**PARK CITY COUNCIL WORK SESSION NOTES**
**SUMMIT COUNTY, UTAH**
**AUGUST 28, 2008**

**Present:** **Mayor Pro Tem Roger Harlan; Council members Candace Erickson; Jim Hier; Joe Kernan; and Liza Simpson**

**Tom Bakaly, City Manager; Mark Harrington, City Attorney; Phyllis Robinson, Public Affairs Specialist**

**Craig Elliott, Elliott Work Group, Tony Rampton, Esq., counsel for Windrift Condominiums; Conrad Elliott, Windrift resident**

**Absent:** **Mayor Dana Williams**

**1. Council questions/comments.** Liza Simpson thanked the Sustainability Department for contacting the Desert News with a correction that greenhouse gases and smog are not the same thing. She attended the Planning Commission meeting where a field trip to Alice Lode was conducted; she suggested that a site visit may be helpful for Council members. Other members had nothing to report.

**2. Snow Creek Cottages design and deed restrictions.** Phyllis Robinson explained that she is looking for feedback from Council, the property owner, on several questions in order to move forward with the project. She reaffirmed that the Council is voluntarily restricting the units to comply with the affordable housing resolution, although it was processed as a MPD not an affordable housing-MPD. The height exception was an issue brought up in the appeal and while the LMC permits height exceptions within MPDs which was granted by the Planning Commission, staff asked the design team to take another look at the project eliminating the height exception. Requirements include maintaining a high level of architectural quality, retaining the units for family living, and not increasing the amount of impermeable surface. Those goals have been achieved with the revised plans and Ms. Robinson pointed out that significant changes to the project would require an amendment to the MPD.

Through illustration of renderings, architect Craig Elliott discussed the pre-MPD application resulting in a design with a reduced footprint from the original application. Council reviewed the design and proceeded with the MPD process. A preliminary sketch of the building elevation was also presented and he displayed the submitted site plan for the MPD which was refined somewhat. He highlighted five sets of elevations presented to the Planning Commission and new floor plans and elevations that reduce the height by four feet. The square footage is reduced by about 200 square feet per unit. The three bedroom unit without the flex room incorporates a two car garage and totals about 1,800 square feet. All building heights will be below the allowable height at 29 feet measured from natural and existing grade. Mr. Elliott detailed the floor plans of the new designs based on comments from Council. The volumes remain essentially the same. Jim Hier felt that the new lower profile design is more compatible with the neighboring properties. Ms. Erickson expressed concerns with the larger units which have more living space but less garage area. Mr. Elliott replied that it is possible to fit two cars in the garage space in most instances and there are two on-street parking spaces. Candace Erickson indicated that she is much happier with the revised approach, specifically eliminating the height exception. However, she recommended lowering the density by a couple of units, allowing the houses to be larger; it is important to her that the units are attractive and there is enough space between structures. Craig Elliott explained that a tandem garage can be created by adding ten feet to the back of the house but efforts were focused on reducing the footprint. Ms. Erickson reiterated that fewer houses could reduce the footprint. Phyllis Robinson explained that the original concept contemplated 14 units and one unit was removed creating more open space. The number of homes supports the cost of the infrastructure and the cost per square foot will increase for the other houses if the number is reduced. He believed the original concept was for 24 multi-family units. Mr. Elliott pointed out that the trade-off for the garage space to the flex room space is a relatively minor increase in cost; the overall construction costs will remain the same.

Jim Hier asked if buyers would have the flexibility to select interiors. Mr. Elliott responded that it is certainly possible. Candace Erickson pointed out that one of the concepts from the beginning was that the units would not all look alike. Craig Elliott stated that buyers could still choose an interior and the exteriors can be altered aesthetically. He admitted that he hasn’t had enough opportunity to devote on the revised plans but is encouraged by the elevations and felt there is enough flexibility in the design to provide variation. Liza Simpson voiced her support of the revised plans and thanked Mr. Elliott for his hard work. She acknowledged her issues with the height for some of the same reasons as Ms. Erickson and some different ones. The height problem has been cleverly solved. Discussion ensued on the designs being adequate to comfortably accommodate families. Joe Kernan was pleased to see plans eliminating the need for a height exception. This solution may be useful in evaluating the need for granting a special exception permit for a height exception in similar situations. Phyllis Robinson discussed the meaning of the goal of *award winning* design.

In response to a question from Candace Erickson, Mr. Elliott estimated the cost of an elevator to be $20,000 to $30,000. She suggested that the ADA unit be constructed at one level, saving money by eliminating the need to purchase an elevator and a generator which would be needed for back-up in the event of a power outage. Mr. Elliott pointed out that a one-story house would increase the footprint significantly and sizes have to be consistent with other housing designs because of federal guidelines. There was discussion about the need to submit a revised MPD application if there is a change in the project’s configuration. Jim Hier stated that he is comfortable with the elevator in the ADA unit and incorporating back-up power. Craig Elliott added that back-up power is not mandatory but a good idea. Roger Harlan, Liza Simpson and Joe Kernan supported the installation of an elevator with back-up for the ADA unit. Phyllis Robinson indicated that they will begin work on the construction drawings and Jim Hier emphasized attention to variation. The Mayor Pro Tem invited public input.

