on the perimeter was installed and it has grown substantially.

The Staff recommended approval of the one-year extension to the Conditional use permit. Chair Wintzer asked if the grass seed came up. Planner Evans replied that it had been inspected. He did not believe all the seed came up, but the expectation was that another growing season would produce additional growth. Planner Evans stated that the Staff has been talking with the applicant regarding the bond issue and the applicant is willing to keep a certain amount in the bond to ensure that the area is re-vegetated as required.

Doug Clyde, representing the applicant, stated that the Building Department had inspected the vegetation in the early Fall and determined that there was sufficient growth to consider the site re-vegetated.

Planner Evans reported that written public comment was received and provided to the Planning Commission. The Planning Commission has also been provided with a copy of the time line to address noticing questions raised by the public. Planner Evans stated that on the day the property was to be noticed, he noticed North Silver Lake at 60 Sampson and immediately realized his

mistake. For that reason, both North Silver Lake and 60 Sampson Avenue were continued to this meeting and both properties were re-noticed properly.

Planner Evans stated that the property owners were mailed two notices. One was for the first meeting, where both items were continued. Second notices were sent to the same group of individuals for this meeting.

Chair Wintzer opened the public hearing.

Bob Dillon, an attorney with Jones Waldo, stated that he was representing 29 surrounding neighbors and several HOAs. Mr. Dillon is also a resident in the American Flag Subdivision. Regarding noticing, he had checked the website last week to see if there would be a Planning Commission meeting this week. The website showed the meeting as tentative, and he did not think the Planning Commission would be meeting. He only found out about this meeting yesterday. Mr. Dillon stated that he does not receive courtesy notices, even though he has been involved with the North Silver Lake process. He would appreciate a courtesy notice for future meetings.

Mr. Dillon remarked that the people he represents did not oppose the requested extension. However, that does not mean they like the project. They have always felt that it was incompatible with the surrounding development and it was too large. They have made a point of arguing that compatibility includes construction. To wait 25 years to build a project after all the surrounding properties and neighborhoods have been built out questions the compatibility issue. However, it is critical to complete the project in a timely manner once it is started and to do it in a way that does not unduly burden the surrounding neighborhoods. Mr. Dillon clarified that completion and timing were his clients' main focus.

Mr. Dillon reiterated that his clients did not intend to oppose the CUP extension, but there were points in the Staff report that he wanted to address. He referred to Finding of Fact #8 and questioned the wording. Mr. Dillon objected to the second sentence in Condition of Approval #2, "Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director". He believed that it was inappropriate to say that the Chief Building Official and the Planning Director have the discretion to determine the validity of their own actions. Mr. Dillon recommended striking that sentence from the condition of approval and replacing it with language stating, "Any subdivision of land, issuance of building permits and construction of structures or improvements must be done in compliance with the Park City Land Management Code".

Mr. Dillon stated that in connection with the appeal that Lisa Wilson did last year, an applicant filed for a building permit to build one unit. That application for a building permit triggered neighborhood discussions with the developer and their contractor. Mr. Dillon wanted it clear that his clients understand that these are developers who are doing what developers do. They had good conversation in the process and the neighbors were able to meet the contractor. Mr. Dillon believed that the Planning Commission had punted the phasing plan to the Building Department when permits are pulled, rather than review it themselves. Mr. Dillon stated that after several neighborhood meetings, the decision made by the Chief Building Official, Chad Root, resulted in a phasing plan that would reduce the time frame for the entire development to seven years after

issuance of the first building permit. An exception was given to the perimeter houses, which were not subject to the seven year time frame. Mr. Dillon remarked that the neighbors did not love the seven year period, but felt it was better than the 25 year period.

Mr. Dillon reiterated the request to complete the project once it is started so the neighbors are not forced to live with a half-built project.

A homeowner at 19 Grosvnor Court, supported the comments made by Bob Dillon. They realize that there is going to be development and the main issues are density and timing. He supported the concept of developing the property quickly as opposed to dragging it over a long period of time. He believed there should be some restrictions on how long the individual houses can continue to be phased into this project. He clarified that he was speaking for himself, but he has spoken with many other property owners who share his views.

Lisa Wilson, a full-time resident of North Silver Lake, stated that people were not noticed for this meeting. She learned about this meeting yesterday. She saw Bob Dillon around 4:30 p.m. and found that he was unaware of the meeting until she told him. She spoke with others who had not received a courtesy notice, including Tom Boone, the person who has been instrumental in keeping the neighbors informed and helping to pay for legal counsel.

Ms. Wilson thanked the developer for putting in the vegetation. The front looks much better and the trees were growing and blocked the Deer Valley pit. Mr. Wilson had concerns as to whether this project actually meets the Land Management Code and the Deer Valley Master Plan. She filed a complaint with the State of Utah Department of Commerce and they issued an advisory opinion. In that opinion, according to the lead attorney for property rights, there is a 3.02 acre TDR for Belmont. Ms. Wilson stated that the conditional use permit says there is 3.7 acres. She explained how the acreage was calculated to reach that number.

Chair Wintzer informed Ms. Wilson that the extension of the conditional use permit was the issue for discussion and comment. He clarified that the history of the CUP and whether or not the original decision was right was not relevant and had already gone through the appropriate appeal process. He asked Ms. Wilson to focus her comments on the CUP extension that the Planning Commission would be voting on this evening.

Ms. Wilson asked if the City made an error in their decision if that no longer mattered. Chair Wintzer replied that it was not an issue for the Planning Commission because it was not the decision they were being asked to make this evening. The Planning Commission would only be voting on whether or not to extend the CUP. Chair Wintzer clarified that the question of the original decision had been addressed through the appeal process.

Ms. Wilson noted that the TDR uses four acres of Deer Valley Resort land, and of that land approximately 2 acres is ski run. She pulled up the property tax record and found that the property tax for the open space parcel is \$55.76. That helps build 74 units.

Mr. Wintzer again asked Ms. Wilson to focus her comments on extending the CUP.

Ms. Wilson found it odd that such a large parcel has virtually no property tax. She was curious to know if there were records of TDR sales and how much a TDR sold for. Chair Wintzer stated that the Planning Commission was not prepared to answer that question and recommended that Ms. Wilson ask her City Council representative.

Ms. Wilson agreed that the developer has a right to build on the property, but she felt the project was much too large. She found it curious that people were not noticed, that the Planning Commission meeting was not posted on the event calendar, and that the primary person in charge of coordinating opposition to the project did not receive a notice.

Chair Wintzer asked if Assistant City Attorney McLean was comfortable with the noticing process for this project. Ms. McLean replied that she was satisfied with the process based on what the Staff provided and put into the Record. It was posted properly and published and she was comfortable that it was done within the proper requirements.

Chair Wintzer closed the public hearing.

Richard Lichtenstein, representative for the applicant, stated that he had had a number of conversations with Mr. Boone over the last several months, and he was remiss in telling Mr. Boone that the December meeting had been moved to January. Mr. Lichtenstein stated that if courtesy notices do not go out from the City, he would endeavor to reach out to Mr. Boone and his representative in the future. He noted that the owners are committed to build this project. They are as committed today as they were before to work with the neighbors as they have over the last three or four years, and more specifically last year. They understand the challenge of building an infill project with existing homes and they will continue to work with the neighbors to mitigate the impacts as they get closer to pulling a building permit.

Mr. Lichtenstein commented on the pit itself and the trees that were planted. Once the snow melts in the Spring they intend to make sure that the trees that were planted are living and that the vegetation planted in the pit is growing.

MOTION: Commissioner Savage made a motion to APPROVE the North Silver Lake Conditional Use Permit Extension to July 21, 2013 in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

Commissioner Strachan was prepared to second the motion but thought they should first discuss amendments to the Findings of Fact and Conditions of Approval. Commissioner Strachan thought Finding #8 was a typo and should be eliminated completely. Commissioner Hontz agreed that the existing language should be removed, but it should be replaced with appropriate language. She believed that finding of fact #8 for this application should be the same language as finding of fact #7 in the previous approval.

Commissioner Strachan asked if the findings were for this extension only or whether the findings from the original CUP and first extension needed to be included. Assistant City Attorney McLean replied that the conditions of approval of the prior CUPs were incorporated. Commissioner Strachan pointed out that the findings of fact from the previous approvals were already on record

and since they were not making changes, those findings did not have to be re-stated for this application. Commissioner Hontz was comfortable with that explanation and agreed with deleting finding #8.

Commissioner Strachan referred to Condition of Approval #2 and understood that the intent of the condition was to say that the CUP extension automatically expires if a building permit is not issued. If a building permit is issued, once construction begins the extension stops. He was told this was correct. Commissioner Strachan suggested that they revise Condition #2 to read, "This approval will expire July 21, 2013, 12 months from the first extension of the CUP". The remainder of the language regarding the building permit was deleted since it is already addressed in the Code.

It was noted that deleting Findings of Fact #8 would change the number of Findings and the numbering should be revised.

AMENDED MOTION: Commissioner Savage amended his motion to incorporate the deletion of Finding of Fact #8 and the revised Condition of Approval #2 as stated. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas was recused.

Findings of Fact – North Silver Lake, Lot 2B

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
5. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of the LMC Chapter 15-1-10.
6. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
7. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
8. The Planning Commission held public hearings on the original CUP on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009 and approved the CUP on July 8, 2009.

9. The Planning Commission approval of the CUP was appealed to the City Council and on November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
10. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
11. The revised CUP was appealed to the City Council and on July 1, 2010 the City Council approved the North Silver Lake Lot 2B Conditional Use Permit.
12. On March 17, 2011 the Planning Department received a complete application for an extension of the Conditional Use Permit. The extension request was submitted prior to the expiration of Conditional Use Permit. On April 28, 2011 the Planning Director approved the one year extension to July 1, 2012.
13. An appeal of the Planning Director's approval was heard on June 8, 2011 by the Planning Commission. The Planning Commission voted to uphold the Planning Director's decision to grant the extension of time as requested by the applicant.
14. The Planning Commission's decision was appealed to the City Council and on July 21, 2011 the City Council voted to uphold the Planning Commission's decision and approve the extension until July 21, 2012.
15. Within the July 1, 2010 approval, Condition of Approval #18 states, "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This condition was met prior to the first extension request and the applicant has since capped the roc area with soil and has re-vegetated the area with new landscaping along the perimeter entrance as required.
16. The Building Department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work has been completed and the Building Department has released the bond.
17. On October 27, 2011 the applicant submitted a request for an additional one year extension of the Conditional Use Permit to which is currently set to expire on July 1, 2012. The new extension will expire on July 21, 2013.
18. The Conditional Use Permit Criteria within LMC Section 15-1-10 has not changed since the July 1, 2010 City Council approval.

19. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
20. There have been no changes to the application or the approved plans since the first extension of time was granted on June 8, 2011 by the Planning Commission (and upheld by the City Council on July 21, 2011).

Conclusions of Law – North Silver Lake, Lot 2B

1. The application is consistent with the Deer Valley Master Planned Development and the park City land Management Code, particularly Section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.

Conditions of Approval – North Silver Lake, Lot 2B

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expired July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Commissioner Hontz commented on noticing. She believed the City did a good job of accomplishing the legal noticing requirements; however, she thought it was important to make sure that the people who are interested and want to attend meetings are made aware in a way that goes beyond the legal parameters.

Assistant City Attorney McLean informed the public in attendance that the City has e-notify and it is simple to sign up on the website. E-notify enables those who sign up to get all the Planning Commission agendas and it reminds people that the Planning Commission is meeting. Director Eddington remarked that e-notify users are also noticed for City Council, Planning Commission, Historic Preservation Board, and Board of Adjustment meetings if they sign up. Ms. McLean clarified that e-notify would not substitute the current courtesy notice process, but it is another source of information.

Ms. Wilson noted that e-notify is not posted until Friday, which leave little time to prepare if there is an item on the agenda. She asked if there was some way to obtain the agendas more in advance. Ms. McLean remarked that Park City notices more in advance that what the State law requires. The

legal notice is published in the Park Record two weeks prior to the meeting. The actual agenda for the meeting is posted on e-notify on Friday with the Staff report for the Planning Commission meeting on Wednesday. Ms. McLean stated that the packet is not prepared until Friday, which makes it difficult to provide the information sooner. The Staff could have an internal discussion to see if there were other ways to publish the legal notice.

The Planning Commission adjourned the regular meeting and moved into work session for legal training.

The Park City Planning Commission meeting adjourned at 7:15 p.m.

Approved by Planning Commission: _____

DRAFT

WORK SESSION

Planning Commission Staff Report



Application #: PL-11-01391
Subject: Lot 43, Block 9, Park City Survey
Variance Request
Author: Francisco Astorga, Planner
Date: February 8, 2012
Type of Item: Work Session

Summary Recommendations

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

Description

Applicant: Trent Timmons, represented by Hal Timmons
Location: 520 Park Avenue (Tax ID no. PC-124-D-1)
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential
Reason for Review: Review the variance request to provide input to Staff and the Board of Adjustment

Proposal

The property owner of Lot 43, Block 9, of the Park City Survey requests a variance from the minimum lot area. The site is 1,829 square feet. The minimum lot area is 1,875 square feet. The lot is 46 square feet smaller than the minimum lot size.

Background

The property is located at 520 Park Avenue in the heart of historic Park Avenue within the HR-2 District. The site is currently vacant with the exception of a shed that encroaches towards the north area of the lot. This shed is not historic. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant. That property has a small strip of land located on the former rear portion of this site where the historic building sits. This strip of land is approximately 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

In the 2009, the City approved the 515 Main Street Plat Amendment, which included the area of the historic building encroachment. To serve as a notice and to protect future ownership, there was a Condition of Approval that the applicant (515 Main Street Plat) place a notice of interest on the portion of the lots which they own indicating that the three (3) lots (including the subject site) do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice

was recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. See Exhibit B (515 Main Street City Council staff report.)

The applicant seeks a variance to construct a single family dwelling on a lot that does not comply with the minimum lot area of 1875 square feet. The lot is 46 square feet smaller than the minimum standard due to the encroachment of the historic building.

Discussion Requested

The City Council and Planning Commission have expressed concerns with the existing Land Management Code (LMC) maximum footprint regulation and plat amendment process allowing the possibility of larger lots of record yielding larger structures that are incompatible with the development pattern and character of historic Old Town. These issues were discussed in 2007, which outcome was the 2009 LMC amendments which reduced the massing and size of buildings and adoption of new Design Guidelines for Historic Districts and Historic Sites, but specifically rejected further alterations to the maximum footprint table by imposing a maximum footprint. The City spent additional time last August with analysis and recommendations regarding floor area limitations for new construction, but ultimately nothing was approved as it was recognized that the City's General Plan is currently being updated and may lead to additional analysis and recommendations.

Due to the small discrepancy of 46 square feet, granting the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the General Plan is to ensure that the character of new construction is architecturally-compatible with the existing historic character of Park City.

The property owner could combine this non-complaint lot with the lot to the south. Staff does not find this to be appropriate solution as the scale of historic structures tends to be smaller. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure.

