

PARK CITY MUNICIPAL CORPORATION
SPECIAL PLANNING COMMISSION MEETING
BONANZA PARK AND FORM BASED CODE
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 16, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, John Phillips, Doug Thimm

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Polly Samuels McLean, Assistant City Attorney; Scott Polikov and Jay Narayana from Gateway Planning

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Joyce and Strachan who were excused. Chair Worel welcomed two new Commissioners, Melissa Band and Doug Thimm.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz reported that the HR and Finance Departments have modified the way that Boards and Commissions are compensated. She had emailed the Commissioners a form indicating that they would be signed up as a regular employee of the City. She asked the Planning Commission to read through the document so they would understand the new process. The plan is to have Staff from HR at the next meeting to help fill out forms. For compensation, the Commissioners would sign a sheet whenever they attend a meeting. Planning Manager Sintz stated that the compensation should not be less than what they were currently receiving, and it could end up being more. The change was initiated by a requirement that came up during auditing.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

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

Director Eddington stated that he and the consultant, Scott Polikov, provided a brief background as to how they reached the point of proposing Form Based Code for the Bonanza Park Area Plan that was developed in 2011.

Director Eddington presented the document that was delivered on January 12, 2012. He noted that the Bonanza Park Area Plan started with a concept plan in June of 2010. The City had been working with Envision Utah and the Wasatch 2040 plan on collaborative opportunities, recognizing that the Wasatch Front and Back would be one of the fastest growing regions in the Country over the next 20 to 40 years. The group created a solution called a 3% solution with the idea of utilizing 3% of the land to accommodate 33% of the population growth. Recognizing that there is not enough land available to accommodate the projected growth, the intent was to plan smart and to consider the new urban principles of Form Based Code and try to find opportunities for redevelopment.

Director Eddington stated that in June of 2010 the Planning Department appeared before the City Council with an overview concept for Bonanza Park. The concept included the grid, opportunities for Form Based Code, and some of the new urbanism principles that were outlined in detail in the Bonanza Park Plan. Director Eddington remarked that subsequent meetings were held with the City Council and the Planning Commission and on September 29th, 2011 they recommended moving forward to create an area plan. The idea was to create a locals place with mixed-use development and mixed income. It was never intended to be part of the resort economy. That was the basis utilized to create the Bonanza Park Plan.

Director Eddington stated that analysis, various meetings and photograph analysis helped them understand some of the challenges in Bonanza Park from the lack of connectivity to the open parking lots. There was an expectation that as the recession started to break they would begin to see more development, and they wanted an Area Plan and a Form Based Code that would allow them to guide and shape that development to be beneficial for those who live in the area and for the community as a whole.

Director Eddington remarked that as they looked at the Bonanza Park Plan they started to look at other neighborhoods, and simultaneously incorporated other neighborhood plans into the General Plan. As they started to dig into the details of Bonanza Park they realized that it is the neighborhood with the second most number of residents, and it is the youngest neighborhood in the community with the majority being 25-29 years old. The fact that the people were younger and had a different perspective on making changes was an impetus for looking at Form Based Code and street connectivity, and making bold visionary changes for the Bonanza Park Area. In addition, this was the most diverse neighborhood in Park City in terms of race and ethnicity. There was already an acceptance of density in the area and they built off of that with mixed-use and mixed income.

In looking at what they would change, they changed very little in terms of use and content. Currently there is a fair amount of local businesses and a grocery store. Most of the uses are used by the locals on a daily basis.

Director Eddington stated that as they started moving forward they held a number of meetings to talk about the vision for that area. There were tremendous concerns and the City Council and Planning Commission discussed the goals of affordable housing, view corridors, providing mixed income, and maintaining a locals characteristic. They determined that there were limited opportunities for affordable housing within Park City because very little land is available to buy down for affordable housing. The Council and the Planning Commission started talking about “gives” and “gets”. In the end the “get” for Bonanza Park would be mixed income and affordable middle income housing; and the “give” would be additional height. Considerations for giving additional height or density included the design guidelines in Form Based Code, environmental components in the projects, smaller footprints for additional height, affordable housing, and providing more open space on the site. Three major reasons for considering additional density included road and street connectivity, protecting, affordable housing options, and protecting the entry corridors of Highway 248 and 224.

Director Eddington clarified that the vision was provided by the Planning Commission and the City Council and it was reflected in the document. The Bonanza Park Plan was tabled when they focused on the General Plan and he assumed that many people had forgotten it. Director Eddington commented on previous commercial and residential stakeholder meetings that took place. They also intended to schedule future public outreach meetings.

Commissioner Band noted that an open house was held earlier than day and she wanted to know how many people had attended and whether anyone had provided feedback. She was told that approximately 20 people had attended.

