

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 8, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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The Planning Commissioner had a site visit to the Alice Claim mine prior to the meeting.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Campbell who was excused.

ADOPTION OF MINUTES

September 24, 2014

MOTION: Commissioner Strachan moved to APPROVE the minutes of September 24, 2014 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that he would be recusing himself from the Alice Load Subdivision and Plat Amendment project due to a long relationship he has with Jerry Fiat and his partners from the standpoint of a neighbor and a general contractor. To be fair to

both the applicant and the public, Commissioner Phillips could not say with absolute certainty that he could be objective.

Commissioner Thimm disclosed that regarding the Alice Claim project, he has had a former collaborative working relationship with Greg Brown of DHM. However, he believed he could remain objective in discussing this project.

Regarding the IHC Hospital, Commissioner Thimm disclosed that the firm he currently works for had designed Phase I of the Hospital; however, he was not involved. The firm he works for has no involvement in the issues being discussed this evening and he could remain objective.

Chair Worel disclosed that her office is on the IHC campus in the Summit County Health Department. However, she believed she could remain objective if it became necessary for her to vote.

Director Eddington noted that the Planning Commission would be taking public input this evening on the Bonanza Park and Form Based Code item.

CONTINUATION(S) – Conduct a public hearing and continue to date specified.

1825 Three Kings Drive – Conditional Use Permit for an office building
(Application PL-14-02329)

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

MOTION: Commissioner Joyce moved to CONTINUE the 1825 Three Kings Drive Conditional Use Permit for an office building to October 22, 2014. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

The Planning Commission moved into work session to discuss the Alice Claim aka Alice Lode Subdivision and Plat Amendment. The discussion can be found in the Work Session minutes dated October 8, 2014.

Commissioner Phillips recused himself from the work session discussion and left the room.

The Planning Commission moved out of work session and resumed the regular meeting.
Commissioner Phillips returned to the meeting.

REGULAR AGENDA – Discussion, public hearing, action.

**1. 900 Round Valley Drive – Park City Medical Center/IHC MPD
(Application PL-13-01932)**

Planner Kirsten Whetstone reviewed the request to amend the master planned development for the IHC Park City Medical Center at 900 Round Valley Drive. The application was submitted in June for the MPD amendment as well as a conditional use permit for the next phase of development at the Park City medical center. It was consistent with one of the three options that the Planning Commission had discussed at a previous work session.

Planner Whetstone reported that on August 27th the Planning Commission discussed the proposed amendment and the conditional use permit application during a work session. Based on their comments the Staff and applicant reworked some of the items and were back before the Planning Commission. The Staff report contained the Staff analysis for the MPD and the CUP.

Planner Whetstone requested that the Planning Commission discuss the MPD and the CUP as two separate items with separate public hearings and separate actions.

The items discussed at the August 27th meeting were outlined on page 170 of the Staff report. Planner Whetstone stated that the Planning Commission was generally supportive of moving 50,000 square feet of support medical offices from Lots 6 and 8 at 25,000 square feet each, to Lot 1; and incorporating the support medical offices and density within the expanded hospital building. The amendment would change Phase 2 from being more hospital uses and instead increase the medical support offices to 82,000 square feet.

Planner Whetstone noted that affordable housing in the original phasing plan that was tied to hospital uses needed to be clarified. The parking plan would be changed to phase the parking more to accommodate the different uses as they come in. The Staff requested that the Planning Commission discuss the phasing plan, as well as tiered versus structured parking.

Planner Whetstone stated that during the August work session the Planning Commission also discussed a request for a height exception similar to the first phase to accommodate

the clerestory and the over the zone height with the chimney. She clarified that 15' over the zone height was for the chimney and mechanical screening. Part of the height issue was due to the taller ceilings that are required for a hospital.

Planner Whetstone noted that another discussion related to the trails. After the August meeting she spoke with Heinrich Deters. Mr. Deters said that the trails that were required with the MPD have been satisfied. He had sent her a copy of the agreement of completion.

Planner Whetstone stated that at the last meeting the Planning Commission was also supportive of a below grade storage area that would not count against the unit equivalents.

Planner Whetstone referred to the table on page 173 of the Staff report regarding affordable housing. She clarified that the zero obligation that was showing for People's Health and Summit County should actually be 5.83. The County has an affordable housing obligation in the lease but it was waived. If that building were to ever change hands or become private, the obligation would have to be met.

The Staff conducted a full analysis against the MPD criteria, the General Plan and the CT. The results of the analysis were identified in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Master Planned Development Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of approval as outlined in the Staff report.

Morgan Bush, with Intermountain Health Care introduced Cy Hut, the Hospital Administrator; Dan Kohler, IHC Director of Facility Development; and Steve Kelly, the project manager.

Mr. Bush stated that the team had prepared a presentation that highlighted the proposed changes associated with the project. They were also available to answer questions that came up during the August work session.

Mr. Bush reviewed the density. He explained that in the original master plan there were four medical support developments of 25,000 each on Lots 6, 7 8 and 10 of the subdivision. Lot 7 was the Physicians Holdings Building that was built. Lot 10 was the Summit County People's Health Building that was built. Lots 6 and 8 had future medical support buildings proposed. The applicant was proposing to shift that density on to lot one and combine it with the 32,000 square feet of medical support that was still unbuilt from the initial construction on Lot 1. That is how they reach the 82,000 square feet. Mr. Bush

clarified that they were not proposing to change the total density or the use. They were only asking to change the location of the density, along with changing the timing of the medical support from Lot A, and moving it up to the current phase.

Mr. Bush reviewed the currently proposed amended parking plan. He presented a color coded site plan to show the amended phasing plan. The blue color represented the existing hospital and the existing parking. He indicated a circular ramp in the back and noted that it represented the 92 stall structured parking in the back. The remaining blue color represented surface lots. Mr. Bush stated that there is also an existing 68 stall lot that sits under the medical support building. Mr. Bush stated that that the parking shown in light green had already been approved in the back, as well as the third ring below the blue in the front, which brought the parking up to the approved stalls through the initial and first phase of the addition. It also included the 68 stalls that would be replaced by this project.

Mr. Bush stated that during the August work session, IHC proposed adding approximately 120 stalls in the back. After discussions with the Planning Commission proposal was modified. He noted that the shaded area had been removed from the amended proposal. The number of requested net new stalls was reduced from 4 per 1,000 to 3.45 per 1,000 in the modified proposal for the site plan. Mr. Bush clarified that 41 stalls would not be built, per the modified plan.

Mr. Bush presented a chart to show what would occur, as well as the percentages. The blue represented were the existing parking stalls, unscreened surface parking, structured spaces, and parking that is screened by the building from the entry corridor. He noted that 21% of the total was structured, 30% or 133 spaces were hidden behind the building. Mr. Bush stated that the proposal is to build 351 parking spaces, which includes the 151 spaces that are currently approved and have a building permit. The additional 200 parking spaces were shown in dark green. However, taking out the 68 spaces that would be lost leaves a net new of 283 parking spaces. If the project is built as proposed, there would be 761 total parking spaces on the site; 304 would be surface spaces in front of the building, 92 are structured spaces behind the building, 270 spaces that are screened by the building and 132 spaces in front of the building. Because of the way it steps down, those parking spaces would be less visible from the front.

Mr. Bush stated that as they build future hospital phases, they estimated the parking for 2019, 2020, 2021 timeframe and they would need to build some structured parking in the back that would be located where they currently have surface parking. The surface parking would be replaced with additional structured parking. At full build-out additional surface parking would be built next to the parking structure if needed.

Mr. Bush reviewed the pedestrian walkways. The existing pedestrian walkways on the campus were shown in yellow. He noted that the Planning Commission had requested that they consider adding more pedestrian walkways as parking is added to make the parking more walking friendly. Mr. Bush stated that the orange represented walkways that were proposed with the parking plan that was presented in August. The purple color identified the walkways that were added to meet the Planning Commission's request.

Mr. Bush commented on affordable housing and noted that the 44.78 affordable housing units being provided in Park City Heights meets all of the requirements for the existing Hospital, as well as the affordable housing for this proposed addition. As they build hospital units in the future, IHC would be required to provide additional affordable housing. Mr. Bush estimated the number of future affordable housing units based on the potential size of the future hospital additions. In the next hospital phase, which should occur within the next five years, he estimated that they would have to provide at least 9.5 additional affordable housing units. At full building they would have to provide an additional 13.8 units in addition to the 9.5 units. Mr. Bush recognized the Staff recommendation that the certificate of occupancy for any future hospital additions be conditioned upon the affordable housing being built and in service. He pointed out that the condition would apply to Phases 2 and 3 of the hospital, and not to this project.

In terms of height, Mr. Bush explained that they were asking for the same height exception that was granted for the original hospital in order to maintain the floor plates and align the addition with the existing building.

Mr. Bush commented on the subgrade storage. He stated that the original plan showed the basement where the Education Center is located in the proposed buildings. They were proposing to add a subgrade storage in some of the unexcavated area under the floor plate of the building. The space would not be visible and it would not be occupied.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Joyce thought the amended parking plan was a major deviation from the original plan of 60% structured parking. From what he could tell from the previous plan, it was introducing a lot more screened parking. Mr. Bush noted that 137 parking spaces were screened by a building going into this phase. He asked the applicant to identify the 137 spaces on the site map. Tanya Davis, the project architect, reviewed the color coded site map to show the parking that is screened by the building from Kearns Boulevard. She

noted that Kearns Boulevard was defined in MPD as the entry way corridor that needed screening. Mr. Bush clarified that the 137 spaces is the lot next to the structured parking, the ED parking, and the 68 spaces by the MOB.

Commissioner Joyce thought there appeared to be 137 new screened spaces for a total of 270 parking spaces. Mr. Bush explained that the new parking spaces were shown in green behind the building and to the north. Ms. Davis pointed out that the green represented the parking that is currently being built. The yellow color represented a potential location for a parking structure in Phase 3 at the hospital build-out. However, it was currently identified to be included as a surface parking lot in the current proposal.