Given the direction that the City Council and Planning Commission provided last August related to floor area/footprint and the related compatibility between historic structures and new construction, Staff finds that the character of this neighborhood would be better served by allowing a smaller structure rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that might have challenges in meeting the Historic District Design Guidelines in terms of scale, volume, and compatibility. It is also worth noting that the Planning Commission recommended LMC revisions to the HR-2 District in April 2010 that encouraged the construction of single family structures on these lots (along the east side of Park Avenue) to tie into the residential fabric that currently exists on the west side of Park Avenue.

Another option that the applicant could explore is requesting to purchase the area of non-compliance back from the 515 Main Street owner to be able to come up with that minimum standard of 1,875 square feet. This would be facilitated with the cooperation of such rear neighbor and actual re-platting the 515 Main Street site to reflect that the 46 square foot portion of the historic structure would now sit on the applicant's lot and an encroachment agreement would be memorialized to facilitate maintenance, etc.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of a variance application by the Board of Adjustments constitutes Final Action that may be appealed following the procedures found in LMC 15-10-13.

Department Review

This project has gone through an interdepartmental review. It has also been reviewed by the Planning Director and City Attorney. No further issues were brought up at that time.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction could take place over the lot unless the applicant files a plat amendment application to combine property adjacent to the site.

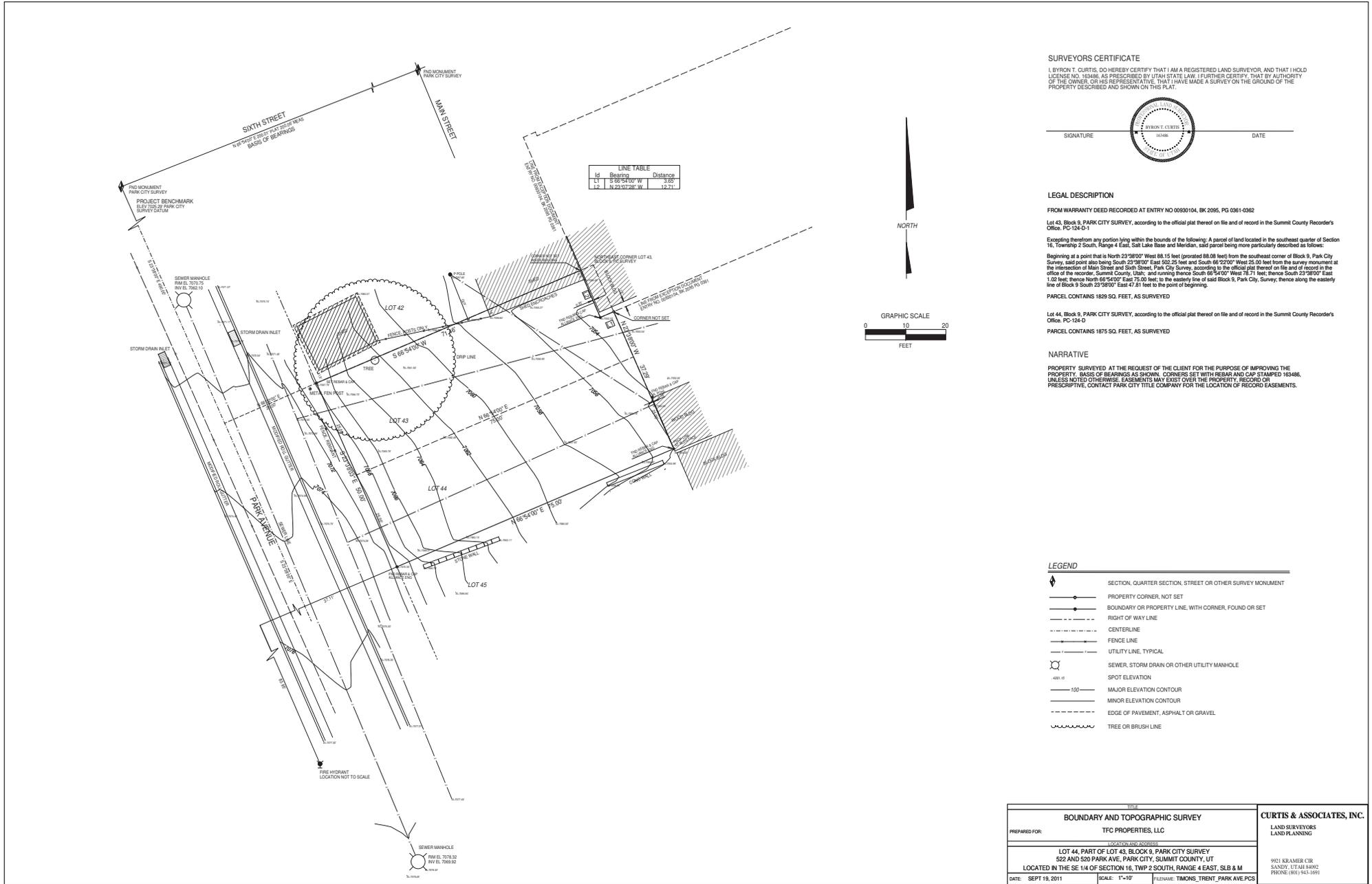
Recommendation

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

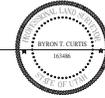
Exhibits

- Exhibit A – Survey of the property
- Exhibit B – 515 Main Street Plat Amendment Staff Report and Exhibits
- Exhibit C – Recorded Notice
- Exhibit D – Planning Commission Minutes 10.28.2009
- Exhibit E – Applicant's statement to variance request

EXHIBIT A – SURVEY OF THE PROPERTY



SURVEYORS CERTIFICATE
 I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN.

SIGNATURE:  DATE: _____

LEGAL DESCRIPTION
 FROM WARRANTY DEED RECORDED AT ENTRY NO 00930104, BK 2095, PG 0361-0362
 Lot 43, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office, PG 124-D-1

Excepting therefrom any portion lying within the bounds of the following: A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, 3rd 1/2 Mile Base and Meridian, said parcel being more particularly described as follows:
 Beginning at a point that is North 23°38'00" West 88.15 feet (rounded 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and South 68°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and South Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 68°54'00" West 76.71 feet; thence South 23°38'00" East 1.02 feet; thence North 68°54'00" East 75.00 feet to the easterly line of said Block 9, Park City Survey; thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

PARCEL CONTAINS 1829 SQ. FEET, AS SURVEYED

Lot 44, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office, PG 124-D
 PARCEL CONTAINS 1875 SQ. FEET, AS SURVEYED

NARRATIVE
 PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF IMPROVING THE PROPERTY. BASIS OF BEARINGS AS SHOWN. CORNERS SET WITH REBAR AND CAP STAMPED 163486, UNLESS NOTED OTHERWISE. EASEMENTS MAY EXIST OVER THE PROPERTY. RECORD OR PRESCRIPTIVE, CONTACT PARK CITY TITLE COMPANY FOR THE LOCATION OF RECORD EASEMENTS.

TITLE		CURTIS & ASSOCIATES, INC. LAND SURVEYORS LAND PLANNING
BOUNDARY AND TOPOGRAPHIC SURVEY		
PREPARED FOR:	TFC PROPERTIES, LLC	
	LOCATION (LAND ADDRESS)	
	LOT 44, PART OF LOT 43, BLOCK 9, PARK CITY SURVEY 522 AND 520 PARK AVE., PARK CITY, SUMMIT COUNTY, UT LOCATED IN THE SE 1/4 OF SECTION 16, TWP 2 SOUTH, RANGE 4 EAST, SLB & M	
DATE: SEPT 19, 2011	SCALE: 1"=10'	FILENAME: TIMONS_TRENT_PARK_AVE.PCS

City Council Staff Report



Subject: 515 Main Street
Author: Francisco Astorga
Date: November 12, 2009
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Talisker Main Street LLC, represented by David Smith
Location: 515 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Retail
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Purposes of the HCB District

The purpose of the Historic Commercial Business (HCB) 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.

Background

On April 1, 2009 the City received a completed application for the 515 Main Street Plat Amendment. The property is located at 515 Main Street in the HCB District. The proposed plat amendment combines Lot 5 and portions of Lot 4, 6, 41, 42, and 43 in Block 9, Park City Survey into one lot of record. The proposed new lot will be 3,757 square feet in size.

The site has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The site is located in the heart of historic Main Street, which is surrounded by commercial/retail land use. The subject area is surrounded by Landmark Sites to the North and the South. The site to the south (511 Main St.) has a one-story frame 1-part block building, built in the 1910's, which houses a retail shop. The site to the north (523 Main St.) has a two-story frame 2-part block building, built circa 1900, which houses also houses a retail shop.

The applicant wishes to combine the lots into one (1) lot to facilitate the use of a new outdoor dining area on the property. A Historic District Design Review application was submitted to the City which included adding a retractable awning, bracing the front façade, adding mechanical equipment on the roof, and adding clerestory windows on the south elevation towards the rear of the building. Work also included building an outdoor patio. Staff found the request compliant with the Historic District Design Guidelines. A building permit was issued for the work, since most of the requested work did not take place over the lot lines. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines. An administrative Conditional Use Permit for the outdoor dining was also submitted to the City for review. It was determined by the City that that the plat amendment application had to be approved prior to the consideration of the outdoor dining permit.

Other than building permits, sign permits and Sundance related permits, there have been no land use applications for the building or the lots.

The Planning Commission reviewed this request during their October 28, 2009 regular meeting. A public hearing was held and the Commission forwarded a positive recommendation to the City Council. No public comments were made.

Analysis

The proposed plat amendment creates one (1) lot from Lot 5 and portions of Lots 4, 6, 41, 42, and 43 in Block 9, Park City Survey, within the HCB District. Staff has reviewed the proposed plat amendment and found compliance with the following Land Management Code (LMC) requirements for lot area, size and width:

	LMC requirement	Proposed
Minimum lot area	1,250 sq. ft.	3,757 sq. ft.
Minimum lot width	25 ft.	47.81 ft.
Minimum lot depth	50 ft.	78.71 ft.

Staff finds good cause for this plat amendment as the combined lot will clean up the various lot lines through the Historic Site, including the building. The combination will also facilitate the use of an outdoor dining area on the pad located north of the building, which meets the purpose of the HCB District. All future construction must comply with the LMC requirements for the HCB District including compliance of the Design Guidelines for Historic Districts.

There is a small strip of land located on the rear portion of this site which contains portions of Lot 41, 42, and 43 and are part of this lot combination. This strip of land is approximately 3.5 feet wide. The historic building was built on top of these lots as indicated on the submitted survey (Exhibit C). The building encroachment on the rear lots is approximately 114 square feet. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

The three residential lots located to the rear of the subject property do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in LMC §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, parcel no: PC-143, PC-124-D, and PC-124-D-1, respectively. Staff has notified the property owner of this non-compliance (Exhibit D) outlining the issue and their specific options for future development, which includes a request to the Board of Adjustments for a variance or a plat amendment application which would comply with current development standards.

To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots (see Exhibit D).

The building located to the south, 511 Main Street (Landmark Site), sits on the remaining bottom portion of Lot 4 and also on the top portion of Lot 3. The lot line goes right through the middle of the building (see Exhibit C). The building located to the north, 523 Main Street (Landmark Site), sits on the remaining top portion of Lot 6. It

also encroaches six inches (6") on to the area owned by the applicant for the entire length of the building. The applicant is willing to grant the owner of this building consent to encroach. Both of these Landmark Sites do not comply with the minimum lot width requirement of twenty-five feet (25') or the minimum lot area of 1,250 square feet. Because of the historic nature of the sites, which includes these historic buildings, Staff does not find a dilemma with these discrepancies.

Planning Commission Discussion

Due to the age of the building (built circa 1898) it can be determined that the rear building encroachment has existed for over a hundred years and has acquired historical significance. The rear encroachment addition is shown on the 1900 and 1907 Sanborn Insurance Maps, which matches the 1968 tax record and the existing footprint of the building, which is 73 feet deep by 32 feet wide. Staff estimates that this rear encroachment addition was built sometime between 1889 and 1900. Also according to the applicant Coalition Title has confirmed that the strip along the north side of 515 Main Street (i.e., the south half of Lot 6) was acquired by previous property owner just over 20 years ago but Lot 6 was actually split into its current configuration in 1895, which matches the approximate date of when the building was constructed, circa 1900. Even though the lots have not been requested to be re-configured until now, there is an indication that the current configuration was historically distinguished.

The site to the west, 526 Park Avenue, Lot 41, has a front-facing gable-roofed frame house built circa 1897. This site has been identified as a Significant Site by the Historic Site Inventory. The submitted survey (Exhibit C) also shows a small storage shed towards the back, which is not listed in the Historic Site Inventory. Lots 42 and 43 are both vacant lots with the exception of the storage shed towards the back as shown on Exhibit C. This shed is also not listed in the Historic Site Inventory. The survey also shows that the roof of the storage shed is attached to the 515 Main Street building. The applicant is willing to grant the owner of this storage shed a consent to encroach, which outlines the flashing affixed to the shed is also attached to the building.

Staff discussed this lot combination with the Planning Commission during their October 28, 2009 meeting. The Planning Commission concurred with Staff with the conclusion of good cause for this plat amendment. Approval of this lot combination will clean up the lot lines on site, memorializing the Park City Survey lot and remaining lot portions into one lot of record but at the same time it will create three (3) non-compliant lots on Park Avenue and two (2) non-compliant lots on Main Street.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. All items have been addressed throughout this staff report.

Notice

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

Public Input

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

Alternatives

- The City Council may approve the 515 Main Street Plat Amendment as conditioned or amended; or
- The City Council may deny the 515 Main Street Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 515 Main Street 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 Suggested Recommendation

The lots would remain as is. No construction across lot lines could occur.

Recommendation

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street 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

Exhibit B – Aerial Photograph

Exhibit C – Survey

Exhibit D – Letter to adjacent (rear) property owner

Exhibit E – County Tax Map

Ordinance No. 09-

AN ORDINANCE APPROVING THE 515 MAIN STREET AVENUE PLAT AMENDMENT LOCATED AT 515 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 515 Main Street 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 October 28, 2009, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on October 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 12, 2009, 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 515 Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The 515 Main Street Plat Amendment as shown in Attachment 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 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet,
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.

11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).
13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and half feet (3.5") for the entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines.
17. 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 lot combinations.
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 must 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 shall 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.
3. To serve as a notice and to protect future ownership the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.

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

PASSED AND ADOPTED this 12th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold authority of the owner, I have prepared this Record of Survey map of the 515 MAIN STREET SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

A parcel of land 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 a point that is North 23°38'00" West 88.15 feet (rounded 88.08 feet) from the intersection of Main Street and Sixth Street, Park City Survey, according to the East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the Utah; and running thence South 68°54'00" West 78.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet; thence South 23°38'00" East 1.02 feet; thence North 66°22'00" East 3.28 feet; thence North 66°22'00" East 1.02 feet; City Survey thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned, the owner of the 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 _____, 2008.

