

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 22, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Kirsten Whetstone, Planner; Francisco Astorga; Planner, Anya Grahn, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:45 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

May 8, 2013

Commissioner Strachan noted that Powdr Corp. was misspelled throughout the minutes. Powder was corrected to read **Powdr**.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of May 8, 2013 for the Work Session and the Regular Meeting as amended. Commissioner Hontz seconded the motion. Commissioner Strachan abstained since he was absent for that meeting.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

City Attorney Mark Harrington updated the Planning Commission on coordination efforts regarding the General Plan. He noted that the Planning Commission and City Council held a joint meeting the previous week. During that meeting Director Eddington presented a proposal to either move forward with a quick adoption of the General Plan in draft form to begin utilizing the gist of the General Plan sooner to avoid conflicts with BoPa, Form Based Code and the Rocky Mountain Power issues, versus the tentative schedule agreed to at a prior joint meeting that pushed out the review date for another year. Based on concerns regarding the either/or situation and the potential delay, the City

Council g asked Director Eddington whether there was another alternative. The response was that the Planning Department did not have the resources to do anything in between the two options presented.

Mr. Harrington stated that he had offered to bridge the gap by facilitating a task force that would work parallel to the existing work plan. He clarified this would not modify the current schedule everyone had agreed to for BoPa and the Form Based Code that was scheduled for final action in August. However, the concept was that the Planning Commission would rotate Commissioners so that two different Commissioners would attend each small subcommittee meeting. In addition to the two Planning Commissioners, the group would consist of one or two rotating City Council members, Mr. Harrington, and Director Eddington.

City Attorney Harrington stated that the first step was to hear input from the Planning Commission this evening on the proposed process, and to choose two Commissioners this evening to participate in what the proposal should look like in terms of a schedule and content. This could be accomplished through a conference call or a short meeting in the next day or two to propose a schedule for the City Council to consider on May 30th. The proposal would be to begin a section by section, goal by goal review of the General Plan and to form an executive summary or condensed version of all the main points that could be used as a guide instead of reading all 450 pages of the General Plan. It would be a more usable form and organized by the 16 goals of Visioning. Mr. Harrington clarified that the idea was still a concept and nothing was definitive. The intent is to comprise a working group that could start the condensing effort, and at the same time identify section by section future policy issues, typos and edits. Therefore, when the Planning Commission begins their review of the full document in August, there would already be a "cheat sheet" of items and issues to expedite the review. The working group would not be looking at substantive changes or policy discussion. Mr. Harrington noted that the objective was to shorten the proposed Planning Commission schedule for the full review into a three month process rather than five or six months, so the City Council could potentially take action on the full document before the end of the year.

City Attorney Harrington clarified that the City Council had not made a final decision. They were only asking the Planning Commission for a potential schedule. Mr. Harrington asked the Planning Commission to provide feedback on the viability of that schedule, and to select two members willing to participate in the initial meeting on scheduling. He noted that the rest of the Commissioners were free to provide direct input to the City Council on the merits and/or negatives of this proposed process prior to the City Council meeting on May 30th. He reiterated that the City Council would make a decision on whether to move forward with the expedited process or to stay with the original one year schedule.

Commissioner Thomas liked the idea of breaking the General Plan into smaller pieces, but he felt there should be an obligation to meet with the entire Planning Commission to get input and feedback. He also suggested public input at that point.

Commissioner Hontz asked if the Planning Commission could hold the input session as a work session item during their regular meetings. Commissioner Thomas thought that was a reasonable suggestion. Commissioner Wintzer suggested that the Planning Commission could begin the regular meeting at 5:00 p.m. for a few month and use that half hour for the General Plan discussion.

He was concerned about that if a small group of fellow Commissioners participated in a task force process, the other Commissioners would be hesitant to disagree.

City Attorney Harrington reiterated that he was tasked with making the proposal to the Planning Commission and to find two Commissioners willing to participate in the scheduling process this week. Aside from that, the Commissioners were free to make alternative recommendations to the City Council prior to May 30th. He wanted the Planning Commission to understand that the task force would not conduct a full scale review in terms of vetting the General Plan. They would only be condensing the draft document into an executive summary.

Commissioner Savage asked if the process utilized in creating the executive summary would be open to other Planning Commissioners as long as there would not be a quorum. Mr. Harrington stated that Commissioners could have a third alternate; however, the task force would have rotating members for the purpose of including all the Commissioners.

Commissioner Hontz stated that she came away from the joint meeting with a different perspective. She understood that the preference was not for an executive summary, but they would look at creating a more usable, simpler document and everything else would come into appendices. Mr. Harrington clarified that a couple of the Council members had that as a goal; however, that was not the perspective he took away from that meeting and his understanding of an executive summary was later confirmed with the City Council. Mr. Harrington stated that the details would need to be worked out between the Planning Commission and the City Council as they start to frame their review in August if the City Council chooses the direction of a task force and an executive summary.

Commissioner Hontz felt that creating an executive summary was an invaluable exercise and she was not interested in participating on a committee to schedule to create an executive summary. In her opinion neither the full document nor an executive summary would be used and it was important to create a usable document in between those two. Commissioner Hontz would support her fellow Commissioners if they were interested in preparing a schedule to complete an executive summary.

Commissioner Strachan stated that before the review in August they all need to go through the General Plan; regardless of whether the end result is an executive summary or a strong recommendation to the City Council for a smaller document with appendices. He personally did not care about the end result, but if all of the Planning Commissioners, City Council members and the Legal Department review the document individually, it would save considerable time in August. He thought the Commissioners could divide up sections of the document to make it manageable for review, and then trust the person who reviewed that particular section. Commissioner Strachan was not opposed to the executive summary exercise if City Attorney Harrington was willing to write the document.

Commissioner Strachan and Commissioner Gross volunteered to participate in the first meeting to propose a schedule for the City Council. That meeting was scheduled for 9:30 a.m. the following morning.

Director Eddington stated that if the Commissioners take their copy of the draft general Plan to the Planning Department, the Staff would add tabs for the trends, the goals, the principles, the strategies and the neighborhoods to make it easier to read.

City Attorney Harrington stated that once the subcommittee sets a schedule, the Planning Commissioners would get a copy of the May 30th City Council Staff report with the recommended schedule.

Commissioner Wintzer requested that the Staff spend time at the next meeting educating the Planning Commission on the best way to go through and read the General Plan. Director Eddington offered to schedule time at the next meeting.

Commissioner Wintzer disclosed that he would be recusing himself from the Bonanza Park item but he would remain in the room to listen to the discussion.

CONTINUATION(S) – Public Hearing and Continuation to date specified.

Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3, and Chapter 2.16 regarding Building Height. (Application PL-14-01889)

Planner Francisco Astorga requested that this item be continued to June 26, 2013 rather than to a date uncertain as stated on the Agenda.

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the LMC Amendments to Chapters 2.1, 2.2, 2.3 and 2.16 regarding building height to June 26, 2013. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

916 Empire Avenue – Steep Slope Conditional Use Permit (Application PL-12-01533).

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE 916 Empire Avenue Steep Slope CUP to July 10, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. **1024 Norfolk Avenue – Steep Slope Conditional Use Permit**
(Application #PL-13-01836)

Planner Francisco Astorga noted that the Planning Commission had discussed this item during work session on May 8, 2013. The minutes from that work session were included in the Staff report.

Planner Astorga reviewed the application for a conditional use permit for construction on steep slopes over 30% or greater. The property owners, Jamie and Kathleen Thomas, would like to build a single family dwelling at 1024 Norfolk Avenue. The site was approved for a 2-1/2 lot combination in 2004 and the plat was recorded. The owners are now ready to build on their property. The applicant was present to answer any questions.

The Staff recommended that the Planning Commission approve the requested Steep Slope CUP based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan liked the axonometric shown on Exhibit E and he thought it would be very helpful to see the axonometric of neighboring properties in a compatibility analysis. He clarified that his request was for future applications. He did not expect the Staff to go back and do it for this application. Commissioner Strachan pointed out that the axonometric clearly shows the volume of the structure. Knowing the volume of the surrounding structures would help identify whether the proposed structure is too big.