Commissioner Joyce remarked that a significant portion of the parking would be very visible from Highway 40. He agreed that the berm helped with screening for those traveling east, but because the berm is angled, all the parking would be seen coming west on Highway 40. Dan Kohler stated that the view from the west was the reason for removing the 41 stalls from that area after the discussion in August. Mr. Bush pointed out that once the new building is built, it will screen more of the parking stalls from either Highway 40 or from Kearns Boulevard.

Commissioner Joyce reiterated that it was clear from the original MPD that 60% of the parking would be structured parking. He believed they were introducing the concept of screened parking that he was unable to find in the original MPD. Planner Whetstone noted that the requirement was for structured or tiered parking. The existing MPD talks about tiered parking rather than surface parking. The language in the CT zones states that 60% of the parking must be structured or tiered.

Commissioner Phillips stated that regardless, the parking was reduced 20% from the original MPD. Mr. Bush stated that the 60% was at full build-out with all the hospital additions. In looking at the amended phasing plan, they were always proposing to add structured parking with the hospital additions. The medical support space was envisioned as being service parking, because people coming in and out of a clinic typically want to park close to the front door. Another issue was that they did not want to put parking structures in front of the building. Mr. Bush stated that for hospital patients and employees, the idea of directing them around the building to park is more doable.

Commissioner Thimm asked if they were substituting terms in this process, by interchanging tiered with screened. Mr. Bush answered no. He explained that the CT zone says "60% structured or tiered". The CT zone also says that the Planning Commission can replace some of that with screened surface parking at its discretion. Commissioner Thimm clarified that the answer to his question was yes, they were substituting terms. Mr. Bush replied that he was correct. Mr. Bush stated that they know

they will need more structured parking over time. There is no way to achieve 1300 spaces on the campus and keep 80% open space with continued surface parking. The intent from the beginning was to tie the structured parking additions to the hospital additions and not to the medical support.

Commissioner Joyce thought they should have tied the parking to Lot 1 rather than to the Hospital. He felt they were changing the rules because Lot 1 was no longer just a hospital because it would have 50,000 square feet that was not part of the original MPD. He believed that falling back on the phasing and tying things to hospital versus office use was deceiving when you see a much larger building and a parking lot driving up to the building. Commissioner Joyce believed the applicant broke the rules with the phasing when they put in 82,000 square feet that was either not in the original plan or out of order from the original plan. He was still uncomfortable with the parking lot sprawl and the view that people see driving down Highway 40 as they enter Park City. Commissioner Joyce could not understand why they were more concerned with blocking the view from Kearns Boulevard and less about the view from Highway 40.

Commissioner Joyce struggled with the concept of delaying all the structured parking until build-out. He wanted his fellow Planning Commissioners to understand that they were deviating from the original plan by putting off all the structured parking to the end, and he wanted to make sure they were all comfortable with it.

Chair Worel understood that the area that was currently graded to add parking in the front was approved in Phase I but it was never built. Mr. Bush replied that this was correct.

Planner Whetstone noted that the Staff had this same discussion and they added a condition of approval in the CUP application indicating that the 58 spaces on the north side of the entrance drive should be delayed until there is a parking study that looks at the utilization of the existing structured parking and the location of some of the entrances where parking could be located for better utilization. Planner Whetstone remarked that the phasing of parking and the uses are part of this MPD amendment.

Commissioner Thimm asked when the square footage transfers from Lots 6 and 8 to Lot 1, whether it falls within the ratios of structured, tiered and/or screened parking, adding up to 60% or more at full build-out. Planner Whetstone answered yes. Mr. Bush referred to the chart and noted that the different levels of parking in the front were being counted, but it was not counted before. He explained that they were keeping the same percentage of structured and screened by building as they move forward with this project. The parking would not increase until they do the next hospital addition, which is Phase 2 Hospital shown in yellow.

Planner Whetstone clarified that the Staff report recommended a condition of approval with a list of items A through H that the MPD had to satisfy. After adding it as a condition of approval, the Staff received verification that all of those had been satisfied. Therefore, the list was moved to a Finding because they had been satisfied. It was shown on page 188 of the Staff report as Finding #22.

Commissioner Strachan shared the same concerns expressed by Commissioner Joyce. However, after researching the actual number in the CT zone he clarified that it was 40% and not 60%. Mr. Bush explained that in order to do full build-out IHC needs the full 3 to 1 density bonus; and the 60% requirement applies at full build-out. Commissioner Strachan believed it would all come down to the condition of approval in the CUP about when the last phase of the parking gets built and where the parking study puts it. Commissioner Strachan was comfortable with the phasing structure as it is now, but he did not think a study saying that they were under parked and they needed more parking was sufficient. They needed a study showing some type of hardship with the site that makes structured parking impossible to accomplish as opposed to surface parking. Commissioner Strachan stated that the applicant should bring that study to the Planning Commission in Phase 3. He pointed out that the purpose statement in the CT zone is to reduce visually offensive surface parking.

Commissioner Strachan thought affordable housing was a bigger issue. In their last discussion, the Planning Commission directed the applicant to figure out where the affordable units would go before they allow them to build whatever would trigger the need for the affordable units. He noted that in Mr. Bush's presentation, the 23 affordable units were shown as TBD. Commissioner Strachan was concerned that at some point the hospital would be built, no affordable housing would be built, the need in the community would be greater for affordable housing and the applicant would do a fee-in-lieu to buy off the affordable housing obligation. Commissioner Strachan preferred to have a commitment showing that the applicant looked at sites and have or have not found a site where these 23 affordable housing units might be built. He was uncomfortable with a TBD determination because the City has been down that road so many times and it usually ends up with the developer paying a fee-in-lieu.

Mr. Bush understood the concern. He explained that in the short time frame they have not been able to identify the locations. Mr. Bush stated that as a condition of this MPD, the Staff has recommended tying the two future hospital addition phases to the certificate of Occupancy. The CO would not be issued until the affordable housing units are in service. IHC agreed with the Staff recommendation to address the issues raised by the Planning Commission. Mr. Bush stated that he has been working on the commitment Commission Strachan requested, but he had nothing definitive to bring to the Planning Commission at this point. Mr. Bush clarified that the plan is to work on this, as well as other potential

issues, and bring back another MPD amendment within the next few months so they could have that conversation long before 2019 to resolve the issue.

Commissioner Strachan asked if IHC would agree to a condition of approval stating that they return in 6 months with assigned affordable housing locations for those 23 units. Mr. Bush was amendable to that type of condition because the intention is to come back and work through the details.

Commissioner Phillips concurred with Commission Strachan regarding the affordable housing. He also agreed with the comments regarding the parking. Commissioner Phillips liked the idea of having lots 6 and 8 vacant creating open space. He was comfortable with the parking plan because it is the most user friendly to the proposed addition. Commissioner Phillips was not bothered by the height exception because it was in keeping with the existing structure. He had no issues with the below grade storage.

Chair Worel stated that her questions had already been asked by the other Commissioners. She asked if the Commissioners were open to the condition of approval suggested by Commissioner Strachan.

Commissioner Band did not believe the condition was necessary since the applicant had met the obligation for this building. However, she was not opposed to the condition if the other Commissioners preferred to include it.

Commissioner Thimm thought the condition was a good strategy. The applicants were not opposed to it and it was a reasonable approach. Despite the fact that there is diminishing availability at some point, he believed that identifying the location now rather than later was important to the City.

Commissioner Joyce concurred. He also favored the Staff recommendation to tie the certificate of occupancy to the affordable housing obligation.

Planner Whetstone reported that Rhoda Stauffer, the City Housing Specialist, was in attendance to explain why there needed to be consistency with the existing annexation agreement, since other agreements have occurred and Park City Heights was building the affordable housing rather than IHC. Planner Whetstone stated that the first phase of Park City Heights contains all 44.78 affordable housing units and 28 townhouses. Those will be the first building permits, along with some of the attainable units. She commented on the difficulty of adding a condition on the 44.78 units, other than to say that it will be consistent with the conditions of the annexation agreement.

Rhoda Stauffer explained that the 44.78 units are fulfilled in the Park City Heights development, and that the delay was only due to the environmental cleanup on the site. The Park City Heights project is proceeding and those affordable units will be built within the next couple of years; satisfying the obligation through Phase 2 of the IHC development.

Planner Whetstone had drafted language for Condition #19, "The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs." Commissioner Strachan was comfortable with the language.

Commissioner Thimm asked about a condition to address the parking analysis suggested by Commissioner Strachan. Planner Whetstone believed that the general phasing of the parking ultimately complies with the 60% requirement for structured or tiered parking. However, the Staff was interested in seeing a parking analysis to understand how the parking achieves the 60%, and where it is located and how it is used. Planner Whetstone remarked that the condition in the CUP would address that concern.

MOTION: Commissioner Phillips moved to APPROVE the master planned development amendments of the Park City Medical Center, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report as amended with the addition of Condition #19 as read by Planner Whetstone. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley Drive - MPD

1. The Intermountain Healthcare Master Planned Development is located on Lots 1, 2, 6, 7, 8, and 10 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and includes 127 acres. Lot 2 (8.492 acres) is dedicated as open space.
2. The Annexation Agreement and proposed Master Planned Development for IHC includes a Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).
3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area.

4. The applicant requests that the 50,000 square feet of Support Medical Office uses identified for Lots 6 and 8 be incorporated within the Medical Center building on Lot 1.

5. The applicant requests that a revised phasing plan be approved for the amended MPD. The amended phasing plan includes phasing of uses (Hospital Uses and

Support Medical Office uses, parking, and affordable housing). The amended phasing plan was reviewed by the Planning Commission on October 8, 2014.

6. The property is located in the Community Transition (CT) zoning district.

7. The MPD is being processed concurrent with a Conditional Use Permit for the Second Phase of construction.

8. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.

9. The Annexation Agreement is the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.

10. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County on November 25, 2008.

11. The Master Planned Development and Conditional Use Permit for Phase Two were submitted for concurrent review and approval.

12. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched roof).

13. Additional Building Height is requested as part of this MPD amendment to allow the same height exceptions as were previously approved with the original MPD for Phase 2 construction. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical

screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. Phase 2 heights are similar to those granted with the original MPD.