TALISKER MAIN STREET, LLC
 By: TALISKER DEVELOPMENTS, INC., Its Manager
 By: Mark R. Thorne, Vice President

ACKNOWLEDGMENT

State of Utah: _____
 County of Summit: _____

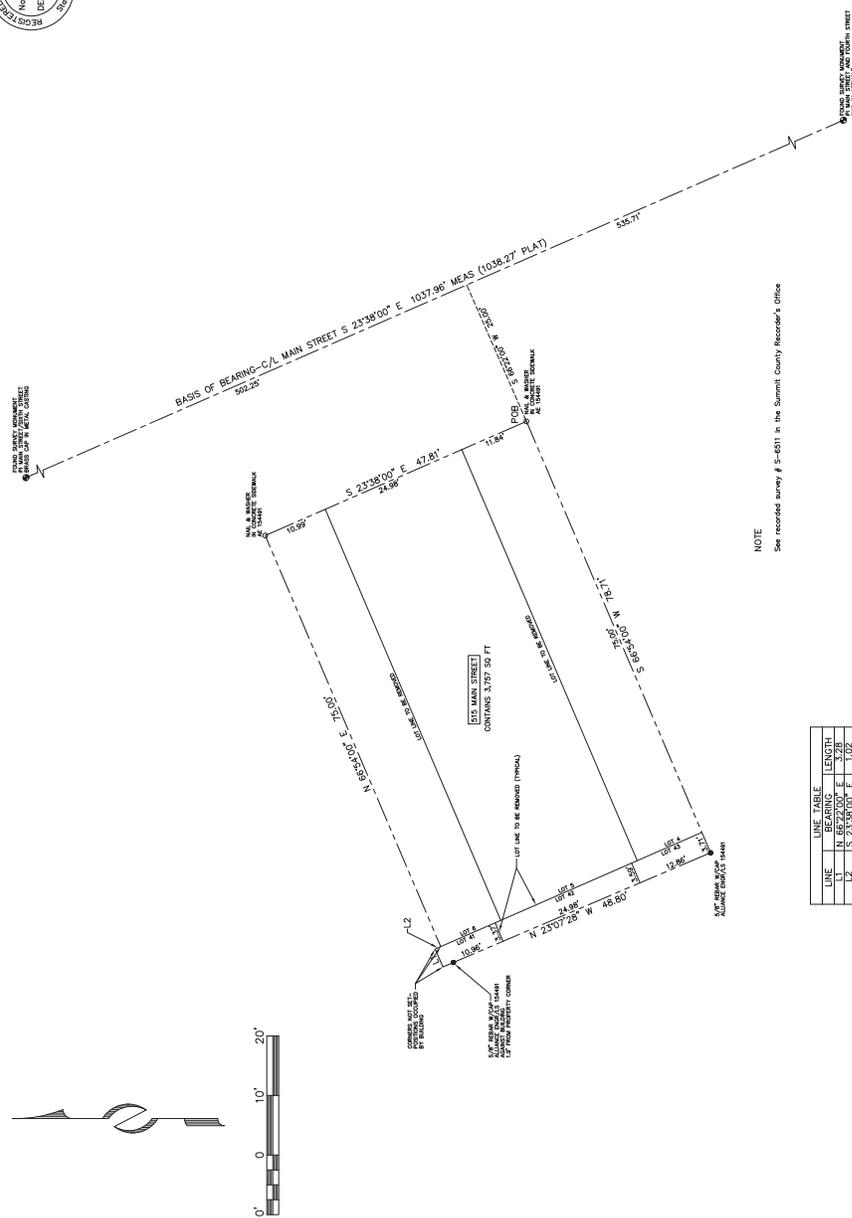
On this _____ day of _____, 2008, personally appeared before me the undersigned Notary Public, in and for said state, Mark R. Thorne, who after being duly sworn, acknowledged to me that he is the Vice President of Talisker Developments, Inc., a Utah corporation, and that Talisker Developments, LLC, that he signed the foregoing Owner's Dedication and Consent to Record on behalf of the corporation with full authority of its bylaws.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

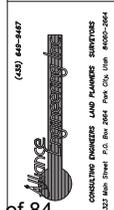
My commission expires: _____



A LOT COMBINATION PLAT OF LOT 5 AND PORTIONS OF
 LOTS 4, 6, 41, 42 AND 43 IN BLOCK 9, PARK CITY SURVEY
515 MAIN STREET SUBDIVISION

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2009 A.D. BY _____ S.B.W.R.D.		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2009 A.D. BY _____ CHAIRMAN		ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2009 A.D. BY _____ PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2009 A.D. BY _____ PARK CITY ATTORNEY		CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2009 A.D. BY _____ PARK CITY RECORDER		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2009 A.D. BY _____ MAYOR		RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____	
---	--	---	--	--	--	--	--	--	--	--	--	--	--



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 322 Main Street P.O. Box 2044 Park City, Utah 84302-2044

**515 Main Street
Aerial Vicinity Map**



SURVEYOR'S CERTIFICATE

To Talisker Main Street, LLC and Park City Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes items 1, 4, 7a, 8, 10, 11, 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

4-10-07 Date

John Demitkiewicz, No. 154491



LEGAL DESCRIPTION

A parcel of land 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 a point that is North 23°38'00" West 88.15 feet (prorated 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 66°54'00" West 78.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet; thence South 23°38'00" East 1.02 feet; thence North 66°54'00" East 75.00 feet to the easterly line of said Block 9, Park City Survey; thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

Description contains 3,757 square feet.

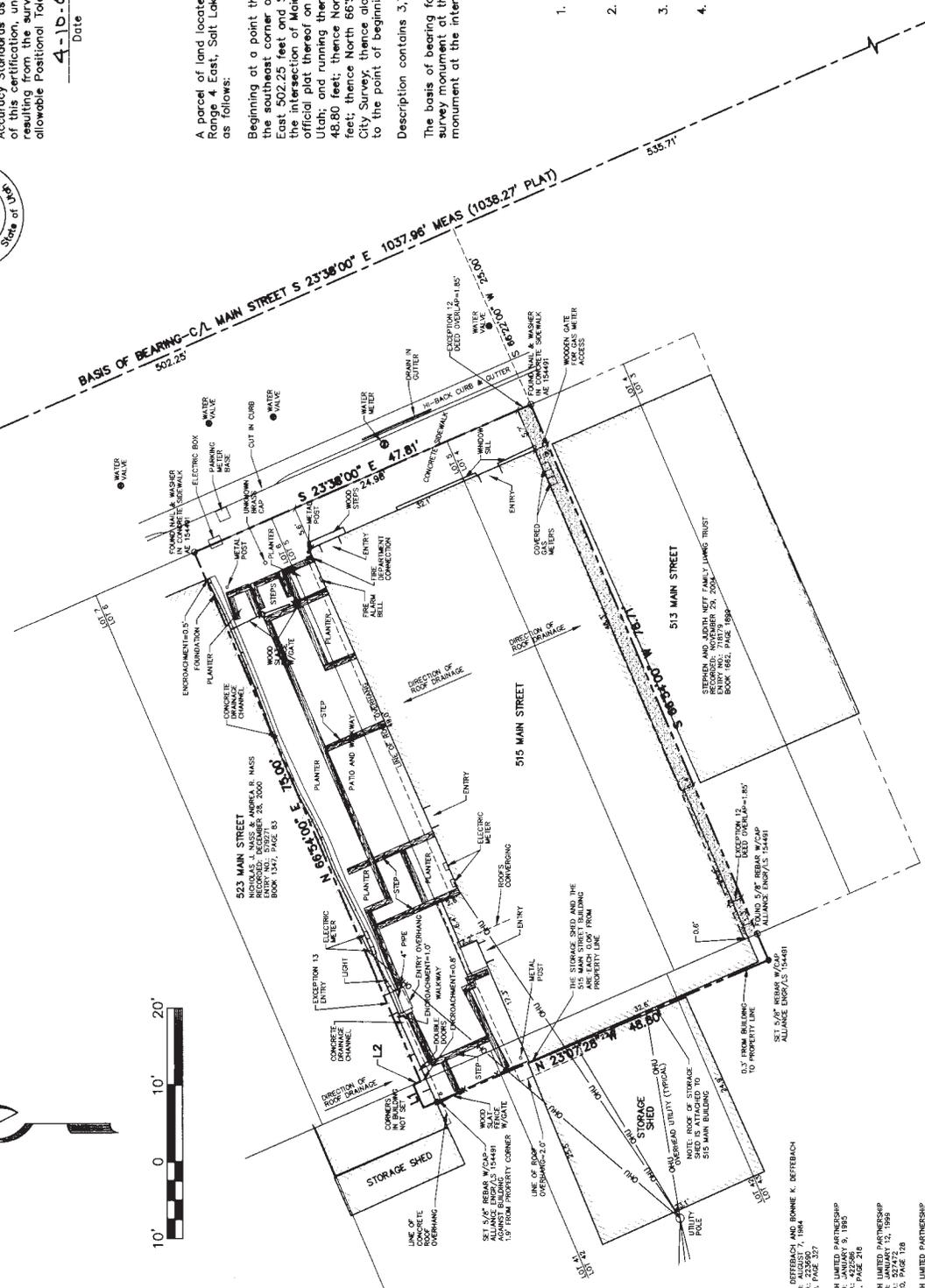
The basis of bearing for the above description is South 23°38'00" East between the survey monument at the intersection of Main Street and Sixth Street and the survey monument at the intersection of Main Street and Fourth Street, Park City Survey.

NARRATIVE

1. This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated March 27, 2007 as File No. 17422.
2. The following exceptions in Schedule B, Section II of the title commitment dated March 27, 2007 as File No. 17422 are not addressed by this survey: 1-11 and 14-15.
3. Underground utilities are not within the scope of this survey.
4. A proration of 0.99926 is applied to plat distances to conform with measured right-of-way monuments.

LINE	BEARING	LENGTH
L1	N 66°22'00" E	3.28
L2	S 23°38'00" E	1.02

FOUND SURVEY MONUMENT IN ASPHALT



ALTA/ACSM LAND TITLE SURVEY
515 MAIN STREET

FOR: TALISKER
JOB NO.: 1-1-01
FILE: X:\ParkCitySurvey\dwg\arv\010101.dwg

STAFF:
MARSHALL KING
BLAKE MYERS
MARTY MORRISON

DATE: 4/10/07

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street, P.O. Box 2864, Park City, Utah 84302-2864



Building • Engineering • Planning

October 14, 2009

Bonnie Deffebach
Deffebach Limited Partnership
1534 N. Beverly Drive
Beverly Hills, CA 90210

RE: Lots 41, 42, and 43, Block 9, Park City Survey

Dear Ms. Deffebach:

The Park City Planning Department is currently reviewing a plat amendment to create one (1) lot of record at 515 Main Street. During this review process we have learned that three (3) Old Town lots owned by you do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in Land Management Code (LMC) §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, Parcel No.: PC-143, PC-124-D, and PC-124-D-1, respectively.

In order to construct a building or other improvements the Planning Department must review the application to determine whether the proposal complies with all applicable development requirements of the zoning district.

You may submit a plat amendment application which requests to re-plot the configuration of the lots which would comply with the development standards of the LMC, including the minimum lot area. Specific information about plat amendments can be found in LMC §15-7. Development will only be able to move forward once you comply with development standards for the district.

The site (515 Main Street) has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The building is a one-part block building with a faux façade built around 1898. Most of the structure sits on Lots 4 and 5, but it also encroaches over the rear property line onto Lots 42 and 43. This historic structure's lot line encroachment causes a unique situation given that the encroachment has existed over 100 years.

According to LMC §15-10-8 the Board of Adjustments may hear applications for special exceptions to the terms of the LMC, which apply to variances, modifications of non-conforming uses, etc. Any person desiring a waiver or

modification of the requirements of the LMC as applied to a parcel or property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustments for a variance from the terms of the LMC. Specific information about the variance application, process, and conditions can be found on LMC §15-10-9.

To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that your three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until this issue is resolved. This notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. Feel free to contact us should you have any questions.

Respectfully,



Francisco Astorga
Planner

cc: 515 Main Street Plat Amendment file
Thomas Eddington Jr., Planning Director
Ron Ivie, Chief Building Official
Polly Samuels-McLean, Assistant City Attorney
Peterson – Calder Real Estate Group

WHEN RECORDED, RETURN TO:
Lorrie J. Hoggan
1850 Sidewinder Drive, 2nd Floor
P. O. Box 4349
Park City, UT 84060

00891263 B: 2019 P: 1048
Page 1 of 4
Alan Spriggs, Summit County Utah Recorder
02/01/2010 01:48:29 PM Fee \$16.00
By COALITION TITLE AGENCY, INC.
Electronically Recorded by Simplifile

NOTICE

This Notice relates to the property identified on Exhibit "A" attached hereto (the "Property"). By Warranty Deed recorded April 12, 2007, the owner of the Property conveyed the following-described portion of the Property to Talisker Main Street, LLC ("Talisker"), which is depicted on Exhibit "B" attached hereto and is more fully described as:

A parcel of land 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 southernmost corner of Lot 5, Block 9, Amended Plat of Park City, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on the easterly boundary of Lot 43, Block 9 of said Amended Plat of Park City; and running thence along the easterly boundary of Lot 43 South 23°38'00" East 11.84 feet; thence South 66°54'00" West 3.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet to the boundary common to Lots 6 and 41, Block 9, Amended Plat of Park City; thence South 23°38'00" East 37.00 feet to the point of beginning.

Description contains 170 square feet.

Part of Tax Serial No. PC-124-C

Any future development of the Property will require the approval by Park City Municipal Corporation (the "City"), including, for example, approval of a plat amendment to increase the size of the lots to meet the City's Historic Residential (HR-1) minimum lot size requirement, or approval of a variance to the City's Historic Residential (HR-1) minimum lot size requirements to allow a substandard lot size. This Notice is filed to comply with the City's requirements relative to the above-described portion of the Property owned by Talisker.

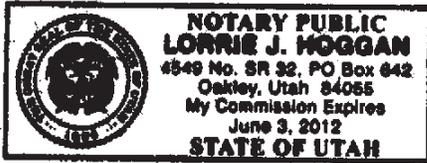
DATED THIS 29th day of January, 2010.

TALISKER MAIN STREET, LLC,
a Utah limited liability company

By: TALISKER DEVELOPMENTS, INC.,
a Utah corporation, its Manager

By: *David J. Smith*
David J. Smith

Its: Authorized Signing Officer



STATE OF UTAH)
 :
COUNTY OF SUMMIT)

On this 29th day of January, 2010, personally appeared before me David J. Smith, the Authorized Signing Officer of Talisker Developments, Inc., a Utah Corporation, Manager of Talisker Main Street, LLC, a Utah limited liability company, on behalf of such limited liability company.

NOTARY PUBLIC: *Lorrie Hoggan*
My commission expires: *6-3-12* Residing in: *Oakley, Utah*

EXHIBIT "A"

Description of the Property:

Lots 41, 42 and 43, Block 9, Amended Park City Survey, according to the official plat thereof on record with the Summit County Recorder.