Tony Rampton, Esq. stated that the Windrift Condominium owners took photos of the site and floated balloons to 37 feet. He displayed a photograph of the project with a height line drawn in and pointed out that their views would be significantly impacted. He relayed that the residents believed the project was going to consist of one-story cottages.

Resident Conrad Elliott displayed more photos; described where the photos were taken and added that he is very pleased with the revised plans to reduce the height.

Liza Simpson admitted having trouble reading the photos, specifically the relationship of the balloons and height line and asked the architect if he had another illustration of the site lines. Craig Elliott explained the process of dropping the survey and elevations into Google Earth to produce photographs illustrating the project, heights, and view corridors in perspective.

Alex Butwinski, resident, praised the Elliott Work Group on its presentation. The perspective presented by the neighbors would look like a huge structure with a flat roof which is not the case. He feels this project will have less of a visual impact than feared. He encouraged Council to maintain the number of units at 13 and felt the elevator issue can be worked out.

Lisa Rudy, Windrift resident, invited members over to her house to personally look out her window to understand her concern about obstructed views.

Phyllis Robinson stated that if there are no other comments from members they are prepared to move forward with bidding the 13 units designed with the revised lower profile elevations for construction. Staff will return to Council after the exteriors are designed and prior to bidding the project.

She stated that she assumed that all 13 units would be deed restricted consistent with the 2007 housing resolution, recognizing that this is voluntary and the goal of the project. All members agreed that the project should comply with the housing resolution. Ms. Robinson discussed a land trust for the property and the City retaining ownership, but with the current lending situation, she advised a more traditional approach. One alternative method would be to appraise the 2.4 acres and attribute that on a pro rata basis to each of the units in the form of a second mortgage so there is no direct contribution of the land.

Joe Kernan felt the City should donate the land and not explore the land trust. Candace Erickson stated that she would like the City to retain some control. Phyllis Robinson again described the land trust and the second home mortgage concept to eliminate taking the value of the land as a windfall. Other financing options protecting the land in the future can be explored and the sales price would be represented by construction and infrastructure costs. Jim Hier spoke about another financing hybrid separating the land under the houses from the remainder of the project area so the City remains a property owner and retains status in the HOA. This is worth exploring if the secondary lending market is comfortable with the City owning the common area.

Ms. Robinson explained that the housing resolution provides for an average income formula to address 150% of the workforce housing needs. The subsidy to be provided to the project is evenly divided among the units resulting in the potential of over-subsidizing some households and/or under-subsidizing others who wouldn't be able to consider buying a unit. She asked Council for its preference on a scaled subsidy versus even application. Joe Kernan believed that the scaled subsidy is more equitable and all members agreed. She continued to explain that staff is requesting that two units be set aside for City employees; all members agreed.

Ms. Robinson requested comments on appreciation limits and Roger Harlan encouraged using a simple methodology. Jim Hier suggested that this issue return to Council with hard numbers and noted that he supports Option 1 in the staff report. The purchase of a Snow Creek unit is still an excellent investment and buyers will get their money back. He felt that buying versus renting is still a much better option even with appreciation capped at 3%. Candace Erickson agreed that Option 1 makes sense in most cases, but would like to see options and asked what happens if a buyer moves to Salt Lake.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**AUGUST 28, 2008**

## I ROLL CALL

Mayor Pro Tem Roger Harlan called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, August 28, 2008. Members in attendance were Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Mayor Dana Williams was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Brooks Robinson, Planner; Max Paap, Special Events Manager; Diane Foster, Environmental Affairs Manager; and Kent Cashel, Deputy Public Works Director.

## II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that KPCW is among his recycling customers.

## III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

Seasonal housing program - Tim Dahlin, Park City Christian Center, referred to his email to members regarding seasonal housing. He encouraged the involvement of business leaders, City Council, Summit County Commission and others to help communicate to the community the need for seasonal housing. He is in communication with about 100 young adults requesting housing for this winter and hoped Council will address this topic at some point. Liza Simpson clarified that Mr. Dahlin has been working with residents to rent out rooms. Candace Erickson asked if there is any risk to the City if renters steal or damage property. Mark Harrington advised that supporting a seasonal housing program would not increase the City's liability. In response to a question from Joe Kernan, Mr. Dahlin stated that the Center found housing for about 75 kids last year and the feedback from hosts was extremely varied.