14. Additional building height, as reviewed by the Planning Commission on August 27, 2014 and October 8, 2014, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

15. The proposed Phase 2 addition is in compliance with the LMC criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the façade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.

16. The CT zoning district requires a minimum of 60% of the parking for an MPD to be provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting the phased approach for compliance at full build-out continue to apply to this MPD amendment. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. Following the second phase there would be 304 structured or screened spaces (35.2%) and 863 total spaces. Following the third phase there would be 460 (45%) structured or screened spaces and 1019 total spaces. At final build-out the phasing calls for 855 (60.5 %) structured or screened spaces and a total of 1,414 spaces. The Planning Commission discussed the phase request at the October 8, 2014 meeting. The MPD amendment changes the phasing of the final structured parking due to construction phasing of the of the hospital uses to the final phases.

17. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.

18. Construction is subject to plat notes and all conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008 regarding trails, access, and utility easements and

19. Trails and linkages to trails shown on the City's Master Trail Plan shall be maintained in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.

20.A redundant water system is necessary for the health, safety and welfare of the development. IHC paid \$16,000 per ERU to the City for water within 10 business days of the original MPD approval in accordance with Section 8 of the Annexation Agreement. In addition, IHC contributed \$800,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.

21.A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation was finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures were approved by agreement between parties in accordance with the annexation agreement and have been completed.

22.As part of the initial IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. These items have been satisfied by the applicant:

a) IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.

b) IHC was required to pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).

c) IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital.

d) IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage

the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.

e) IHC will replace the storm water detention basin that will be removed through the construction of the road.

f) IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.

g) It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.

h) IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley Drive - MPD

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.

2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.

3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive - MPD

1. All standard conditions of approval apply to this MPD amendment.
2. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision

plat shall apply.

4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance for all construction phases subject to the MPD amendment.
5. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.
6. All exterior lights must conform to the City lighting ordinance and shall be submitted for review and approval with Building Permit plans for construction subject to this MPD amendment. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be indicated on the Building Permit plans and inspected and approved by staff prior to issuance of a certificate of occupancy.
7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on October 8, 2014, match and/or complement the existing building, and shall be approved by staff prior to building permit issuance.
9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on October 8, 2014. The Planning Department shall review and approve the final Landscape Plan.
10. Utility and grading plans, including all public improvements, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, to be determined by the City Engineer, is required prior to issuance of a full building permit.

11. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits.

12. A storm water run-off and drainage plan shall be submitted with the building plans and approved by the City Engineer prior to issuance of any building permits, to mitigate impacts on adjacent property. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.

13. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.

14. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

15. Trail access shall be maintained to the greatest extent possible during construction of future phases of the MPD. Any damage to existing paved trails shall be repaired prior to issuance of a certificate of occupancy for each phase of development.

16. Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact # 21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.

17. One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.

18. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public

improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

19. The applicant agrees to return to the Planning Commission within six months of this approval with a revised affordable housing phasing plan to address options for location of the remaining 23.3 affordable housing AUEs.

2. 900 Round Valley – Park City Medical Center – Conditional Use Permit for Phase 2. (Application PL-14-02424)

Planner Whetstone reviewed the request for a conditional use permit for the next phase of the Park City Medical Center, consisting of 82,000 of new building for a medical support physician's offices, an education center, a wellness center, administrative space for the hospital and shell space for further needs. In addition, 3800 square feet of new hospital space for a procedure center was being proposed, of which 2800 square feet already exists. With the additional 1,000 square feet, the total was 83,000 square feet of new structure to be located on Lot 1 of the Second Amended Intermountain Healthcare Medical Campus, subject to the IHC MPD.

Dan Simpson, the project architect, had worked with Tanya Davis to prepare a presentation walking through the proposed design of the new clinic expansion. Mr. Simpson stated that the building was designed to be aesthetically consistent with the existing hospital building. The blue area identified hospital uses. The first areas of purple and yellow represented existing structures. Mr. Simpson identified the line between the new and the old. The site plan showed that the primary public points of access and the internal circulation flow consistently from the existing building to the new addition. Mr. Simpson reviewed the circulation in terms of the grades and the entrances.

Mr. Simpson presented the existing building and the new proposal at the same scale and in combination. He reviewed the existing features and the proposed new features and pointed out the compatibility of architectural features, modulation and materials. Mr. Simpson presented a rendering of the new proposed addition. He stated that the same combination of materials in the existing building would be used for the addition, with the exception of a few adjustments. He stated that they tried to take hues from the original architecture to make it similar in terms of detailing and material, as well as for building organization. Mr. Simpson pointed out that the existing entrance has a gable that reaches

out towards the front. It is larger and more robust and it is backed up by a tower. The intent is to create a smaller version of that entrance. The extension of the building was broken by a setback, which provided the opportunity to project the gable.

Mr. Simpson presented a view of the proposed addition where the same materials and sloping roofs mimicked the existing building. They elected to propose a flat roof at the lobby zone to the left of the gable entrance. The same stone would be used. The roof pitches in general would also match. Mr. Simpson believed they had designed a very consistent extension. He showed how they had incorporated some of the colored metal siding that was used on the existing building. He commented on the amount of articulation throughout the design.

Mr. Simpson stated that the main materials are wood, stone, glass and roof. The idea to bring the natural materials to the inside to give a sense of light and openness works well.

Mr. Simpson stated that in talking with IHC, there was a strong interest in keeping the scale and the family of the metal panels, but changing the color. He presented a sample showing the color of the existing panel, as well as a panel shown in a deeper colored taupe proposed for the addition. It is the same hue but deeper in tone. Mr. Simpson stated that the stone, the color of the wood and the wood timbers were consistent with the existing building.

Ms. Davis presented a series of slides showing the pedestrian pathways and the site design. She noted that landscape treatment was an issue raised at the last meeting. She showed a preliminary landscape plan that uses similar plant materials as the existing landscaping; however, attention was given to the tree species that survived and the ones that did not do as well so they would not repeat that pattern. Ms. Davis provided a series of detailed sections to give an idea of how the grade works on the site and how the landscape helps to screen. She indicated the added berm which was partially underway and would be finished when the building itself is excavated. The berm would be seeded with the same seed mixture that was used on everything outside of the ring road. Ms. Davis reviewed a section and elevation through the east parking lot which showed how everything tiers down. She indicated a terrace and plaza on grade at the education center, which provides a landscape amenity.

Commissioner Thimm stated that in looking at the mass and articulation of the building, and carrying the refinement of the existing buildings to the future phases appeared to be well-done. He thought it was important to keep the same materials so in future years it will feel like all the pieces were built at once. Commissioner Thimm was concerned about changing the color of the metal because of the strong elements and pieces of the building

that appear to have the metal cladding treatment. He asked Mr. Simpson to define how that would occur, because he believed that continuity was important.

Ms. Davis pointed out that the metal would not be seen from the front. Mr. Davis stated that there were three thoughts. The first is that the front of the building is where people approach and it is the most unified. The color of the metal only appears in one location on the north face of the entrance. Mr. Simpson explained that they wanted to do a compatible color and believed that two colors might be a good combination. He suggested that they think of it as a campus rather than a single structure. They thought they could be consistent with the form and the principle materials, and that the secondary materials could create a family. Mr. Simpson indicated the natural break points that were divided by stone in all cases. He pointed out the areas where the darker metal would be applied.

Commissioner Thimm understood that one inside corner that moves from the existing building to the new addition was the only place where the two colors would touch. Planner Whetstone pointed out that the darker metal holds the color a little better than the existing color which is starting to lighten. Commission Thimm agreed that a valid reason for using two colors was that the structure that was built four years ago was already changing in color and even if they used the same color it would not match. Commissioner Thimm thought they had done a good job on the end of the building where they articulated and brought the roof lines down. He felt it was important to maintain the scale. He believed the human elements and announcing the entries properly was well-done and he appreciated the design.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan echoed his comments from the MPD discussion. He suggested that they add a condition of approval regarding the additional parking as he had mentioned during the MPD discussion. Commissioner Strachan liked the architecture. He appreciated the detail the architects had provided because it helps the Planning Commission get a better understanding of how it will look. He thanked them for doing a great job. Commissioner Worel concurred.

Commissioner Phillips thought everything looked great.

Commissioner Joyce asked Planner Whetstone about the condition of approval she had mentioned regarding the parking plan and the small piece that would not be built. Planner

Whetstone noted that it was Condition #9 on page 305 of the Staff report. She read, "Construction of the furthest east, and lowest tier of parking on the north side of the entrance drive (approximately 58 spaces) shall be delayed until results of a professional Parking Study clearly indicate that existing parking is insufficient and that screened and structured parking in the rear is well utilized." She indicated the location of the 58 spaces. Planner Whetstone clarified that the Staff wanted a parking study that described the situation.

Commissioner Joyce did not see a need for Condition #9 because it does not address any of the concerning issues. He was concerned with the visibility of the existing parking and how it ties into a structure versus unstructured. Commissioner Joyce remarked that IHC had already reduced the amount of parking and they would be the one paying the consequences if there is not enough parking. When he visited the site the entire parking deck was 100% full and the upstairs was full. Commissioner Joyce referred to the landscape plan showing the landscaping around the parking area. He pointed out that regardless of what was done to protect the view corridor from Kearns Boulevard, the parking was very visible, particularly as it gets closer to Highway 40. Commissioner Joyce stated that more people drive Highway 40 than Kearns Boulevard. He believed there was an opportunity to increase the landscaping around the ring road to do a better job of providing a visual block between the ring road and the parking lot. Additional landscaping would make him feel better about deviating from the original parking plan.

Mr. Kohler stated that the detection pond for site runoff is located near the ring road and they need to be careful about what they plant in that area. Mr. Bush noted that it was also County open space in terms of the disturbance zone. He was unsure how many feet beyond the ring road was part of the disturbance area versus being left as part of the open space. Planner Whetstone believed the applicant could enhance that area with landscaping that is consistent with native landscaping. Mr. Kohler clarified that they anticipated planting trees as well as shrubs to screen the parking. Commissioner Joyce asked them to also think about landscaping in the front area.