00891263 Page 3 of 4 Summit County

A-1 |

EXHIBIT "B"

A PORTION OF LOTS 41, 42 and 43, BLOCK 9 AMENDED PLAT OF PARK CITY

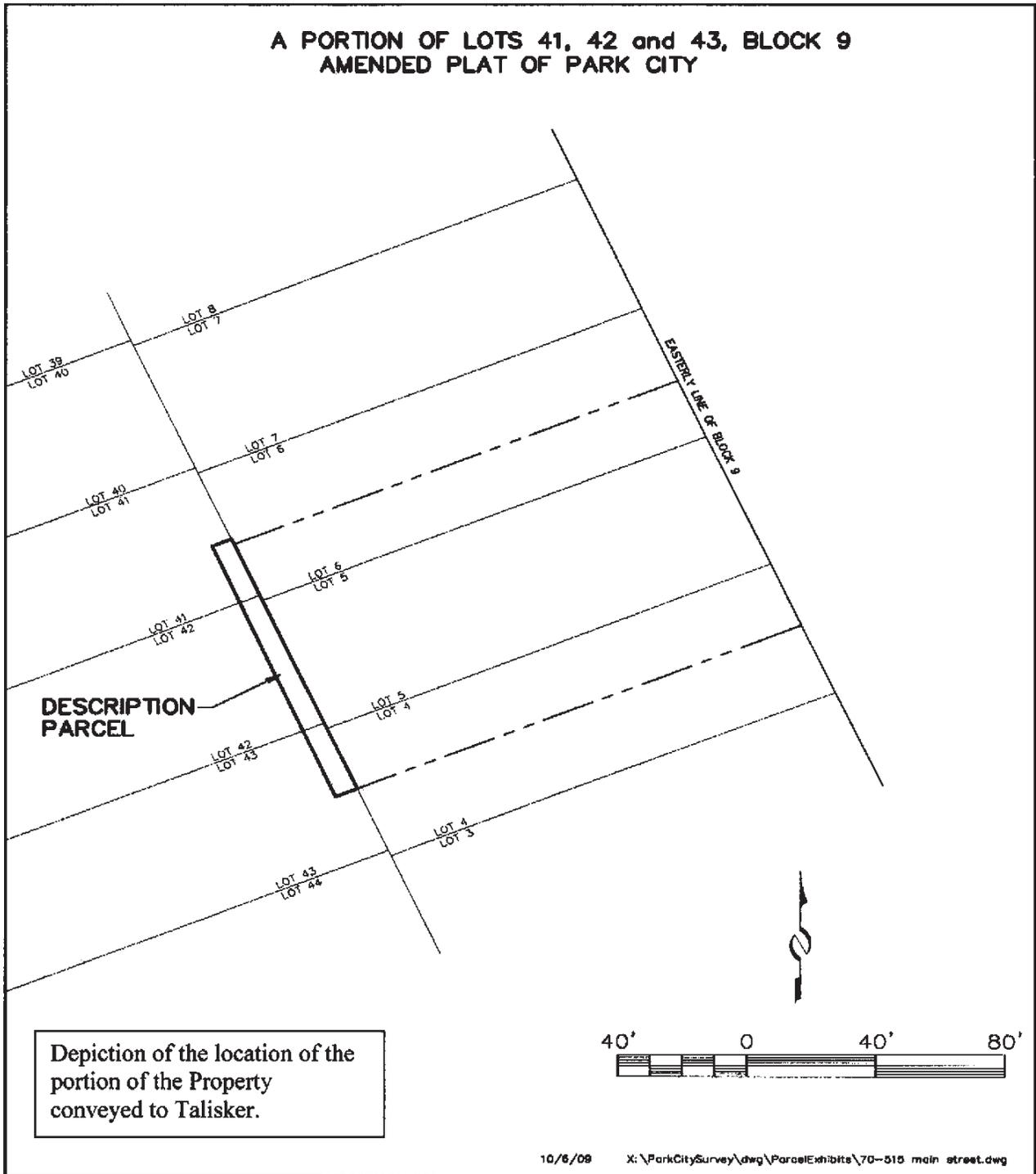


EXHIBIT D – PLANNING COMMISSION MINUTES 10.28.2009

Planning Commission Meeting
October 28, 2009
Page 12

7. As part of the pending MPD review process, the Planning Commission may require the submittal of a Construction Mitigation Plan prior to final action.
8. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit. Compliance with applicable criteria outlined in the Land Management Code, including the RD zone and the Master Planned Development requirements (LMC-Chapter 6) and review criteria for a Conditional Use Permit.
9. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
10. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 1200 Little Kate Road

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan, as conditioned.
3. 515 Main Street, Talisker - Plat Amendment
(Application #PL-09-00683)

Commissioner Wintzer resumed the Chair.

Planner Francisco Astorga reviewed the application for a plat amendment at 515 Main Street within the Historic Commercial (HCB) District. The request is to combine Lot 5 and portions of lots 4, 6, 41, 42 and 43 in Block 9 into one lot of record.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Planner Astorga stated that the lot combination meets the requirements of the HCB zone in regards to lot area, width and depth. The Staff requested input from the Planning Commission on this plat amendment and whether or not they concur with the Staff's findings for the conclusion of good cause. Planner Astorga noted that approval of this lot combination would clean up the lot lines on site and memorialize the configuration of this historic site, and at the same time combine Lot 5 and the surrounding lot portions into one lot of record. He pointed out that several lot lines go through the same building and the proposed plat amendment would create three non-complying lots on

Park Avenue, found within the HR-2 District. It would also create two non-complying lots on the north and south side of Main Street.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Commissioner Peek asked if the plat amendment created four non-complying lots on Park Avenue. He had counted Lots 41, 42, 43 and 44. Planner Astorga replied that it was Lots 41, 42 and 43. Commissioner Peek pointed out that Lot 44 is owned by the same owner and asked if that was a compliant lot. Planner Astorga answered yes.

Commissioner Peek noted that Lot 42 has a concrete structure attached to the subject building on Main Street. David Smith, representing the applicant, stated that the structure is a shed that comes off the back of the building. Commissioner Peek asked if there was a fire separation for the commercial use on Main Street and the shed on the Park Avenue lot. He was having a difficult time understanding the relationship between the two structures. Planner Astorga noted that the survey contained in the Staff report indicates that the roof of the storage shed is attached to the structure at 515 Main Street. He understood that the fire sprinkler system for the shed also goes through the building at 515 Main Street. Mr. Smith replied that this was correct.

Planner Astorga stated that Ron Ivie studied the situation and recommended recording a document similar to a Consent to Encroach that would indicate the flashing attached to the shed and the historic building, as well as the fire sprinkler system. Talisker had agreed to record that document as recommended by Ron Ivie. Planner Astorga reported that the Building Department was comfortable with this application.

Chair Wintzer asked about an entrance from the main building to the shed and whether they were two separate buildings. Mr. Smith stated that the buildings are physically separate with their own separate exterior walls. A piece of flashing across the top is the only connection.

Commissioner Peek asked if the building on the north property line encroaches on to the proposed lot. Mr. Smith answered yes and noted that a consent has been executed for the encroachment on to Talisker property. Commissioner Peek asked about the lines identified as L1 and L2 shown on the drawing. Planner Astorga replied that it was a bump out. He was unsure why it was there but it has always been part of the historic configuration of the site. Commissioner Peek asked if that area was included in the property deeded to this parcel. Planner Astorga answered yes.

Commissioner Russack understood the lot combination was from north to south, but the shed sits on a lot to the west of the main structure and both are in two different zones. Planner Astorga stated that the shed is in the HR-2 zone and the main building is in the HCB. Commissioner Russack clarified that approving this plat amendment would not allow any development on the shed to be dictated by the zone for 515 Main Street. He wanted to be sure that the two structures were considered separate and subject to their own zoning requirements. Commissioner Thomas understood that modifications to the sprinkler system or the flashing could be entertained in

conjunction with 515 Main Street. Director Eddington replied that the sprinklers or flashing could be modified, but the use for the shed is still dictated by the HR-2 zone.

Commissioner Strachan asked if there were any existing non-complying structures on any of the lots combined by the plat amendment. Planner Astorga answered no. Commissioner Strachan was concerned about the potential for creating a problem of enlarging a non-compliant use in the future by approving this plat amendment. Planner Astorga stated that the structures to the north and south are currently in the Historic Sites Inventory and a plat amendment would be required before any work could be done on those structures.

Director Eddington clarified that the use at 515 Main Street is a permitted use within the HCB zone and the existing structures are compliant.

Commissioner Strachan asked for an explanation of the Notice of Interest. Planner Astorga explained that whenever a future buyer researches information to purchase those lots, the notice would inform them that the lots do not meet the minimum lot size. Commissioner Strachan was unsure why the lots would comply with the Code if they do not meet the minimum lot size. Planner Astorga replied that the three lots in the back are not compliant. Commissioner Strachan understood that it would be forcing a non-compliant situation. Planner Astorga replied that the configuration of the six lots or portions of lots have existed for over a hundred years. Commissioner Strachan asked if the lot sizes have always been non-compliant. Planner Astorga pointed out that years ago there were no minimum lot sizes. Commissioner Thomas explained that the lots became non-compliant when the minimum lot size was established. Commissioner Strachan was unclear on why a person would not run into the challenge of building on a non-compliant lot in the future. Director Eddington replied that a variance would be required in order to build.

City Attorney, Mark Harrington, stated that the reason for the plat amendment was to adjust the lot lines between three lots for compliance and not have the expectation of being able to build on three individual lots. Commissioner Strachan asked if it was physically possible to create lot lines that comply with the Code through a plat amendment for the three back lots. Mr. Harrington replied that it is possible but lots would need to be combined.

Director Eddington stated that the Staff had a similar concern. The question was whether three regular Old Town lots should be made into two larger lots. To keep three lots would require a request to the Board of Adjustment for a variance, given the unique situation of the encroachment that has existed over a hundred years.

Commissioner Peek pointed out that four lots are being sold, two at an equal price. He felt it was obvious that a plat amendment needed to occur between 41 and 42 or some combination. Otherwise a variance would be required. If the land was not deeded to the Main Street parcel and the building had an encroachment, Commissioner Peek wanted to know if that would be a legal complying lot. He was told that it would be. Planner Astorga still preferred to have a notice on those portions saying that there is an encroachment.

Commissioner Russack asked if the shed would need to be removed if the lots behind it were ever sold. Mr. Smith was comfortable with keeping the sprinkler connected and the flashing. He believed the decision on whether or not to remove the shed would be up to the buyer.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for 515 Main Street plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 515 Main Street

1. The property is located at 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet.
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.
11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).

13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and a half feet (3.5') for The entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership, Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Department gave a conditional use permit for the work on the patio with a condition that the plat amendment be approved, which removes the underlying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 515 Main Street

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 lot combinations.
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 state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 515 Main Street

1. The City Attorney and City Engineer must review and approve the final form and content of 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.
2. The applicant shall record the plat amendment agt the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. To serve as a notice and to protect future ownership, the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that the development will not be able to move

forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.

4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.

4. 1110 Empire Avenue - Condominium Conversion
(Application #PL-09-00772)

Planner Astorga reviewed the application for a condominium record of survey for a duplex located at 1110 Empire Avenue. He noted that in 2006 a variance was granted by the Board of Adjustment to reduce the minimum lot size allowed for a duplex. In January 2007 a plat amendment was approved; however, the applicant failed to record the plat amendment with the County within one year of approval and the approval expired. A new plat amendment was reviewed and approved by the Planning Commission. In September 2007 the Planning Commission reviewed and approved a conditional use permit for a duplex and a CUP for development on a steep slope. In addition, the site has gone through a historic district design review.

Planner Astorga reported that the applicant was having financing difficulties since there were no other duplexes in the area for comparison. The bank indicated that they would be able to compare it to other condominiums in the area, which is the reason for the request this evening.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek ask for the nature of the tie-breaker mechanism. Planner Astorga replied that since there are only two owners, it would aid the owners in making a decision in the case of a dispute. He noted that it is typically based on the floor area of the larger unit. It is not uncommon for a tie-breaker mechanism to be included in the CC&Rs.

Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for the condominium conversion at 1110 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT E – APPLICANT’S STATEMENT TO VARIANCE REQUEST

Statement Attached To Variance Request
Lot #43, Block #9, Park City Survey

FACTS

The hardship sought to be remedied by this variance application resulted from the filing of an amended subdivision plat by the owner of an adjoining lot fronting on Main Street. The amendment resulted in lot reduction along the rear lot line of approximately 46 square feet (3.28 x 14) and reduced the lot size from 1875 square feet to 1829 square feet. In accordance with Park City Municipal Code Section 15-2-3-4(A), Historical Code, all lots in the HR-2 zone are required to be a minimum of 1875 square feet. As a result, the remaining lot violates the code’s minimum lot requirements and is an unbuildable lot. The amended plat was recorded to make a public record of the ownership resulting from the encroachment of a building constructed approximately 100 years ago which construction was in apparent violation of existing setback and building footprint requirements. That building has been deemed of historical significance. The recording of said encroachment in 2009 was not joined in or approved by any owner or the applicant herein.

CONCLUSIONS

This request meets the statutory requirements of the Park City Municipal Code Section 15-10-9 regarding the conditions justifying a variance as follows:

Section 15-10-9(C)

1. The unreasonable hardship is that the applicant is prevented from use of the lot for the construction of any residence and, in addition, the granting of the variance to enable the applicant to build a small lot historic residence is in harmony with the general purpose of the Land Management Code for that zone.
2. The existence of a 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the same zone wherein numerous residences have been built on the required 1875 square foot lots.
3. Granting of the variance affords to the applicant the same rights as other property owners in the zone.
4. Granting of the variance to allow the construction of a small lot residence on a lot minimally smaller than the required size but substantially meets the requirements of the ordinance would not effect the General Plan, would not be contrary to the public interest, is clearly within the spirit of the Code and substantial justice would be done.

Section 15-10-9(D)

1. The hardship is located on the property for which the variance is sought and comes from circumstances peculiar to the property not general to the neighborhood.
2. The hardship complained of was created by the existence of a 100 year encroachment and the subsequent recording of ownership by an adjoining land owner. Said change in the boundary was not initiated nor consented to by any owner or the applicant and, therefore, the circumstances relating to the hardship were not self imposed. Utah case law indicates that the hardship is not demonstrated by economic loss alone but must be tied to the special circumstances. Clearly, the hardship and resulting economic impact of not building any residence upon the lot is tied directly to the encroaching special circumstance.

