

**PARK CITY PLANNING COMMISSION
SPECIAL WORK SESSION
FORM BASED CODE
August 6, 2014**

PRESENT: Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard, Thomas Eddington, Christy Alexander, Polly Samuels McLean, Scott Polikov and Jay Narayana with Gateway Planning.

WORK SESSION ITEM(S)

Bonanza Park and Form Based Code – Review of draft regulating plan and character zones

Planner Christy Alexander noted that the Planning Commission and Staff have met over the past few years to discuss Form Based Code. She noted that several Commissioners were new to the Planning Commission and this was their first opportunity to see the draft Code. Following the joint work session meeting with the City Council on May 13th, the Staff considered all the input and Scott Polikov and Jay Narayana, consultants with Gateway Planning, revised the draft Code to incorporate some of the changes, including those related to enhanced options and the height limits.

Planner Alexander stated that the objective this evening was to review the draft Code section by section. She outlined four areas for discussion this evening; 1) The Regulating Plan; 2) Parking requirements; 3) Administration and implementation of the Code; 4) Incentive standards offered for additional height.

Planner Alexander reported that the Regulating Plan had changed very little since the May 13th meeting. There were still seven character zones, as well as the newly added utility service zone and screening around the Rocky Mountain substation, and the Civic Use Center that would be used for City offices, a future transit hub, workforce housing, etc.

Chair Worel understood that the plan assumed that Recycle Utah would be relocated. Director Eddington stated that currently the plan shows that area as open space, but it did assume a potential relocation of Recycle Utah.

Jay Narayana recalled that they wanted to identify in the Code the areas where they would want commercial on the ground floor because it would not make sense to have ground floor residential. She commented on locations where there was opportunity for future commercial where the ground floor is built to commercial standards, but it could start out as residential because of a weak commercial market. Those spaces could eventually transition to commercial uses as commercial-ready frontage. Jay noted that the Building Code requires a certain floor to floor height and ADA accessible store front designs to

avoid having to remodel the building to accommodate commercial uses as the market changes. She pointed out that the legend identified two designations. The Planning Commission was being asked for their input on the locations where ground floor commercial and future ground floor commercial would make sense.

Scott Polikov cautioned the Commissioners to be careful not to over-designate or apply it too liberally because the market potential can make some locations unreasonable for retail space.

Commissioner Stuard asked where those locations were currently designated. Mr. Polikov replied they had not yet been applied or designated on the proposed regulating plan, although they had some ideas where they might be applied. Chair Worel asked what Gateway Planning would suggest as appropriate locations. Jay stated that activating portions of the Park would be one suggestion. If Bonanza Drive is the main gateway into the District that would be another favored location. She stated that Gateway Planning could work with the Staff to come up with various scenarios for the Planning Commission to consider. Director Eddington believed the Commissioners could expect to see it around the Park area and consolidated in a way to create a walkable district that is geared toward retail. Commercial could also be strongly recommended primarily in the neighborhood/commercial areas.

Mr. Polikov thought they should be careful not to suggest that a strong, pedestrian-friendly design environment should be required to have commercial frontage. Having residential along a pedestrian-friendly street could still feel right. However, there may be a special block base where they would want commercial activated.

Commissioner Strachan asked where Gateway Planning has seen that work in the past. Mr. Polikov replied that one place was Main Street in Park City. Commissioner Strachan clarified that he was asking about other projects around the Nation. Based on their experience he wanted to know where they would put it and why. Mr. Polikov was unprepared to answer on a national level. Using Main Street Park City as an example, he commented on what would happen if Main Street had stretches of residential with the living rooms on the ground floor. If the shades are down and there is no storefront environment, it creates a blank wall and people are no longer interested in walking the rest of the street. Jay commented on the importance of making sure there is the flexibility to transition from storefront to residential if necessary as the markets change. Mr. Polikov stated that they typically recommend letting the market figure it out, but there may be a block face where it makes sense to acclimate it as a general public space with a shop front feel.

Commissioner Phillips thought it would make sense for certain corners and/or intersections. Mr. Polikov agreed and used Munchkin and Woodbine as a potentially good location.

Commissioner Campbell asked if the motivation was to drive pedestrian traffic all the way to the end of the block, around the corner and then continue walking down the block. Mr. Polikov replied that it was the opposite. If a location makes sense, the market is there, it is designed properly, and there is good retail activity, they would not want a block in the middle becoming dead space. Commissioner Campbell believed that if a ground floor space is designed for residential until it becomes retail, and the shades are pulled down, it would have the same effect as an empty building. Mr. Polikov replied that the difference is retail ready versus retail required. Commissioner Campbell reiterated that a retail-ready space would still look empty if it is occupied as residential and the shades are down. He wanted to know what happens in the time between residential and converting to retail. Jay stated that the idea is to have a tenant living in the building generating revenue as opposed to having an empty space.

Commissioner Phillips believed that most of the buildings would be constructed as the market demands, and it could be many years before these transitional spaces would develop. Mr. Polikov clarified that Gateway Planning was recommending retail-ready as opposed to retail required. Therefore, the construction type accommodates commercial activity and includes ADA, the Commercial Building Code, etc. He noted that many cities have gone to retail required, but if there is no market the development never occurs. He preferred to encourage building types and let the market drive the evolution of the type.

Commissioner Stuard acknowledged that most people in the room had attended more meetings on Form Based Code than he had. However, he had spent 40 to 50 hours reading the draft document and found it to be very difficult because the Plan is so ambitious. He commended the Staff and the consultants for such an ambitious document, but he believed this was probably the biggest, most important zoning decision that has ever been made in Park City. It involves a major transformation of a district in town that is central to the community and it was important to take the time to get it right.