Commissioner Band was interested in seeing the parking study. She agreed with Commissioner Joyce regarding the landscaping and trying to mitigate what could be viewed from the road as much as possible. Commissioner Band stated that she personally would have liked to have seen a color slide showing the two color panels and the differentiation between the two colors.

Commissioner Thimm thought the building height made sense based on the floor to floor heights that are needed for a facility such as this. In terms of continuity with the existing building, he believed that continuing the roof line was the right move. Commissioner Thimm had no issues with the storage space under the building.

Chair Worel asked how the other Commissioners felt about removing or keeping Condition #9. Cy Hunt asked to speak to the issue before the Commissioners responded. He explained that it was where the conference parking would likely be. The parking lot directly to the west of the education would be for those coming into the education center and it has 52 parking spots. If they have a larger education event, the section they were talking about taking out is where that parking would be. When using the education center for a larger conference, it would infringe on patient parking. That was his concern for removing the parking.

Planner Whetstone believed the Staff anticipated having the study prior to the CO of this building to see if the parking was actually needed. If the structured parking was not being utilized, there would be no reason put in additional surface parking. Commissioner Joyce stated that IHC was putting in 82,000 square feet of new and different space. He could not understand what they would accomplish by doing a study on that space before the CO to make a judgment of how the parking would be utilized. Commissioner Joyce stated that no one has complained about there being too much parking. If the concern is that the parking is under-utilized then they need to have that discussion.

Commissioner Strachan did not believe under-utilization was the issue. The intent is to steer the applicant towards structured parking as opposed to surface parking, particularly on the northeast corner that can be seen from Highway 40. Commissioner Strachan thought Condition #9 needed to be revised to say that the applicant must come back and show the Planning Commission why the additional parking they need could not be structured. Commissioner Joyce asked if Commissioner Strachan was tying the language to this phase or Phase 3 and 4. Commissioner Strachan replied that it was Phase 3 and 4.

Commissioner Strachan suggested that they phrase the condition to say that nothing shall be done as part of this CUP that jeopardizes the ability to enlarge the structured parking in further phases. Commissioner Joyce stated that his preference would have been for the applicant to build a proportionate portion of the structured parking in this phase. He felt like parking was similar to affordable housing in that it keeps getting promised and put off. Commissioner Joyce understood the financial issues associated with building structured parking in pieces versus all at once, and he thought that was reasonable. He encouraged stronger landscaping to buffer and screen the parking. Commissioner Joyce wanted it understood that the Planning Commission expects the structure parking to be built in Phase 3.

Commissioner Phillips concurred. He believed the Planning Commission had been generous to this point but they did have expectations for the next phase.

Chair Worel asked if there was consensus for removing Condition of Approval #9. Commissioner Thimm stated that from a practical standpoint and a design standpoint, he would like to see the parking built out and that phase of the project, including the landscaping, completed now. In his opinion, that approach was better than tearing up the surface in the future and putting in a 58 stall lot. In terms of the landscaping, Commissioner Thimm asked if the landscape ordinance requires levels of maturity, size and density of the planting materials that the Staff would feel is sufficient to provide screening. Planner Whetstone explained some of the requirements were in the ordinance. Director Eddington recalled that sufficient landscaping was addressed in the conditions of approval. The Staff has some flexibility to work with the applicant on berming and landscaping. IHC has been amenable in the past and he believed they would continue to be in the future.

Chair Worel clarified that there was consensus to remove Condition of Approval #9.

Commissioner Thimm asked if the matrix that was presented this evening that showed the phase by phase generation of cars would be tied to this CUP approval. Planner Whetstone replied that it was approved as part of the Master Planned Development Amendments, but it could be amended in the future. Commissioner Thimm asked if there was anything contradictory to the idea of increasing the structured parking earlier rather than later. Mr. Bush stated that the matrix included adding structured parking with the Phase 2 hospital addition in five years. If they did not have that, they would have to come back and request an MPD amendment to have it removed. Commissioner Strachan assumed the MPD would be amended several times before the project was fully built out.

MOTION: Commissioner Phillips moved to APPROVE the conditional use permit for the Park City Medical Center Phase 2, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended by removing Condition #9 and renumbering the conditions of approval. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley - CUP

1. The Conditional Use Permit is for Phase 2 of the IHC Hospital and Medical campus in the CT-MPD zoning district.
2. The Conditional Use Permit requests an addition to the Park City Medical Center consisting of 82,000 square feet of new building for medical support, physician offices, an education center, an expanded wellness center, administrative space for the hospital, and shell space for future short term needs. In addition, 3,800 square

feet of new hospital space for a procedure center is proposed (1,000 square feet of new construction and 2,800 sf of existing shell space that will be finished).

3. The annexation plat was approved by the Council on December 7, 2006, with an effective date of January 1, 2007.

4. The second amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat was approved by the Council and recorded at Summit County on November 25, 2008. The CUP is proposed to be located on Lot 1 that includes a total lot area of approximately 99 acres. Lot 2 is 8.5 acres and is designated as open space for the MPD.

5. The entire annexation area is 157.243 acres and is subject to an Annexation Agreement.

6. The Annexation Agreement and proposed Master Planned Development for IHC includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).

7. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area, including without limitation: athletic national governing body offices, non-profit community wellness facilities, and/or education uses.

8. Access to the site is from Highway 248 through the Park City Recreation Complex.

9. The proposed first phase of the hospital included a 122,000 square foot hospital building with 50,000 square feet of medical offices (41,000 square feet finished). A separate 25,000 square foot medical support building was constructed on Lot 7 and a separate 25,000 square foot building was constructed on Lot 10 as a community benefit to house the People's Health Center and the Summit County Health Department offices and clinics. Both individual buildings were approved with separate CUPs.

10. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for IHC.

11. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched

roof). Additional Building Height is being requested by the applicant. The main entry/clerestory is approximately 15'-4" over the zone height with a chimney at 19'-9" over height, similar to the Height of the first building. No floor area is increased by these architectural elements. Clerestory (+10'-3") areas and pitched mechanical screening roof (+16'-7") also are not adding floor area and provide architectural articulation and break up the facades. The two wings that house existing inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The applicant requests similar height exceptions for this CUP. The addition could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. The proposed building complies with the granted height exception as stated in the MPD approval.

12. The proposed building complies with the volumetric approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.

13. The setbacks within the CT zone are twenty-five feet (25') on all property lines. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street. The building complies with all setback requirements.

14. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley - CUP

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development and the Park City Land Management Code.
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 – 900 Round Valley - CUP

1. All standard conditions of approval apply to this Conditional Use Permit.

2. The Planning Department shall review and approve the final Landscape Plan prior to issuance of a building permit. The plan shall include water efficient landscaping, an irrigation plan, snow storage areas, defensible space requirements, screening of parking as viewed from the access street and US 40 corridor, and adequate pedestrian circulation elements.

3. All exterior lights must conform to the City lighting ordinance. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy. All exterior signs require a sign permit.

4. Materials color samples and final design details must be consistent with the existing building and in substantial compliance with the elevations reviewed by the Planning Commission on October 8, 2014 and approved by staff prior to building permit issuance.

5. The final building plans and construction details for the project shall meet substantial compliance with the drawings as reviewed by the Planning Commission on October 8, 2014.

6. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.

7. All conditions of the Master Planned Development, as amended continue to apply.

8. Affordable housing for this phase of construction shall be satisfied per requirements and stipulations of the IHC Annexation Agreement.

9. Prior to approval of the parking and landscape plans, additional pedestrian circulation and sidewalks shall be provided to enhance connectivity between the parking lots and the building entrances.

3. Bonanza Park and Form Based Code – Review of draft code and receive further policy direction. (Application PL-13-01903)

Planner Christy Alexander reported that the Planning Commission held a meeting on September 16th to discuss Bonanza Park and Form Based Code. They were presented with the history of why Form Based Code was created for Bonanza Park. Planner Alexander stated that the Staff had not made changes to the draft code so they could

convey the current policy direction that was received during previous City Council and Planning Commission meetings and any direction given this evening.

Planning Alexander stated that the intent this evening was to take the comments and recommendations given by the Planning Commission on September 16th and review the seven main policy points outlined in the Staff report. The Staff requested that the Planning Commission provide direction this evening so they could move forward with more of the specifics of the Code.

The first item was parking requirements. Planner Alexander commented on the parking requirements in Form Based Code and explained why Form Based Code was similar to conventional zoning in the fact that minimum parking standards are established within it. The difference is that the primary approach to parking within Form Based Code is to minimize the appearance of parking from the street by placing the parking lots to the side and rear of buildings. Form Based Code also maximizes on opportunities to create shared parking lots between different buildings and different uses. Where the uses may be mixed, the parking could be shared between commercial businesses who use the parking during the day, and residential units when residents are home to use the parking at night.

Planner Alexander noted that Table 5-1 on page 355 of the Staff report stipulates the parking ratios for the different areas of mixed use center, resort gateway, civic use center, utilities service, BoPa residential, Hillside residential, as well as additional criteria.

Planner Alexander asked whether the Planning Commission agreed with the standards. The Staff had heard comments from others about minimizing the parking the closer it gets in proximity to transit hubs. Planner Alexander noted that previous discussion talked about the possibility of a future transit hub on City land. However, there have been no decisions or commitments made for a transit hub.

Commissioner Joyce asked if parking spaces or a section of parking could be reserved for residents in a mixed use situation. Director Eddington replied that reserved parking can be done currently on private property and that would not change with Form Based Code. Commissioner Joyce stated that having parking shared between residents and other building uses can be a choice, as long as the minimum requirements are met.

Commissioner Band understood that the idea was to minimize parking because during the day people who live there are away and businesses can use the parking. About the time businesses are closing, the residents return to the parking structure to fill in those spaces. She questioned whether reserved parking as suggested by Commissioner Joyce would accomplish that intent.

Director Eddington stated that the City always tries to encourage shared parking. He assumed most people would default to first come first serve parking. However, if someone wanted to carve out reserved parking for residents they would have that ability.