OCT 27 2011

Planning Commission Staff Report



Author: Thomas Eddington, Planning Director
Katie Cattan, Senior Planner
Subject: Bonanza Park Area Plan
Date: February 8, 2012
Type of Item: Work Session

SUMMARY RECOMMENDATIONS

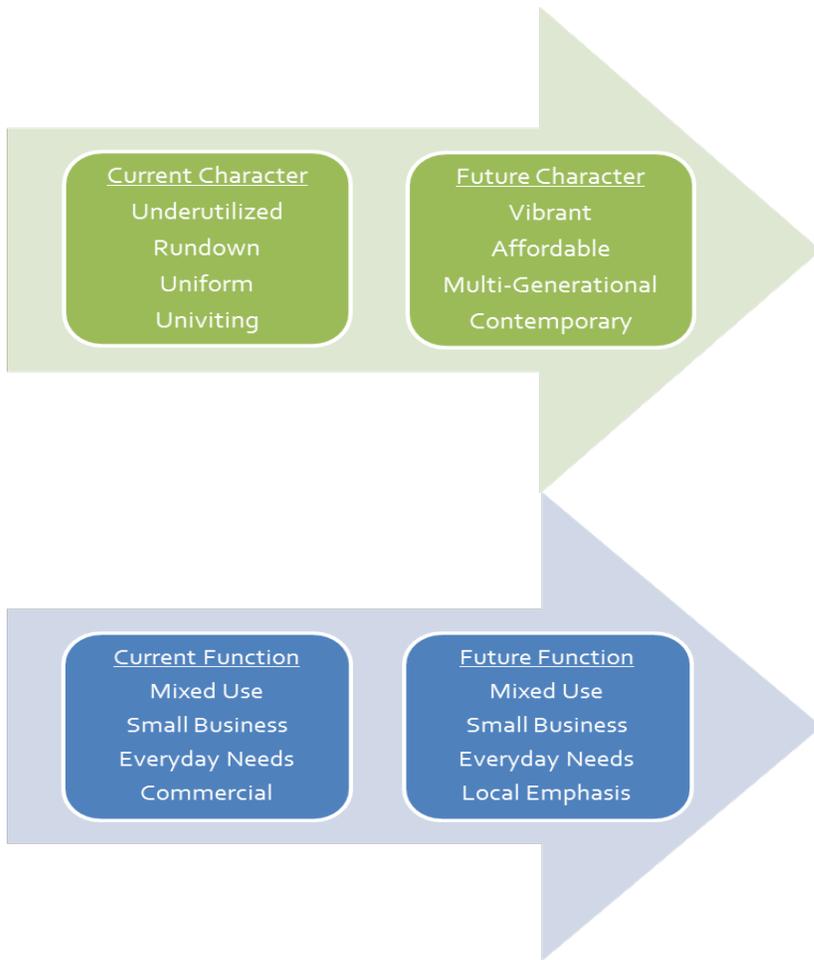
Staff is requesting Planning Commission discussion regarding the Bonanza Park Area Plan. Revisions to the plan will be introduced and the implementation strategy will be presented for discussion.

BACKGROUND

The Planning Commission and City Council met during a Joint Work Session meeting on September 29, 2011 (Exhibit A – Minutes from the meeting). A summary of outcomes includes:

1. Council and Planning Commission agreed that Park City needs a Bonanza Park Area Plan that:
 - Incorporates The Rocky Mountain Power sub-station needs;
 - Focuses efforts to create a vibrant, affordable, mixed-used, locally serving area within Bonanza Park;
 - Balances height, density, and financial incentives as tools to effect development.
2. Both Council and Commission agreed to give additional height in BoPa to obtain:
 - Open space, a smaller building footprint, view corridor protection, affordable housing, and a resulting area built within a set of Design Guidelines.
3. Both Council and Commission agreed to give additional density in BoPa to obtain:
 - Protection of historic structures, increased connectivity, and realization of housing affordability.
4. A draft BoPa plan incorporating the agreed “gives and gets” will be delivered to the Joint Council-Commission by 12-31-11.

The City Council and Planning Commission met in a series of joint meetings in late 2011 to address a number of planning and development issues. Bonanza Park was specifically discussed in detail and the following illustrates the results of a survey regarding the Bonanza Park area that the City Council and Planning Commission completed during one of the joint meetings:



Encourage

1. Locally-owned Commercial
2. Affordable Housing
3. Small Business Incubator
4. Apartments
5. Medium Sized Commercial
6. Multi-use facility/Expo
7. Parks
8. Campus

Discourage

1. Museum
2. Single-Family Homes
3. Big Box Commercial
4. Nightly Rental

No where

1. Big Box Commercial

2. National Franchise
3. Multi-Use Facility/Expo Center

The draft Plan was completed and distributed on December 30th to the Planning Commission and City Council. The Bonanza Park Plan is available on line at www.parkcity.org
⇒Government ⇒Document Central ⇒Planning.

On January 12, 2012, the Planning Commission and City Council met during a joint work session. The Bonanza Park Plan was introduced and discussed. During this meeting staff was directed to begin taking steps to implement the Bonanza Park plan, including adoption by the City Council. The City Council directed staff to issue a request for proposal for creation of a form based code and a transportation study of the feasibility and performance of the new grid for the Bonanza Park District. (See exhibit D – minutes from 1/12/12 joint meeting) This is the second work session of the Planning Commission regarding the Bonanza Park plan. Staff plans to return for a third work session once the transportation study for the Bonanza Park Plan has been completed. The likely date for completion of the transportation study is May of 2012. Formal recommendation will be requested after the transportation study has been completed.

BONANZA PARK AREA PLAN

The Bonanza Park Area Plan is a blue-print for future development within Bonanza Park. It creates ten (10) Planning Principles which implement a balanced approach to achieve the environmental, social, and economic goals of the City. The ten (10) Principles lay the foundation for the design of a new grid system, building pads, setbacks, height and a design framework found within the “Base Plan.” It also gives developers the option to attain greater density, beyond the Base Plan via the “Incentivized Plan” in return for providing community benefits. The Incentivized Plan creates options for additional height and decreased setbacks in exchange for community benefits, such as attainable housing, business incubator space, a community center, etc.

Staff has been working on revisions to the Plan since the January 12, 2012 meeting. These revisions include:

- Layout Changes. General editing changes to make the plan read more cohesively.
- Definitions. Created a definitions page for terms that are used regularly in the plan such as “the spur” and “Area median income”. The definitions page is included as Exhibit A.
- Form Based Code. Staff added a two page summary explanation of form based code, attached as Exhibit B.
- Additional Options. Staff has created a total of 20 options based on feedback from the Planning Commission and City Council that the options should not be limited to eight options. The additional options are included as Exhibit C. Discussion on the additional options is requested at this work session.

At the direction of the City Council at the January 12, 2012 joint meeting, staff issued a Request for Proposals (RFP) for a new form based code for the area. Staff is currently in the process of publishing the RFP. It takes 7 to 8 weeks from the time of publishing an RFP to the time of issuance of contract. Contract issuance shall be complete by March 30th. The likely date for completion of the transportation study is May of 2012.

Significant Impacts

Adopting the Bonanza Park Area Plan as a supplement to the Park City General Plan will put into place the guiding document for implementation. With Planning Commission and City Council support of the Bonanza Park Plan, Staff has begun revisions with the intent of adoption of this supplement in the near future. Implementation of the plan include revisions to the existing code, such as revising the Master Planned Development regulations (Chapter 6) and adoption of a new form based code specifically for the Bonanza Park District.

Recommendation

Staff is requesting Planning Commission discussion on the Bonanza Park Plan. Specifically, staff would like discussion on the new addition to the plan, as shown in Exhibits A, B, and C.

Exhibit A: Definitions Page

Exhibit B: Form based code

Exhibit C: Additional Options

Exhibit D: work session minutes from January 12, 2012 Joint meeting

Key Terms

Area Medium Income (AMI)

The midpoint/middle value of a range of incomes of residents within a defined area.

The 2011 AMI for three-person household in Summit County is \$90,270.

Base Plan

The overlay zoning for the Bonanza Park District with new grid street system, zero setbacks from lot lines, 100' FPZ enforced, and maximum of 3 stories.

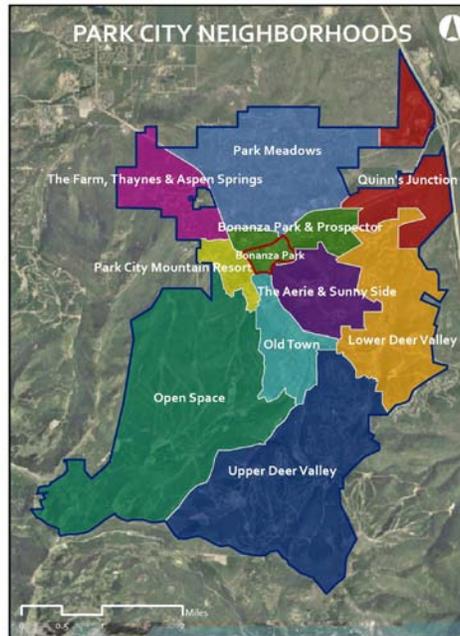
Bonanza Park District

The area within the Bonanza Park and Prospector Neighborhood for which the Bonanza Park Plan applies. **District is outlined in yellow on following map.**



Bonanza Park and Prospector Neighborhood

One of 9 neighborhoods identified within the Park City General Plan and represented in green within the following map. Note the Bonanza Park District is outlined in red and is within this neighborhood. Through out the Bonanza Park plan, Census Data refers to the greater neighborhood creating consistency with the General Plan.



Incentivized Plan

The overlay zoning for Bonanza Park District that allows developers to attain more density for contributing toward community benefits. There are 20 options within the Incentivized Plan.

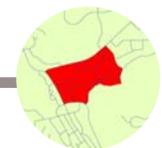
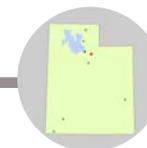
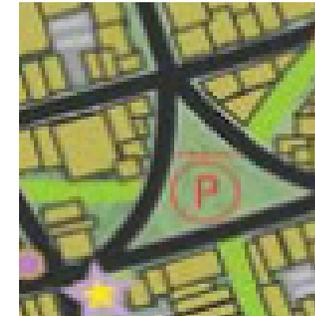
Median Workforce Wage

The midpoint/middle value of a range of income derived from jobs in a defined area.

The Median Workforce Wage for a three-person household in Summit County is \$53,378.

The Spur

A central park to the district proposed within the Bonanza Park Plan.



The Form-Based Code Institute (FBCI), in the following summary, provides an explanation of what a form-based code is and the typical elements included in a code:

What are Form-Based Codes?

Definition of a Form-Based Code

Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are regulations, not mere guidelines, adopted into city or county law. Form-based codes offer a powerful alternative to conventional zoning.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements.

Elements of a Form-Based Code

Form-based codes commonly include the following elements:

- **Regulating Plan.** A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.
- **Public Space Standards.** Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- **Building Form Standards.** Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- **Administration.** A clearly defined application and project review process.
- **Definitions.** A glossary to ensure the precise use of technical terms.

The Incentivized Options

OPTION 1: Affordable Housing Requirement (two options for onsite housing)

- The current Park City housing resolutions (2007) requires annexations and master planned developments to provide affordable housing per the current housing resolution. Pursuant to the current Land Management Code (LMC), this additional square footage is in addition to the density allowed on site per the Site Suitability Analysis.

OPTION 2: Apartment Housing (rental units).

Apartment Housing: Building with multiple dwelling units for rent.

- A developer may opt to build apartment housing (deed-restricted rental units) and receive an additional 10% increase in square footage that may be built within the Incentivized Plan (1.10:1).

OPTION 3: Assisted Living

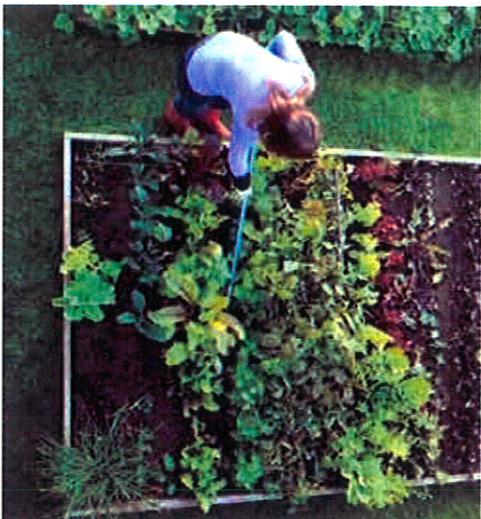
- For each square foot of an assisted living facility (deed restricted), 1.5 square feet may be obtained within the Incentivized Plan. Once this incentive is utilized by a developer/property owner, it is no longer available for others within the district.

OPTION 4: Community Park (Public_

- For each square foot of land dedicated (deed restricted) for a community park, 1.5 square feet may be obtained within the Incentivized Plan.

OPTION 6: Local Food Production

- Green House: A developer may build upon an additional 10% of the building pad on the 4th or 5th story for a Green House for food production.



OPTION 5: Outdoor Public Improvement

- For each square foot of outdoor public improvement beyond a standard park (ie. amphitheater), 2 square feet may be obtained within the Incentivized Plan.

- The developer may choose to utilize the Bonanza Park Area Plan recommended affordable housing percent (25%) rather than the 2007 housing resolution as identified in Principle 8; this affordable housing requirement must be built on site or within the district. For every square foot of the affordable housing requirement built on site(land deed restricted), 1x the square footage (1:1) may be obtained within the Incentivized Plan.



This percentage may increase with the approval of the Planning Commission for greenhouses to be used by a local restaurants and/or a culinary institute.

- Community Garden: For a public community garden on the ground level, 2 square feet (2:1) may be obtained within the Incentivized Plan for each square foot dedicated toward a community garden.

OPTION 7: Child Care Facility

- For each square foot of a built Child Care Facility (deed restricted), 1 square foot may be obtained within the Incentivized Plan.

OPTION 8: Visiting Artist/Creatives Housing Studio

- For each square foot of a building dedicated (and deed restricted) for the construction of a visiting artists/creatives housing studios, 1 square foot may be obtained within the Incentivized Plan.

OPTION 9: Community Cultural Center

Community Cultural Center: A meeting place used by members of the community for social, cultural, and/or recreational purposes. The center can be programmed for many different groups to utilize, such as summit seniors, moms and tots, latinos in action, Arts Kids, etc.

- For each square foot of land dedicated (and deed restricted) for the construction of a public community cultural center, 2 square feet may be obtained within the Incentivized Plan.

- For each square foot of a completed building shell space (and deed restricted) for a public community cultural center, 3x the square feet may be obtained within the Incentivized Plan.

OPTION 10: Accredited Educational Facility

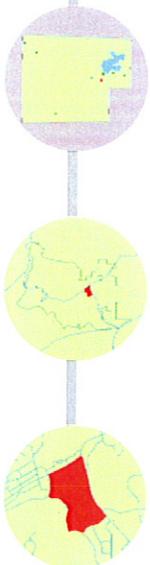
- For an Accredited Educational Facility (deed restricted), with onsite housing for students, the developer may build to the maximum of the the



Incentivized Plan within the property that the accredited educational facility is built.

OPTION 11: Transfer of Development Rights (TDR) Credits -

- Bonanza Park is a TDR receiving zone. TDR development credits may be built within the incentivized areas of the Plan. No additional bonus will be granted for use of TDR credits.



OPTION 12: Zero Carbon Building

Zero Carbon Building: A building that produces, at a minimum, the energy it consumes without contributing carbon to the atmosphere.

- If a developer opts to build a Zero Carbon Building, the developer may build to the maximum of the Incentivized Plan.

OPTION 13: Think Tank

Think Tank: an institute, corporation, or group organized for interdisciplinary research (as in technological and social problems)

- For each square foot of a building designated for use by a Think Tank (deed restricted), 2 square feet may be obtained within the Incentivized Plan.

OPTION 14: Local Non Profit Business

- For each square foot of a building dedicated for a Local Non-Profit Business use (deed restricted), 1 square foot

may be obtained within the Incentivized Plan.