City Councilwoman, Liza Simpson, stated that she was available as a resource to answer specific questions. Ms. Simpson remarked that there were very robust policy discussions between the Planning Commission and the City Council. She clarified that the Planning Commission was charged with implementing a policy decision that has already been made. She was not prodding them to rush through it and she was willing to answer questions from the City Council perspective.

Director Eddington provided a power point presentation on the 100 acre Bonanza Park Plan. He noted that parts of the southern portion of the plan were in the Lower Park Avenue redevelopment area. The Northern part did not have a lot of impact but it was connected to the redevelopment. He indicated the areas where there was lack of

connectivity, which is why they implemented the grid pattern. He pointed out the surface parking that has been challenging to the walkability component of the site.

Director Eddington stated that in 2011 and 2012 they were trying to look at opportunities to create the building fabric along the frontage of these roads. Surface parking was placed behind buildings to create a walkable character, and they discussed an opportunity in the future for a parking structure. They noted opportunities for diagonal view corridors. He noted that some corridors contained bike and pedestrian pathways; however, as the plan evolved the Planning Commission determined that diagonal corridors might be hard to achieve and that they should rely on complete streets. For that reason the diagonal view corridors were removed in the most recent versions. They are now talking about complete streets which is pedestrian, bikes and cars sharing the same roads.

Director Eddington presented an aerial of the Bonanza Park site which showed developable opportunities and a number of parking lots and impervious surfaces. He noted that the land use characteristic is prominent throughout Bonanza Park as it currently exists.

Director Eddington stated that during the earlier meetings with the City Council and the Planning Commission they determined that the current character of Bonanza Park is under-utilized, run down, uniform and uninviting. The desired future character is vibrant, affordable, multi-generational and contemporary. The current function was identified as mixed-use, small business, everyday needs commercial. The City Council and the Planning Commission wanted to keep the same function and those uses were incorporated into the Bonanza Park Plan.

Director Eddington reviewed the ten planning principles that were incorporated into the Area Plan as recommended by the City Council and the Planning Commission, which included reconnecting to the history, local needs, enhancing view corridors, affordable housing, partnerships, and an authentic district via good design, circulation and connectivity. The Area Plan was built on those planning principles and it was the launching point for Form Based Code.

Scott Polikov, the consultant with Gateway Planning, stated that when the City issued the request for qualifications for the Gateway Planning team to work with Staff to implement this vision, the ten principles were specifically outlined in the RFQ and they were asked to demonstrate their ability in other projects where they helped facilitate the implementation of these specific elements.

Director Eddington emphasized that the objective was to look at the Form Based Code and implement the plan. The plan without an implementation tool would do them no good. The

current zoning would not achieve the desired mixed-use, mixed income neighborhood that is both walkable and desired by locals who use that area for commercial shopping needs, or by the people who live in that area. The objective this evening was to talk about how they can get to a design guideline that meets old style zoning ordinance, and how they can combine those two to implement this plan.

Mr. Polikov stated that in practical terms, Form Based Code is a tool that aligns the vision with the community's preference and the market. Currently, it is difficult for an owner in Bonanza Park to determine what type of an investment to make, because unlike other areas in Park City, everything is a hodgepodge and it is difficult to know how your investment will be affected by what might occur next door. For that reason a lot of redevelopment has not occurred in Bonanza Park. The land value is high relative to the potential, but a lot of reinvestment has not occurred due to the mismatch of the current zoning tool. Mr. Polikov pointed out that they were elevating the development standards in the Bonanza Park area for those who want to redevelop, but there is no requirement to redevelop. New infrastructure only happens when the owners of the businesses and the properties are ready to partnership with the City to do that.

Mr. Polikov stated that the elements of Form Based Code creates a predictability where the community can still get a sense of what it is, regardless of the different versions of what the development can actually become. Under the current zoning it is difficult to know what development will look like or how it will affect the neighbors. The combination of the owners' interest and the community's interest is basic. Main Street is a century plus set of experiences where the private realm of each building and their private frontages is tied to a common public realm, which is a sidewalk and a street that functions in a way that encourages relationships of people rather than cars passing by. Currently, that does not exist in Bonanza Park. The buildings have no relationship to one another and, therefore, the community cohesion is contained within specific businesses or specific residential on-claves. There is no connection between the private frontages of the buildings and the experience people have as they go into the public spaces. Mr. Polikov remarked that the public realm in Bonanza Park is either a fast moving street or a parking lot, and there is no encouragement for community cohesion to take place. He stated that Form Based Code is their best effort to calibrate the details of a tool that would specifically help bring cohesion to Bonanza Park.

Director Eddington noted that the Planning Department had done additional outreach based on the comments made by the Planning Commission at the last meeting. They called many businesses and organization within the District, they canvassed the area with flyers, and they tried to do a more informal outreach in addition to sending the typical public noticing. Director Eddington believed the additional outreach was well received.

