PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 13, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Project Manager; Max Paap, Special Events Manager; Patrick Putt, Planning Director; Cindy LoPiccolo, Senior City Recorder

Mark Fisher and Mike Sweeney, The Yard applicants; Rick Smith, resident; Mary Cook, Homestake Condo owner; Sara Pearce, Sundance Institute; Kevin King, architect, Jeff Love, Old Town resident, and Jack Thomas, architect

Absent: **Mayor Dana Williams;**

1. Council questions/comments. Roger Harlan spoke about the Museum ground-breaking and the surprise donation by the Eccles Foundation of $500,000. The Deer Valley Celebrity Classic was a good time. Candace Erickson also commented on the ground-breaking event and attending a meeting with a stakeholders group on trails maintenance. Ms. Cone commented on the presentation by Bobby Kennedy who was speaking in Park City and Christmas in the Park. Gary Hill discussed the status of the amended IHC plat which may delay the closing, but stated that staff is still recommending approval of the final bond scheduled on the agenda tonight. Cindy LoPiccolo introduced the City's broker Jeff Larsen from Marsh USA and pointed out that placement of insurance is recommended for approval on the consent agenda. There was a proposal submitted by the Utah Local Governments Trust before the deadline but too late to include in the meeting packet but after review of the proposal, staff is making the same recommendation.

2. Event and paid parking at The Yard. Jon Weidenhamer explained that the address is 1251 Kearns Boulevard, the old Anderson Lumber site, and the application is for a hospitality center and a park and ride lot during the Film Festival. He described the amplified music which will be more like background music and the occupancy will not exceed 500 people which would trigger a master festival license. Staff felt it important to bring the concept to Council. It is located in an industrial neighborhood which is zoned General Commercial. The Homestake and Claimjumper Condominiums is the closest residential area. He clarified that this could be processed administratively as a special event as long as it doesn't conflict with any other licensed event. Special events do not require a 90 day application period.

Mike Sweeney, business owner, felt that having another event site during the Film Festival is valuable and he met with the HOA about concerns. The parking lot will serve

Eccles and the Racquet Club and they have committed to spend $7,500 to augment transportation at the lot. He didn't feel that this operation will compete with paid parking programs throughout town. He described the *winter wonderland area* with *light* background music. The store area will be open from 10 a.m. to 6 p.m. and the celebrity lounge is located in the warehouse which and will be sound-proofed. It was explained that traffic will flow off of Kearns Boulevard onto a short portion of Homestake Road into the parking lot. Mr. Weidenhamer stated that the City Engineer determined that Homestake can handle the increase in volume.

Jim Hier asked for clarification on the differences between a master festival license and special event. Mr. Weidenhamer explained that amplified music and occupancy over 500 patrons triggers a master festival license. Although speakers are requested, the level of sound will not exceed the property boundaries. Jim Hier suggested that it would be helpful to understand why the application no longer qualifies under a master festival license and Jon Weidenhamer committed to provide the requested information. Roger Harlan hoped the City's paid parking program for the Film Festival would not be jeopardized by another paid parking lot in town and Mark Harrington emphasized that municipalities can not regulate private activities based on concerns about competition with public facilities. Mike Sweeney noted that they are providing parking for Sundance volunteers.

Council member Hier believed that late night activities in the parking lot have the potential to disturb residents at the Homestake Condominiums. Mike Sweeney understood from the HOA that the main concern is the demand for on-street parking acknowledging that it is difficult to manage. Candace Erickson suggested accommodating Homestake residents in the lot if on-street parking is taken. Mr. Sweeney stated that they want to be good neighbors and this year will be a learning experience. The Mayor Pro Tem invited public input.

Rick Smith, resident and business owner, stated that he owns ten units at Homestake and didn't feel the activities will create problems. He spoke with all of his tenants who are employees who work late hours and he didn't believe there will be problems. It will be great for the area.