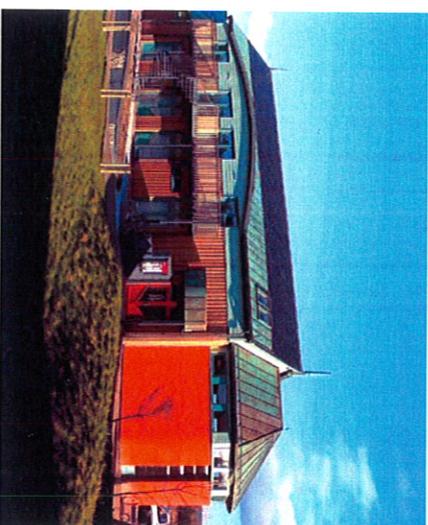
OPTION 15: Local Entrepreneur Space

- For each square foot of a Local Entrepreneur Space (deed restricted space) 2 square feet may be obtained within the Incentivized Plan.

OPTION 16: Live/Work Space

Live/Work Space: A space within a building that includes residential area and work area. The two may be accessible through the same unit or separated but within the same building. The living space must be connected to the work space through a deed restriction.

- For each square foot of building area designated as live-work with living facilities deed restricted for workers within the same building, 1 square foot may be obtained within the incentivized plan.



OPTION 17: Business Incubator Center

Business Incubator Center: Business incubator centers provide support to start up businesses, through providing a physical location in which a number of businesses operate and share common area space (including technology such as copiers, computers, meeting rooms), and provide business planning assistance or mentoring.

- For each square foot of a business incubator center (deed restricted space), 2 square feet may be obtained within the Incentivized Plan.

OPTION 18: High Elevation Manufacturing Business

- For each square foot of a building dedicated for High Elevation Manufacturing Businesses (deed restricted), 1 square foot may be obtained within the Incentivized Plan.

OPTION 19: Innovation Center

Innovation Center: Designated area or building that introduces new businesses or areas of technology to their respective local markets. The districts often become centers oriented around design, media and creative firms. Uses can vary within a given innovation district, and different communities place an emphasis on different kinds of technologies or businesses in their particular innovation district.

- For each square foot of an Innovation Center that reflects the core values of the Park City residents (deed restricted space), 1 square foot may be obtained within the Incentivized Plan.

OPTION 20: Community Vision

- This Option allows developers to approach the City Council with additional options that are in line with the Community Vision and will create local, sustainable benefits for the community.



**CITY COUNCIL/ PLANNING COMMISSION
JOINT WORK SESSION
SEPTEMBER 29, 2011**

City Council Members: Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, Joe Kernan

Planning Commission: Charlie Wintzer, Brooke Hontz, Julia Pettit, Jack Thomas, Mick Savage, Adam Strachan, Nann Worel

Ex Officio: Mark Harrington, Francisco Astorga, Katie Cattan, Kayla Sintz, Matthew Evans, Michael Kovacs, Phyllis Robinson, Jonathan Weidenhamer, Tom Bakaly

Mayor Dana Williams opened the joint work session at 6:20 p.m.

Mayor Williams noted that this was the fourth joint work session. If the entire meeting was devoted to Bonanza Park, another work session would be scheduled for Lower Park Avenue RDA.

Charles Buki, a consultant from Alexandria, Virginia, remarked that the objective this evening was to focus exclusively on Bonanza Park to address the main issues. Mr. Buki spent the week meeting individually with each City Council Member and Planning Commissioner. As the facilitator for visioning, he was able to experience the issues that were ratified on paper through one-on-one conversations with each of them. Mr. Buki intended to summarize the main points, but because they were private conversations he would not violate confidentiality. He stated that across the Board there was unbelievable love and dedication for Park City, which validated and strengthened the conclusions from visioning.

Mr. Buki remarked that what he learned from the one-on-one conversations was how far they had come in three meetings. A use of vocabulary surfaced in these meetings that reflected the essence of re-development, the essence of the market, and the challenges. They were still meeting because they had not found all the answers, but they were very close. Mr. Buki believed there was a lot of consensus among the group and he wanted to build on that consensus. They have begun to move from what Bonanza Park is all about to how to get there. They were not there yet, but the conversations and migration was showing progress.

Mr. Buki shared a few of the categories from the one-on-one conversations. One that he heard loud and clear was to emphasize the importance of process, logic, decisiveness and fairness. Mr. Buki stated that everyone was saying the same thing; however, certain things rose to the top. For some, it was the importance of remaining great and not resting at all. Another top priority was the importance of beauty and delight. For others, they recognized the importance of giving things such as height, density and money, but the result should be to get something of importance. Therefore, it is not a matter of trade for its own sake.

Mr. Buki reviewed a series of slides. He wanted to make sure they were in agreement on key pieces before moving forward in Session Four. He recalled from Session One that there was agreement that 1) development must be guided by the City's core values; 2) that redevelopment is essential for economic liability; 3) the portfolio approach.

The group concurred with the three pieces Mr. Buki outlined.

Mr. Buki remarked that TZO's were discussed in Session Two and the group agreed that, 1) partnership is necessary to stay ahead of the market; 2) individual neighborhoods have specific identifies; 3) redevelopment prioritization on a regular basis is necessary.

The Group concurred with the key points outlined.

Mr. Buki noted that the Third Session was a conversation on trade-offs and the beginning of the discussion on Bonanza Park. He concluded from the third session that there was a gap between what is allowed and what they want, particularly in Bonanza Park. Through a survey they identified all the things that could be done, what they did not like, the current function, where they want to be, and the fact that there is a gap.

Commissioner Savage asked Mr. Buki to expand on what they might want to do in Bonanza Park that is not currently permitted. Council Member Simpson believed it was more an issue of what is permitted might not be their highest desire. Commissioner Savage asked if more was permitted than what they would want to do. He was trying to reconcile the meaning of Mr. Buki's statement. Council Member Kernan believed that currently there were barriers to what they could do and what they are likely to do. He did not believe the infrastructure was in place to create what they want. There were several obstacles that needed to be cleared.

Mayor Williams believed that many in the group were shocked when they realized what would be allowed because much of it is not appropriate. The question was what that means in terms of moving forward. Commissioner Savage asked if they were in a position of having to expand what is allowed in Bonanza Park in order to get what they want. He thought that they were starting under the premise that there was already a definition.

Mr. Buki stated that his statements were more literal. While there were disagreements on the survey, there was a lot of agreement against big box retail. Big box retail could occur in Bonanza Park. Therefore, if they do not want it, they need to go back to the framework pieces from Sessions One and Two, which is how to prevent that from happening. Mr. Buki remarked that some communities accept it as allowed and other communities will attempt to go back and revisit the Codes that have a large enough gap for something to get through.

Commissioner Savage understood that there were more options for what could be allowed than what they would like. Planner Cattan used open space as an example. Currently, open space is within setbacks on large lots. However, they could create better utilized open space for community gathering spots. Council Member Simpson thought open space was a great example. The issue is not that it is permitted, but it may not be in the form they want. City Attorney, Mark Harrington, stated that is it not limited to the regulatory pyridine and it could go either way. There is an additional element in terms of the City partnership whether it be through RDA, infrastructure, or whether trade in a project would increase development opportunity for additional open space. Mr. Harrington stated that it might go beyond what you could get with a regulatory application.

Mr. Buki noted that from the survey it was very important to achieve a sense of community. From the conversations there was a strong sentiment that it is not there now. What is allowed now is

more of the same. Mr. Buki pointed out that if they do not want more of the same, they would have to make changes.

Mr. Buki stated that desirable results hinge on trading off gives and gets. Mr. Buki asked the group for examples of gives. Commissioner Hontz answered height. Commissioner Thomas pointed out that giving height would result in getting significant open space. Mr. Buki commented on their discussions regarding districting in earlier sessions and the fact that trade-offs, gives and gets, and how you deal with it in one district should not dictate how you deal with it in another district. There needs to be connectivity because of the portfolio approach, but they do have local distinction.

Mr. Buki remarked that the survey identified specific desired results in Bonanza Park, Lower Park and Old Town and what to encourage and what to discourage. He stated that two other pieces that came out of the previous meetings were 1) there will never be perfect information; 2) development will not wait.

Mr. Buki noted that at the last meeting the group discussed the survey results. They collected the core values from the entire community, and the group had an opportunity to rank them for Bonanza Park. The core values were sense of community and small town feel, and they wanted that to drive the decision making. When they ranked the levers, economy and equity were the most important. They would want to see economic gains and gains in equity. Mr. Buki stated that based on the survey, they perceive the current character and function as being under-utilized, run down, small business, and mixed use. The stated goal was to make it vibrant, affordable, mixed-use and local. Mr. Buki remarked that the survey asked what they would be willing to give in order to get, what they want to encourage and discourage, and what tools they could use to achieve it. Mr. Buki stated that in the third session they went through very specifically what the survey gave as handrails. The top priority was to encourage locally owned commercial. They also wanted affordable housing, small business incubator, apartments, and medium size commercial. He noted that multi-use facility was on the list; but it in another area of the survey it was also ranked as being nowhere in the City. Mr. Buki stated that parks and campus rose to the top as something that should be encouraged. He stated that the planning implication is whether they can achieve these things now and whether they would happen on their own. If not, the question is what they could do.

Mr. Buki stated that the group was clear on what to discourage. They did not want single-family homes, a museum, big box retail, or nightly rentals. In individual conversations, he perceived that they did not want a suburban subdivision and a strip mall. Nowhere in Park City would they want big boxes, national franchises and a multi-use facility.

Mr. Buki noted that height and density were two primary tools for Bonanza Park. They also have financing tools. Mr. Buki clarified that the group was willing to consider height if they could be assured of getting something within a design framework, such as open space, a smaller building footprint, something green, local, protected view corridors, and affordable housing. Mr. Buki remarked that the group was not unwilling to use density as a tool to get what they want as long as it protects historic structures city-wide. As it relates to Bonanza Park, they would want connectivity, affordability, green, and within a design parameter.

Mr. Buki emphasized that their decisions would only get harder going forward because that is the nature of an advanced urban place. It gets harder primarily due to competing goals and more people. More of their values are in competition with each other. The choices are harder and you cannot have it all. The political implication is that not everyone will be happy. Council Member Simpson disagreed that it was a political implication. She believed it was a community implication. Mr. Buki estimated that no less than 40% of the community would be unhappy. He was unsure how many would voice their opinion, but they would be angry. Mr. Buki stated that the nature of 25 years of success has put them in a position of pitting gets against gets and gives against gives, and not everybody wins on every decision.

Mayor Williams pointed out that this was fundamentally different than how they have looked at things for the last 30 years. They are not being reactive because they have a landowner who is very open-minded to the parameters being set. Mayor Williams stated that they were trying to create the vision rather than just mandate the LMC. Unlike the past, they are trying to set up criteria. The challenge is the lack of experience in looking at this type of development. Mr. Buki stated that the group as a whole must find common language and common ground.

Mr. Buki outlined three issues he believed needed to be addressed this evening. The first issue was that the current General Plan and LMC are not the best tools to articulate what should occur in Bonanza Park to achieve a built environment consistent with what they want. The current tools leave large gaps between what is allowed and what they want. In his view, the net of those current tools create a "gotcha" environment for property owners and developers.

Mr. Buki remarked that there were several ways to think about the "gotcha" environment. One is that the status quo perpetuates an "it depends" posture. They recognize the gives and gets, but they still lack clarity and definition. It makes the resulting environment inherently regulatory instead of partnership oriented. Mr. Buki stated that in his personal opinion, it puts them at risk of getting what they do not want both locally and city-wide.

The second is to get a built environment consistent with the core values, which would require a Bonanza Park Plan that is not found in the LMC or the General Plan. The Bonanza Park Plan should include specificity in height, density and financing. The plan should also include a tool for addressing the power station. Mr. Buki stated that an additional advantage is that they would be prototyping a tool that could be used in other areas.

Mr. Buki perceived that there was emerging consensus on what they do or do not want, but there was also resistance. For some, redevelopment is scary and there is a tendency to regulate development to keep it from happening. Others do not want things to change and doing nothing feels safe. Mr. Buki remarked that in reality, doing nothing may be the least safe thing to do because the community is likely to grow haphazardly if they play it safe. Most importantly, they would miss the opportunity to get what they want and possibly end up with everything they did not want.

City Attorney Harrington advised the Planning Commissioners and Council Members to make necessary disclosures before continuing with the discussion. Commissioner Wintzer disclosed that

he owns property in the Bonanza Park area. Council Member Matsumoto disclosed that she rents property in the Bonanza Park area. Commissioner Worel disclosed that she is with the People's Health Clinic and Mark Fischer sits on their Board. Council Member Simpson disclosed that she sits on the Board of the People's Health Clinic and she rents a storage unit in Bonanza Park. Council Member Kernan disclosed that he uses the recycling center with his recycling business and he rents space in Bonanza Park.

Mr. Buki asked the group for their comments on the best way to address development in Bonanza Park. Council Member Kernan would like to eliminate or reduce visible parking lots with either street parking or having parking lots behind or under buildings.

Commissioner Wintzer asked Mr. Buki to re-review the core values to make sure there was agreement on the core values. Mr. Buki stated that when they talked about Bonanza Park at a previous last meeting they used the terms from visioning 2008 and 2009. The group prioritized sense of community and small town feel as top priorities. When they were finished with planning and there was full build-out, they would be able to feel confident that together they shaped development that provided a sense of community and small town feel.

Council Member Simpson remarked that Park City is an interesting town with very dense urban areas. In her opinion, sense of community and small town are almost one in the same. She does not define small town as a small rural town. In Park City you get a sense of community because you walk places and you see continually see familiar faces. It has nothing to do with the number of stories in a building or the architecture. Council Member Simpson believed sense of community and small town was defined by the feel that is generated by the built environment.

Council Member Butwinski stated that for him personally, it goes back to the presentation about form based code and where that would lead. He thought a sense of community was built by having neighborhoods within blocks where it would work as multi-use in the sense of retail/commercial/residential, with a goal of creating an environment where the retail can be successful because the residential is a part of the development and community in the neighborhood. Council Member Butwinski would encourage development to be contiguous and to be built at a pace that could be absorbed by the free market system, and dovetailing that into the overall development scenario.

Council Member Matsumoto agreed with comments by Council Members Simpson and Butwinski regarding small town, and added that development should also appear real and not fake. She believed there needed to be another way to make it feel real aside from commercial and residential.

Commissioner Peek stated that neighborhood is important, but it should also be welcoming to non-residents of the neighborhood. It should create a comfortable feeling for those just passing through.

Mayor Williams commented on the City Tour to Estes Park in Colorado, which he believed had a definite small town feel. Mayor Williams pointed out that the predominant feature of Estes Park was

the Old Stanley Hotel and one of the largest power grid stations in the middle of town which dominates the whole landscape of the City. Everything else was timeless. The rest of the town was mostly motel lodging and drive-ins. Mayor Williams stated that Estes Park had a small town feel, but it was definitely not what they would want for Park City. He was wary of small town feel because it is different depending on where it is. Mayor Williams believed the vision of small town feel for Park City should be focused on what they consider to be the small town feel of Park City.

Council Member Butwinski suggested that for vocabulary purposes they could use “neighborhood feel” rather than “small town feel”.