Commissioner Thomas commented on the amount of work and time involved in calculating the volume of adjacent structures. He felt that the requirement for building an axonometric of adjacent properties could significantly impact the applicant. Commissioner Thomas acknowledged that the application submitted for 1024 Norfolk was one of the best presentations and the most complete they have seen.

Commissioner Wintzer agreed that this was one of the best applications that have come before the Planning Commission. It was easy to follow and all the information provided was complete.

Commissioner Thomas thought the Planning Commission should instruct the Staff to look at this application in terms of content for a complete Steep Slope CUP process. This is what it looks like when it works. When it meets Code and all the criteria are provided, the process can be completed in a work session and one meeting.

Commissioner Hontz concurred with all the comments regarding the content of this application. However, these are requirements mandated by Code and she was not willing to move forward with

positive recommendations on future applications that do not meet the standard of the Code. Commissioner Hontz noted that the Planning Commission continues to make that statement, but she was no longer willing to look past what the Code requires for a complete application.

MOTION: Commissioner Wintzer moved to APPROVE the Steep Slope Conditional Use Permit for 1024 Norfolk Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1024 Norfolk Avenue

1. The property is located at 1024 Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The property, Lot 2 of the Thomas Subdivision.
4. The lot contains 2,813 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The proposed structure is 3,397 square feet, which includes the 453 square foot tandem two (2) car garage.
7. The proposed upper floor is 996 square feet in size.
8. Both the main and lower levels are 1,198 square feet in size.
9. The proposed structure complies with the maximum building footprint outlined in the Land Management Code.
10. The proposed structure complies with the minimum front, rear, and side yard setbacks outlined in the Land Management Code.
11. The proposed structure complies with the maximum building height and its corresponding parameters outlined in the Land Management Code.
12. The proposed structure complies with the minimum required parking outlined in the Land Management Code.
13. The proposed structure is located towards the front of the lot while maintaining in excess of the minimum setback which reduces the amount of hard surface required for the driveway and allows floor levels to relate as closely as possible to existing topography.
14. The proposed building coverage is 43%.

15. The impermeable lot coverage of the proposal is 52%, which include the driveway, porch/entry, building footprint, and rear deck.
16. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.
17. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.
18. The cross canyon view contains a back drop of three (3) story buildings.
19. The building is located in a neighborhood of similar structures and is completely surrounded by developed lots.
20. The project will be accessed by a concrete slab on grade, combined driveway and pedestrian access from Norfolk Avenue.
21. The driveway falls from the street allowing the building levels to closely follow the existing topography.
22. Minor retaining is necessary around the proposed structure to provide for egress on the lower level as well as the rear patio.
23. Limited retaining is also being requested around the driveway located in the front yard area.
24. The proposed structure is located towards the front of the lot while maintaining the minimum front yard setback.
25. The plane of the façade lies between those of the immediate neighbors, more than two feet (2') behind the historic remodel at 1002 Norfolk and approximately one foot (1') in front of the new dwelling at 1034 Norfolk.
26. The main ridge orients with the contours.
27. Behind the street front, the side walls step in, narrowing the built form and increasing the side yards.
28. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
29. The design includes setback variations and lower building heights for portions of the structure.
30. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.

31. The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
32. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1024 Norfolk Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1024 Norfolk Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the

issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on May 8, 2014, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade.

**2. 488 Marsac Avenue – Conditional Use Permit
(Application PL-12-01765)**

Planner Kirsten Whetstone reviewed the application for a conditional use permit for a private driveway in a public right-of-way. Planner Whetstone presented photos to show the site of the future house. She clarified that this was a pre-design review application and a design review had not been submitted at this time. The applicant was working through the design and some illustrations were included in the Staff report for informational purposes only to give an idea of what the applicant was considering in terms of the design.

Planner Whetstone noted that Dallas Nelson, the project architect, was representing the owner this evening.

Planner Whetstone reported that the conditional use was for 5th Street, directly north of 488 Marsac. It is a 30-foot right-of-way that connects between Marsac and Ontario. The Staff had worked with the City Engineer on this proposal, and it had been through a development review. They also spoke with the Streets Master Plan and Trails Coordinator, and no one foresees a street being constructed in that area because of the unsafe elevation. In addition, the trails and sidewalk plan does not call for stairs to be constructed in the right-of-way; however, the driveway would not preclude any of that from occurring.

Planner Whetstone stated that the LMC allows an owner to request a conditional use permit for a driveway located within a right-of-way for certain situations. In this situation, because there is no road, it is a platted right-of-way. The City is not interested in giving up any right-of-way in case it is needed for fiber optics, utilities, storm water, etc. In the past, these were sometimes deeded in exchange for the right-of-way.

Planner Whetstone reviewed the survey of the property and noted that Marsac Avenue takes approximately one-quarter of the lot. The actual platted lot goes to the center line of the road.

Commissioner Hontz asked if only one exhibit was provided for this application. Planner Whetstone answered yes. The exhibit was for the driveway. She clarified that the Commissioners were only

asked to consider a CUP for the driveway this evening. They would have the opportunity to review a separate application for the house at a later date.

Planner Whetstone noted that the City Engineer, Matt Cassel, requested that the width of the driveway at the street be 15-feet maximum. The applicant was proposing a 14-foot wide driveway that narrows to 12-feet wide in front of the garage. It is a side entrance garage so there would be no backing on to the State Highway.

Planner Whetstone emphasized that the house was not an item for discussion or approval this evening. The applicants were working through the variance process with the Board of Adjustment for a zero lot line setback on the north side, a variance to the front setback that would be 10-feet from the edge of the street, and a variance on the rear from 10' to 7'. The matter is scheduled before the Board of Adjustment in June.

Planner Whetstone noted that LMC 15-3-5 sets eight standards of review, A through H, for the construction of private driveways within platted unbuilt City streets, as outlined in the Staff report. The Staff had conducted an analysis against all eight criteria for compliance. Standard (A) states that the driveway shall not exceed ten percent (10%) slope. She noted that the proposed driveway complies because the proposed driveway is a 2.8% slope.

Planner Whetstone stated that Standard of Review (F) requires a conditional use permit subject to the standard conditional use criteria found in LMC 15-1-10 and outlined in the Staff report. The Staff conducted an analysis on the 15 CUP criteria and found no unmitigated impacts of the proposed driveway. It was had the approval of the City Engineer. Planner Whetstone referred to an illustration showing the stairs with a roof in the right-of-way, and clarified that it was only the stairs and there was no roof.

Planner Whetstone added the following sentence to the end of Condition #7, "The landscape plan needs to include the entire right-of-way from Marsac to Ontario." She noted that the owner would be responsible for landscaping and maintenance of the landscaping, but the City wants to know the existing vegetation, what they have planned and if there would be impacts.

Planner Whetstone revised the second sentence of Condition #9 to read, "No **formal** parking will be **created** within the ROW." She explained that per Code, the owner would be allowed to park behind his garage to unload groceries or for some other reason, but it would not be creating a formal parking space that counts towards the two Code required spaces. The applicant was also asking for a variance to only have one Code parking space on site.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit for the driveway in the 5th Street right-of-way for 488 Marsac Avenue according to the findings of fact, conclusions of law and conditions of approval as amended in the Staff report.

Commissioner Thomas commented on the driveway and turnaround area and asked about the grading and whether a retaining wall would be needed around the perimeter on the uphill side. He also thought the normal width of driveways in the Historic District was 12 feet. Planner Whetstone

noted that the proposed driveway was 12-feet in front of the garage. It is wider at the street to accommodate turning into the driveway. Commissioner Thomas asked for the width of the typical driveway cut to the street in Old Town. Planner Whetstone replied that the driveway width is typically 12-feet, but there is usually a wider area at the cut to make the turn.