Mr. Polikov thought it was important to understand that the outreach they were working on was making sure that the people who would be impacted by or could take advantage of Form Based Code have the opportunity to understand what it is and to review it. Mr. Polikov stated that Gateway Planning helped facilitate the planning process that the City had already done before they got involved. When he first arrived he asked the Staff to allow him to go through the process of working with property owners in the community to test the original plan. They went through that process and they pushed hard on the fact that this level of connectivity might be unnecessary and unrealistic, but it established a vision. They went through a long process of community meetings and many redesigns. What drove the ultimate decision of the final regulating plan was the eventual relocation of the substation. Because the substation was not relocated they had to come up with the newly proposed regulating plan. He clarified that the Plan had been substantially modified since the last meeting based on input. Mr. Polikov believed they were reaching the point where refinement was very practical.

Mr. Polikov thought it was important to remember that another firm, Parsons Brinkerhoff, was a partner in the original round of work. They did an extensive analysis of what the impact of this initiative would have on the State controlled roadways that surround Bonanza Park. It was a process of both internal and external analysis. Director Eddington stated that as they went through the transportation analysis, a number of people were concerned about the number of streets. In addition to working with Parsons Brinkerhoff, they also utilized InterPlan to do an analysis of the street grid to make sure it would work and that it would meet all necessary requirements. Director Eddington noted that currently there are 35 curb cuts off of Highway 224, 248, Deer Valley and Bonanza Drive that go all the way around the Bonanza Park area. Based on what was being proposed, there could be as few as 15 to 17 curb cuts. As they work with UDOT on the corridor agreements for 224 and 248, UDOT supports reducing the curb cuts. Director Eddington stated that the reports were provided to the Planning Commission. It is a detailed analysis but it provides a good framework for understanding how the grid works.

Mr. Polikov remarked that details matter. He did not believe they should get into the details this evening, but they could be made available at any time. He pointed out that the document presented today was contextually driven by different things they have been working on at a technical level. Making changes can have a cause and effect, some intended and others unintended. As they work through the character zones and the regulating plan and the level of potential development within this area, it is important to understand that they have set up an analytical framework to give a sense of what the impact would be. They had no intention of writing the Code in a vacuum without considering all the pieces. Mr. Polikov believed that they have spent so much time on the details that many people have forgotten the policy that was adopted at the City Council level and that the Planning Commission was being asked to consider today.

Mr. Polikov commented on transit and parking. He noted that the intent is to encourage significant transit use in this location. It may potentially be the right location for a transit center; but that is dependent on outside factors, decisions, and investments. Park City has a great bus system, there has been talk about rail, and there will be other discussions regarding gondola connections. Mr. Polikov remarked that decisions being made on the parking policies would also impact the transit questions. He encouraged the Planning Commission to consider loosening up on some of the parking policies versus what they would normally do in other locations of town, because it might preserve as much potential for this to be a true transit environment relative to the community concern of having limited ways in and out of town and limited connections in town. They are in the paradox of trying to capture quality growth that will continue to come to Park City in terms of more development meaning more parking and more demand on transit. Mr. Polikov stated that Form Based Code can help preserve their options for the future. He suggested that they could let the market decide what level of parking makes sense now, and over time there may be an opportunity to have some of the parking demand met by transit. He thought that was a better approach than trying to resolve all the parking questions today.

Commissioner Phillips stated that his focus was on parking and transportation. He had read the 224 Corridor Study and noticed that it referenced BoPa countless times. He found it very informative and he suggested that the other Commissioners and interested citizens should read it. The study contained questions that were asked of the public and he believed the questions were answered in a way that aligns with what was being proposed. Commissioner Phillips asked for an explanation of how the 224 Corridor Study relates specifically in timing to the decisions being made on streets for Bonanza Park. He read a specific statement that says the latter phases of the study will be done in conjunction with Form Based Code and traffic studies. Commissioner Phillips wanted to know how input on the traffic and streets related to what the Planning Commission was doing.

Director Eddington stated that looking at transit opportunities for 224 would probably take place prior to development occurring in Bonanza Park. He expected to see some of the expansion of 224 within the next few years with bus rapid transit potentially down the center. That is still being refined and UDOT was working with the City. He believed it was close to being finalized.

Relative to the Bonanza Park Plan, Director Eddington stated that the City meets with UDOT once or twice a month to talk about how these connections would impact the Plan. They are working closely with UDOT to make sure the two align. They are also working on a corridor agreement to address all of those concerns. Director Eddington stated that all the studies and various analyses and research documents and minutes are posted online

under Park City Living Here Community Development Bonanza Park Plan. The Staff will continue to post new documents on the website so everyone has equal access.