Mary Cook, Homestake Condo resident, was pleased to hear of a plan to accommodate on-street parking for condo residents but questioned the reason for music. Mike Sweeney explained that background music will add to the festivities. Ms. Cook explained that she lives in the middle of the complex and probably won't hear anything, but is more concerned about other residents who have to get up early; people need to sleep. Increasing traffic on Homestake Road will be dangerous and hosting all-night parties creates noise and other nuisances. Mike Sweeney explained his experience with hosting events and felt the event is very manageable. Diamond Parking will talk with patrons to remind them that they are in a neighborhood and Mr. Sweeney stated that he will deliver contact information to each unit

Sara Pearce, Sundance Institute, stated that she is pleased to have more parking which may mitigate some traffic problems on Kearns Boulevard. She emphasized that this venue is not officially associated with the Institute and she is somewhat concerned that any problems will reflect on them.

For the benefit of Roger Harlan, Mr. Weidenhamer detailed the elements of the bus drop off area.

3. Historic District (HR-1) Land Management Code amendments and role of Historic Preservation Board. Patrick Putt explained that the Planning Commission, Historic Preservation Board, and City Council held a joint session in May on Old Town issues. A number of recommendations resulted and accomplishments include adopting the historic building inventory, Planning Commission training, steep slope criteria, etc. Garage elements, building mass, *panelization* of buildings for renovations, and the role of the HPB are important issues to resolve. He added that there are specific recommendations on amending the regulations of the HR-1 properties by establishing a cap on the maximum building footprint and formulating criteria for moving historic structures. The goal today is to introduce the concept before public hearings are held before the Planning Commission.

The Planning Director relayed that the purpose statement for the HR-1 rewrite is intended to reflect current community values by maintaining historic scale and building form. The draft addresses extending access to undeveloped areas, including platted but unbuilt streets, so if the street is extended the plan is characteristic with the area, avoiding building retaining walls. The document encourages no more than two-story structures and establishes parameters on parking. A cap on the maximum building footprint of 1,550 square feet is recommended, which is the number achieved on a two lot equivalent parcel. He spoke about the feedback from the public from the Historic District sessions held and arriving at the 1,550 square foot proposal based on input. He also encouraged regulating height by limiting walls to 22 feet; this approach will provide better flexibility with regard to roof form and may minimize huge excavations. Applying conditional use criteria is proposed for lifting or changing the orientation of historic buildings. Mr. Putt described a new noticing plan which would occur earlier in the review process. There is provision for creating a voluntary peer review pre-application group (VPR) which was suggested by the design community. This could also be a strong educational tool for the planners. Mr. Putt stated that the amendments were received positively by the Planning Commission acknowledging that it is a work in progress. Members liked the VPR committee concept and noticing applications earlier, but were mixed on expanding the role of the HPB.

Discussion ensued regarding the calculation of height and measuring width, specifically on steep slopes. Joe Kernan pointed out that often the original historic structure is lost with the construction of an addition and Pat Putt addressed provisions regulating attaching new construction to historic buildings. Steep slopes are the most challenging. Front and side facades and the roof element must be preserved and the new addition is allowed to attach to 50% of the back façade width. He discussed instances when building a second structure on large historic lots is allowed and deducting the square footage of a detached garage from the total as an incentive for a better plan. Roger Harlan pointed out the high percentage of garages in Old Town that serve as storage units rather than getting cars off the street. Candace Erickson thanked Mr. Putt for listening to Council's comments, but pointed out the atrocious situation of the small house owned by the Whaleys and the huge development very close to them on Park Avenue. She hoped this scenario could be eliminated in the future. Mr. Putt acknowledged possible problems with developing on the boundaries of zoning districts and an inventory of potential conflicts in interface areas will be explored. Ms. Erickson believed that boundaries could be distinguished by stepping or locating construction so that it doesn't over-shadow existing buildings. Ms. Cone suggested providing for solar easements. The Mayor Pro Tem invited public input.