Commissioner Thomas thought they needed to add meaning to “sense of community” by determining what it is that creates sense of community. He believed it was gathering places, intersections for pedestrians, or a small market with related open space. If they want to build upon a sense of community, it is important to have a place where people could meet and interact.

Commissioner Savage asked if the vision was for a place where people live or where people go. Commissioner Thomas replied that it would be both. Commissioner Savage stated that Main Street is a place where people go. He wanted to know if Bonanza Park would be made vibrant because of the people who live there or the people who go there. Commissioner Peek replied that it could be vibrant because of the shared experience.

Mr. Buki remarked that sense of community could be created in various ways, however, a gathering space is critical and the capacity for people to gather is essential. Council Member Kernan thought the ability to provide ways for people to interact was also important. Council Member Simpson pointed out that gathering spaces do not always have to be large.

Commissioner Thomas stated that in looking at the map, you realize that Bonanza Park is the heart of the community in terms of circulation for pedestrian and vehicle traffic that comes to Park City. He believed this was an opportunity to create networks of connectivity for pedestrian pathways and creating places and passageways. People currently shop at Redstone and other places outside of the community. This was an opportunity to create the heart of their enterprise within their own community. Commissioner Thomas stated that it was bound to succeed if they would create a land use pattern that knits the rest of the community together.

Mr. Buki summarized that gathering space and connectivity were two building blocks to be considered.

Mayor Williams felt another issue related to the children who were raised in Park City and want to come back when they finish college, but there are no job opportunities. He noted that Fort Collins created an innovative center for incubating business. He believed Park City was a great area for facilitating new ideas for businesses. Council Member Simpson remarked that it would be a get. If they want to see it built in the District, they would have to give something to get it.

Commissioner Thomas believed that height and density were the given tools if they want to achieve more open space within the District. He remarked that the difficulty was that they were talking

about qualities they want in the community, but they needed a plan. Commissioner Thomas stated that eight years ago he suggested that the City hire someone to develop a master plan for this part of the community.

Commissioner Savage asked if it was possible to get a software model that talks about the economic impacts of making specific changes and the gives and gets. Mr. Buki replied that those types of models do exist. There are tools that would help them understand shade, sunlight, facades, and cost. Commissioner Savage felt they were at the point with Bonanza Park where there was agreement on the concepts, and it was time to find a way to begin substantiating that in the form of a model. With the right tools they could have a more progressive discussion. Council Member Kernan stated that in the model he would like to see better roads for connectivity to stay within the District.

Commissioner Wintzer struggled with the fact that in talking about sense of community and small town feel, they were actually talking about the sense of community and small town feel of a mountain ski resort. He wanted to know how they could create something that would not detract from what they love and depend on. Commissioner Wintzer noted that the City spent a lot of money to purchase open space to create a separation between Park City and Redstone. Mr. Buki stated that Council Member Matsumoto had expressed that same concern about being careful not to allow what they had walled off.

Council Member Simpson agreed that they needed a plan. She thought the objective this evening should be to define the goals for that plan and the tools needed to achieve those goals. Council Member Simpson did not believe they should be afraid to use height as a tool to get what they want, as long as it is done well. She noted that in discussions with Commissioner Thomas regarding view corridors and view sheds, Commissioner Thomas stated that some of his favorite views were between buildings. Council Member Simpson pointed out that everyone thinks of view sheds as being the mountain. However, Commissioner Thomas was integrating the built environment and she thought was valid.

Mayor Williams commented on the sculpture at Kearns and Bonanza and his shock at having his normal view blocked. It was not a question of good or bad, but it was different. Mayor Williams remarked that one of the gives is realizing that in order to get some of what they want, they will need to give up some of what they have.

Commissioner Thomas commented on the importance of documenting key view corridors when defining a plan. Mayor Williams thought they needed to define starting points. Typically, larger buildings were always at the base of mountains because the mountains dwarfed their size. Traditionally Park City has never gone higher than two or three stories. They are now beginning to look beyond those models. In his opinion, being willing to go over what traditionally exists is where they begin to gain a large number of gets.

Commissioner Savage asked what the Planning Staff needed from this group to come forward with a proposal for discussion. Mayor Williams thought they should first create a document that identifies the guidelines for development. Commissioner Savage stated that if they started with a

design, it would give this group something to critique that could turn into guidelines that could then be utilized.

Commissioner Thomas suggested that they approach this in the same way they would approach any design problem, which is to create a design program for the components they want to see in the community. They could then hire someone outside of this group to create a conceptual schematic diagram and begin to show options. Commissioner Thomas was concerned about trying to write a document to convey aesthetics. He thought they needed to start with an expert study of what works and where it should work. Commissioner Wintzer believed they could walk around Park City to see what worked and what didn't. He concurred with Commissioner Thomas about having someone do a conceptual design and something they could visualize.

Mr. Buki asked if there was consensus for a document to tell them what could be done. Council Member Kernan stated that the document would not have to be what they could do if they could control the whole area and build it. It could be broken apart into the characteristics they want. They do not need to know where the roads would be exactly, but they do need to know that there would be connectivity and find the right tools to get there.

Council Member Simpson stated that a Bonanza Park supplement was done in 2007, and she has heard from various people that they could accomplish what they want with the 2007 supplement. Council Member Simpson asked Director Eddington if he had a rebuttal to that way of thinking. She believed that the Planning Commission and City Council should prioritize what they want to see and what they are willing to give up, and then write a new plan if they determine that one is needed. Council Member Simpson respected everyone around the table, and she had heard dissenting opinions. She asked Director Eddington for his opinion on what was missing from the current Bonanza Park supplement that would achieve the flexibility of design and desire they were looking for.

Director Eddington stated that the existing Bonanza Park Supplement provides parameters and constraints; however it does not provide direction or a pro-active opportunity to shape that environment, or a visual sense of what was intended to go there. Taking out all the LMC aspects, Director Eddington did not believe the supplement provided a plan revision. It is more historic and code driven. Commissioner Wintzer concurred. His biggest argument when the 2007 Supplement was written was that they never started at the beginning to determine what they wanted and how to get there. Commissioner Wintzer asked Director Eddington what he would do different that could not be achieved with the current supplement. He noted that the plan is a guideline, but it is not binding.

Director Eddington replied that the existing plan allows a lot of things, but it is mostly things that could be done now by right of the general commercial zone. As an example, the supplement does not give direction relative to the street fabric within that area. It does not give focus to local business or other elements discussed relative to establishing, buying down and trading open space opportunities to create central open space.

Commissioner Savage wanted to know what the City's contribution would be as a partner to

encourage redevelopment in the long-term best interest of the City. Mr. Buki replied that if they do not want specific things, they should stop making it possible for those things to occur.

Commissioner Strachan thought the 2007 Bonanza Park supplement already encompassed everything they want. It is open-ended and says that height, zoning, setback and other items could be considered. It encourages open space and connectivity, and discourages big box and strip malls. Commissioner Strachan stated that if they intend to proscribe things that they do not want in the area and encourage other things, that should be addressed in the LMC.

Council Member Kernan asked how they turn into a form based code. Director Eddington replied that it is through an overlay zone. Director Eddington stated that before they get to the LMC, they have to exercise that vision and recommend the overlay zone if it is form based code.

Council Member Butwinski stated that as the liaison to the Planning Commission meetings, there is an ongoing conversation about specificity and lack of clarity in the General Plan. He noted that the purpose statement talks about community and all the components they have discussed as core values. It talks about what you can get, but it does not say what you have to give. Council Member Butwinski believed that was the disconnect in the current General Plan. Hearing the conversation at many Planning Commission meetings, the general consensus is that there needs to be more cohesiveness for what they want. Council Member Butwinski thought they should be more specific and identify exactly what they do or do not want, because that would help make the planning decisions.

Commissioner Strachan stated that in his opinion, the General Plan is not the document that provides specific direction to a developer. The General Plan gives the developer a general idea of what he might be able to do, but the developer looks to the LMC to know specifically what he can or cannot do. Commissioner Strachan reiterated that the gives and gets should be addressed in the Land Management Code because that is the document that allows them to enforce it.

Director Eddington remarked that they need to do the plan first and then incorporate that into the Land Management Code. Commissioner Strachan pointed out that they could amend the LMC based on the current General Plan. Commissioner Wintzer remarked that the current plan lacks pictures, drawings and vision. Aside from that, he agreed with Commissioner Strachan that the current plan was sufficient.

City Manager, Tom Bakaly, remarked that the dialogue was similar to what was discussed several years ago. At that time he asked whether they wanted a plan, or a "plan for the plan". They made a conscious decision to choose a "plan for the plan" and outline parameters. In response to Commissioner Savage's question as to what the Staff needed from the group to move forward, Mr. Bakaly clarified that the Staff was trying to implement their policy and vision, and they needed a document with specifics to do that. He did not believe the General Plan serves that purpose because the LMC is the regulatory tool. Mr. Bakaly stated that if the City is going to be a partner, there needs to be a commitment to a plan that has specificity and can move from this vision to reality in concert with a major landowner. When this group talks about the Land Management Code or the fact that the current General Plan is adequate, he was not hearing commitment and buy-in to

a plan. Mr. Bakaly stated that he needed that commitment before he could provide direction to the Staff. Hiring someone from the outside would not work because they have looked for that solution many times. Mr. Bakaly remarked that the primary issue was whether they willing to be a true partner with the developer and specifically develop a plan.

Commissioner Pettit stated that one issue the community struggles with relative to planning is that the General Plan should be a living, breathing document, and that has not been the case in the past. She thought they were too afraid to be specific and provide a plan because they want to be flexible. Commissioner Pettit believed they could be flexible if over time they re-visit the plan and adjust or make appropriate changes.

Mr. Buki summarized that the quality of a document should allow for some flexibility at some point. However, that flexibility cannot be so great that it becomes a regulatory component. Mr. Bakaly further added that it should not cross the "it depends" line. He believed they needed to get past "it depends" and actually commit if they want to be that partner. Committing means specificity and risk and expecting that a large number of the community will be unhappy. Another approach would be to create the best framework possible on which to evaluate proposals that come before them, which is a very different relationship.

Commissioner Strachan supported Mr. Bakaly, and asked which document should have that specificity. Mr. Bakaly thought it should be a separate plan for this particular area that has principles and components that could then be applied for the rest of the Bonanza Park District. Commissioner Wintzer stated that regardless of what they do, it is important to make sure that Bonanza Park is connected to the rest of the town. If they end up with separate documents, he wanted to know which document would provide that connection. He believed the easiest place in was the General Plan.

Mr. Buki stated that he and Commissioner Pettit had a similar discussion on that same issue. The need to make sure that what they pursue in Bonanza Park is not so isolated that they forget it shares customers and cars with Old Town. Bonanza Park's gain should not be Main Street's loss. The plan needs to specifically and intentionally address that issue. Therefore, if they authorize a document with those pieces, it needs to have explicit articulation.

Commissioner Pettit stated that her ongoing fear is not fully understanding what the impacts of creating a vibrant retail/commercial in Bonanza Park would have on Main Street. She hoped it would be complimentary and a different experience. Mr. Buki remarked that an important component was finding that complimentary from district to district.

Commissioner Savage clarified that this was the reason for his earlier question of whether this area is a place where people live or a place where people go. Being a place where people go increases the competition with Main Street. A place where people live is more self-contained. He believed this was an important consideration when they think about types of commercial space and uses to encourage.

Commissioner Peek thought the question was the type of commercial uses or the type of built

environment they wanted for that area. They need to decide if they want to just draw from the ski season or expand to something more diverse with more buildings.

Council Member Simpson reiterated her previous question of what was missing in the current Bonanza Park Supplemental. She noted that the City is obligated to consider a zone change anywhere. However, if they do not want to see specific things in that area it should not be mentioned in the document. Council Member Simpson believed the plan should intentional and clearly lay out priorities for the District, as well as what they would not want to see.

Commissioner Wintzer clarified that his comments regarding the current General Plan were not meant to imply that he did not think the document should be changed or updated. However, in terms of use, if something is allowed as a conditional use in the LMC, the General Plan would not be able to prohibit it. Council Member Simpson stated that the 2007 Bonanza Park Supplement lacks their intentions and goals for that neighborhood.

City Attorney Harrington stated that Utah law allows an option for the General Plan to either be mandatory or advisory. By ordinance, Park City chose to make their General Plan mandatory. Mr. Harrington remarked that the last consultant recognized the need for flexibility; and therefore, the mandatory document has flexible non-binding terms such as should, hopes, and wants. Flexibility was built in so the document would not have to dictate a result. Mr. Harrington stated that the General Plan cannot be amended without amending the Land Management Code. It is always a two-step process. They would never be able to codify what they want without laying out plans for what they want, which no one wants the government to do. If they want creativity and vision in development, the balance is predictability with the freedom to have the private sector dictate the result. Based on their comments, Mr. Harrington believed there was general agreement that the current plan does not provide those agreed upon benchmarks. For that reason, it must be a two-step process with more detail in the plan, followed by regulator adjustments in the LMC that gives the Planning Commission the tools to better say yes or no.

The group discussed gives and gets and how specific the trade-offs should be in the plan.

Mayor Williams recalled agreement in the first joint meeting that Park City has unique neighborhoods. He noted that the existing neighborhoods are easy to define because they are already built. Part of the General Plan would be defining the uniqueness of these neighborhoods. Mayor Williams believed they were trying to do the same thing for Bonanza Park, but the difference is that they have a clean slate which makes it harder to define. He commented on the line about "development won't wait. He suggested that they give the Staff a 60 day bye on the General Plan to allow them to focus on a supplement to achieve the gives and gets.

Mr. Bakaly was uncomfortable with the word "supplement", because it implies that it is a component of the General Plan, as opposed to a specific area of the plan. It caused him to ask the question of whether it was a specific plan for the area or a component of the General Plan. Mr. Bakaly stated that it would take less time if the Staff was given specific policy direction as to what the group wants. It would take longer if they want to remain general and be as flexible as possible. Mr. Bakaly believed that two months to develop a document would be a realistic time frame if they

obtained greater specificity on certain items.

Commissioner Wintzer wanted to know why there was a rush to produce this document. Mayor Williams replied that one reason was that applications were coming in. Mr. Bakaly believed the rush was the consensus that the area was under-utilized, rundown, lacked identity, boring, and uninviting.

Mr. Buki clarified that it was not a matter of “rush’ as in getting it done tomorrow. It was a rush in terms of having a purpose. The market will not wait and currently they were not capturing the income being spent outside of the City boundary. They can continue to drag their feet or they can push for a document that will put a face on Bonanza Park to begin competing and recapturing some of the revenue needed to achieve what they want.

Council Member Simpson remarked that regardless of what they title the document, it needs to include a map, a tool, a list of priorities and a list of things they do not want for that area. Commissioner Savage could support delaying the April 15th deadline for the General Plan with the understanding that they would receive a crisp, well-defined plan that the Planning Department could recommend moving forward on. He thought they should empower the Planning Staff to do their job.