Commissioner Stuard stated that one of his initial concerns about the regulating plan was that there is no Frontage Protection Zone along Bonanza, which is designated as a Type A pedestrian-intensive/retail intensive type of street in the scheme. The mixed use that surrounds Bonanza on both sides up to the rail trail would require buildings to be within five to ten feet of the property line. Those buildings would likely be three stories and possibly four or five, depending on which incentive plan is utilized. At the same time, 20,000 to 30,000 cars a day move in and through Bonanza for various reasons. He sees two problems. One is the canyon effect that would be created down Bonanza with a nearly contiguous theme of three to five story buildings five to ten feet away from the property line. The second would be the conflict between the number of cars moving up and down Bonanza and the supposedly pedestrian-friendly retail activity that is supposed to take place. Commissioner Stuard asked if anyone else had focused in on that particular issue.

Commissioner Strachan stated that in the past the Planning Commission looked at the existing zone and the setbacks as they currently exist fully built out. He noted that the issue was previously raised regarding a canyon effect. The specific issue of the traffic coinciding with pedestrians has always been a problem. He did not believe those issues were new and the proposed plan may not cure it.

Commissioner Stuard pointed out that the proposed scheme anticipates considerably more pedestrian traffic going store to store, similar to Main Street. Commissioner Strachan agreed that it would create a bigger problem.

Mr. Polikov suggested that they separate the issues, discuss them separately and put them back together. He stated that if they move the buildings further back and have the Frontage Protection Zone apply to Bonanza, it would encourage faster speeds. Having the buildings closer to the street creates a different feel and makes it uncomfortable to drive cars faster. Commissioner Stuard asked if that was desirable when trying to move a high volume of cars through the area. Mr. Polikov believed that was a third issue. If they are trying to encourage more pedestrian protection in terms of how the street functions, the closer the buildings are to the street the better sense you have of a pedestrian presence. If the view issue is a concern, they should consider treating Bonanza like Kearns Boulevard and Park Avenue. If the speeds are too fast or it is still uncomfortable from a pedestrian standpoint, they may not be able to solve that problem with this initiative. Mr. Polikov remarked that science points to the fact that whenever you move past 30 or 35 miles in an urban condition, it reduces the amount of traffic that can flow through in terms of efficiency. He believed that faster speeds in that environment would not necessarily improve the ability to accommodate the traffic.

Commissioner Stuard noted that there were Frontage Protection Zones on Kearns Boulevard, Park Avenue and Deer Valley Drive, which are the other major circulating streets that bring people into the resorts and Old Town. He thought it would also be appropriate on Bonanza. Mr. Polikov did not disagree, however, Bonanza comes through BoPa as opposed to being a perimeter street. If they want to bind the mixed-use area they need slower speeds and a more pedestrian, walkable feel. The issue is what role they want Bonanza to play. If it functions like Kearns Boulevard it will be act as a perceived divider. It would not be viewed as a connector in terms of function and feel.

Director Eddington stated that when they first started the BoPa plan, the line was drawn on Bonanza Drive. Everything to the east of Bonanza Drive was not part of the Bonanza Park Plan. After many neighborhood meetings, there was a conscious concept to include the east side to protect the fabric of the neighborhood. Therefore, it made sense to have Kearns Boulevard, Park Avenue and Deer Valley be the dividing lines for Bonanza because of what exists on the other side and the limited opportunities for development and

re-development. The reason for adding the area to the east was to bridge that connection. Director Eddington remarked that the ultimate desire is to create an area plan for Prospector that ties into the BoPa plan. There was a concerted effort to take the focus away from the car and focus more on the neighborhood.

Mr. Polikov clarified that he was not suggesting that they not consider a Frontage Protection Zone for Bonanza Drive. He just wanted the Commissioners to understand that the trade-off would be the consequence of creating a perception of a barrier. Commissioner Stuard remarked that the City recently constructed improvements on Bonanza to create a barrier and allow the traffic to move more smoothly. Mr. Polikov thought it was a valid consideration. However, he suggested that they consider all the issues for and against and address each one separately. Once the impacts have been addressed, they can look at how they all relate and prioritize them.

Commissioner Stuard was concerned that once Form Based Code is adopted, every building within BoPa would be a non-compliant building. Anyone wishing to make an incremental re-development improvement would be required to comply with the new Form Based Code. He used Fresh Market as an example of a use that would not be allowed to re-develop their store because it would not fit under the new requirements. The result would be forcing a business to remain in an inefficient building that may not benefit the community and it could drive people to support a competitive business. They would lose the ability to have a newer, better looking facility. Commissioner Stuard reiterated that his concern related to every building in BoPa.

Mr. Polikov stated some of the building could still be conforming, but those buildings would be the exception and not the rule. He pointed out that the Code is written in a way that prohibits adding to the non-conformance. Mr. Polikov thought the example used for Fresh Market would be adding to the non-conformance. He remarked that future Councils are not bound by current Councils and changes can be implemented with compelling reason. Commissioner Stuard believed the process to make that type of change would be very arduous.

Commissioner Stuard asked if the Staff had notified some of the major businesses that they would be non-complying if Form Based Code was approved. Director Eddington stated that the Planning Department had sent letters to all of the property owners explaining the situation. He commented on the issue of non-compliance and noted that Fresh Market would be given more opportunities with Form Based Code because they could expand in any direction because of the zero lot lines. Form Based Code would reduce the degree of non-compliance for the Fresh Market building. Commissioner Stuard pointed out that there is a road going through the Fresh Market parcel. Director Eddington replied that Fresh Market would have to work through the process to address the road issue.