Mr. Polikov stated that when the regulating plan was developed they looked at existing development and anticipated what future development could look like. It was an evolution of what is there today and not a radical departure from, and what the relationships would be between the Resort Gateway, the mixed-use center, and the Iron Horse District. They tried to depict the character of what each of the subzones would look like. Mr. Polikov stated that they went through extensive public input to get feedback, which gave them the ability to go into the details in terms of building heights, setbacks, quality of specific development, architectural form and the character and relationship of bringing in new uses. Mr. Polikov remarked that the purpose of developing the character zones was to set up more detailed policy framework that built on what was already reflected in the General Plan, and several years of policy discussion about what the characteristics of BoPa should be as a neighborhood ten to thirty years from now.

Chair Worel recalled seeing a computerized model several years ago showing what it would be like to walk through each of those character zones. She asked if it would be possible to see that model again at their next meeting. Mr. Polikov replied that the computer model is outdated and does not reflect the regulating plan and the current character zones. Director Eddington remarked that the computerized model was helpful and other people have asked about it. If the Commissioners still wanted to see a computerized model after the full presentation this evening, there may be a potential to tweak the model to reflect the current plan.

Commissioner Phillips stated that by the time the Planning Commission was ready to forward a recommendation to the City Council, it would be essential to see some form of 3D visual.

Commissioner Thimm wanted to see the massing in the different areas to help the Commissioners understand the full width of the streets, the relationship of the ratio of building heights with the street width, and how the sidewalks begin to interplay.

Jay Narayana walked through the fundamentals of Form Based Code to help everyone understand the intended consequences of the proposal, how the Code works and how to use it.

Chair Worel asked how lots are determined within their parcel if the property owner owns most of the character zone. Ms. Narayana replied that there is flexibility in flagging the property. There are no minimum or maximum requirements for lot sizes. Mr. Polikov stated that the owner would plat however they needed to in order to make the project work.

He believed the flexibility was an incentive because it allows the building types and the businesses to drive the platting as it needs to occur to make the project work. Ms. Narayana stated that the concern is more with the block sizes to make sure it still works from a walkability standpoint.

Commissioner Band referred to the schedule of permitted uses on page 23. Under Other Uses it reads, "Nightly rentals not to exceed 20% of all units in residential properties. She pointed out that nightly rentals are permitted in all zones except utility zones. She questioned the percentage because they have been told that this would be a live/work area. Commissioner Band asked how the 20% was determined because nowhere else in town has just 20% of a project be nightly rentals.

Director Eddington replied that the question came up during the General Plan discussion with regards to Old Town and other neighborhoods. The question was whether they should try to protect Old Town from going totally resort or whether they should maintain its local character. There were agreements and disagreement and in the end there was a recommendation to limit nightly rentals in Old Town to 50%. It is currently at 48% in Old Town. Director Eddington noted that the concern was that capitalism would convert most neighborhoods to nightly rental and secondary neighborhoods. Following a number of discussions the City Council recommended removing the restriction and allowing the market to decide. However, a simultaneous discussion occurred with regard to Bonanza Park. Early in the process there was a recommendation to not allow nightly rentals in this District because they wanted to maintain its local characteristic. When that decision was made others pushed back because nightly rentals already occur in the District. They initially looked at the Resort Gateway zone as the most appropriate place for nightly rentals and later decided to allow it throughout the District with a restriction of 20% across the board. Director Eddington pointed out that the percentage would be difficult to enforce because the Finance Department would have to cap the permitting at 20% based on the number of units in the Bonanza Park District.

Director Eddington asked whether the Planning Commission wanted to allow nightly rentals in Bonanza Park at all or whether they wanted to allow 100%. He clarified that the Staff recommendation was between zero and 20%. He thought it was important to have that policy discussion.

Commissioner Band stated that she asked the question because Iron Horse and Fireside are zoned for nightly rental but it is prohibited by the HOA. She was unsure how that restriction could be regulated. As an example, if the first 20% of the units built are nightly rentals people will rush to buy them. She is a real estate agent and she knows from experience that those units will go first because there are more potential buyers to purchase second homes in this community than those looking for primary residences.

Commissioner Band asked if the currently nightly rentals would be grandfathered. Director Eddington stated that it would be based on the yearly renewal of the nightly rental license.

Commissioner Band asked if it would be appropriate to prohibit nightly rentals in the Hillside and BoPa residential zones. As a real estate agent she could not see how that would logically come about. Director Eddington remarked that it was in the Resort Gateway zone and it was a policy question that needed to be addressed.

Chair Worel noted that when they worked on the General Plan the Staff kept a running list of policy questions that needed to be addressed. She asked if they could start that same list for BoPa. Director Eddington stated that the Staff had already started a list and they were adding to it this evening.