Commissioner Thomas wanted to know how many times a stairway has been allowed into the right-of-way for a private residence. Planner Whetstone stated that according to the City Engineer, it would require an encroachment agreement, and there would be no retaining walls necessary except possibly low stacked rock walls. The grade is very low and not very deep, and the plan presented did not identify any retaining walls.

Commissioner Hontz noted that this was scheduled before the Board of Adjustment in June. If the variances are not granted the house could not be built to the proposed zero setbacks. Therefore, the design of the garage door and where the stairs would connect would have to change. Commissioner Hontz understood that the CUP for the driveway was an effort to help the applicant move forward, but the Planning Commission has no idea whether the house could even be built in the proposed location and what it would do to the attaching structures and the potential enlargement of the impervious surface.

Commissioner Hontz believed that because this was a ROW, it should be a double front yard setback as opposed to a zero setback. It should front on Marsac and front on Fifth Street. She pointed out that instead of losing three feet with a variance, they would be losing six feet. Commissioner Hontz believed the issue was procedural and design related in terms of whether or not the Planning Commission wanted to consider allowing something in the right-of-way. She stated that they would never consider a parking lot in the right-of-way if it would not connect to a house. She was very concerned about the variance and believed it would be a significant question for the Board of Adjustment.

Planner Whetstone noted that Condition #12 states that the variance is a condition precedent to approval of a building permit for the driveway and the house.

Commissioner Hontz recalled that this application was reviewed by a previous Planning Commission many years ago and she felt it was pertinent for the Commissioners to understand why it was not approved at that time. She wanted to see the minutes from those meetings as well as the opinion of the City Engineer at that time.

Commissioner Wintzer understood that the Planning Commission was being asked to approve a driveway, and he asked if they were also approving a CUP for a set of stairs. Planner Whetstone replied that the CUP criteria was only for the driveway. The stairs would be subject to the City Engineer's encroachment agreement. She explained that the element came up as a way to create a design that is more typical of Old Town and less suburban than the design the Staff has been reviewing for over a year. The staircase is an element that is seen in this particular neighborhood. Planner Whetstone clarified that the structure of the house would need to be on the lot and the stairs could encroach into the ROW.

Commissioner Strachan believed that the Planning Commission would also be approving the staircase with the CUP for the driveway based on finding of fact #9, "The proposed staircase provides access to the main entry and porch, being one floor above the garage. This garage changes were encouraged by Staff to better comply with the design guidelines." He noted that if the Planning Commission makes that finding of fact, it would be giving their blessing on the staircase.

Commissioner Wintzer pointed out that the staircase dictates the shape of the driveway, because without the staircase the driveway encroachment could be much smaller.

Planner Whetstone encouraged the Planning Commission to focus on the fact that the Land Management Code sets standards for the Planning Commission to review with very specific criteria to address the driveway.

Commissioner Savage understood that this was a Catch-22 for the Staff and the applicant, but there was resistance from the Planning Commission for moving forward on approval of a CUP when there still considerable ambiguity surrounding the actual final plan. For him personally, he preferred to see a complete presentation on the final product and how it would look. He was not comfortable making a decision from the sketch that was provided, particularly when the issue involves encroaching into the right-of-way.

Commissioner Gross stated that in his opinion the ROWs are open space. He thought the proposed structure for this project was big, and he could not understand why they would orient the building to the north when all the other homes on the street come off of Marsac or the other side. Commissioner Gross thought the City was asking for trouble by allowing people to use the ROW or open space for private purposes. He suggested other options for this property that would not require using the right-of-way.

Planner Whetstone stated that the primary problem is that the road keeps cutting at an angle. Therefore, the road gradually takes up more and more of the front yard of each house coming down Marsac. The hardship is the loss of property depth by having to meet the 10-foot setback where the road angles. That is the hardship the applicants intend to argue before the Board of Adjustment.

Commissioner Gross thought a zero setback was ridiculous and that the owner should have considered what he could or could not do with the property when he purchased it.

Planner Whetstone pointed out that the Board of Adjustment is the body that decides whether or not to grant a variance based on specific criteria they have to consider.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, provided an example on Park Avenue where a right-of-way was given up for a driveway and backup area and noted that it turned out to be extremely bad. There is too much pavement, there is no turnaround room. Ms. Meintsma did not think it was a problem using the right-of-way for a single car space or a driveway into a house, but turnaround or backup space is excessive because it requires more pavement and it takes up landscaping space.

Ms. Meintsma stated that if she read the Staff report correctly, the proposed driveway is an entrance to a single car garage, which is parking for one car. If the paved area is not going to provide parking and only backup space, she thought it would be better to have a single space for a single car. It would be the same amount of parking, just not enclosed or covered. Ms. Meintsma assumed the turnaround area would not be heated. Therefore, snow removal would be done with a snow plow, which means a snow plow would be moving in and out of the area on Marsac.

Chair Worel closed the public hearing.

Commissioner Hontz summarized her comments into 12 points based on her concerns and the comments from the other Commissioners, as follows:

- 1) The hand drawn submittal by the Staff was unacceptable. The applicant shall submit an actual plan of what they want to do with dimensions and grading. It cannot be drawn by hand;
- 2) She struggled with the procedure because of the timing with the Board of Adjustment. If the applicant is not granted the variance it would significantly change the garage connection and the design, which the Planning Commission was being asked to approve;
- 3) She had concerns with the double front yard setbacks because of the relationship with the procedure and how it would affect the formerly right-of-way space;
- 4) Approving the CUP would not only allow a larger house and a larger impact to the public right-of-way, but it would also be the Planning Commission allowing a paved and impervious surface attaching to the house;
- 5) She requested to see the previous denial minutes because it was obvious that there had been several denials because nothing has been built;
- 6) She does not like stairwells in right-of-ways and could see no public benefit. She wanted to see other places where it occurred and was beneficial;
- 7) The driveway entrances are too wide; 12-foot is more appropriate;
- 8) The amount of impervious surface is much too large;
- 9) The angle of the road at this point and the side of the house is a self-induced hardship and it has nothing do with allowing the Planning Commission to review a right-of-way and factor that into why the applicant should be encourage to be build there;
- 10) Concerns with snow removal;
- 11) Concurrence with the example during public input regarding the impervious surface in the driveway that was previously approved and that it ruined how the house and the properties in the area relate to the street;

12) Concerns about setting a precedent for the use of rights-of-way.

Commissioner Wintzer referred to the Standards of Review outlined in the Staff report and he did not believe there was compliance for the following reasons:

F(1) - Size and Location. He thought it could be much smaller;

F(5) – Location and amount of off-street parking. He thought it would be a big parking lot for the house;

F(8) – Building mass, bulk and orientation. He believed that adding the stairway contributes to the bulk and mass of the building, even though the stairway comes out into the open space;

F(9) – Usable open space. As proposed it would detract from the usable open space in the right-of-way;

F(11) – Physical design and compatibility with surrounding structures. He did not believe there was compliance for reasons previously stated;

F(15) – Impacts on environmentally sensitive lands, slope retention and appropriateness to the topography of the site. He stated that replacing green space with that much asphalt is not compatible.

Commissioner Wintzer concurred that the only open space in Old Town is the right-of-way space. If they allow private owners to use it, it needs to be practical. He did not think it was a good idea for people to back out on Marsac, but this proposal was not a good solution to the problem.

Commissioner Thomas thought it was necessary to see a site plan with grading to understand the impacts of this parking area with the adjacent property. He thought a grading plan could easily convey that. The Planning Commission has no way of knowing whether retaining would be a tall wall or a short wall and that could be a significant consideration for compliance with Standard F(11), physical design and compatibility with surrounding structures. Commissioner Thomas thought it was important that the relationship between the parking and the adjacent property not become a negative impact.

Commissioner Gross suggested a site visit once the Planning Commission has an accurate plan. Planner Whetstone thought a site visit would be helpful to understand why the proposed driveway was being driven by the design.