Commissioner Stuard wanted to be sure that the property owners in this area and everyone else in the City were aware of the magnitude of change that Form Based Code would cause. Director Eddington understood his concern because they face the issue of non-compliance in Old Town with the design guidelines. It is a challenge they encounter with every Code change. Mr. Polikov noted that protections are built-in to ensure that properties can be sold. The non-conforming use policy remains unchanged and it allows the current condition to continue in perpetuity. In reality, most of the properties would receive greater entitlements. In terms of making the community aware, Mr. Polikov stated that Park City was at the top of the list in communicating with the citizens and the stakeholders. Multiple community meetings were held, several mailings were sent and there has been press coverage. The reaction from most of the stakeholders has been questions as to why the City was not moving forward with the project. He believed that after three years of working on this project they were beginning to lose credibility and momentum. Mr. Polikov pointed out that you never get 100% participation from property owners but they were all given the same opportunity to have a say.

Commissioner Stuard stated that permanent residents form the base demand for commercial services in this area. If they have not participated and said they would continue to use all the services used in this area once it is redeveloped, it would result in a potential loss of services. Mr. Polikov reiterated that hundreds of people have already participated in public meetings over the past two years. He believed the new Commissioners needed to go through the process to get the details, but his sense was that the Planning Commission and the City Council had already made the decision to move forward. If they keep questioning whether or not to do it, they lose credibility with the community and the market. Commissioner Stuard was comfortable with losing credibility if it means not making a huge mistake.

Mr. Polikov stated that if that was the general feeling they should back up and not go through the details of the document as planned this evening. He suggested that the Planning Commission and the City Council hold another joint session and decide whether or not to move forward. Mr. Polikov remarked that he had participated in two excellent joint sessions in the last year and his sense was a strong consensus from the Planning Commission and the City Council to move forward with the details of this tool they decided to implement. Mr. Polikov stated that no one in the community can claim that there was not ample notice that this project was underway. He and Director Eddington have given out their cell phone numbers and made themselves available to answer questions. They have documented everyone they met with. Mr. Polikov recommended that they separate the issue of whether this was a mistake versus the significant amount of process to get community feedback.

Commissioner Joyce recognized the amount of work that had gone into the roads and the

road locations; and he recalled that a certain amount of movement was based on property lines. Commissioner Joyce was surprised at the number of roads and the number of paths cutting through. He asked if there was consensus in terms of the map and the expectations. Director Eddington stated that when they laid out the road network there were a number of iterations. The map before them was the final product, although it may still need to be tweaked. Director Eddington explained that the roads are generally located half and half on a property line, which should make it easier for the property owners as they put in public rights-of-way. With regard to distances and block creation, they utilized most of what the Congress for New Urbanism recommends, which is 275 x 350 feet for typical blocks to promote connectivity. When they first started looking at the plan for Bonanza Park, lack of connectivity was one of the biggest issues.

Commissioner Joyce clarified that he was most surprised by the number of walking paths that are substantial in size and carve one block into two without leading anywhere. Mr. Polikov noted that it is not a straight line requirement. The plan has to show that a pedestrian can get through the property. He explained the difference between the ones that are recommended and the ones that are required. Commissioner Joyce stated that if some of the pathways are envisioned as being required, he would like to know what they are and whether there was agreement.

Mr. Polikov summarized from the comments regarding the road issue that they should consider adding minor modification language stating that if there is an alternative network compliance design or if the design of the proposed site plan in terms of meeting the intent of the Code outweighs the need for a new road, that it could be obviated. For required pedestrian connections, add language to make it clear that the intent is to get from Point A to Point B through the block rather than making it a direct connection. They should look at all the pathways and determine which ones really make sense as required for the east-west relationship. Mr. Polikov agreed that the perimeter blocks should be recommended rather than required.

Commissioner Strachan stated that he initially had the same reaction as Commissioner Joyce regarding the pathways. He rides his bike through Bonanza and he currently uses Iron Horse to get from east to west. Commissioner Campbell noted that using the green paths would double the number of miles. Commissioner Strachan stated that he would use the green paths that run east-west, but the north-south paths were lacking. He thought they needed to bring in the north-south grid. Commissioner Joyce believed that if there was a nice east-west and north-south road with designated bike lanes, all the bikers would use those lanes. Commissioner Strachan disagreed. If he takes his kids to Bonanza he would not want them riding on the road. He and his family currently navigate through town by finding pathways that are separate from the road because it is safer. Biking by himself he would definitely use the bike lanes, but he thought it was important to have off-road pathways for when people bike with their family.

The Commissioners and Staff discussed possibilities for potential pedestrian and biking pathways. Commissioner Joyce requested that the Staff look at all the proposed paths and find the reason why it was designated. He personally felt that all the ones designated at the top did not meet the criteria.

Chair Worel asked if the City would put in the paths. Director Eddington stated that the City would put in the required paths. If they are part of the enhanced options, the property owner would be responsible for putting in the path as part of their enhanced open space and view corridor options. Mr. Polikov explained that they would want required and recommended options on the table because in some circumstance there may not be the decision to do the enhanced option. In that case, the City could pay for the pathway and work with the property owner on the design. Chair Worel asked what would happen if the property owner did not want the path. Mr. Polikov replied that constitutionally the City could not require it on private property. Mr. Polikov pointed out that much of the Plan would have built-in protections and work itself out, subject to justifying the recommendations. Chair Worel asked if the same constitutional right would apply if an owner did not want a road on the edge of their property line. Mr. Polikov stated that it would unless the City condemned the property.

Commissioner Phillips asked if they anticipate that most people would favor putting a road through or on their property because it gives more frontage and more value to the property. Mr. Polikov replied that it depends on the site and what the owner plans to do with it.

Mr. Polikov stated that "perfect is the enemy of the good." He remarked that the Planning Commission should take time over the next month or two to get this right with the City Council in terms of the details, but it will never be perfect.