Commissioner Thimm stated that the issue with shared parking in a mixed use building is that a resident could come home and have no place to park. He believed that dividing a portion of the parking for residential use and making allowances for the amount of additional parking needed was a solution to consider. In terms of the parking in general, Commissioner Thimm noted that in the previous item the Planning Commission talked about 3.45 stalls per 1,000 square feet at the hospital. He believed the numbers were expressed differently for this item. The commercial uses talks about 1 space per 400 square feet, which is approximately 2.5 stalls per 1,000 square feet. Commissioner Thimm pointed out that many people who would be using the parking garage are visiting for a short amount of time and most of them fly in and rent a car. He was concerned that 2.5 spaces per 1,000 square feet for commercial space was a low number. Commissioner Thimm was aware of the ability to increase the parking that exists in footnote number 6, but it was only a 10% increase. He stated that normal commercial parking spaces are thought of as being in the realm of 4 spaces per 1,000 square feet or 1 per 250 square feet. However, if it is in proximity to transportation hubs or a public garage, the parking may be reduced, and suggested that a 15% reduction might be appropriate. Commissioner Thimm was concerned that they were setting themselves up to have parking problems by having a minimum/maximum parking requirement and not allowing enough parking to occur. Commissioner Thimm reminded everyone that they live in a place where they periodically have five degree days with a lot of snow. On those days there are fewer bikers and people enjoying pedestrian routes. They need to make sure they can accommodate the parking without losing opportunities for the use of the commercial products being suggested in the ordinance.

Commissioner Band did not disagree with Commissioner Thimm; however, she recently attended a transportation summit that was put on by the County, and part of the bigger picture is to regionally reduce the transportation. One of the ideas mentioned was a free bus back and forth from the airport. Commissioner Band pointed out that Park City is trying to get people out of their cars, especially the visitors. She noted that Commissioner Thimm mainly focused on visitors and visitors in cars, but the zone has been envisioned as more of a live/work/locals area.

Commissioner Phillips concurred with Commissioner Band. He understood that the Plan is looking many years out. Over the years the plan is try to streamline people in and out of town to avoid big traffic jams. In his opinion, the more parking stalls they create, the more cars they will have jamming the roads into town.

Commissioner Thimm agreed with Commissioner Phillips within reason. He believed some reduction from what was typical would be wise, but he was concerned that they may be going too far and it would create problems. Commissioner Phillips agreed with Commissioner Thimm on that point. Commissioner Thimm used Sugar House in Salt Lake as an example of what happens when there is not enough parking. They end up with people driving around looking for parking and parking where they should not be parking. Commissioner Thimm was not opposed to a parking reduction, but making it mandatory could be problematic.

Commissioner Phillips stated that if the goal is to get people off the road in this area, this was a good starting point. If it becomes a problem he was certain that all interested parties in the area would work together to build a parking structure. Commissioner Phillips believed that additional parking could be adapted if needed, but he was hesitant to start with too much parking.

Commissioner Joyce noted that footnote 6 states that the parking requirement is in a surface parking lot and it does not apply to parking structures. He asked how underground parking fits and whether it would count as a parking structure. Director Eddington replied that underground parking counts as a parking structure. The amount of parking could be increased in a parking structure. Commissioner Joyce clarified that they would not be capping the number of parking spaces. It would only be capping the parking sprawl around the buildings.

Commissioner Strachan stated that his thoughts had not changed from the last few meetings. He thought the City needed to subsidize either an underground parking structure or surface parking. Commissioner Strachan noted that Bonanza Park would not be developed at one time. He believed the parking ratios would have to be tweaked because each development would be different and the parking ratios would be different based on the uses. Commissioner Strachan thought the City should have a structure in place before the developments go in. The developers would be given another incentive to build a project with potentially low parking ratios, because the parking structure could be used for overflow parking and the developer only has to pay the decreased subsidized market value. Commissioner Strachan was unsure of the cost or how it could be accomplished but the details could be worked out later. He did not believe it was sufficient to establish parking ratios that apply to every development regardless of the size. Commissioner Strachan also thought they needed a provision that allows an exception greater than 10%. If they want to encourage larger developments to take advantage of Form Based Code, they need the ability to tweak the parking ratio if the applicant can show a need.

Commissioner Band asked if there was a variance mechanism for any particular hardship that may arise. Commissioner Strachan was uncomfortable with the idea of relying on the variance process. Planner Alexander noted that the Code allows for minor modifications that would come back to the Planning Commission.

Commissioner Joyce noted that Form Based Code is supposed to be predictable to avoid long negotiations. Form Based Code has an established set of rules that the developers work towards. In theory, most of the developments would not come before the Planning Commission because they would be built to the regulations of Form Based Code and approved by the Planning Department. Commissioner Joyce stated that they needed to be careful in expecting that variances would be requested and the Planning Commission would see the projects.

Commissioner Joyce noted that there were use restrictions in the different zones within Bonanza Park, with the idea of residential on top and retail/office spaces below. However, the idea is that the building can be constructed as office space today and retail tomorrow. He cautioned against getting into a position of trying to determine a parking ratio for all the uses that might occur in that building. He felt that approach was too much like the old Code rather than what they were trying to move towards.

Director Eddington stated that under the current Code, if someone has an office that converts to a bar, the owner has to be able to achieve more parking. He agreed that it is currently a challenge. Director Eddington thought the Commissioners made a good point in terms of giving more flexibility and he suggested the possibility of a 25% exception. Commissioner Thimm believed 25% was a good starting point.

Chair Worel agreed with a higher percentage. She remarked that Bonanza Park is supposed to be where the locals shop and work and play. She pointed out that not everyone in town lives on a bus line and many of the locals will have to drive to Bonanza Park. If they do not have the ability to park, they will go elsewhere. In order for Bonanza Park to survive and be lucrative, they need to take into consideration the locals who do not live in Bonanza Park.

Planner Alexander noted that the BoPa Plan provides on-street parking as well as the parking lots, which is different from the rest of the City where on-street parking is not allowed.

Commissioner Band stated that if they start on the high end of what they believe is necessary and public transportation improves in the future, finding that they need less parking is a better problem than not planning for enough parking.

Commissioner Joyce stated that in looking at the actual layout of the BoPa area, parking is one issue and the transit center is another issue. If they continue to make assumptions about people using the bus system and mass transit or biking and walking, it has to be viable. He believed they were moving in the right direction but some things were contingent on their assumptions. Commissioner Joyce was concerned about putting everything in place without the contingency being met. He agreed with Commissioner Strachan that the City cannot wait until all the businesses are in place to address the parking. The City Council should be the leader if they want to make this happen. Commissioner Joyce stated that if they choose to forward a recommendation to the City Council to approve Form Based Code, he would like their thoughts regarding subsidized parking included in their recommendation.

Commissioner Strachan remarked that the form, shape and use of every project is driven by parking. Building a parking structure before development would relieve the parking pressure. Commissioner Strachan thought a parking structure in Bonanza Park would be beneficial even if Form Based Code is never adopted, because at some point the area will be built out regardless. Parking would still be an issue whether it is built under the old Code or Form Based Code. The Commissioners concurred.

The next issue for discussion was the massing model. Planner Alexander stated that the Planning Department was pursuing bids from different firms to build a 3D massing model. The model would look at major intersections, vistas, and canyon effects to see how it works at complete build-out under the proposed Form Based Code with incentives; as well as the existing Code with height allowances under an MPD. Two models would be compared side by side.

Director Eddington noted that the Staff was reaching out to those who would possibly be doing the model and the estimated completion time was four to five weeks. If the cost exceeds a certain dollar amount the City would have to put out an RFP.

On the issue of Mine Tailings, Director Eddington stated that because a number of people had asked about mine tailings, the soil districts boundary and the associated ordinance were included in the Staff report. He pointed out that whether it is the existing General Commercial Zone, the Light Industrial zone or Form Based Code, the same requirements for soils remediation would apply. Bonanza Park is within the Soil District and the requirement would not change.

Commissioner Thimm had read through the attachment, which talked about landscaping and disturbance; but he did not believe it addressed new construction. Commissioner Thimm noted that the Staff report referred to Municipal Code 11-15-1. However, 11-15-8 actually speaks about what happens during construction and creating a site management

plan, but the heading is called Transit Center Disturbance. Commissioner Thimm asked if that section of the Municipal Code was pertinent to the District outlined on page 357 of the Staff report.

Director Eddington did not have 11-15-8 available to reference. However, he explained that when someone applies for a building permit for landscaping, driveways or other types of construction, the Staff conducts a GIS of the building location and the site location. If the site is within the Soil District, the Building Department works with the applicant to ensure that they meet the soils remediation requirements in 11-15-1. Director Eddington assumed the requirements were the same in 11-15-8. Commissioner Thimm remarked that 11-15-8 follows that path, but it clearly defines that path as being under the purview of the Building Department and having nothing to do with Zoning or Planning. Director Eddington replied that the process is with the Building Department. Commissioner Thimm asked Director Eddington to check and make sure that 11-15-1 addressed the issue as adequately as it was addressed in 11-15-8. Commissioner Thimm understood that the matter was not a consideration from a planning standpoint because it was covered by the Building Department. Director Eddington replied that he was correct.

Chair Worel noted that Building Height was the next issue for discussion. She questioned whether the Planning Commission could adequately have that discussion without the massing model. Director Eddington was not opposed to waiting for the massing model. The intent this evening was to broach the subject so people could fully understand how they got to where they were and the percentages.

Commissioner Joyce recalled some of the credits for additional space in a previous discussion, but he did not remember that the Planning Commission had agreed to give credits for view sheds. Director Eddington replied that it was a discussion that stemmed from the initial meeting with the City Council regarding open space and view corridors. During that meeting some things were added and other things were removed. They still needed to work through the issues and draft appropriate language. Director Eddington acknowledged that they were challenging issues and it would be helpful to have the model for the discussion.

Commissioner Thimm stated that many software programs generate diagrams that can toggle between the tiers and provide a comparison between the proposed and the existing zone. He thought it was important to understand the comparisons and requested that it be part of the direction for the massing model diagrams.