Ken Marth, HPB Chair, acknowledged that he hasn't fully digested the new draft but encouraged exploring the amendments. He emphasized the importance of updating the Historic District Guidelines to achieve better consistency and cited examples of incompatibility with new construction in the District. He felt it important that applicants provide more information at the time of the plat amendment or at another preliminary stage. Notification to adjacent owners should contain more information on the project. Mr. Marth stated that he was a member of the Historic District Commission and is now serving on the HPB and he felt they could be accomplishing more if they had more to do. Training is essential as well. In response to a question from Joe Kernan, Mr. Marth detailed poor design practices in the District.

Jack Thomas, Planning Commissioner and architect, stated that good design can not be dictated or enumerated upon. He likes the VPR idea not only for feedback but to obtain input earlier in the process. There are professionals willing to donate their time and producing good design in the community is a complicated process. Most planned communities have professional review boards and it works well.

Tom Peek, Old Town property owner, felt that there are good examples of new construction throughout Old Town which has been very vibrant over the past several years. He expressed concerns about the 50% attachment limitation and Mr. Putt explained that the 50% does not mean the addition can only be half the width of the historic structure.

Kevin King, Old Town resident and architect, cautioned not to amend the Code in a knee-jerk reaction mode and pointed out the 50% provision is not clear and every single site is unique. The process should be somewhat predictable with provision for exceptions. He warned against subjectivity prompting legislation and emphasized that owners have property rights. Applicants should not be *processed to death* and the property owner should have the final choice. Giving the HPB more discretion tramples the individual rights of owners. He pointed out that if the perimeter of the building design jogs for the sake of architectural interest, the project could be penalized in terms of size. Adequate time should be devoted to develop the Code amendments and he expressed his support of the VPR Committee. Mr. King reiterated the importance of consistency.

Jeff Love, Woodside resident, explained that two of his neighbors have properties equivalent to four Old Town lots with an existing footprint of about 2,400 square feet. Unless there is a way to subdivide the properties, the City is significantly affecting the value of the properties. Both parties acquired the land thinking they had the ability to build a certain sized house. Kevin King agreed and suggested reconsidering a sliding scale concept entertained years ago.

Candace Erickson acknowledged that the VPR idea scares her somewhat and Mr. Putt emphasized that it is not a design review board, but a group of professionals available to help solve challenges early in the process. The results or recommendations are not binding. She believes that owners will want every square foot available because of the high prices in Old Town and prefers to stick with the current Guidelines. The timing of releasing the draft was discussed again and it was explained that public hearings will be held in January. Mr. Putt expressed his willingness to meet separately with local designers in town. Joe Kernan brought up grandfathering applications or properties by way of establishing a future effective date. The Planning Director recommended adopting a clear code after a public process. Joe Kernan felt that providing applicants with an additional 90 days to process an application within the zone under the current code is reasonable. Jim Hier stated he concurs with the stated role of the HPB. He felt there will be adequate time for public input as it will take a couple months to refine the document, and if property values become an expressed issue in the hearings, he is willing to address it. Marianne Cone stated that she has been the HPB liaison for four years and there is valuable talent on the board. The more the City uses them, the better. Members thanks the Planning Director for his work on this project.

Prepared by Janet M. Scott City, Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 13, 2007

I ROLL CALL

Mayor Pro Tem Marianne Cone called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 13, 2007. Members in attendance were Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Dana Williams was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Project Manager; Phyllis Robinson, Public Affairs Director; and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Administration of oath of office - Sergeant Jim Snyder and Sergeant Barry Robinson – The Mayor Pro Tem administered the oath of office.

2. Design of Snow Creek affordable housing project – Phyllis Robinson invited the Council and public to attend an open house at the police facility on Tuesday, December 18 from 11 a.m. to 7 p.m. for information and input.