Commissioner Campbell did not believe they had the time to meet with the City Council to go over the details. Mr. Polikov clarified that they have been working on this draft for a year and half. The objective of the current process was to get the details right with Staff and Gateway Planning. However, if the standard is to get all the lines on the regulating plan perfect in anticipation of every scenario and anticipated consequence, it would be an impossible task. Commissioner Campbell agreed.

Commissioner Campbell clarified that he favored the Plan and he likes the idea of Form Based Code. However, he felt like it was already written and the Commissioners were being asked to make decisions on it now or lose credibility. Mr. Polikov stated that he was not asking the Planning Commission to push this through without looking at the details. This is the time to work on the details and he believed it could be done in a couple of month. His concern was delaying it too much longer from a credibility standpoint.

Commissioner Campbell thought there were big questions that still needed to be answered. He would like those questions discussed and answered first before they get into the details. One question was whether to continue to have day skiers use Bonanza Drive to get home to Midway, or whether they should keep them out of BoPa altogether. Director Eddington thought they should continue to encourage the day skiers to go down Bonanza Drive and this proposal would not change that. Commissioner Campbell pointed out that the road changes from Type A to Type B and back to a Type A. Mr. Polikov explained that the Type A aligns with the mixed-use area where there is more density and more walkable environments. The driving pattern and road surfaces would remain the same.

Chair Worel noted that the Staff report asked whether the Planning Commission agreed or disagreed with the proposed Regulating Plan. She asked if they were looking for an absolute yes or no this evening. Director Eddington clarified that the Staff was looking for input as to whether or not they were headed in the right direction and whether or not the Planning Commission had a good understanding and a good feel for the Plan. Mr. Polikov stated that the real question was whether they should be doing this. If the Commissioners were still on the fence of whether or not to do the initiative that was where he believed they would lose credibility. If it takes another six months to make that decision they would lose the momentum. Mr. Polikov emphasized that if they wanted to do the project it was time to start working out the details. If the Planning Commission wanted to step back and have the philosophical discussion, it would be the fifth time in two and half years to have that discussion. He supported having the discussion, but if it takes longer than a couple of months it would indicate that the draft is flawed.

Commissioner Joyce understood the amount of work and the number of discussions that have occurred over the past two years. However, the problem was that the four new Planning Commissioners were not involved in the process; and one of the three who were involved was leaving the Planning Commission. Five people would be looking at this for the first time and they had not been involved in making the decisions. Commissioner Joyce stated that the Plan the Planning Commission was given to review was the most granular level that exists. No one has sat down with the new Commissioners to explain why things were done and why certain decisions were made. He used the road layout as an example. He suggested that if there was a work session or special meeting that would bring the Planning Commission up to speed at the high level, the details may start to fall in place. Commissioner Joyce had underlying questions that he was confident had been answered over the past two years, but he had no idea what those answers were. He did not believe anyone was opposing Form Based Code at this point, but they would have been more ready to provide the input they were being asked for this evening if they had been updated on the background of how and why they reached this point. Commissioner Joyce pointed out that the joint meeting with the City Council did not provide the necessary background because that meeting was also about the details.

Mr. Polikov understood the concern and suggested that they use the meeting this evening to address their issues. However, he encouraged them to move quickly because if they linger, they would be faced with this same dilemma when the Planning Commission changes again and new Commissioners are appointed. Mr. Polikov suggested that they begin with the fundamental assumptions in this project. He explained that the BoPa Plan has ten fundamental principles and those were used to drive the Plan before them. The first is to reconnect the history of the locale. He pointed out that currently there is no connectivity, and places without connectivity become stagnant.

Commissioner Stuard asked why connecting to the history is important and how it was being done; particularly since the Spur was gone. Director Eddington stated that the Spur is gone, but part of the road pattern reconnects to parts of what the Spur was. It converts an old rail right-of-way to a vehicular right-of-way. Part of it is reconnecting with regard to creating a neighborhood center. When it was the Spur it was a place where people performed commercial transactions. Director Eddington noted that it is partly that now and the intent is to further evolve it. Mr. Polikov remarked that the market is no longer interested in investing in this part of Park City because of the lack of connection. An area loses its value if you cannot walk or bike through it. One of the primary objectives was to make Bonanza Park friendly to people who do not use vehicles. Mr. Polikov stated that the proposed regulating plan makes an overly zealous attempt to do that. He believed Commissioner Joyce had made a good point about the pathways and roadways and making sure they could justify each one. They would also add language allowing for flexibility as real projects come forward.

Jay presented a map showing the existing streets. Commissioner Stuard thought the desired connection could be accomplished through the extension of Munchkin over to Homestake and a road behind Rite-Aid. Utilizing the street sections would achieve connectivity. Mr. Polikov agreed. However, a second point of connectivity from a real estate standpoint is being able to layer in a finer grain development pattern, and those two additions would not change the functional nature of the development environment. It would be insufficient to underwrite and attract the higher level of walkable mixed use, which was a fundamental goal of the project.

Mr. Polikov remarked that both Commissioner Stuard and Commissioner Joyce had come up with a tool to figure out how to go from one end of the spectrum, which is only two connections, to the other end of the spectrum which is the recommendation for every block to be 275 x 300 feet. He did not believe either scenario was the solution because they were both theoretical strategies. Mr. Polikov pointed out that the legal and technical implications of primary versus secondary was unclear at this point in terms of being an actual zoning document. He wanted to make sure they encouraged enough intervention to create a walkable environment so the market would respond by underwriting real development. Director Eddington stated that without the rights-of-way, there would not be

the ability to carry the public through private property and that begins to disrupt the connectivity. He believed smaller blocks would be easier for cyclists and pedestrians.

Commissioner Campbell asked if the residents in Bonanza Park should be able to find all their needs inside the four perimeter walls of this development, or whether they would have to cross Kearns Boulevard to buy what they needed. He was unclear as to what they were trying to do. Director Eddington replied that they were trying to create a mixed-use neighborhood so people could live-work-play within this area. There would still be some need to leave the neighborhood, but there would be more opportunities in the area than what exists now.