On the issues of Affordable Housing, Director Eddington stated that the Form Based Code proposal for BoPa would be to keep the current affordable housing ordinance in effect and the percentages that apply to three-story structures. Director Eddington remarked that the

proposal for Form Based Code talks about incentivizing attainable or middle income housing above and beyond, which is where they address the fourth and fifth story of a structure. Director Eddington stated that if they incentivize as proposed, they would need to change the affordable housing ordinance to note that it is specific to the language indicated in the four criteria listed on page 359 of the Staff report. He explained that currently affordable housing is required as part of an MPD or part of an annexation. If there are no MPDs in Form Based Code, they would need to outline the requirements for affordable housing in the Housing Resolution. Director Eddington emphasized that the City's current affordable housing ordinance would remain with Form Based Code. He outlined the four criteria that would trigger the affordable housing requirement.

Commissioner Band could find nothing in the criteria that talked about the tiers. Director Eddington replied that it was the criteria without utilizing the tiers. If they decided to address the next level of affordable/attainable middle income housing, which was shown in the matrix on page 360 of the Staff report, they would be looking at opportunities for a fourth and a partial fifth story because it would be adding additional affordable housing to what the Code currently required. Director Eddington stated that typically a developer would be required to add the affordable housing in the equivalent of 100% of the square footage being added to the fourth and the fifth story.

Director Eddington asked if the Planning Commission believed that 100% was the correct amount or whether it should be a lower percentage of the additional space that is dedicated to the attainable housing.

Commissioner Band handed out three pages of affordable housing information. She noted that pages 15 and 16 were from the Housing Affordability from CZB. The third page with the table was given to her by Scott Loomis with Mountain Lands. She has spoken with Mr. Loomis about the tables. Commissioner Band stated that based on the percentages, the fifth tier talks about maximum monthly rent of \$3,000 to \$4500 per month. She believed those numbers were market rate and should not be tiered at all. Commissioner Band did not think they should be incentivizing market rate housing.

Commissioner Band stated that Mr. Loomis had told her that the lowest end of affordable housing were typically workers in the service industry. Those are the people who would drive their cars and be coming from Heber and other areas. She agreed that park City has done a great job with affordable housing compared to other cities; however, currently Mountain Land Housing is at 98% occupancy. If they want a place where people live and work and use public transportation, she thought they needed to focus more on the lower end. Commissioner Band understood that the goal for Bonanza Park is to keep people from having to drive from one parking lot to another. However, the second goal is to create

a live/work area. The reason they were talking about fourth and fifth stories was to achieve affordable and attainable housing.

Commissioner Band referred to page 16 of her handout. She had highlighted the middle income range, which is considered the attainable. She read, "At this income range, which primarily includes professional young families, most buyers want a yard and, given the housing options outside of Park City, are willing to commute in order to have one. She believed that was changing a little because younger generations with families are more willing to live in a place without a yard. The trend was slow and it was uncertain how many people would actually do it. Commissioner Band reviewed the percentage shown on page 360 of the Staff report for each tier. Tier 1 was 20%, Tier 2 was 30%, Tier 3 was 30% and those were people making \$83,000 to \$97,000 per year. She questioned whether they would have that many attainable people going after these units. According to the report from CZB on housing affordability, they were already losing that tier of people.

Chair Worel suggested that affordable housing was another discussion that should wait for the massing model.

Director Eddington clarified that the 328% for Tier 5 shown on page 360 of the Staff report was higher than the percentage in the CZB report. He believed they could lower the percentage to somewhere between 200-250%. Director Eddington noted that the CZB report indicated that the tier directly below the 296% AMI was completely priced out. Commissioner Band agreed. Director Eddington acknowledged that the 328% in the Staff report was high and he believed that people in that group may not be interested in a deed restricted unit. Commissioner Band stated that her intent was to point out that people in that particular tier would not be looking for this particular type of housing.

Director Eddington stated that the table would be revised to change the percentage and also to include the income ranges.

Commissioner Joyce asked if a developer built multiple buildings, if the affordable housing provided would be on a complex basis or on a building by building basis. Director Eddington replied that it is based on the project, which could be a complex.

Commissioner Thimm asked if they could be faced with the concept of a phased project and all of the affordable housing goes into the last phase. Director Eddington remarked that the affordable housing would have to occur with the first Certificate of Occupancy. The affordable housing obligation would have to be met at the same time the market rate units are completed in that phase of the project. That requirement was already written into the Form Base Code document.

Commissioner Joyce referred to the previous question of whether the 100% was a good number or too onerous. He has always been concerned about that number because it can be too expensive, particularly based on the comments they have already heard regarding underground parking, etc. Commissioner Joyce wanted a way to get better feedback from the standpoint of developing a project with a one to one ratio for providing affordable housing. They need to make sure it is not so stringent that someone could not afford to build the project or get financing. Director Eddington stated that the Staff shared his concern. The Staff could do a pro-forma analysis for the next meeting. Commissioner Joyce personally felt that the 100% was a broken number and unrealistic.

Commissioner Strachan stated that the 100% may not be a broken number if they could work TDRs into the mix. If a developer agrees to relieve density from projects such as Alice Lode or Treasure Hill for example, the developer could be relieved from the 100% affordable housing requirement. Commissioner Strachan thought the Planning Commission needed to weigh the importance of affordable housing versus moving density from controversial projects. He personally favored moving density off of controversial projects and allowing some relief on the affordable housing requirement in order to accomplish that.

Planner Alexander commented on nightly rentals. Similar to the General Plan process where nightly rental was raised as an issue in Old Town, she asked the Planning Commission for their thoughts on nightly rentals in Bonanza Park. In an effort to keep Bonanza Park a place for locals, the Staff suggested limiting nightly rentals to 20% per project. That would be consistent throughout all of the zones except utility service, which is the substation. Planner Alexander stated that the limitation could be regulated at the start of each project through the Planning Department and tracked through the Finance Department with the yearly business license renewal process. After further discussions regarding affordable housing and in talking with Rhoda Stauffer, the City Housing Specialist, the Staff found that affordable housing does not match well with nightly rentals. If nightly rentals are allowed it becomes more of a commercial use, and the lenders could require 20% down for units. That would price out the affordable housing category. Planner Alexander stated that the Staff was looking more at limiting nightly rentals to the Resort Gateway character zone, primarily because hotels are an allowed use in that zone. Nightly rentals would be prohibited throughout the remaining character zones.

Chair Worel thought it would be difficult logistically to only allow 20% rentals in any given area. Planner Alexander noted that there would be market rate units built in Bonanza Park and if people use those as second homes, those units would be vacant most of the year. To keep the liveliness factor in Bonanza Park they wanted to allow 20% for nightly rentals to keep the units occupied. Director Eddington stated that regulating 20% of each project would be stated at the time of submittal, checked against the CUP, and tracked through the

Finance Department. He noted that it is currently done in neighborhoods with percentage limits on nightly rentals, but it is difficult. It has been a particular challenge with Silver Star and other projects where the nightly rentals have been mixed in with affordable housing. If it becomes a commercial project the affording housing people are priced out by having to put down 20%. In that circumstance they end up pricing out the people they are trying to help.

Commissioner Band thought that was the biggest issue. She could not understand why they would allow nightly rentals in buildings, thereby eliminating the ability to purchase the affordable units. Commissioner Band had contacted the Statistics Committee of the Board of Realtors. She was told that approximately 46% of the people who purchase in Park City are paying in cash. It does not necessarily mean the buyer intends to rent, but it changes the concept. There are no hard statistics, but there is the feeling that the bed base in Park City is diminishing because high-end people purchase nice units but never rent them. Commissioner Band believed that if they build nice units in Bonanza Park, many people would purchase them as second homes, regardless of whether or not nightly rentals were allowed.

Commissioner Joyce stated that his neighborhood has 39 townhouses and 32 houses, and currently in the off-season his neighborhood is dark. Of the 71 units he estimated 10 or 12 were full-time residents and nightly rentals are not allowed. He remarked that limiting or prohibiting nightly rentals would not ensure that the units would be occupied.

Chair Worel asked if there was consensus to limit nightly rentals. Commissioner Band thought nightly rentals should definitely be limited in the BoPa residential and the Hillside residential. She pointed out that currently the Hillside HOA prohibits nightly rentals.

Director Eddington clarified that the direction was to focus nightly rentals more towards Resort Gateway rather than inter-mixing throughout the Districts. The Commissioners concurred.

Commissioner Joyce asked about the owners who currently have nightly rental status in an allowed area of Bonanza Park. Director Eddington replied that nightly rental is renewed on an annual basis. He was unsure whether it would be considered a non-conforming use.

Assistant City Attorney McLean explained the generally nightly rental is a non-conforming use. She would need to research case law and the implications, but she thought there may be a way to phase-out nightly rentals. However, it may require compensation from the City to the owner.

Commissioner Joyce remarked that they needed to be very careful on this issue. He generally likes the idea of limiting or prohibiting nightly rentals, but he was concerned about the implications associated with eliminating existing nightly rentals. Assistant City Attorney McLean stated that if it is a non-conforming use, the use can continue as long as the use is not abandoned.

Commissioner Phillips asked if change of ownership would affect the non-conforming use status. Assistant City Attorney McLean replied that it is based on use and not ownership. A new owner could continue the same use.

The Planning Commission discussed non-conforming uses and non-complying structures and uses. Director Eddington explained that non-conforming uses are the uses allowed in a zone. If the use exists it is allowed to carry on. He did not believe non-conforming uses would be an issue in Bonanza Park because most of the uses allowed under the GC and LI zones have been carried over to the character zones in Form Based Code. When they reached out to the community most people liked the existing uses in Bonanza Park. However, they did not like the layout, the look and the fabric, and that addresses the issue of structure and form. Director Eddington clarified that the language for the Form Based Code remains the same as the current LMC in terms of uses. As long as a non-conforming use is not abandoned for more than a year, the use can continue.