Commissioner Thimm referred to the additional design criteria for certain uses. He noted that under residential uses for Mixed-use Center, Iron Horse, and Civic Use Center areas it talks about ground floor frontages, and designated as required commercial frontage. It says there should be no residential, office or institutional uses at that level. Commissioner Thimm asked if there was a provision that would allow a residential lobby or an office lobby to have a ground floor presence along the sidewalk. He thought it might be important to those uses.

Mr. Polikov thought it was a mistake to prohibit office use. He believed it was a typo and that any non-residential use should definitely be allowed. Mr. Polikov personally thought the uses should include residential lobbies and amenity centers on the ground level. He explained that the goal of this type of frontage is to see an active front as people walk by. Mr. Polikov recommended that the uses be as broad as possible but still be appropriate. He believed they could refine the language to make it clear.

Ms. Narayana remarked that the regulating plan does not address which block frontages makes sense to have commercial on the ground floor and which ones could just be commercial ready. That was another policy discussion they needed to have with the City Council and the Planning Commission. Mr. Polikov was prepared to make recommendations but he wanted to make sure the Planning Commission agreed with the basic approach. Their recommendation would be to limit the locations primarily around major destination parks or major blocks in the mixed-use core. In the next level of locations they would want the buildings built to accommodate store front use. It may have a residential use today but the building is convertible to accommodate a future commercial use due to a changing market demand. For the rest of Bonanza Park they should let the market decide whether a commercial ready environment should be constructed on the ground floor.

Mr. Polikov stated they would be tweaking the regulating plan to address some of the comments expressed by the public and the Planning Commission. They had already eliminated some of the connections that people thought were counter-productive at the last meeting. If the Planning Commission was prepared to give guidance on the storefronts this evening, they would add that to the next iteration of the regulating plan and try to determine what would be non-residential required and simply non-residential constructed.

Commissioner Thimm clarified that there would be a provision to have flex space that would allow a space to be initially what the market could handle now, knowing that in the future it could accommodate utilities and other elements that would accommodate a commercial use. Mr. Polikov answered yes. Commissioner Thimm stated that he has seen codes and ordinances from other municipalities that require commercial on the ground floor where commercial is not viable. In those circumstances they have empty spaces and lack of activity on the ground floor.

Commissioner Thimm noted that the document talks about a phasing. He assumed they were talking about making a provision for building footprints that are projected in the future, with an allowance for development now of certain areas. He asked if there was a provision for what can occur in those future development building footprint areas. Mr. Polikov stated that those could be filled in. Temporary parking or storage could be one example. Commissioner Thimm remarked that a place might tend to evolve with time. Initially they might have a use that can be viable and help enliven the space without needing to be built out or require parking. Mr. Polikov offered to make sure it is clear that the interim uses make sense.

Commissioner Thimm asked if there was any provision for places such as public plaza spaces to be counted towards building frontage along a block face. Mr. Polikov stated that they intended for that to be the case and he would make sure it was clear in the Plan.

Commissioner Thimm noted that the parking ratios call for one space per 400 square feet of the building area for ground floor commercial. In terms of number of stalls per 1,000 square feet, the parking ratio calculates to approximately 2.5 stalls per 1,000 square feet. Commissioner Thimm remarked that over the years, restaurants and other tenants have asked for 8 to 12 stalls per 1,000 square feet. He understood that the parking allowances were laying the groundwork for future structured parking, but he was concerned that 2.75 stalls per 1,000 square feet might be too low for a commercial enterprise. Commissioner Thimm asked if there was another mechanism that might allow more parking if the right opportunity presents itself.

Mr. Polikov stated that there has been significant discussion about parking minimums and the paradox of maximums. For example, if the intent is to encourage more “park once”

environments, some properties may want to over park and allow for the market to charge for that. Mr. Polikov thought it made sense to add a provision outlining the standards, subject to approval by the Planning Director or the City Manager, for an alternative parking plan that would achieve shared parking, or relates to a specific opportunity that was not anticipated in terms of development but relative to maintaining the pedestrian environment. Three or four metrics could be included.

Chair Worel asked if parking was on the list of policy discussion items. Director Eddington answered yes. He explained that over the past few years the Planning Commission has reduced the parking requirements for larger projects, which was one reason why the parking was reduced in the plan for Bonanza Park. They also took into consideration the fact that a significant number of on-street parking would be provided that currently do not exist in Bonanza Park. The parking was reduced by 40-50% and that was how they determined the parking ratio. Director Eddington thought this was an important policy discussion. He believed parking would be a bigger issue in the future as build-out occurs in Bonanza Park. He did not see it as an immediate issue. Director Eddington stated that another issue was whether it would be incumbent upon the City to look at potential parking garages or other means for parking scattered throughout the District.