Commissioner Joyce had concerns in terms of what gets built first. If the plan is to have a mixed-use neighborhood but nothing drives that, they could end up with all condos and no services. Mr. Polikov explained that they were planning for 50 years out and he believes in the market. Development types over 10 to 50 years will be different. Form Based Code provides the ability to have transformation and evolution so fine grain diversity will ebb and flow. If they try to command and control the uses they will end up with what they have today; and Planning Commissions and City Councils will be trying to predict the right uses projecting ten years out. Mr. Polikov stated that the global assumption for doing this plan was the fact that there is a demand for mixed-use in this area that is not happening because of connectivity issues. The intent is to put the Bonanza Park area on a track that creates a culture of evolution.

Commissioner Campbell asked if Mr. Polikov was suggesting that the uncertainty the Planning Commission would create by postponing this decision was stifling new development currently. Mr. Polikov replied that there are people who are ready to develop and they have been talking with investors for the past two years. Some have indicated that if there is not some movement to redevelop Bonanza Park fairly soon, they would use their money for another project. Commissioner Stuard could understand that being the case with the under-developed or undeveloped parcels, but not on the other properties that have ongoing viable businesses. Mr. Polikov stated that they were in an unusual development cycle nationally where the market is moving towards quality. Banks are not underwriting poor projects or projects that will not reform, and they are taking a very strict look at long-term function and structure and how projects relate to one another. Mr. Polikov remarked that the delay was causing some uncertainty in whether or not they can rely on this as an investment opportunity, but the question is whether or not that should be a reason to move forward and rush through the details. The answer is no. However, it is definitely a reason to focus on the big picture and decide whether or not to move forward. Commissioner Stuard stated that he would never base his opinion on a project by what a bank thinks. Banks are not a good predictor of what is good for the community. Mr. Polikov replied that this project would insulate Bonanza Park from the shifting underwriting practices.

Commissioner Campbell asked why the City could not reduce some of the uncertainty by agreeing to the first ten pages of the Plan and then take the time to work on the details. He felt they were asking the Commissioners to do everything at once. Mr. Polikov stated that they were asking them to do everything at the same time because all the pieces need to work together. Mr. Polikov clarified that they were not asking the Planning Commission to make a decision on the details this evening. They were being asked to dig into the details over the next couple of months.

Chair Worel asked for a straw poll of whether or not the Planning Commission liked the big picture concept and whether there was agreement to move forward with the Regulation Plan. Mr. Polikov suggested that they continue to go through the principles and work through the fundamentals and then ask that question at the end. Commissioner Campbell thought they should know whether or not the majority of the Planning Commission wanted to move forward before they wasted time going through the details. Mr. Polikov understood from Commissioner Joyce that they were not prepared to make that decision without knowing the background and history of the work that has been done. Commissioner Campbell agreed. However, he thought it was important to know who was in favor of moving forward with the general concept before they started working on the ideas.

Commissioner Phillips expressed his frustration. He believed a lot of these issues were discussed in the past and he was uncomfortable wasting valuable time. Commissioner Phillips preferred to follow the agenda and answer some of the questions asked in the Staff report because it would give an idea of where everyone stands on the issue. In terms of education, he believed it was partly his responsibility to educate himself to find out what occurred prior to his time on the Planning Commission. As a new Commissioner he understood that there were significant discussions leading up to this point; and he needed to answer the questions as he was expected to do this evening. Commissioner Phillips thought it was important to stay focused to keep the process moving forward.

Commissioner Joyce remarked that if each of the Commissioners independently tried to educate themselves, it would put more burden on the Staff and the consultants because they would be continually answering individual questions. He thought a better approach would be to have a meeting where all the Commissioners were updated at the same time and everyone heard the same answer to all the questions. Commissioner Stuard understood that one of the purposes of this meeting was to bring the Commissioners up to speed. Mr. Polikov thought this discussion to be very helpful and not a waste of time.

Assistant City Attorney McLean recognized that a lot of the Commissioners were new; however, she understood that a decision was made at the last joint meeting with the City Council that the Form Based Code concept would move forward. Ms. McLean remarked that the Planning Commission is a separate body and they could forward a negative

recommendation for Form Based Code, but she believed the question of the general concept had already been decided by the elected officials as being good for the community.

Assistant City Attorney was hearing from the comments this evening that the Planning Commission would like a better understanding of the Regulating Plan. She thought it might be helpful if the Staff and the consultants would educate the Planning Commission on the reasoning behind certain elements that were chosen. Once they understand the bigger concepts it would be easier to work on the details.

Director Eddington reviewed the ten principles, noting that they had already discussed principles one and two. The third concept talks about inward migration. Director Eddington stated that as they worked through the General Plan one of the fundamental premises of development in Park City was to find a place for redevelopment, which was Bonanza Park, and to focus migration in that area. This is an area that could and should accept additional density. They talked about a tighter grid that would accommodate those densities allowing people to move through it fairly easily.

Principle 4 was view corridors and connectivity to the mountains. Director Eddington stated that part of the grid, specifically with the north-south streets, opens up that area within Bonanza Park to look through and start to see view corridors and connectivity to the mountains.

Principle 5 was internal circulation. Director Eddington believed that had been discussed thoroughly. There is currently no internal circulation and the hope is to have some in the future.

Principle 6 was redevelopment utilizing future environmentally conscious development practices. Director Eddington noted that in the Bonanza Park Area Plan they talked about trying to get to net zero buildings. An initial discussion talked about incentivizing buildings to go to net zero; however, in subsequent meetings it was not viewed as being that important to enhance or incentivize. At the last joint Planning Commission/City Council meeting, the idea of incentivizing was taken off the table. It would still be encouraged and Utah is moving toward Green Building Codes.