Director Eddington stated that several people have asked about non-complying structures. The concern is whether or not they have the right to repair, alter or remodel their buildings. Director Eddington noted that the LMC issue with regard to non-complying structures is the same. As long as the degree of non-compliance is not increased the structure can be altered. The structure can be expanded as long as it does not cover a setback line in the Form Based Code. Director Eddington noted that the setback lines in the Form Based Code are less restrictive than they are in the General Commercial Zone. If the building currently sits on the setback line the degree of non-compliance cannot be increased. That is consistent with the current zoning and well as the proposed zoning.

Director Eddington and Planner Alexander provided different scenarios to show the ability and flexibility to alter a non-complying structure under Form Based Code. Commissioner Thimm recalled some limitations in Form Based Code regarding maximum square footage for buildings. Planner Alexander replied that anything over 25,000 square feet would need to come before the Planning Commission. Commissioner Thimm asked about existing structures that are over 25,000 square feet. Director Eddington replied that it would be considered non-complying and nothing would change, unless the owner intended to add an additional 25,000 square feet. At that point they would have to come before the Planning Commission. He clarified that he could not remember the exact number and thought it

might be 15,000 square feet. He would need to read the Code to find the maximum square footage.

Commissioner Thimm wanted to make sure that Form Based Code would not step on the rights that already exist. Director Eddington believed that had already been accomplished by matching the current Code.

Commissioner Strachan requested a table for the next meeting comparing the current Code to Form Based Code in terms of the architectural guidelines. Director Eddington stated that it was not apples to apples, but the Staff would try to prepare a comparison. Commissioner Strachan thought hypothetical scenarios would also be helpful, similar to what Planner Francisco Astorga had done with the Old Town uphill and downhill lots when they were considering changes to the LMC. Commissioner Joyce wanted to see a comparison between Form Based Code and the LMC in terms of new construction on vacant lots.

Director Eddington stated that the Staff has reached out to the public and they were starting to reach out to groups such as the Board of Realtors, the Chamber of Commerce and some of the neighborhood group. Reaching out to people will be the main focus over the next few weeks to let them know exactly what is being proposed. Director Eddington reported on a question and answer kick-off meeting last week with the Board of Realtors. The Staff intended to continue that type of communication.

Commissioner Joyce requested that the Staff notify the Planning Commission when those meetings and events occur. Commissioner Strachan recommended that the Staff also walk the streets and talk to people individually and get their feedback. He felt that was much more productive than hiring a consultant to do it.

Commissioner Band commented on the number of public in attendance this evening. It is helpful when people show an interest and make comments and she appreciated their efforts. Chari Worel thanked the public for staying through a very long meeting considering the late hour.

Chair Worel opened the public hearing.

Mark Fischer stated that he owns a lot of property in the Bonanza Park area. Mr. Fischer remarked that many people ask him if he is in favor of Form Based Code or whether he prefers the existing Code. He stated that when they first started this process three or four years ago he was in favor of the idea of a more modern updated code. The presentations made were inviting and he would see incremental value to the properties he owns, and at the same time it would help create a better town for Park City. Mr. Fischer stated that

because of the complications that have occurred since that time and the compromises, he was no longer certain about Form Based Code. He was now seeking clarity. The concept has become so complicated that even he was confused. In his opinion, the discussion about affordable housing and percentages feels like downzoning, and he would adamantly oppose any type of indirect downzoning to his properties or taking away rights he currently enjoys. Mr. Fischer believed that was already occurring today. In order to support Form Based Code, he would have to be convinced in more detail that it would not happen. Mr. Fischer stated that if that is not the case then government should stay out of the way of private landowners and let them proceed as they thought they could when they purchased their properties. Mr. Fischer remarked that he is a team player and as the Staff and the City Council knows he supports making Bonanza Park a better area. Most of the buildings were built in the 1980's and aside from the No Place Like Home building and the Municipal building, nothing has been built in the District for 30 years and they need to unlock the potential of this District one way or another.

Mr. Fischer had specific ideas that he read into the read that were meant to be helpful and meaningful. 1) Adopt the recommendations of the Blue Ribbon Soils Ordinance Committee, which clears stated that they are in favor of allowing the clean soil to be moved out of the District and the contaminated soil to stay under the foundations or in the berms. Mr. Fischer stated that he has done \$30,000 of testing on his properties and 90% of the soil is clean. If he is forced to move it to Tooele it would worsen the carbon footprint by forcing clean soil to go down the highways. Mr. Fischer pointed out that Form Based Code could not be implemented unless they change the soils ordinance. They cannot dig underground garages to create parking if soil cannot be removed from the District. 2) Base density. He has worked with his accounting, legal and design Staff, and numerous pro formas have been indicating that if buildings are built to Form Based Code with one level of underground parking, the first floor rents would have to be \$40/foot. Currently, rents in the area are \$25-\$28/square foot for Class A or nicer buildings like Rail Central. Rents in Prospector are \$15-\$20/square foot. Form Based Code creates a beautiful location, but the rents to justify the development are approaching Main Street prices and could price potential tenants out of the market. Mr. Fischer pointed out that it would definitely price out the possibility of affordable housing. 3) The City's commitment. Mr. Fischer stated that the City has not demonstrated a financial commitment to Form Based Code. They need to know if the City would pay for the streets or build a structured parking garage. Without China Bridge Main Street would not work. Mr. Fischer stated that if there is not adequate City funded parking, in his opinion Form Base Code is dead. 4) Substation mitigation. Mr. Fischer noted that he has spent hundreds of thousands of dollars in five years trying to move the substation, and even offered some of his property to Rocky Mountain Power to relocate the substation. The City spent hundreds of thousands of dollars developing a booklet of a neighborhood concept plan without the substation so a Bonanza Park could be placed in the center of this District. That was his dream and his

vision and that was taken away overnight because Rocky Mountain Power pulled some shenanigans. Mr. Fischer wondered at the time whether that killed Form Based Code, because they now have a substation in the middle of Bonanza Park with overhead power lines. When they started this vision there would be no substation and no overhead power lines, which afforded the possibility of a Form Based Code with a beautiful City Park in the middle of it. Mr. Fischer suggested that it might need to be reassessed. 5) Flexible road location. Mr. Fischer understood that some of the road locations were conceptual but they need to be careful that they are not finalized because some of the roads go under utility easements and through private buildings. 6) Incentives for work force housing. Mr. Fischer stated that he would comply with the current Code of 15%, but construction costs have gone up significantly since they first started discussion Form Based Code that it was impractical for the City to ask a developer to pay for it. If the City wants to pay him to build affordable housing he would it; otherwise it will not happen because no one builds a building to lose money.

Mr. Fischer stated that his main message this evening is that they may be going down a road so Utopian that it is impractical will never happen. If the City does not “put its money where its mouth is” and fund the infrastructure, Form Based Code should stop. He has made the same remarks to the City Council and the City Manager so they also know his feelings on that point.

Regarding substation mitigation, Mr. Fischer stated that when the substation was decided not to be moved, he went with the City and they achieved approximately \$1.5 million from the State Legislature to build a fake building around the substation. That money is sitting in the General Fund and he wants everyone to know that to make sure the money does not just disappear. He believed that was an example of putting their money where their mouth is. The City should build the fake structure around the substation because the money is already available. Mr. Fischer commented on the relocation of the Recycle Center. He has been talking to the City for five years and he was told that the Recycle Center wants more land. If the Recycle Center is not relocated he could not understand why they were doing Form Based Code. They should just tweak the current Code and move forward. On the issue of nightly rentals, Mr. Fischer stated that he would never agree for the City to take away something he currently has the right to do.

Mr. Fischer stated that he wants to be a team player and he wants a win/win for the City. He decided to speak first this evening so others in attendance would know how he feels. This has been an emotional situation and most people think he is pushing for Form Based Code, when in reality he is not. He only wants Form Based Code if it makes for a better neighborhood and a profitable development, and he promises to work towards that end.

Brad Olch stated that Form Based Code is a great effort, but his concern is that there are so many owners in this particular area that he does not see this ever coming to fruition. In his opinion, Form Based Code works well in a greenfields situation such Geneva Steel in Orem, Gateway in Salt Lake, or a closed steel mill in New Jersey. Mr. Olch questioned the chance of success in all of this. He thought Prospector should be excluded from Form Based Code and that Prospector should stand by itself. He believed that Prospector needed its own urban renewal plan, which he has been stating for the past six years. Mr. Olch stated that people spent years identifying and protecting view corridors in this town. The possibility of four and five story buildings goes against everything they worked for when he was involved to preserve what they have now. Mr. Olch stated that if Form Based Code moves forward, even though there is a demand for affordable housing, he hoped the Planning Commission would take a hard look at four and five stories. Mr. Olch noted that the City bought down a floor and a half of density on the Marriott project as a result of litigation, so they could buy down the height along Deer Valley Drive. He urged the City to consider that same approach. Mr. Olch stated that Park City is a small town and businesses have started from scratch. He would hate to see another expanded commercial area take more business away from Main Street and other established businesses. They already have a lot of impacts with Kimball Junction and what could be developed at Quinn's Junction. In his opinion Form Based Code is more for larger communities with an empty canvas that could be created and developed. He was not convinced that Form Based Code was appropriate for this community.

Bill Coleman stated that he spent a lot of years on the Planning Commission in Park City and also on the City Council, and he appreciated their situation. Mr. Coleman believed the missing piece in the process is the leadership that the Planning Commission could provide. He thought the City Council would take their position, either for or against Form Base Code, very seriously. Mr. Coleman stated that they have not wasted time or money on this process because they have learned a lot. What the City has learned is that there is a gentrifying community that needs some incentives. He pointed out that 72 pages of Code versus 3 pages was not an incentive. To the point of finding what would work, he thought they were looking at minutia rather than the fundamental decision of whether or not to do this. Mr. Coleman thought it appeared to be a done deal and he could not imagine that the Planning Commission would allow that to happen because there are so many other alternatives. He believed there was a lot of middle ground in the form of specific incentives on a project by project basis. Mr. Coleman stated that TDRs would not work with this system because people will not buy their density twice. He believed density is a huge tool and they should use it. He was not opposed to four and five stories, depending on where they are located. Mr. Coleman emphasized that project by project, site by site was the solution. He remarked that the City has taken the position that there is only one solution for the GC zone and that is not true.