MOTION: Commissioner Thomas moved to CONTINUE the 488 Marsac Avenue CUP to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

3. **Land Management Code – Amendments to add Chapter 2.25 for Bonanza Park Form-Based Code and amendments of the official Park City zoning map to add the new Form-Based Code Character Zones, including mixed use center, resort gateway, neighborhood shopping, Iron Horse an Neighborhood.**
(Application PL-13-01903)

Commissioner Wintzer was recused.

Planner Cattan reported that on May 8th the Planning Commission held a work session to discuss policy questions regarding the Bonanza Park Area Plan and the Form Based Code. The primary feedback was to start defining the character zones within the Form Base Code. Planner Cattan noted that the Form Based Code would be adopted as a zoning ordinance and the regulating plan, which is the map associated with Form Based Code, would be adopted as a modification to the Park City Zoning Map.

Planner Cattan stated that during a joint meeting with the City Council last week height was discussed and both the Planning Commission and the City Council requested a model. The Staff was currently working towards having a model for the meeting on June 12th. Planner Cattan recommended that the Planning Commission wait to see the model before making decisions on height in the Bonanza Park District.

Planner Cattan stated that the discussion this evening would focus on the character zones and what makes the different character zones unique, and creating place within the Bonanza Park District. She explained that Form Based Code is a strategy within the Bonanza Park area plan to create a great public realm and a cohesive neighborhood for the Bonanza Park District, which currently lacks connectivity.

Planner Cattan presented a picture of the concept from the Bonanza Park area plan. She noted that Jay Narayana and Scott Polikov with Gateway Planning would review the different character zones. The Planning Commission was asked to provide input on whether or not they were heading in the right direction.

Scott Polikov stated that as they move into a more formal adoption process for Form Based Code, it is important to understand that Form Based Code is just a tool that helps connect multiple ownerships into one organism. Bonanza Park does not have the benefit of having a singular strategy in terms of design and property owner to property owner relationship like Main Street. Mr. Polikov stated that Main Street is a very different place, but it was original Form Based. Multiple owners came together and agreed on a basic relationship of the public frontages, building types and how those buildings created the street and how they related to a common public environment along the street. That relationship does not exist in Bonanza Park. However, it does have a developed environment in terms of utilities, lots, varying investment interests, varying buildings in terms of life cycle and the potential rents they would generate.

Mr. Polikov emphasized the need to understand that Form Based Code is an economic tool and not just a zoning and design tool, because they were not starting from a blank slate in Bonanza Park. In that context he encouraged the Planning Commission to begin thinking about decisions they will

make in terms of what should be included or excluded and edited or refined as they could through the process of making a recommendation to the City Council.

Jay Narayana stated that when they initiated the process of creating Form Based Code they first looked at the original master plan in an effort to rationalize the existing 100 acres into different neighborhoods and focus on the different strengths within Bonanza Park. All of Bonanza Park is not equal and they needed to create standards that were tailored to different areas based on the existing context.

Ms. Narayana presented the character zones map and noted that it was different from the one in the Staff report because they went back and revisited some of the character zones to drill down on what is different and what is unique. She stated that it is a balance of addressing the existing context and what they want in the future. It was important to coordinate and make sure there was not a mismatch between the two. The new map has eight character zones. Ms. Narayana remarked that they would begin discussing the different character zones moving from west to east.

The first was the Resort Gateway. Park Avenue frontage makes it distinct and it is the main entrance into Park City and Bonanza Park. The buildings have a three-story maximum. This would be the location for hotels and nightly rentals. They could address drive-thru uses, but not along the frontage of Park Avenue in order to preserve the frontage protection zone that exists along Park Avenue creating the entrance and open space feel along Park Avenue itself. Some of the uses could include retail, restaurant, offices and hotels, but no gas stations. The design of the buildings should be responsive to the gateway feel. The focus should be on multi-family units associated with condos as accessory units to existing or new hotels.

Mr. Polikov stated that he and Ms. Narayana spent a lot of time with the Staff to make sure they drilled down into what could be the differentiators from the different locations within Bonanza Park.

Planner Cattan noted that the Resort Gateway, identified in purple, had not changed from the concept plan that was in the Staff Report. However, the allowance to go from 3-stories to 5-stories within the incentives was a change. The Staff would suggest maintaining the height at 3-stories because it is the gateway and the first perception as people move through the entryway. Mr. Polikov clarified that the Planning Commission was not precluded from talking about height before seeing the model. The intent was to suggest that they not make a decision on the maximum height for any given character zone.

Planner Cattan stated that the use is focused on resort and keeping commercial in the area. It would also be the appropriate area if the Yarrow wanted to redevelop, or to allow a boutique hotel or another hotel along the resort entryway with a nightly rental component.

Chair Worel asked if the property owners along the resort gateway would be grandfathered in if they choose not to follow the plan for the character zone. Mr. Polikov replied that anyone who is currently operating in a building, as long as the use is not impacted by this continuance and grandfathered under the current Code, a non-conforming building can continue to be used in perpetuity.

Planner Cattan reported that she had sent a courtesy notice to all the Bonanza Park property owners for this meeting and it was also noticed in the paper.

Planner Cattan stated that most of what is proposed in the Form Based Code, other than where right-of-ways come across, would mostly be conforming due to the decrease in setback requirements. Ms. Narayana pointed out that it would also give people more entitlements in terms of the building pad area within the lot.

Mr. Polikov noted that he and Ms. Narayana have met with many of the stakeholders throughout this process and they were willing to continue meeting with any property owners who were interested in meeting with them.

Commissioner Thomas wanted to make sure they would come back to the holistic picture of the plan and talk about things that knit the neighborhoods together, as well as other characteristics that he would like to see factored into the experience of moving through the community and connectivity to adjacent neighbors. Those issues were addressed to a minor extent, but he thought they should be raised to a higher level. Commissioner Thomas thought the transit hub and connections to Main Street and the ski resorts were important overall considerations.

Commissioner Thomas remarked that the City looked at this neighborhood ten years ago and they talked about the things that would empower it to be successful. The transit center is an intermodal hub that connects to Salt Lake City. If it connects to the ski resorts and Main Street it then becomes a vital component of growth and enhancement to this community. He stated that anytime a mass transit station is built, new growth is created around that station. Commissioner Thomas pointed out that having a connection to Main Street and the ski resorts was vital to making Bonanza Park viable. Even though it has been studied and a design team looked at it, it is important to be able to see into it visually from different components of the street and have it become a visually strong anchor. Commissioner Thomas also felt it was important to enhance the connectivity to adjacent neighborhoods through pedestrian bridges and a way to connect to the Rail Trail and Prospector Square. He did not favor tunnels and thought they were negative spaces. He thought many of the other connections worked fairly well.

Commissioner Thomas stated that a primary consideration is what Bonanza Park will look like as you drive through the communities. It should be a visually stimulating experience with variety and change versus commonality that is boring and dead. The question for the design community is how to breathe architectural vitality into that experience. Commissioner Thomas remarked that the things they want will not happen through an analytical scientific approach because that does not produce creative solutions. The aesthetics need to be taken into consideration, which is something he has been struggling with and talking about for ten years.

Mr. Polikov thought the location of the transit hub speaks directly to the view sheds and the proposed paseos and additional streets. He believed that goes to the point of connectivity and centrality. After months of discussion, it was indicated on the regulating plan and by ordinance that that would become the location. Commissioner Thomas clarified that he was comfortable with the location, but he could not see the connections. Mr. Polikov remarked that Form Based Code will not speak to all of the issues. They also need a transit plan. Part of the challenge is to define the mode and how it translates into an urban area. Form Based Code is a socket for other things to plug into, but Form Based Code could not do much more relative to the connectivity issues.

In terms of architectural vitality, Mr. Polikov stated that this was the essence of what Form Based Code is about, as opposed to micro-managing style. The intent is to create a canvas and a pallet through the tools that encourage the most eclectic and varied outcomes within coherence between character zone to character zone.

Commissioner Savage requested that they continue with the presentation on the character zones and iterate between the map and the list of characters for each individual zone. He thought that would help the Planning Commission get a better sense of the overall picture.