Principle 7 deals with economic development and supplementing the Golden Goose. The Golden Goose is Main Street and the resort industry. However, Bonanza Park is an opportunity to supplement that by offering a place where locals can live/work/shop. It could also be a non-entertainment corridor of commercial development. The intent is to incentivize those types of opportunities and create it in an area that has higher densities and walkability.

Principle 8 addressed the affordable needs of Park City. Director Eddington stated that there are very few opportunities in Park City for affordable housing in suburban neighborhoods. Affordable housing opportunities would probably be more urban and more dense. That is the reason why the Tier 1 enhanced option allows for additional density and height for putting in affordable housing. Director Eddington remarked that an ordinance already mandates affordable housing for certain developments over 9 units in MPDs. However, that does not produce enough affordable housing, which is why it was being incentivized in BoPa with the enhanced option.

Principle 9 was housing and social needs for the neighborhood's diverse population. Director Eddington stated that this was also an area with opportunities for smaller, local shops and business incubation that would not be good on Main Street.

Principle 10 was an authentic and lively district, paying attention to design. Director Eddington stated that this was the only place in town where they could start to recreate opportunities. It's the only real redevelopment as part of Lower Park Avenue. There are opportunities for new development and infill development.

Director Eddington noted that the attempt to address these ten principles resulted in the draft Code presented this evening. It was how they determined the character zones, the rights-of-way, the cycle ways and the pedestrian paths. Director Eddington invited the Commissioners to come into the Planning Department and look at the draft Bonanza Park Area Plan that led to the current plan. He was also willing to schedule a work session if they preferred.

Assistant City Attorney McLean asked if the Staff had a map of the existing buildings with the new regulating plan overlaid on top. Mr. Polikov stated that one could be created. Commissioner Stuard stated that a zoning change of this significance called for a 3-D model. He was told that a model had been done and he would make it available to the new Commissioners.

Mr. Polikov recommended that they follow the suggestions this evening and take another thorough, comprehensive look at each proposed street and pathway and decide what is fundamentally justified as a DNA building block for the assumptions and the principles; or what is recommended that should be flexible to allow the property owners to come forward with suggestions on whether or not to taking advantage of the recommendation. They could send that back with translucent layers and the existing aerial underneath so the Commissioners get a better sense of place. Director Eddington thought that would be helpful, but he emphasized that this was a bold, long range plan and they were at the end of the low-hanging fruit in terms of development. He pointed out that if they see a road going over a building it could denote the thought that the building might go away and that over the next 50 years they will see redevelopment and change.

Commissioner Joyce stated that he would like to look through the Plan and understand where the more difficult areas are located. He believed the design fundamental was the connectivity piece and breaking it up into something more urban and denser. However, in doing that they run the risk that none of the four major roads get done end to end. If they end up with a hodge-podge of new roads and still no connectivity they will have failed. Commissioner Joyce requested that they look closely at the primary roads and consider the likelihood of having them completed at one time. Director Eddington explained that the primary roads typically run down the property lines and are not currently impacted by buildings. The secondary roads have more impacts. Mr. Polikov stated that from his redevelopment experience using Form Based Code, nothing completely reinvents itself and it never will. He believed that in 30 or 40 years at least a third of the existing buildings will still be here. However, nobody builds a road that does not connect to something else and he was certain that the City would control it. In order for the Code to be effective, public investment in the roads will have to occur because the property owners will never be able to invest in these roads on their own. The City would not spend money on roads until there is enough connectivity and enough property owners who agree to make meaningful connections. Mr. Polikov believed that was a built-in protection to address the concern raised by Commissioner Joyce. However, he felt it was equally as important for the Planning Commissioner to use this process to make priority decisions on where the streets that make a difference are located and what it means. Mr. Polikov stated that they could show the Commissioners what has already been done and then they could update it with another thorough look and test any challenges to make sure it is fundamentally valid.

Commissioner Joyce was comfortable with the fact that the consultants and the Staff had given this a lot of thought. The problem is that he had looked at the Regulating Plan but he did not have enough knowledge and background to answer the question. Mr. Polikov asked if they were at least moving in the right direction to begin building the blocks necessary for the Planning Commission to review an updated version at the next meeting and to think critically about answering the question. Commissioner Joyce personally felt they were providing the information he needed.

Commissioner Joyce stated that another issue was whether the parking ratios proposed were adequate. He assumed a lot of thought and discussion went into the parking ratios that are different from the existing LMC, but none of it was explained in the Plan. He needed to know why and how they determined the numbers proposed. Director Eddington stated that they had talked about incentivizing a reduction in parking for this area to keep it an urban village neighborhood. They would look at providing alternative modes of transportation and encourage people to walk and bike as opposed to using a vehicle. He noted that even though a parking reduction is encouraged, developers still want to build parking and people want to have parking. Director Eddington assumed that even though the City would reduce the parking requirement, the developers would build what the market

demands. Mr. Polikov stated that another assumption is to simplify the parking and let the market do the job of rationalizing and assigning value. Jay remarked that another assumption is to have more on-street parking than what currently exists.

Commissioner Strachan recalled that at one point the City was contemplating subsidizing a large community parking structure. He believed it was a high-level discussion that was started but needed to be finished. If the area is going to be as dense as planned, there needs to be parking for cars. Commissioner Strachan thought this was the best area to put parking because it is the only place in town with undeveloped land and room for cars. He believed there were good reasons for the City to subsidize a parking structure similar to China Bridge. Mr. Polikov agreed with Commissioner Strachan. Some things need to occur in parallel for the Code to be successful, and the infrastructure piece is critical. Mr. Polikov stated that he and Jay would recommend removing all parking requirements and allow the market to determine the parking. He realized it was a radical position, but the market will never severely under park. Putting caps on parking discourages shared-parking and takes an opportunity off the table. Mr. Polikov remarked that the consensus internally was to find a realistic floor and invent it in the Code.