Commissioner Thimm believed the phasing they talked about earlier could factor into the parking discussion as well. He pointed out that the evolution and maturing of the District would also cause changes that should be considered in their discussion.

Commissioner Thimm wanted to add building height and the “gives and gets” portion to the policy discussion. He understood the reduction in floor area between levels. He asked if there was language in the ordinance that speaks to shading and an analysis of the neighbors. He suggested the possibility of using the smaller areas, as the height incrementally increases floor by floor, to buffer the adjacent properties. Mr. Polikov stated that there was no language to that regard. Director Eddington stated that they do not know exactly where property lines and building lines would change from a two-story building to a three-story building. They want the buildings to have quality architecture and to have a zero lot line fronting the sidewalks and gardens up front, but they do not know exactly where those would be or how properties would sell or be developed in the future. Director Eddington pointed out that the current Code does not have provisions for shading or shadowing for the same reason.

In an effort to allow ample time for public comment, Chair Worel requested that the Commissioners identify items or issues that they would like to have added to the policy discussion list. Commissioner Thimm stated that he had other questions, but he would meet with Planner Alexander outside of this meeting. Director Eddington invited the Commissioners to come into the Planning Department at any time to meet with him or Planner Alexander.

Mr. Polikov thanked Commissioner Thimm for his attention to detail and for his feedback.

Chair Worel added view corridors to the list of policy items. Director Eddington replied that it was already on the list, along with open space and affordable housing relative to incentivized building height opportunities.

Chair Worel opened the public hearing.

Scott Loomis, the Executive Director of Mountainlands Community Housing Trust, stated that Mountainlands does affordable housing in Summit and Wasatch County. Mr. Loomis remarked that generally affordable housing is generally referred to as 80% of the area median income and below, which is \$98,500 in Summit County. The target is households that make approximately \$80,000 or less. Mr. Loomis explained that in order to determine affordable, they use a standard of 30% of gross income for mortgage payments, insurances, taxes and HOA fees; or for rent and utilities. Mr. Loomis referred to the table of tiers on page 51 of the Code and believed the City had missed the boat in what they were purporting to do. He noted that the first tier was targeting between 55% to 70% median income. Using the 30% standard, it would be residents of approximately \$250,000. Mr. Loomis referred to the last tier and believed it well exceeded the median income by two or three times the median income. Based on that tier, they were targeting people making more than \$600,000. Mr. Loomis stated that there were approximately 600+ affordable apartments in Park City and they maintain an occupancy rate of 98%, which is essentially 100% when you factor in the turnover rate at the first of the month. Mr. Loomis pointed out that affordable housing is deed restricted to certain income, household sizes and price limits. The restrictions create affordable housing. He noted that Park City currently has a 15% affordable housing requirement for all development. If they want to incentivize it to get lower median incomes and/or create higher density, they expect the developer to subsidize the additional density units rather than create units that are essentially market rate. Mr. Loomis believed the numbers were wrong if the intent was to accomplish workforce housing. He stated that at least half of the affordable part should target below 50% of the median income; however, it was not even mentioned in the document. When they first started talking about redeveloping the Bonanza Park area he understood that the units would be smaller, stacked flats that would lower the cost of development and make the units affordable for the main stream of the community. Instead, they were creating an elite development similar to Deer Valley and other places. If the Code remains as written, the City would be doing absolutely nothing for affordable housing by creating additional density.

Chuck Klingenstein stated that he had emailed a letter to the Planning Commissioners earlier in the day. Mr. Klingenstein understood that the policy direction may have been

determined. However, policy is not black and white and it is always subject to interpretation. The question for the Planning Commission was how they recommend that it be implemented. Mr. Klingenstein stated that Form Based Code may be the right answer for achieving the policy; however, the devil is in the details. To understand those details, many questions must be asked, and should keep asking the questions until the proposal is crystal clear in their minds. Mr. Klingenstein remarked that the Planning Commission was making one of the most intense land use decisions since the Flagstaff Annexation. He thanked Chair Worel for asking about the digital model and Commissioner Phillips for the follow-up. Mr. Klingenstein stated that humans, including Planning Commissioners and professional planners, have a hard time visualizing 3D or the built environment. He thanked Commissioner Thimm for his questions regarding massing and relationships to the streets. He encouraged the Commissioners to continue asking the questions. Mr. Klingenstein stated that as he walked Kearns Boulevard this morning in front of the Wells Fargo, he tried to visualize anywhere up to four or five stories. He tried to understand what the loss of the view of the mountains may look like. That was only one vantage point, but as he iterated in his letter, they also need to consider the periphery streets and the internal streets. In his letter he provided links where the Commissioners could find modeling software. He emphasized the importance of taking their time to truly understand the project. Mr. Klingenstein stated that if this was being proposed by a private sector developer they would require digital modeling, massing, photo montage and everything else to show what the built environment would look like at build out. He understood that Bonanza Park is a big area, but this is a big decision with big ramifications. If they intend to move forward with it, they need to understand what the end product would look like. In the presentation this evening he did not see a lot of large buildings with four or five story possibilities. Mr. Klingenstein stated that the Planning Commission is the early warning system for the community and the visual information will help people understand exactly what they would be recommending.