Ms. Narayana reviewed the Neighborhood Shopping character zone. She noted that this character zone was a change from the last version. The original version had it as mixed use. However, in looking at the area they identified the grocery store and other neighborhood shopping such as the pharmacy. They also identified the movie theater and larger properties that may get redeveloped over time, but they would always remain retail and office and shopping for the neighborhood itself. They decided that retaining the scale and mix of uses was a good idea.

Ms. Narayana outlined the characteristics of the Neighborhood Shopping character zone, which included looking at the 3-story maximum, the use being mostly retail, restaurants, shops and offices, similar to the current uses, but making it more walkable in terms of design. The residential component would be more townhomes and live/work units that transition to adjoining the block. Gas stations and other services to serve day to day needs would be appropriate in this zone.

Mr. Polikov remarked that they had talked about the pure market capacity. If this is all mixed use, it would not have the ability to absorb the retail and vertical mixed use development in the long term. Neighborhood shopping begins on the Prospector side and transitions from the Resort Gateway, which is an auto oriented environment. They believed that converting this back to mixed-used was more realistic in terms of the marketplace and scale.

Planner Cattan stated that since they were not asking for large civic gathering spots, they tried to follow the daily connectivity going through those parking lots where roads are proposed. However, they were not asking for a central park area or anything like that. For this area, the private developer would not be asked for much of a donation in terms of public space.

Mr. Polikov also thought it aligned better with the notion of employment and trying to generate more long term jobs that transition to higher wage jobs, because it encourages smaller office environments.

Commissioner Thomas thought there should be community spaces in this character zone such as a coffee shop and a gathering space where people could stop and spend time with a neighbor. Mr. Polikov emphasized that they were encouraging that type of use and opportunities.

Ms. Narayana remarked that as a result of comments from the last meeting, they looked at keeping the residential character of the two blocks that are sandwiched between the Neighborhood Shopping and the green space formerly known as Spur Park.

For the Bonanza Park Residential character zone they looked at what the City needed from a residential standpoint. They considered multi-family town homes within a two and three story range, as well as live/work uses serving a neighborhood. It would also include small scale business or professional office under 2,000 square feet and compatible with the neighborhood. The idea is to make it more attractive to incubate local businesses and local employment opportunities. Any signage would be limited to residential compatibility.

Mr. Polikov explained the benefits and parameters of a live/work concept in a residential area.

Ms. Narayana stated that the last piece was making the Homestake frontage coming off of Kearns a softer edge and deeper setbacks. The idea of open spaces being internal private yards and open space courtyards preserves some of the trees and existing green space on the blocks. She pointed out that it would be shared internal common open space and not necessarily a public park.

Commissioner Hontz noted that they were trying to preserve the opportunity for attainable units that are not deed restricted. When she hears "higher quality" she immediately thinks "higher price point".

She agreed that live/work is a great opportunity but she believed it could shift what would be built and the price point of what would be available. Commissioner Hontz was concerned that it would gentrify this area in a different direction. She understood that everyone would like to see high quality in terms of wonderful spaces and great design, but in this circumstance high quality translates to not being attainable. Commissioner Hontz thought the prohibition of nightly rentals could possibly help, but everything else would push it towards unattainable.

Commissioner Thomas suggested that smaller units could also keep it attainable. Commissioner Hontz felt that would be the downside because the current units are a nice size. She pointed out that one of the concerns was how to preserve, protect or encourage an opportunity that exists, and she believed they would be eliminating an opportunity in the community.

Mr. Polikov understood the concern; however, he was concerned that pure residential would force a higher-end residential than if they allowed live/work. He explained that live/work does not occur in the high-end gentrification areas. It is usually found in the redevelopment areas. People who want to live in high-end residential are not interested in live/work. It is more for people who want to start a small business but cannot afford to buy a home and start a business. Mr. Polikov reiterated that Form Based Code cannot do everything. The City has an affordable housing requirement that needs to be met regardless. If they want to protect what currently exists they should not rezone that neighborhood. However, if they do rezone this area, his opinion was that live/work would help it to keep it more attainable. He wanted to eliminate the idea that if they prohibit any other type of use it would remain affordable housing. He did not believe those two had a cause and effect.

Mr. Polikov thought the real question was how to mitigate the negative effects of gentrification to make sure they do not completely displace and push out those who currently have the ability to live in Bonanza Park affordably.

Ms. Narayana reviewed the Mixed-Use character zone. She pointed out that the mixed use center was everything west of Bonanza Drive. It has the highest intensity and it is the place for density. It would be the walkable, mixed-use development which creates the destination. It would be a

collection of large and small business, local retail, national chains, restaurants, urban living, vertical mixed use, and specialized educational, institutional or civic anchor. Common green would be a unique feature that takes advantage of maximizing the density, similar to a Central Park concept. Given the intensity of the scale, structure parking could also be considered.

Commissioner Thomas referred to the center image shown in the presentation. He pointed out that photographs are sometimes taken literally and he thought they should be careful about the images presented and projected into the plan. He was uncomfortable with several of the photos that were shown, and he thought the long façade of the middle photograph did not convey a small town image.

Mr. Polikov felt there was a disconnect in the discussion in terms of what they wanted to do in that location of Bonanza Park. He explained that the photograph did not represent the architecture. It was meant to represent a Class A office building or an employment center or a university or research center. This would be the location in Bonanza Park to attract that level of investment. They may not agree on the style, but this would be the type of architecture for that type of use.

Commissioner Thomas clarified that he did not disagree with the style and design of the building in the photograph. His concern was with the façade that appeared to be a mile long. Mr. Polikov stated that the purpose was not to show the façade. The purpose was to show an institutional building representative of the character zone. It was noted that the photographs shown were used for the purpose of this power point presentation and they were not shown anywhere else. Planner Cattan agreed that the building shown did not represent the facade variation they were calling for and it would be replaced with something more representative and acceptable.

Planner Cattan noted that the transit center was involved in this zone. The white outline in the Park showed the City property within the rectangle of the green. The other area is owned by Mark Fischer. The blue building was the concept Mr. Fischer brought forth in his previous concept for some type of civic center for community use. In looking at future discussions regarding give/gets and height, they put 3-5 stories in the zone because of the public contributions within this area. Planner Cattan noted that the location is on the north corner of the Bonanza Park District where a fourth or fifth story would not shade out other areas or block views.

Ms. Narayana pointed out that the additional height would distinguish this area from other character zones and make it more the center of Bonanza Park.

Commissioner Thomas reiterated a comment he had made during the joint session with the City Council, that if the structures on the south side of the Park are very tall 4-5 story structures, it would cut down the sunlight to the Park. He suggested that they manipulate height in that area to allow more sunlight into the Park.

Mr. Polikov encouraged the City to do a shade analysis. The Code already requires that the upper floors be set back. He believed that the effective shade on that Park would be the same as if it were a 3 or 3-1/2 story building. The Park area is large and he was unsure if the shade impact even with the step back would be as pronounced as they would think.

Commissioner Thomas stated that he had done a shade analysis in this same neighborhood off of an ArchiCAD model and it was a consideration in the wintertime. He agreed with Mr. Polikov that the City should do a shadow study to understand the new model. He personally believed this was where the density and verticality should occur.

Ms. Narayana reviewed the Gateway character zone, which is the main entrance into the mixed-use center. It is very similar in scale and character to the mixed use center, but the distinction is two-fold. One is that because it is a main entrance there needs to be a vertical gateway element or something that architecturally celebrates it as the main block entering into Bonanza Park and the mixed use center. Secondly, this would be the best location for a boutique hotel. Mr. Polikov remarked that it was important to make a distinction because this is a unique location. It is on Kearns Boulevard and on the park and located in an area where relative density makes more sense. Understanding the concern for nightly rental in this area, Mr. Polikov asked what they could do to encourage a meaningful boutique or higher-end hospitality for someone who skis during the day, returns to their accommodations and wants to walk to a restaurant for a good meal. People have that option in the Historic District and they thought it would be nice to have that option in Bonanza Park on a limited basis to create some diversity.