Mayor Williams suggested that part of that was drilling down on the meaning of each parameter. He commented on the number of every day basic items that are not available in Park City, which leaves the residents no choice but to drive outside of the city limits to purchase them. If meeting those basic needs was something they wanted in Park City, he was unsure whether that would be a give or a get. Mayor Williams noted that in focusing on the tourist industry they have given up the things geared towards the local community. In his opinion, the April 15th deadline was not critical for the General Plan because it was more important to drill down on the individual parameters. Once the parameters are defined and established in a document, it would be easier to define the gives and gets as they move through the process with developers.

Mr. Buki summarized that there was a proposal on the table for a crisp and clean document that is policy driven and goal oriented, and describes what they want to see occur. The document can and will be prepared by Staff based on direction from this group. The document is a high priority that should be done sooner rather than later; and because it is a priority, the deadline for the General Plan re-write would be delayed.

Mr. Buki asked Commissioner Thomas to provide his ideas on the document from the standpoint of process and element. Commissioner Thomas believed they were looking for help from the Staff and should assign the Staff the responsibility of coming back with a specific plan for the Bonanza Park neighborhood by the end of the year. The plan should focus on gathering spaces, connectivity, authentic architecture, and the components and elements they all believe are necessary to turn Bonanza Park into a central place where people can shop and live. It should be done on the scale of a local town feel. Commissioner Thomas believed the Staff was capable of accomplishing that goal.

Mayor Williams added that the plan should have pictures. In addition, he felt there was enough

expertise in the room that going outside for help was not necessary. Mayor Williams suggested that they ask Commissioner Thomas to be their liaison and work with Staff. Commissioner Thomas was not opposed to working with the Staff on behalf of the Planning Commission and the City Council, but he felt it was important to rely on the professionalism of the Staff to generate the plan.

Commissioner Wintzer was still unclear as to what they would name the document. Director Eddington stated that it would be the Bonanza Park Plan or a Plan for Bonanza Park. The document would be incorporated into the full General Plan once the General Plan re-write is completed.

Commissioner Thomas pointed out that the plan needs to have a supported relationship with Main Street and with the resorts. It should also help resolve transportation issues and connectivity.

Mr. Buki asked if there was agreement for the General Plan re-write to take a back seat while they construct this document. Commissioner Wintzer added the caveat that part of the connectivity of this project to the rest of Park City would be worked on in the General Plan simultaneously. Commissioner Peek thought they should be able to use this experience as a template to create the rest of the General Plan.

Mayor Williams called for public input.

Mary Cook stated that in addition to a traffic analysis, she suggested that they think about the pedestrian traffic, bike traffic and skateboard traffic that comes up against that piece of land and stops. Ms. Cook offered two different ways to approach the problem. One was more visual and technical. They could build it first and then see what it suggests in terms of rules and regulations. The second approach was to come at it from technical knowledge about laws, regulations, what does and doesn't work and to write the plan. She suggested having two groups work from two different perspectives and then have them come back together at some point. Ms. Cook was certain there was a computer program on the market where they could build multiple perspectives of a land use project to see how they lay out.

Jon-Eric Greene commented on conversations regarding the economy and how to add to the economy as opposed to detracting from it. He believed a big elephant in the room was the office space at Kimball Junction. Park City has seen a lot of businesses, including his own, move out of Old Town due to the lack of functional office space. He agreed with Commissioner Thomas that this was their opportunity to create the center of the community from residential, and a large part of that is office space and jobs. As a community they need to talk about the types of jobs they want to attract in Park City and whether they compliment the resort/business and world resort lifestyle or take away from it. Mr. Greene remarked that they could talk about heights and what development should look like, but they also need to consider jobs and the economy in Park City, as well as the opportunities that the Bonanza Park area can contribute to the future of the economy.

Mayor Williams believed office space would come under mixed-use with an emphasis on local business. He reiterated his earlier comment about providing opportunities for college graduates

who want to return to Park City. Council Member Simpson stated that she met with the new Park City Young Professionals Group, who are young professionals who moved back to Park City and would like to start a business. She agreed that it was getting harder to find office space.

Commissioner Savage asked if the City had a development plan that speaks to those types of questions. He was told that the City did not have that type of plan. Commissioner Savage asked if that should be a separate issue or included as part of the General Plan. He was told that it could be addressed in the General Plan.

Kate Riggs thanked the group for their efforts. She commended their great discussions and how they came together on a recommendation to put long-term strategy ahead of Code. She believed that was for the betterment of the community. She agreed that there was great expertise on Staff and she commended their decision for using that resource. Ms. Riggs thought another great resource was Mr. Buki, the facilitator and consultant. She commented on words she heard such as connectivity, jobs, complimentary, economy, and economic development. She urged them to look at the community beyond the ski resorts because Park City is no longer just a ski resort community. The resorts have worked hard to become year-round resorts. Ms. Riggs stated that they need to look at economic development. She is one who would like the ability to buy basic items within the Park City limits. Park City should provide the services that are needed for a year-round community because that is what they are. They cannot diversify Old Town and Park City proper if they continue to look at themselves as a ski resort community. Through the Bonanza Park plan, Ms. Riggs hoped they would look to community resources within the resorts, the residential, and the realtors to provide data and the expertise needed to support the long-term plan.

Michael Barille encouraged them to allow avenues for the community to help with a number of tasks. Whether it is design examples or job growth and ideas, it is important for the community to be interactive in the planning process. Mr. Barille also encouraged them to trust the private section and use their experience to understand the issues.

Craig Elliott stated that Mark Fischer was out of town and asked him to comment this evening. Mr. Elliot disclosed that he works for Mark Fischer. Mr. Elliott believed that the decision to have a Bonanza Park plan was a good step and would make a big difference for what Mr. Fischer would like to accomplish. He stated that Mr. Fischer is one of Park City's philanthropic community members and they have an opportunity to move forward with him. Trust is an important word and something they have to work through. Mr. Elliott stated that he has the computer model software and available information they were talking about this evening. Mr. Fischer has suggested that he provide them with that information. Mr. Elliott pointed out that they do not need to hire someone outside of Park City because he was willing to give them the tools and the benefit of his expertise. Mr. Elliott believed there was an opportunity for a public/private partnership to evolve. He preferred that the document be a statement of great development and what they want versus everything they do not want. Mr. Elliott stated that he works with the Staff every day and he was confident in their ability to put together a great plan. He agreed with the request to have pictures and visuals in the document.

A member of the public suggested that they think about the movie Field of Dreams and the line, "if

you build it they will come”.

Mayor Williams thought it would be interesting to have a public meeting at some point on what eight words mean to people in town; everyday use, vibrant, etc. Getting the public involved would be an attempt to make a larger percentage of people accept the document.

Ruth Meintsma stated that she has been listening to the group talk about the manifestation of the Bonanza Park plan. She recalled that Director Eddington had said that the current plan had parameters but no direction. The General Plan has direction but it is not specific enough. Ms. Meintsma pointed out that in talking about what they need in this document, they were describing the Historic District Design Guidelines. Ms. Meintsma noted that the design guidelines are specifics, but always in the context of size, character, neighborhood and feel. She suggested that they use the same format for the Bonanza Park plan and call it the BPDG, Bonanza Park Design Guidelines. If they used the same format and followed the parameters of the HDDG, she believed the public would have a better understanding of what they were trying to accomplish and refer to that document first.

Mayor Williams remarked that Old Town is a defined area and they were able to create the guidelines for something that already exists. That is very different from something that has a clean slate and needs a mission statement.

Ms. Meintsma noted that the geography of Bonanza Park is flat, which is much different than Old Town. She thought they should keep that in mind when they talk about neighborhood feel, because being flat offers many opportunities.

Mary Wintzer stated that in talking about the vibrancy of Bonanza Park, she wanted them to keep in mind what the 20 small business owners on Iron Horse have created through the years. The business owners contribute their own creativity and that has created vibrancy on Iron Horse. Ms. Wintzer suggested that they use that as a model and keep economics in mind. They cannot encourage people to build grandiose complexes with high rents, because it is unrealistic for a small business owner to make it in that setting. Ms. Wintzer encouraged them to keep the authenticity that the business owners have created.

Director Eddington summarized that the Staff would endeavor on a plan that deals with Bonanza Park, and look at it from a new comprehensive, holistic approach. A number of issues are comprehensive city-wide in terms of connectivity, transportation, and economic impacts. Issues specific to Bonanza Park include gathering spaces, connectivity, transportation, utilizing graphics, relationship to Main Street and the resorts. The intent for this plan is to use graphics and narrative to provide direction based upon the goals exhibited from the survey and the last four meetings. Director Eddington stated that the idea is to build upon the visioning statement from 2008-2009, as well as the comments from the survey and the discussions, to create a forward thinking plan and vision for that area. The plan should define parameters and recommend whether it is form-based code, design guidelines, or LMC changes and present the document to the group. The Staff would utilize this group and the public for input to carry the plan forward. Director Eddington believed the document could be completed by the end of the year. He recommended that it be presented at a joint meeting in January.

Mr. Buki requested final comments from each of the participants.

Council Member Butwinski noted that Director Eddington never mentioned gives in his summary. He believed it was important to have gives. Director Eddington thought they would be able to identify the gives and gets as they move through the process. The gives and gets listed in their discussion would be addressed in the plan.

Commissioner Savage thought it would be helpful to create a spreadsheet that correlates the relationship between the gives with the gets. He did not have a good idea of the expected demand for affordable housing or to what degree this type of environment could be used to substantially accomplish those objectives. Commissioner Savage also suggested an economic model associated with how revenues flow back into the City taxes and other sources to look at it more holistically. Density, height, economic model and relationship to other major goals as it relates to the equity question.

Council Member Kernan thought they were making a commitment to work more like partners. He hoped the new Bonanza Park Development Design Guidelines would help bridge what was missing and help them partner easier to accomplish some of what they like, such as the form based code. Council Member Kernan also hoped they could find the tools to better connect all the roads and accomplish other goals, and to find the gives needed to connect that area. He was excited to have a new tool to implement a vision they all like instead of reacting to things they do not like; and one that encourages developers to work together for common goals.

Council Member Peek suggested a give for uses that do not cycle with the winter and summer based economy. Other important elements were welcoming, comfortable, generates a shared experience, gathering space, connectivity, regional architecture, shop/live, local town feel.

Council Member Matsumoto was unsure if the new plan was the appropriate place to address phasing. In an earlier meeting someone had mentioned that phasing achieves a more authentic look than designing it all at one time. Council Member Matsumoto remarked that the elephants in the room were a convention center in this area of town and the power poles, and she had definite opinions on both issues.

Mayor Williams noted that the Power Company was looking at several options. The City requested that the Power Company look at Mark Fischer's property across the street as the main option. The Power Company realized that it is one of the most viable options on the table. Mr. Buki advised Director Eddington to account for the implications of different scenarios for power locations.

Commissioner Worel asked if studies have been done on the health implications related to the proximity of the power station. Mayor Williams did not believe the Power Company had conducted a study, but they deny any health factors. Mr. Buki requested that they table the power station discussion until after Director Eddington and Commissioner Thomas flush out all the implications.

Commissioner Strachan was willing to give anything in order to get proper traffic mitigation on Highway 248. He stated that unless the new document is more specific than the current General Plan supplement, he would consider the whole process a loss.

Commissioner Pettit supported gives and gets with respect to height and density. However, she would need to know more definitively and quantitatively what the give and the gets are to understand the correlation. Commissioner Pettit stated that another piece of the equation was the flow out of town to Redstone and other places outside of the City limits. She believed this area should be developed in a way that appeals to young people so they will want to ride their bikes to the Bonanza Park District instead of riding the bus to Redstone. They should think about uses in that area that would be attractive to the young people in the community.

Commissioner Hontz favored the idea of a new plan and thought it should be sophisticated and very specific. She hoped the Staff would do a good job of controlling the Planning Commission and the City Council when they start asking for additional studies and information that do not pertain to what they are trying to accomplish with this plan. The Staff could take time to provide the information, but everyone needs to realize that the trade-off would be not meeting the deadline. Commissioner Hontz could not see them continually pushing back deadlines. She encouraged the Staff to be firm with both the Commissioners and the Council Members to keep the process on track.

Commissioner Worel struggled with how to take the current plan and supplement from having so many depends to being too regulatory. She liked the concept of the gives and gets because it is an intermediary. She appreciated the comment about having the document being more of a guideline than a regulatory plan.

Mayor Williams thought they should utilize Craig Elliott if they wanted a public/private partnership to move forward. Mr. Elliott has worked with the City on other projects and he already has the tools they might need. Mayor Williams stated that in 35 years he has never seen anyone who owns so much ground ask the City to help decide what to do with his property. He believed Mr. Fischer and Mr. Elliott should be at the table for some of the discussions in some manner. It is a unique opportunity for the City to have a developer willing to work with them and they should take advantage of it. The process for Lower Park Avenue will be different because there will be so many people and many different properties.

Mayor Williams liked that this group tried to define the terms for Bonanza Park. This is an important document and he believed they would be able to complete it by the end of the year. Mayor Williams believed the four joint meetings were an example of how the City has evolved to the point of being able to sit down together for meaningful discussions.

Council Member Simpson concurred with Mayor Williams and most of the other comments. However, what she heard from Director Eddington were the words "we hope, we think, we will try, we plan to" and that was not definitive enough for her. She would be very angry if they do not produce a document by the end of the year. If there are problems or the Staff needs extra resources along the way, she would want to hear about it early rather than later. Council Member Simpson was willing to support a complete three month moratorium on requests from the Planning

Commission or the City Council for information that is not directly related to a packet. Completing this plan is important and they need to adhere to the deadline. Council Member Simpson wanted to be sure they use the word "equity" because it applies to both the community and the developer. When they start talking about the power station it will be a very hard part of the conversation. If the City makes the trade-off, and as a group they decide that it benefits the community to move the power station out of Bonanza Park but possibly near dense residential housing, they will have a very tough equity conversation on their hands. She wanted everyone to be clear on that issue.

Mr. Buki stated that when they did visioning, nothing permeated every conversation as much as equity. The issue of equity deserves time for its own conversation, but that time was not this evening.

Council Member Butwinski stated that the new plan should give the developer a clear sense of what they are applying for and an expectation of whether or not it would be approved. He agreed with Commissioner Hontz and Council Member Simpson about not letting requests for additional information interfere with the end of the year deadline to complete the plan. However, he was not willing to support a moratorium as suggested by Council Member Simpson.

Commissioner Wintzer wanted it clearly understood that the desire to create a viable project does not necessarily mean giving something away. He asked Director Eddington to first find a way to describe what is needed for a nice project, and then identify the gives and gets. Commissioner felt this had been a great process.

Commissioner Thomas found it exciting to be playing offense rather than defense. He was confident that the Staff would meet the deadline and he was willing to support that with his time and effort. Commissioner Thomas was pleased to be able to weave some things back into the community that have dwindled away. He felt it was important to find a way to tell their story and to pay tribute to the mining heritage and the Olympic heritage. Commissioner Thomas stated that aesthetics do not happen from an analytical or engineering approach. It is achieved by making it a priority to make sure what they get a better visual environment. He concurred with all previous comments.

Mr. Bakaly believed this would be a team effort at the Staff level. He agreed with the comments to involve Craig Elliott in some manner. Mr. Bakaly suggested another joint meeting in a few weeks to talk about Park City Mountain Resort and Lower Park Avenue.

The Work Session adjourned at 9:10.