Mike Jackson, representing Associated Foods and Fresh Market, was saddened to hear the veiled threats that were made during the presentation this evening. The first was from the City Council saying that this was already a done deal and they were hoping the Planning Commission to hurry and pass this on to the City Council. Mr. Jackson did not appreciate the comments by the consultant saying that people who disagree are somehow cheap and not willing to have a nice place. He also heard comments that a property owner would not be forced or required to change if they did not want to. However, if a owners wanted to make changes to make their business successful and the come to the City for the requirements permits, the changes they want to make would not fit within the new Code. Mr. Jackson explained how small grocery stores get started and evolve over time into a successful business. He stated that as the planning is proposed, a grocery store is not a viable business in the area. He noted that Daybreak in the Salt Lake Valley was originally master planned with small grocery stores spread throughout the community so

people could walk. Every residence had to have a porch close enough to the sidewalk to promote conversations with people walking to and from the grocery store. That plan was changed and Daybreak does not have any grocery stores because the cost of development prohibited the grocers from making a profit. Therefore, the grocers built outside of Daybreak. The same thing happened with other small businesses that were planned within Daybreak. Mr. Jackson stated that a business is limited on the amount of money they can make based on the number of parking stalls. If people cannot park, they will take their business somewhere else. If they eliminate parking the businesses will dry up. Mr. Jackson pointed out that UDOT would like to eliminate all curb cuts, but without curb cuts there would be no businesses. They need to have some flexibility for the current business owners to use their property to make income. They need to allow Fresh Market to keep their parking lot and remodel their building to how their customers want it. Mr. Jackson encouraged the Commissioners to ask the right questions and to talk to the people who own the businesses.

Peter Yokeman, a Park City resident, commented on BoPa in terms of someone who does not live in BoPa. He noted that many citizens live in Park Meadows, Thaynes, Snyder's Mill and other parts of the community, but they utilize a lot of business in Bonanza Park. He understands that there would be two ways for him to get to Bonanza Park once it is developed. One is to take a bus or possibly pay for limited parking. He lives a half mile from the bus stop and taking a bus to get groceries is not quick or easy so he would not do it. He also would not pay for parking. For those reasons he would not patronize the businesses in Bonanza Park that he currently uses. Mr. Yokeman thought the proposed re-development would be good for the people who live in BoPa, but it would not be good for the rest of the community. He stated that placing this wonderful idea in the context of the larger Park City community would not work because it will not be utilized; and BoPa will never have the population to support first floor commercial businesses in this mixed-use area. Mr. Yokeman believed they would end up with a high-end residential community, and the citizens of Park City would lose a lot of the services and businesses that they enjoy now.

Catarina Blase, a business owner in BoPa, stated that she has used the Storage Depot for 20 years. It is irreplaceable and it's how she runs her business. She owns property in the Claimjumper District where she works, and when her sons come to town they stay there. She does not use it as a nightly rental. Ms. Blase stated that she is able to do that because she can afford the mortgage and she makes it her office. Until Mr. Jackson spoke she was on a completely different track in how she felt about the current property in that area and how valuable it is. However, after hearing the comments it occurred to her that if the Form Based Code was implemented, she would be out of business in three or four years because she would not be able to afford it. Ms. Blase presented a scenario of a four story model with underground parking. As she previously mentioned, no one in any of

these meetings ever addressed the mine tailings issues. She has done the reclaim on several properties in the Prospector District, and she is currently dealing with serious heavy metal poisoning. No one wants to talk about what would happen if they start digging big holes in Prospector, even though there is currently a clear policy in place that talks about mine tailings in Prospector. She pointed out that when they put in a new sprinkler system in Claimjumper they had to adhere to very strong standards and they were only going 8 inches underground.