Planner Cattan recalled from the previous meeting that the Planning Commission preferred to maintain a residential area as opposed to having a gateway on both sides of the street.

Ms. Narayana reviewed the Iron Horse District character zone. She noted that the Planning Commission had seen a concept plan for this area at the last meeting. Building off of that concept plan they looked at putting it into the regulating plan. Ms. Narayana stated that the Iron Horse character zone is viewed as building on the eclectic types of uses and buildings that exist, and evolving those organically. This character zone was looked at as more of a college, industrial services and funky arts and crafts oriented, but it is also living and working. In this zone there would be more flexibility with the building types and materials to add to the eclectic mix that currently exists in Bonanza Park.

Planner Cattan referred to an exhibit in the Staff report and indicated the blue dash road and a green pathway as a through connection. She explained that the concept of having through connections with roads was to handle density. However, at the last meeting she understood that the Planning Commission supported keeping it more of a greenway and having more pedestrian pathways. Planner Cattan stated that if the intent is to maintain a three-story presence and pedestrian passageway, the need for those roads was not as critical. She requested input from the Planning Commission on the roads and pathways.

Commissioner Gross thought the section behind the Rite-Aid would be the logical place for height because it is closest to the middle and it would reduce the visual impacts for those walking or driving around the perimeter. Mr. Polikov replied that it was not right or wrong to have more height in that area. However, in ongoing conversations with the Wintzer's and what was reflected in the concept plan was that the need for roadway connections are not as significant with the idea of maintaining and building on the existing characteristics. If the goal is to keep the Iron Horse District more of a low mixed industrial arts and a more affordable employment environment, additional roadways through the area would not be necessary.

Commissioner Thomas stated that whatever happens from the standpoint of pedestrian connectivity, they should try to knit between the neighborhoods. He thought the curved element shown in green that comes from the south to the north could somehow connect into the adjacent neighborhoods to the north and the Prospector neighborhood to the east. He believed the challenge was how to make it possible for people in the residential zones to cross Bonanza Drive; and they need to start thinking about it in terms of pedestrian connectivity.

Commissioner Savage asked if there was a way to model or evaluate the question of connectivity as it relates to force and function and where people would walk to and from the most. It is impossible to connect everything, but they should connect the keys things where they would expect reasonable traffic moving back and forth. Commissioner Savage assumed the majority of people would be on the periphery in the residential area and he believed the location of the transit center was a significant distance away from that majority. If the transit center would be utilized to get people to and from the ski areas and other places, it could be an impediment for people to walk that far with their skis to access transit.

Mr. Polikov asked Commissioner Savage to clarify his concern. Commissioner Savage explained that what he could tell from the first slide showing the Resort Gateway neighborhood in relation to the transit center, it appeared to be a good distance to walk with skis and ski boots. Commissioner Gross pointed out that the buses already come down Park Avenue. Commissioner Savage asked about the purpose of the transit center if it would not accommodate the people in Bonanza Park. Mr. Polikov replied that the Resort Gateway would not be the most dense in terms of people. In addition to hotels, there would still be a mix of businesses.

Commissioner Savage clarified that he was suggesting that they begin to think about the people mover function in terms of concentration of people, where those people want to go, and whether or not that was taken into consideration with the location of the transit plan and pedestrian and bike paths. Mr. Polikov believed it was taken into consideration. He noted that based on the regulating plan, the majority of people who would live in Bonanza Park would live closest to the transit center. Regarding connectivity, Mr. Polikov thought it was important to understand that the streets in Bonanza Park are the most important future connections; and not the paseos. The paseos represent connections through the development, but the highest pedestrian function in Bonanza Park under this new approach will be people walking down the streets. He believed it would be significantly more interconnected than what exists today.

Commissioner Thomas thought the transit hub was centrally located to the entire development. Planner Cattan pointed out that it would also have a seasonal component and be highly utilized in the summer because more people will be on bikes and walking. Mr. Polikov stated that they were proposing street designs that functions for any choice of movement; walking, biking or driving.

Ms. Narayana stated that the main element of the concept is to make sure it creates a characteristic that is distinct from other neighborhoods and becomes something unique. Planner Cattan remarked that the Iron Horse District has a really defined character and the Code has exceptions for the Iron Horse District to help maintain that character moving forward.

Ms. Narayana reviewed the Hillside Residential character Zone. She stated that they had struggled with trying to define the character of this zone. The idea was to maintain some of the existing residential, but because it is Estate Zoning everything is non-conforming and it was difficult to fix the inconsistencies. Ms. Narayana remarked that this would continue to be a residential neighborhood with no live/work units. It is along the hillside with steep slopes and the zone already allows 4-story buildings. No nightly rentals are allowed, which makes it a true neighborhood. She pointed out that the intent is to build on what they already have and to make sure it conforms with the zone.

Commissioner Thomas thought Gateway Planning and Staff had done an excellent job breaking out the character zones and responding to the nature of each neighborhood. He thought they could get into some of the details and wordsmithing of some of the criteria, and he could provide his suggestions to the Staff at a later time. Without talking about height, Commissioner Thomas thought the two-dimensional breakdown of the overall plan was interesting, and the roads offer the opportunity for exciting things to happen. He was interested in seeing the model and to test it. Commissioner Thomas pointed out that once the Plan is adopted it would be a hands-off experience for the Planning Commission, which has caused some concern, because the Planning Commission would only be involved in things that require a conditional use permit. Once adopted the Staff would make the evaluation and that puts a huge responsibility on the Staff. Commissioner Thomas pointed out that this was a major move for the community and while it was an exciting concept, he thought there should be a mechanism to test it and evaluate it in the beginning and to re-evaluate it after two years to make sure it was working.

Mr. Polikov stated that the reason for wanting to talk about the fundamentals this evening was to identify the role of the transit system and the alignments and disconnects between the community vision and what the market perceives. He pointed out that once they move forward there would be limitations on how much they could revisit because the City and private developers would have already made investments. He believed that the focus on making sure they were comfortable with the Plan was well-placed because they were asking a lot of Bonanza Park.

Commissioner Thomas thought it was important to go back to the four core values of the community. In terms of historic preservation, there was not much historic in Bonanza Park but past uses could be interpreted as historic. Natural setting was being addressed. Sense of Community was the micro neighborhoods and small gathering spaces. He stated that it all has to fall under the umbrella of the most important community goal of small town. Commissioner Thomas accepted the fact that Park City continually evolves and changes and it will continue to change. There should be density someplace in the community and in his opinion it was Bonanza Park.

Mr. Polikov thought it was important to understand that the ordinance was not just a regulatory document. Underwriters, developers, architects, and others would use the document to make decisions on whether or not someone can obtain a loan, and whether or not a project would be phased over a certain period of time. He noted that the issues were conflicting and complex and they could not be resolved easily. Gateway Planning intends to come back with analytical tools so the intersection of the arts and science are intuitive. The more candid the Planning Commission can be this evening, the better it helps them to figure out what they need to focus on going forward to answer their questions.

Commissioner Hontz struggled with the values of natural setting and small town because those two goals do not relate to density. She understood that this was the place to put density, but they still need to recognize and support all four of the core values. Commissioner Hontz pointed to a place in the County that had advertised tall not sprawl but has successfully done both. It started tall and ten years later it is very sprawled. Commissioner Hontz noted that one of the purposes states that this is an opportunity to grow from within. If it stopped there she would agree, but she knows that it would not stop sprawl from occurring outside of the boundaries. She believed it was a fallacy and something that was pointed out during the Visioning and in other meetings.

Commissioner Hontz supported studying height; however, the Commissioners have looked at buildings locally and in various places they have traveled and they know what different heights feel like. She thought it was better to decide fairly soon where they should allow more height and why it would be appropriate. It also needs to be rectified with small town and natural setting.

Commissioner Hontz also had wordsmithing suggestions that she would provide to the Staff.