## IV NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving an amendment to the Marsac Parking Structure Subdivision plat located at 460 Swede Alley, Park City, Utah – Kirsten Whetstone explained that the request is to create three lots from an existing one lot subdivision for the Marsac Municipal Building, the China Bridge Parking Structure Shell Building, and the lot for the future plaza area. The request is consistent with the PUT Zone and LMC and on August 13, 2008, the Planning Commission rendered a positive recommendation to the City Council as outlined in the ordinance. The Mayor Pro Tem opened the public hearing and with no comments from the audience, closed the hearing. Joe Kernan, "I move we approve the Marsac Parking Structure Subdivision". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Marsac-Swede Condominiums Record of Survey plat, located at 460 Swede Alley, Park City, Utah – Kirsten Whetstone explained that this application is to create a three unit condominium including the following properties. Unit 100 is for the liquor store, Unit 200 is for KPCW and Unit 300 is the 243,000 square foot China Bridge Parking Structure, both the new and the old. The Planning Commission forwarded a positive recommendation on August 13, 2008 and staff recommends approval based on the ordinance. The Mayor Pro Tem opened the public hearing and with no comments, closed the public

hearing. Liza Simpson, "I move that we approve the Record of Survey plat for the Marsac-Swede Condominiums based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Jim Hier seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the Christopher Homes at Empire Pass Condominiums, Phase IV Record of Survey Plat located at The Silver Strike Subdivision, Park City, Utah – Brooks Robinson explained that the application contemplates eight condominium duplex units at Christopher Homes located in Pod A at Empire Pass. The Planning Commission forwarded a positive recommendation on August 13, 2008 and staff found that the units comply with subdivision regulations and restrictions in the Silver Strike Subdivision, limiting house size and square footage. The unit equivalents total 50.1. In response to a question from Jim Hier, Brooks Robinson explained that Units 15 and 16 are part of Phase 3 and Units 9 through 12 are part of Phase 2, which have already been condominiumized; there are only two units remaining. Jim Hier, "I move we approve the Christopher Homes at Empire Pass Condominiums, Phase IV Record of Survey as conditioned in the staff report". Liza Simpson seconded. Motion unanimously carried.

4 Consideration of a Master Festival License for the movie premiere *The Massive* to be held on September 19, 2008 on lower Main Street and approval of a partial street closure and amplified music – Max Paap explained that Mountain Sports International Inc. submitted an application requesting a MFL to hold a movie premiere event in support of Park City Mountain Resort athlete Tanner Hall. A large screen will be erected at the pedestrian bridge on lower Main Street and the event would run from 8 p.m. to 10 p.m. on Friday, September 19. The HMBA has been notified of this event and there were no dissenting comments. A MFL is required because of amplified music, a partial street closure, and use of City property. In response to a question from Liza Simpson, applicant Dave Swanwick explained that there will be seating for about 250 people and standing room for 100 for the free movie. The Mayor Pro Tem opened the public hearing.

Krista Perry, PCMR, voiced her support of the event and added that she is a board member of the HMBA where the event was discussed.

With no further comments, the public hearing was closed. Liza Simpson, "I move we approve the license for The Massive ski movie premiere as conditioned on September 19, 2008 to be held on lower Main Street between 7th Street and 9th Street". Candace Erickson seconded. Motion unanimously carried.

5. Consideration of a Professional Services Agreement for a community carbon footprint with The Brendle Group in the amount of $39,582 in a form approved by the City Attorney – Diane Foster explained that six contractors responded to the RFP and the selection committee recommends entering into a contract with The Brendle Group who is the only firm who had actually conducted community carbon footprints in ski resort communities. She explained that four trips are contemplated by The Brendle Group to Park City. Discussion ensued on meeting representatives of The Brendle Group when in town. Ms. Foster advised that she is planning on hosting a dinner for the group and Council liaisons at her house but invited all members to attend. Joe Kernan, "I move we approve the professional services agreement for the

community carbon footprint with The Brendle Group, as written in the staff report". Liza Simpson seconded. Motion unanimously carried.

6. Consideration of a Professional Services Agreement with Alliance Engineering Inc. in the amount of $37,100 for construction and management services for the Richardson Flat Road Project – Kent Cashel explained that the contract is for engineering support for the road construction which is underway. Joe Kernan, "I move we approve New Business Item No. 6". Jim Hier seconded. Motion unanimously carried.

**V ADDITIONAL DISCUSSION – AGENDA ITEMS**

**VI ADJOURNMENT**

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

**MEMORANDUM OF CLOSED SESSION**

The City Council met in closed session at approximately 3 p.m. Mayor Dana Williams attended closed session but not work session or the regular meeting. Other members in attendance were Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Ken Fisher, Recreation Manager. Candace Erickson, "I move to close the meeting to discuss personnel, property, and litigation". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Jim Hier, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

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