Robert Reynolds, a Park City resident since 1996, stated that over the past few days and following public hearings at both City Council and Planning Commission meetings in August and September, members of the Park City community signed a petition in opposition to the Bonanza Park Form Based Code currently under consideration. Mr. Reynolds stated that obtaining civic support for the Form Based Code petition. As of this meeting the document had been signed by 152 stakeholders, residents and concerned citizens concerned about the future of Bonanza Park. The petition highlights objection to the following eight development outcomes of the proposed Form Based Code; 1) any building of heights in excess of three stories or any additional density and square footage beyond what is currently allowed under the existing zoning; 2) placement of building any closer than 30 feet from the edge of the Bonanza Drive right-of-way; 3) inclusion of any property on the east side of Bonanza Drive in the FBC boundary; 4) Any FBC provisions which cause existing buildings to be non-complying structures; 5) an FBC provisions which cause existing businesses to become non-conforming uses; 6) Any FBC provisions which do not allow an existing business or building to be reconstructed or redeveloped in a similar fashion to the existing building, or which prohibits any organic incremental expansion or adaptive re-use of an existing property provided such reconstructed, redeveloped, or expanded property complies with the current LMC; 7) Any Form Based Code road alignment that passes through an existing residential or commercial property, other than the extension of Munchkin Road from Woodbine Way to Homestake Road, and another new road immediately east of the existing Rite-Aid building between Iron Horse Drive and Homestake Road; 8) Any excavation or transport of soils containing mining tailings, unless a soils mitigation and remediation plan is adopted that ensures safe air and water contamination levels during and after construction.

Mr. Reynolds submitted a copy of the petition and corresponding signatures into the record. He noted that most of the signers were 15 to 20 year residents of Park City. Several significant business owners were also included. He noted that among the signers were Ron Whaley, a former Planning Commissioner; Gene Moser, a two-term County Commissioner; Sally Elliott, a two-term City Council member and a two-term County Commissioner; and Dean Barrett, President of the Prospector Square Owners Association. Mr. Reynolds also named several key business owners in the Bonanza Park Area.

Lisa Stuard asked to read the names of the people who signed the petition that was submitted.

Chair Worel informed Ms. Stuard that since the petition had been submitted into the record the Planning Commission would have those names as part of the record and it was not necessary to read them, particular due to the late hour.

Craig Elliott with Elliott Work Group stated that he has been the architect working with Mark Fischer for approximately 14 years. Mr. Elliott gave some perspective of the history because some of the information discussed in the last few meetings was somewhat inaccurate. The first meeting he was involved in regarding this project took place in 2002 with the former Planning Director. It was a discussion about the opportunities to redevelop the area now called Bonanza Park. He noted that in 2002 the housing stock and the building stock was already deteriorating. In May of 2002 he attended a City Council meeting where they talked about zone changes for the GC zone and potential revisions that could occur over time to help this area develop and flourish and become something other than metal buildings and parking lots. Between 2002 and 2009 they worked on transportation plans and different concepts for zone changes. They revised and updated existing buildings, inserted new buildings and infill into the area. Many things occurred in that process to help people understand what was going on. In 2009 they decided as a team that it was time to start moving forward with applications. They met with the Staff in January of that year to discuss an MPD application. In March and May they again met with the Planning Director and the Planning Staff discuss the MPD application. At that time they were requested to hold off on an application because the zoning changes that were started in 2002 were beginning to take place. Mr. Elliott stated that on October 27, 2010 he made a presentation to the Planning Commission about the opportunities and reasons for redeveloping the area. The City Council and the Planning Commission discussed a number of options. On March 7, 2011 they submitted an MPD for a pre-application that included parcels currently in the Bonanza Park District. At the suggestion of the City they held an open house presentation at the Yard on May 25, 2011. The attendance was good and they discussed the issues. Again, they were asked to wait while the City looked at Form Based Code and other options. Mr. Elliott stated that in August of 2014 they submitted a modification for a portion of their plan and that is still sitting at the Planning Staff level. He and Mr. Fischer have tried to be supportive through the process to achieve the best option for the City. However, he believed a common theme is that the City takes so long to move things through the process that they are killing everything. That may be fine for those who do not want change, but the reality is that Park City is about change and over the years it has changed over and over again. The question is what kind of changes to make and that is the discussion they need to have. Mr. Elliott believed there were ways to make things work within Form Based Code or by making revisions to the current Code but it was time to make decisions and move forward. To put the length of time in perspective, he noted that his daughter was in second grade when he made their first presentation and today she is in her second year of college.

Clay Stuard stated that two months ago the question was asked as to why they had not heard from the major stakeholders in Bonanza Park. He pointed out that now they have heard from those stakeholders and 150 of them signed a petition. In addition to the petition, there have been emails and discussions among the stakeholders and some have

engaged their legal departments. Mr. Stuard informed the Planning Commission that the stakeholders have spoken and Prospector Square does not want to be in it, along with at least one major owner in the Iron Horse Condominiums, Jan's Sporting Goods, Fresh Market, Rite-Aid, the Sports Authority, the Claim Jumper, the Iron Horse Industrial Park and the Columbia Paint Center. Based on his comments this evening, Mr. Stuard thought it sounded like Mark Fischer was questioning whether or not he wanted to be in it. He asked the Planning Commission why they were doing this when nobody wants it. He stated that the number of signatures on the petition were obtained in five days and that number could easily be increased from 500 to 1,000 more. Everyone is willing to come to a meeting if necessary to tell the Planning Commission that they do not want buildings with four and five stories, or to lose open space and view corridors. They do not want roads running through their neighborhoods or existing buildings. Mr. Stuard believed there were some good planning concept and design principles in Form Based Code that could be added to the existing MPD ordinance as guidelines; but they are not appropriate for a 99 acre district. Commissioner Stuard echoed the comments of the other speakers who suggested that the Planning Commission take a step back and find another way to develop Bonanza Park. He agreed that BoPa needs to be redeveloped, but not with a one-size fits all formula for the entire 99 acre area.

Lee Whiting, stated that he is an owner of a unit in the Claim Jumper condominiums and he has lived there since 2010 with his two sons. He thanked everyone for their time and attention this evening. Mr. Whiting wanted to confirm for the record that the letter submitted from the Claim Jumper Condominiums last year was entered into the record and was part of the documentation of public comment. He had emailed copies of the letter to some of the Commissioners but he did not have all of their email addresses. If the letter was not a part of the record he requested that it should be. Mr. Whiting noted that the original letter was written in August of 2013. Mr. Whiting stated that he was a signatory of the petition and he signed it because it represented the majority of what he believes. He wanted to address a few points, beginning with the people who already reside in the District. There are approximately 64 units between the Claim Jumper condos and their neighbors at Homestake; and in the last census there were over 250 people. They living in ranging degrees of deterioration. They have challenges with parking and a lot of neglect from different standpoints. The letter addressed some of the issues including lighting, pedestrian access, safe walkways and places for children to play. Mr. Whiting asked the Planning Commission not to forget the people who already live in whatever option they choose for redevelopment. He stated that if they are thinking about affordable housing it should be in addition to what already exists. The people who currently live there can afford it in one way or another. He asked if building 600 or 800 square foot units with one parking would accommodate those people or whether they would be displaced. He believed that was a valid question. Mr. Whiting believed that as a community they needed to reconsider what the Affordable Housing Code represents and what it does for the community. He

thought that they blow it up and reevaluate it. Mr. Whiting suggested that the Commissioners consider whether they would personally want to buy a piece of property that could only appreciate 3% per year. Mr. Whiting urged them to ask those questions and well as the reality of the matrix. He would argue that most of the people in those units are below Tier One. Mr. Whiting stated that they have private open spaces where the kids play. They have well established foliage and soils that percolate. They are not paved brick to brick all the way to the curb. The setbacks allow for space, light, wildlife, etc. If the Planning Commission considers TDRs, he would suggest trading for some of the space that already exists that could be made part of an overall plan. Mr. Whiting echoed the previous comments. He thought it was time to re-evaluate what they were doing in the big picture and consider who they were serving.

Mike Sweeney stated that he works with Mark Fischer and a few other people who have businesses in the Bonanza Park District. Mr. Sweeney wanted to know who was driving the Form Based Code in going through the process. He asked if one person could step up and say I'm the person that's driving Form Based Code.

Stephen Parker stated that he would like to be able to walk to a district that has services he could use instead of driving down to the Junction. He preferred something that did not resemble the parking lot outside of TJ Max. He was unsure whether it could be accomplished with Form Based Code or by tweaking the current Code, but it would be nice to have something in the center of town that would be useful. In terms of height, he believed they could build fairly tall and still keep the views. He lives across from the back of the Eccles Center and he can still see the mountains around it. Locating the density where it would not block the mountains and the sides of the hills and putting it in a place where it can be easily accessed by public transportation would be helpful. Mr. Parker referred to an earlier comment about someone rolling out of bed, getting a cup of coffee and hopping on the bus to the ski area. In his opinion, that sounds ideal and he could not understand why they would not want to make it a possibility for people.

Michael Todd thanked the Planning Commission for their service. Mr. Todd stated that he was speaking on behalf of 100% of one HOA in the Hillside residential area and he was certain that he spoke for the majority of the other owners. He is the largest single owner up there and he actually provides affordable housing in this community and has been doing so for many years. Mr. Todd remarked that since the last meeting he has been measured and reserved and tried to let the process happen. At the last meeting he asked for someone to convince him on why he should be in favor of Form Based Code and why he should not change his position about wanting out of it. Hillside residential wants no part of it and they want to be removed from the Form Based Code. Mr. Todd stated that he has stayed out of the rest of the issues and let people speak for themselves. However, he still could not come up with any reason or been convinced of any reason as to why Hillside residential

should want to be inside this new zone. At this point, he was reiterating his earlier position that they do not want to be part of the new zone. Mr. Todd stated that Hillside residential is fully built out and he could see no reason why they should be included in the zone.

Chair Worel closed the public hearing.

Park City Planning Commission meeting adjourned at 10:55 p.m.

Approved by Planning Commission: _____