Commissioner Hontz recommended that the Planning Commission review the uses listed in the Code to make sure they were comfortable with all the uses and the fact that almost all the uses were permitted. Mr. Polikov offered to provide an updated use chart with more accurate uses.

Planner Cattan asked for specific input on the character zones. Commissioner Savage requested that the Staff take the presentation this evening and project it out 20-30 years to show what it would look like. He was hesitant for people to make significant capital outlays without understanding the implications related to the longer term plan. Commissioner Savage appreciated discussions regarding height, facades, etc., but in his opinion those were details that only make sense in the context of the bigger picture. He implored them to think longer term as it relates to justifying and rationalizing the decisions that would be made short term on this Plan.

Mr. Polikov concurred with Commissioner Savage. As a consultant he had already told the Staff that other decisions needed to be made before they move forward with redevelopment. Those decisions included the transit, the substation, the role of the City regarding infrastructure. He was not suggesting that they stop the process until all the decisions were made, because some may never be made. Commissioner Savage clarified that his request was for a reasonable set of long-term objectives based on what they know today and where they want to go for the future.

Planner Cattan understood Commissioner Savage's reason for requesting a long term plan. She noted that they would continue to work on the character zones, but the next step would be to get back to the Bonanza Park Area Plan. Transportation is an essential piece that was also talked about in the General Plan. However, writing the last chapter and explaining the vision it is something everyone needs to do together in the revisions of the Bonanza Park Area Plan. The vision has been set with the ten principles and how it works together, and they need to make sure they get it right within the Area Plan in order to implement Form Base Code.

Commissioner Savage remarked that this situation calls for leadership. And the leadership as it relates to the planning and long-term vision for Park City is vetted by and participated in by the Planning Commission. However, the Planning Department has the responsibility to set the vision

and make sure they have the Code to implement and achieve the objectives. Commissioner Savage stated that with all the good work that has gone into the General Plan to date, is it time to come up with a visionary statement of where this plan takes them so they can be in a position to make appropriate decisions within the context of a goal rather than the context of ambiguity. If they do not know where they are headed, they have no idea how to make the decisions. Commissioner Savage stated that the executive summary of the General Plan will not make sense until the Planning Department does the work and sets the vision for the process.

Commissioner Strachan noted that all of the uses listed on the use chart were the same for every neighborhood. He did not understand how Iron Horse was different from mixed use. With the exception of one or two, all the uses were permitted in each zone. Commissioner Strachan looked forward to receiving the updated use chart.

Ms. Narayana stated that they needed to be mindful of current entitlements because many of the properties are tied to the same uses. Mr. Polikov noted that housing in the mixed use area where there is more density and height would be different than housing in the neighborhood shopping area. Even though the use might be the same, the actual manifestation of that use might be different in terms of the nature of the building type.

Commissioner Strachan asked if that was driven by the market. Mr. Polikov replied that it was a combination of the context of each zone in terms of building design, character, alignment of the existing entitlement and the proposed future uses and how they come together. Pulling out one piece could change the type of use that materializes. Commissioner Strachan remarked that Park City has a condo driven market. If the residential use in any form is a permitted use in each character zone, they would see it everywhere. He could see nothing in the document that limits a percentage of a particular type of dwelling unit in a particular character zone. Planner Cattan stated that eliminating the nightly rental would provide better odds for a local person living there, but they cannot regulate whether or not it is a full-time resident. She concurred that they were seeing a trend for less and less primary homes. Mr. Polikov pointed out that the more scarce they make housing in Bonanza Park, the fewer affordable units would be realized. He was unsure if limiting residential uses in Bonanza Park would generate other uses in terms of the market absorption.

Commissioner Strachan understood that Form Based Code was not the tool to dictate the use, and that was the difference between a Form Based Code and a Use Based Code. They had a Use Based Code and that Code has brought condos. He wanted to know how they could keep from repeating that. Director Eddington explained that Form Based Code would provide for use and form. If they wanted to incentivize a use, that would be a different format.

City Attorney Harrington asked where the substation was considered in the Plan. Mr. Polikov believed that was an issue for Staff. Mr. Harrington stated that in his reading of the use table, the substation was only a permitted use in the Iron Horse District. Mr. Polikov reiterated that it was not the purview of Gateway Planning to suggest where the substation should be located. Commissioner Hontz stated that at a minimum the substation should be shown in its current location. Commissioner Strachan pointed out that the substation would be grandfathered, as well as several other existing uses in Bonanza Park.

City Attorney Harrington remarked that the City Council was waiting for the Planning Commission to make a decision regarding the Form Based Code before they make a decision on whether or not to move the substation from its current location. Commissioner Thomas noted that there has been an assumption at the Staff level to not show the substation in the context of this community. Mr. Polikov explained why the substation was not shown on any of the plans. If they had shown it, Gateway Planning would have become part of a discussion that would have been inappropriate for them to be involved in.

Planner Cattan stated that in terms of review of the Form Based Code and the regulating plan, that question needs to be answered at a different level. Mr. Harrington explained that the Form Based Code question needed to be reconciled at the Staff level because the City Council could not analyze the financial decision until they know what the Form Based Code allows. Mr. Polikov remarked that it was a policy decision and it was not for Gateway Planning to decide whether or not to develop alternative scenarios. If they were directed to develop alternative scenarios they would be willing to do it. Planner Cattan commented on the importance of knowing where the substation would be located in order to make sure the regulating plan is correct. Director Eddington understood that the policy should be determined in late June.

Chair Worel agreed with the comments of her Fellow Commissioners. She was excited about this opportunity and she thought the zones made sense. However, she felt it would be a challenge to make sure the Prospector area and the Hillside area not marginalized. It is important to keep them part of this community. Chair Worel believed there was an opportunity for a small town feel, as long as they make it obvious that it is all one area. Mr. Polikov stated that in order to preserve affordability and make sure people are not displaced, they were asking some areas to be less evolved than other areas in terms of the character zones. He did not want that to be the bottom line choice and they were still looking for a way to balance that out. It was still a work in progress.

Planner Cattan remarked that asking for improvements to the public realm drives up costs and they need to be considerate about not driving up the costs for specific areas and uses. Commissioner Thomas pointed out that they were in the middle of a process where little decisions could have a broad impact.

Chair Worel opened the public hearing.

Bill Coleman was concerned that the process would downzone the area they were trying to fix, which is opposite of giving incentives for a development preference. Mr. Coleman thought the Planning Commission should focus on incentives to create something that does more than add additional stories. In looking at the incentives issue they also need to look at whether it makes financial sense.

One question is how it would pencil and the stakeholders have spent a lot of time with the consultants trying to answer that question. Mr. Coleman stated that he supports Form Based Code, but he was unsure how it competes with the GC zone and that was the risk. He pointed out that the GC zone has not been used for condos in the past because there was always a better place to build condos. He pointed out that Homestake was built in 1971. Mr. Coleman noted that commercial activity created most of the condo because they needed hotel rooms.

Mr. Coleman stated that the underlying zone issues were critical, and the word non-conforming needs to be removed from the language because it no longer works and it is impossible to get a loan on a non-conforming use. Matching the use to the zone is critical and in the GC zone the uses

are matched by the zone under it. Mr. Coleman stated that he likes Form Based Code because there is a benefit for not having the Planning Commission involved in all things. However, in his opinion, Form Based Code does not help this part of the GC zone because there are not enough incentives. Mr. Coleman stated that the bigger issue for residential and commercial is how to pay for the ongoing maintenance of common areas. It is a new cost for everyone who lives there, owns there, or rents commercial space. He could not see the economic model and he had seen nothing close to a pro forma of why this would work. Mr. Coleman urged the Planning Commission to look at this in a practical sense and figure out a way to distance the Form Based Code solution from the GC Code with incentives.