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

1. Snow removal - Alex Butwinski, resident, commended the snow removal crew's performance during the last storm.

2. The Yard special event application - Anita Bingham, Homestake Condo resident, raised concerns about late night noise from music and patrons in the parking lot, on-street parking for condo residents, and people trespassing through the condominium property. Jon Weidenhamer stated that most of these topics were discussed during work session and one suggestion the applicant is considering is providing parking free of charge in the lot if on-street parking is taken by Festival patrons. He didn't feel there will be security problems in the complex because of the new sidewalk. She suggested that the parking be located on the other side of the yard and Mr. Weidenhamer explained that isn't possible with this plan; a contact list will be provided to residents when and if problems occur. Ms. Bingham took exception with a statement in the staff report that the applicant is proactively meeting with the HOA. As secretary, she was never contacted and she felt that the Claimjumper Condo residents should be noticed as well. She stated that she is not opposed to the event, but people need to sleep at night.

There was discussion about only five days being programmed at this point, but the entire duration will be licensed. Mark Fisher clarified that they spoke with the president of the association and he asked Ms. Bingham to arrange a meeting with all members.

In response to a question from Mr. Harlan, Mark Fisher explained the decision for the location of the access which can be evaluated after the event.

Mary Cook, Homestake resident, relayed that this is a quiet development. With no further comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 29, 2007

Joe Kernan pointed out a minor typographical error to the City Recorder, "I move approval of the work session notes and minutes, as corrected". Candace Erickson seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Consideration of the appointment of Sara Werbelow to fill an unexpired term on the Historic Preservation Board to July 2009 – Jim Hier, "I move we appoint Sara Werbelow to the unexpired term on the HPB to July 2009". Roger Harlan seconded. Motion unanimously carried.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Candace Erickson commented on the franchise agreements, specifically the provision that the holder must replace or restore the public works destroyed. Bonanza Drive is still in poor condition after the street cut and she strongly felt the utility should be held to the requirements of the contract. Eric DeHaan agreed that monitoring quality control is an on-going battle. Jim Hier, "I move we approve Consent Agenda Items 1 through 5". Roger Harlan seconded. Motion unanimously carried;

1. Consideration of acceptance of the Fiscal Year 2007 Comprehensive Annual Financial Report (CAFR) and Independent Auditor's Report – See staff report.

2. Consideration of a Telecommunications Franchise Agreement with All West/Utah, Inc. to be executed by the City Manager, in a form approved by the City Attorney – See staff report.

3. Consideration of a Franchise Agreement Renewal with Comcast of Utah II, Inc. to be executed by the City Manager, in a form approved by the City Attorney – See staff report.

4. Consideration of a resolution of the City Council of Park City, Utah (the "Issuer") providing for the financing of the cost of acquisition, construction, equipping, furnishing and improvement of land and a new building for use as a training and office facility by the United States Ski and Snowboard Association; authorizing the issuance and sale by the Issuer of its Multi-Mode Variable Rate Revenue Bonds, Series 2007 (United States Ski and Snowboard Association) in an aggregate principal amount of $20,120,000; and related matters – See staff report.

5. Consideration of approval of the City's annual insurances placement: liability, workers compensation, property, boiler and machinery, and crime – See staff report and work session notes.

VII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah – Planner Brooks Robinson explained that this item was continued at the Planning Commission level and recommended that a motion to continue to January 24, 2008 be made. The Mayor Pro Tem opened the public hearing and with no comments, requested a motion. Jim Hier, "I move we continue the Ordinance approving a plat amendment for 154 McHenry to January 24, 2008. Joe Kernan seconded. Motion unanimously carried.

2. Consideration of approving a Letter of Intent with Summit County for expanded Transit Facility at Iron Horse Drive - Kent Cashel explained the effort in finding space to meet a 20 year plan. A team of professionals determined that Iron Horse has adequate space to accommodate an expansion and staff would like to jointly pursue a project with Summit County at this location. The County Commission approved the letter of intent this week. He explained that funding is set aside for environmental work which must be done to qualify for grant monies. Joe Kernan mentioned that when Recycle Utah relocates, providing some recycling resources like cardboard compactors in town would be helpful. Jim Hier, "I move to authorize the Mayor to execute this letter of intent with Summit County as described in the staff report". Joe Kernan seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

Prepared by Janet M. Scott, City Recorder

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