Mr. Polikov recommended that they not specify areas for public parking in the Regulating Plan. Commissioner Strachan wanted to know how they could memorialize public parking in the Regulating Plan if there was consensus for City subsidized parking infrastructure. Director Eddington thought it could be part of the Bonanza Park Area Plan. Mr. Polikov stated that it could be put at the beginning of the Regulating Plan as intent language stating that this Code assumes a full range of parking options, including public parking, shared parking, etc.

Assistant City Attorney McLean recalled a discussion at a previous joint meeting regarding infrastructure and how it would be paid for. The City Council was willing to look at a range of options, and public support for some of those options was one of the tools. Commissioner Strachan preferred that it be delineated in the Code as addressing parking because infrastructure can mean a variety of things such as a water or sewer line. In addition to having it as intent language, Commissioner Strachan thought it should also be addressed in the parking section.

Chair Worel called for public comment.

Ruth Meintsma referred to the comment about the north-south paths that were redundant. She is a walker and she runs a lot of errands in this area. She stated that walking through every little pathway is an advantage and makes doing errands more pleasant. Ms. Meintsma pointed out that she is not the only one walking around and other people and children will take a cut or a corner wherever possible because it makes the path more enjoyable than a cubic square. Ms. Meintsma remarked that finding a way through these

block is a good idea and it would make the area more enjoyable and more lively.

Catarina Blais thought Mr. Polikov and his group had done an amazing job going through this process and it was a testament to process. In the past some projects have been railroaded through without she was grateful for this process. Ms. Blais questioned two primary assumptions. The first is the density issue. She asked if five stories was appropriate for a ski town and if that was how they wanted Park City to look, live and breathe in the future. She noted that the consultants do not live in Park City and have no idea what the residents experience, particularly during the winter. In her opinion, even talking about running traffic on to Park Avenue is ludicrous. Ms. Blais stated that adding more side streets to carve up more places to park to deal with more retail and get to the five-story building is insanity. Park City is a ski town, not an urban developed area. Ms. Blais stated that water quality was another serious issue to be considered. She noted that Park City has serious problems with water quality and she was currently being treated for heavy metal poisoning. She has filtered water but that is not good enough. If they start digging up Prospector to put in underground parking, Poison Creek would turn into Re-poisoned Creek. She was concerned about the consequences of disturbing the ground and digging up the mining district. Ms. Blais stated that she had done the recap projects in Prospector as a landscaper and she believes that is where she got sick. Ms. Blais questioned the assumption that everything will be okay and what will happen in the process. Once the plan is put in place there is no turning back. Ms. Blais stated that Park City has the highest arsenic content in its water than is legally allowed in the United States and it has never been remediated. She asked if anyone had done a water study to find out if there was enough water to supply the added density. She asked if a study had been done regarding the water quality and the amount of available water.

Council Member Liza Simpson stated that the City has done numerous studies. She asked Catarina to send her an email and she would send her a list of the studies and the information she was asking for. Ms. Simpson stated that Ms. Blais had made inaccurate comments and she wanted her to have accurate information.

Ms. Blais wanted to make sure the assumptions moving forward were all accurate and properly documented, and that there is an understanding of the history of the area that goes behind streets and retail.

Alex Butwinski noted that the questions have been asked of the entire community through charrettes and meetings over the past two and a half years. He thought it was important not to fall in the trap of believing that none of this has been discussed and the questions were not asked. Mr. Butwinski stated that at some point they have to assume that the policy direction has been given to proceed with Form Based Code. The job now is to make sure that Form Based Code meets the goals of what they want to accomplish. He agreed that the four new Commissioners have to get up to speed, but if they do not continue to

move forward, there will be new people again. They cannot continually start over and revisit every decision made by the previous group. The General Plan was a good example. The document is not perfect and not everyone likes everything, but at some point you have to move on.

Planner Alexander noted that Mary Ann Cone had attended the open house earlier that day. She was unable to attend this evening and had submitted her comments in writing. Planner Alexander read her comments into the record. "Dear Planning Commissioners. Having reviewed the concepts for Bonanza Park I have one strong suggestion. Above three-stories of any height exception should be given only for open space, setbacks or other ideas that show in the physical space. Affordable housing does not show in the landscape and shouldn't be traded for extra height. In addition, I would like to see extra height next to the substation where there is now height and no screening is necessary."

Director Eddington stated that Mike Todd had also attended the open house and asked Director Eddington to pass along his comments. Mr. Todd lives in the Fireside Condo area. He was looking at the crosswalks and he liked the pedestrian ability and everything else. Mr. Todd asked that they also look at crosswalks across the rail trail.

Chair Worel closed public comment.

Commissioner Gross stated that he has been involved in the discussions from the beginning and he thought the consultants had done a good job getting to this point. During that time they have addressed a lot of the questions, and he recognized that it was not perfect. Commissioner Gross believed this was the area to put the density for a variety of reasons, as well as the fact that the infrastructure could support it. He thought the City should continue to work towards completing the process and implementing the Plan.

Commissioner Stuard stated that he still did not know enough to answer yes or no on the questions regarding the regulating plan, the parking requirement and the incentive standards. It is a major decision and he would like to see a model and have more information about the parking assumptions. He also had concerns regarding the frontage setback along Bonanza Drive. Commissioner Stuard noted that one question was whether the Planning Commission generally supported the administration plan. He pointed out that this was a technical document that was drafted inside the Planning Department with the help of a consultant. Much of what is allowed under this Plan could be approved by the Planning Director without a public hearing. He preferred to have more of the actions required under the regulating plan go through the public hearing process. Commissioner Stuard stated that Park City is an inclusive community and people deserve the chance to know about projects before they occur.