Mary Wintzer from the Iron Horse District, agreed with Commissioner Savage regarding long range planning. Many have been asking for it for a long time and she believed they were at a good crossroads to get it done. Ms. Wintzer also agreed structuring a way to not marginalize Prospector and those other areas. They are trying to create community and not divide community. She stated that the plan Wintzer-Wolfe presented a couple of weeks ago was based on one certain idea for their neighborhood. She asked the Planning Commission to stay open-minded. In her opinion, the Iron Horse District was evolving and it was important to know if the substation would be moved because it would greatly affect her planning and how she envisions her neighborhood and some of the uses. Ms. Wintzer needed to the answer so she could continue to make the Iron Horse District one of the most popular areas for Taco Tuesday and other iconic shops in the district.

Lee Whiting, a resident of the Claimjumper condos stated that he is on the HOA Board but he was speaking for himself this evening and not on behalf of the HOA. Mr. Whiting thanked everyone for the detailed consideration given to this neighborhood plan. He liked the idea of a character zone from the standpoint of the existing residents. He lives and works in the community. He is employed by Summit County and like many of the residents of the condos represented in the yellow zone, he has limited resources with which he can afford to live and work in Park City and be a member of the community. Mr. Whiting referred to comments regarding stakeholder meetings. He was not aware of those meetings but he had received notice of this meeting. However, he felt that all stakeholders should be considered in stakeholder meetings including the Claimjumper HOA and the Hillside HOA. Mr. Whiting stated that when he spoke at the last meeting he heard distasteful comments from people sitting behind him suggesting that he and others could move to Heber if they want something affordable. He believed there needs to be a place in Park City for the work force and he recognized that the City has been addressing that issue for a long time. He appreciated that perspective. Mr. Whiting was unsure of the solution, but he felt the considerations of the consultants were realistic about market forces and the reality of resort communities. He names several towns in other states where people get pushed further and further to the fringe and one problem is replaced with another. One example is transporting people long distances to get to work. Mr. Whiting stated that as an owner in Claimjumper he has a personal interest and would ask the Planning Commission not to restrict his deed restricted unit and his rights to develop because he does not see how that would help achieve their goals.

Mr. Whiting asked the Planning Commission to consider the total package of the cost of living here. He was told that the Claimjumper and Homestake condos are the most dense locations in the City in terms of number of residents living in those areas. He asked them to consider the compositional demographics of the neighborhoods. Who lives there today, how many persons live in a household

and what the household consists of, and the practical living situation for those who do live there. Living in that neighborhood and near some of the more challenging units, Mr. Whiting agreed that there was an eyesore component and it did not meet corridor viewscales. If people in those communities do not have the means to invest, there may be a way for those communities to improve their current situation. The question is how to address that.

Mr. Whiting could see the live/work scenario leading in the direction of gentrification and increasing rents. Mr. Whiting remarked that the nature of the neighborhood as it exists today is very diced up and is impractical from the standpoint of either pedestrians or motor vehicle traffic. The north-south corridor from the Short Line extension going north is junked up with access and ingress/egress through the Rite-Aid parking lot. He pointed out that the blue line going north to south looked great on the map, but it goes two feet away from his bedroom window. If the plan is to keep that area residential, they need to think about what that means to the people who live there, and what kind of easements would be required to establish that right-of-way. Mr. Whiting felt that idea of the plan is great in principle and he supports an overall opportunity zone in the community. He applauded the idea of development and he liked the idea of a tax base that helps pay for various things. However, the question is, once they unleash the beast what direction would the market forces push them in and what displacement of existing residents would actually occur. Mr. Whiting suggested that the Planning Department dig a little deeper in terms of understanding who exists there and what their interests area, and figure out a way to get that representation at the table before they proceed to an approved plan.

Mark Fischer, thanked the Staff for their hard work. They have been grinding a lot of hours every day and one of the goals has been to come up with a plan that works for the community and also be economically viable. Mr. Fischer stated that the stakeholders were being asked for some serious give and gets and millions of dollars. Therefore, it is very important that whatever plan they end up with pencils. Mr. Fischer believed the plan presented this evening did pencil. It is a good plan that has evolved over two years and it gets a little better every day. Mr. Fischer agreed that the elephant in the room was the substation and it was evident that this plan works better if the substation is moved. The area they have been talking about has been zoned light industrial since the mid-1970's, and the substation is an allowed use in the zone. He believed it was more appropriate in the Light Industrial zone than in the GC Zone where it is currently located. Mr. Fischer understood that a decision on the substation would be made on June 20th. He explained that the reason for the 30 day countdown is that the give and gets such as the park, the transit center, the civic center pad have all been thought through and generated based on what is in the Form Based Code in density and height. If any of that is significantly changed or lopped off, it changes the financial pro forma to the point that it might not happen. Mr. Fischer remarked that time is of the essence because his group was being asked to make decisions in the millions of dollars for contributions, impact fees, etc. They need to know the gives and gets and those cannot change as they get closer to the June 20th deadline.

Michael Barille shared Bill Coleman's concern that there was no economic viability to the form being presented. Redevelopment is expensive and there is a cost involved in tearing down buildings, realigning roads and changing the basic infrastructure under the road. He stated that they need to figure out how to account for that and whether this was the form they want to encourage. Mr. Barille thought Mr. Coleman was also correct in saying that there has not been a broad enough discussion

on the incentives. He did not believe that height was the “be all” incentive that would get what they want to achieve, partially because the Planning Commission was not comfortable with additional height throughout the District and also because it costs money to build additional height and underground parking. Mr. Barille remarked that the City needs to come to the table with fiscal incentives to help achieve the desired form outside of the architectural standards or allowed heights. It is the only way to maintain the small town character.

Chair Worel closed the public hearing.

Commissioner Savage was intrigued by Mark Fischer’s statement about the imminent situation related to the commitments that his group needs to give relative to the expectations set for this particular plan. He thought there was a difference in expectations between the Planning Commission’s perspective and the expectations of the Stakeholders in terms of commitments from the City. If that is the case, it should be rectified.

Planner Cattan noted that the Staff had set an aggressive schedule to review the Bonanza Park area plan. Beginning on June 12th the Planning Commission would have the opportunity to review the Plan during three meetings, and they would be asked to forward a recommendation to the City Council on the third meeting. The City Council would begin their review within an estimated two meeting time-frame to begin an August creation of the CDA based on the outcome of those discussions.

Director Eddington stated that the City was looking to have a Bonanza Park Plan finalized by August 8th. However, the Form Based Code would not have to be approved by that time.

Commissioner Thomas commented on the fear of having a “haircut” across these districts and neighborhoods. From a character point of view, having everything snap line to a certain height would be an unattractive solution. He favored a variation in height in some form.

Mr. Polikov stated that this issue was discussed during their meetings with Staff. He explained that in a redevelopment environment the cost of redevelopment juxtaposed with adjacent development leads to existing buildings actually being used for a very long time. Increased rents, moving water lines, scraping and replatting have to be considered in the cost of a new structure. Mr. Polikov believed that the notion of having all four and five story development in Bonanza Park was a myth. There is too much complexity on the ground already and the lot configurations have irregularities. He recommended that the Planning Commission think about where height makes sense based on what they want to achieve within each of the zones and also based on the ability to realize certain development and building types. Mr. Polikov encouraged the Planning Commission to consider more than five stories in certain locations. He noted that there are four and five street buildings on Main Street that actually fit. He understood their perception of lowering heights to preserve the character of Bonanza Park, but sometimes allowing to create special conditions through incentives also gives the ability to preserve other things within an area. Mr. Polikov cautioned the Planning Commission about making economic decisions based on feelings or because something is static. He agreed with the public comment that the City needs to test the economics.

Mr. Polikov suggested that as the Planning Commission goes through the exercise of analyzing height, they should look at it from both directions. Ms. Narayana pointed out that the actual physical model would help them make an informed decision because they would be able to see the height.

Director Eddington stated that height is an issue of what they have seen on Main Street where there are one story and five story buildings. He agreed that some of the give/get is part of the discussion on height variation, and the Planning Commission would have that discussion on June 12th.

The Park City Planning Commission meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____