Commissioner Phillips stated that in looking at the big picture he believed it had good

intentions and a good balance. He liked the Plan overall. Commissioner Phillips shared the same concerns regarding Bonanza Drive. The setbacks made sense for the side streets but he would recommend something more in the middle for Bonanza Drive. It is a key road and they need to find a better balance and help protect the view corridors to the mountain. Commissioner Phillips stated that more connections and pathways were needed going into the Fireside residential area because it has the highest concentration of people in Park City. If the purpose is to create a walkable community, they should create paths for the population. The fact that there is an existing goat path shows the demand is already there. He encouraged them to look at more cross connections over the rail trail and at the entrance to the entire community across the road to help with pedestrian circulation through the area. Commissioner Phillips thought the parking question was difficult. He did not understand the parking and he was concerned about the consequences of under parking. However, if the project is under parked and they later realize that more parking is required, they could consider building a parking structure as the demand requires.

Commissioner Campbell stated that he was totally in favor of the Form Based Code idea. He understood that it was done with good intentions by a lot of people who had spent more time with it, and that he was not up to speed on why certain decisions were made. However, the Commissioners received this draft at the last minute and they needed more time to read it and digest it. Commissioner Campbell liked what he saw, but it was a level of detail that he was not ready to get into. He would prefer to have broad principles to vote on with some agreement. Commissioner Campbell respected the fact that the Planning Commission is an advisory panel to the City Council and that the City Council would be making the ultimate decision. However, if the Planning Commission is called upon to give advice, this was too much information to digest in a short period of time. Commissioner Campbell thought it was important to discuss the document in smaller pieces, and he was willing to do it in extra meetings to keep the process moving forward. He suggested that the first meeting should be on the ten principles. Commissioner Campbell was in favor of the process and he liked the idea but he wanted consensus on more of the broader issues before getting into the details.

Commissioner Strachan stated that he has seen the history of this draft and has been part of the process. While extra meetings would be more helpful to the new Commissioners, it would serve as a review for him. Commissioner Strachan remarked that he has always disagreed that adding density to this town was a good idea, but he sees the writing on the wall and he believes that Form Based Code will be implemented by the City Council. With that in mind, they should try to make it as good as possible. Commissioner Strachan agreed that this is a town of public process and he continually voices his objections to having the Planning Director make big decisions on projects that could be as large as 24,000 square feet. He acknowledged that Director Eddington is a good Planning Director, but future Directors may not be as good. Commissioner Strachan preferred to put that process in the hands of publicly elected and appointed officials who take public input. He

understood that language in the new addition of the Form Based Code states that the Planning Commission and the City Council will review projects over 25,000 square feet. That is a step in the right direction, but it encourages developers to keep the size at 24,999 square feet to avoid that process. Commissioner Strachan believed there needed to be a qualitative trigger for Planning Commission and City Council review. Commissioner Strachan concurred with Commissioner Phillips about connecting Fireside. Regarding the questions in the Staff report, Commissioner Strachan thought they were getting close on the Regulating Plan, but he wanted the new Commissioners to feel as comfortable about it as he was. He agreed with the proposed parking requirements, subject to his earlier comments about a parking subsidy. It should be clear in the preamble and in the parking section that the City will financially help a developer with parking. He believed the help should be significant because parking is the sticking point of every good development. Commissioner Strachan felt he had already answered the question regarding administration requirements. He did not understand the incentive standards and was not prepared to answer yes or no. He thought the table format was confusing and the standards were unclear.

Commissioner Stuard noted that the appendix showed the street sections, but he could not find a map delineating the street sections and where they would be used. Jay replied that it was still a work in progress and they needed to clean up that section.

Chair Worel stated that she had become a fan of Form Based Code over the past two and a half years as she learned more about it. However, she felt they needed to be cautious in the process to protect the rights of property owners as they move forward. Chair Worel agreed with Commissioner Phillips on the need to improve the connectivity of the Fireside area. One of the goals is to promote inclusiveness and if they do not connect that area it would be sending the wrong message. Chair Worel liked Commissioner Campbell's comment about moving from the general concepts down to the specifics. She was impressed but surprised to see how much had been done and the extent of granularity, but it was still important to review it layer by layer. She requested that the Staff provide an outline for going through that process systematically to obtain the necessary information to answer the questions, and still reach the end goal in a timely manner. From an administrative standpoint, Chair Worel liked the concept of being very clear within Form Based Code because it would be helpful to the applicant. However, she agreed that the process should be transparent. They need to set parameters on size and scope to determine when a project should require a public hearing.

Commissioner Campbell stated that the chicken and egg issue was his biggest problem. He could not see a clear way to get from what exists now to what they want. Commissioner Campbell suggested that they take some time to brainstorm that issue. He was generally opposed to using public funds for parking because the developers should use their own money; but he was not opposed to offering incentives to provide parking. He

was aware that tax incentives were difficult to do under Utah law. Director Eddington clarified that it was difficult relative to private property. However, relative to the rights-of-way, the City Council and the Planning Commission have already agreed to begin funding. Commissioner Campbell was willing to consider a possible recommendation to the City Council for the use of public funds to jump start the planning process.

Director Eddington outlined the timeline and the hope of completing the process in October or November. That would allow potential developers to begin the construction documents during the winter and be ready for construction in the spring. Commissioner Strachan thought the schedule was too ambitious. He recalled from the General Plan process that the timing slowed down once they started working on the details. Also, once it reached the City Council level the amount of public input increased and that took additional time. Commissioner Strachan stated that this was the second largest document he has ever seen come through the Planning Commission and probably one of the biggest the City has seen.

The Work Session was adjourned at 8:20 p.m.