Clay Stuard, a resident at 2892 American Sadler Drive, commented on the beautiful day and how the hills were alive with color. He stated that 20 years ago he was standing at this podium and he began his comments the same way when he was serving on the Ridgeline Protection Committee and View Corridor Committee that was part of the 1995 General Plan Update. Mr. Stuard stated that the idea that the City was now considering Form Based Code that would allow up to five story buildings very close to the streets that would block those view corridors was simply amazing to him, and it should never happen. Mr. Stuard showed the flyer that was sent out by the Planning Commission informing the community of this meeting. He believed it was a continuation of the deception and misrepresentation of what Form Based Code really is. He noted that the flyer showed a three-story mixed use building and a nice park. The flyer goes on to say why it would be an incredible alternative to conventional zoning. Mr. Stuard remarked that the flyer identified all the things the City was trying to sell with this Code, but it did not present a balanced picture of what actually would happen in the zone. He stated that this "garbage" had to stop. Mr. Stuard had submitted his comments in writing and would not reiterate them again. However, he thought the comments he made about connections were vital. The protection needed for Bonanza Drive and the setbacks required to maintain the view corridors were important. The City already has an affordable housing ordinance and Form Based Code provides nothing more than the current ordinance. Yet they were willing to give people additional height on buildings to comply with an already codified ordinance. Mr. Stuard thought the TDR transfers were questionable and he had covered that issue thoroughly in his written comments. He was pleased that Ms. Blase had mentioned the mine tailings issue. Mr. Stuard stated that all of the non-compliant structures were the biggest issue. He believed Form Based Code would cause the vast majority of the structures to become non-compliant structures once it is adopted. All of the incremental alternative, organic expansions that are possible for those existing businesses would be eliminated. He understood they have the option to stay as they are today, but the buildings will get older and there will start developing economic obsolescence. People will stay because they would not want to abandon their business model, but they could not continue that business model if they comply with this Code. Mr. Stuard emphasized that this was the most significant rezoning in the City's history in a long time and it is being initiated by the City. It is absolutely important to get input from all the stakeholders, and he was happy that many of the stakeholders were in attendance this evening. Mr. Stuard encouraged the

Planning Commission to move slowly and to remember Park City's values in the General Plan of small town, natural setting, sense of community, and historic preservation. Those were his values 20 years ago and they are still his values today.

Mike Todd, an owner in the residential section, indicated on the map the segment of the District he wanted to talk about tonight. Mr. Todd had read the proposed Code and he found it difficult to understand. Because he could not explain it to someone else he was certain that he did not fully understand it. He noted that the Hillside residential was fully built out, and unless someone was proposing to tear down moderate to affordable income housing and build new units, the Plan does not apply to Hillside. He questioned why it was included in the proposed zoning change. For years the City has been talking about gives and gets, and he did not believe that Hillside would get anything out of this Plan. Mr. Todd asked that someone contact him to answer his question regarding the "gets". Mr. Todd clarified that he has never been fundamentally opposed to the BoPa development, but he could see negatives for those on the Hill without any positives. He would like to know what the positive are, if any. He clarified that unless there are significant positives for Hillside to be included, he was formally requesting that the Hillside development be removed from the Code. Mr. Todd stated that after reading the Code and asking questions, his largest concern about Form Based Code was that it completely removes the Planning Commission from the process.

Chair Worel asked Mr. Todd if he was speaking on behalf of himself or the HOA. Mr. Todd replied that there are three HOA's and he spoke on behalf of one of them. However, he owns enough units that he was sure he spoke for more than just himself.

Chair Worel closed the public hearing.

Mr. Polikov appreciated the concerns expressed about small grocers staying in business. He would double-check to make sure it was clear that any rehabilitation for any additions to the building would not eliminate the ability to continue using the building. However, if a rehab increases the non-compliance it could no longer be used. Mr. Polikov clarified that absolutely nothing in the Code would eliminate anybody's parking if the Code is adopted. He remarked that the intent is to encourage upgrades and remodels, and he would make sure the language is very clear on that fact.

Director Eddington stated that the language about non-compliant structures on page 13 of the Form Based Code is almost exact to the current non-compliant structure language in the LMC. He pointed out that decreasing the setbacks with Form Based Code would actually increase the opportunities for businesses to remodel than what they have under the current Code. Parking would remain as long as they stayed within the Code setbacks. Mr. Polikov reiterated that parking would only be affected if a business restructured the

building and tried to put parking in a place where parking would not be allowed under the Code.

Commissioner Campbell asked Mr. Polikov to elaborate on his last comment. From what he heard, it sounded like someone could end up losing their parking if they wanted to change their building. Mr. Polikov explained that parking would only be lost if someone completely restructures their building and proposes to reformat the parking in an area where parking would not be allowed under the new standards. However, if someone expanded the building itself into an area where parking is allowed, they would be able to do so under the proposed Code. Commissioner Campbell clarified that if an owner chose to eliminate some parking spaces to expand their building they would be allowed to keep the remaining parking spaces. Director Eddington replied that this was correct.

Mr. Polikov remarked that it was a myth that Form Based Code would not allow people to remodel or improve their existing buildings for purposes of their viability. Commissioner Campbell asked if Form Based Code dictates what the front of the remodeled building would look like. Mr. Polikov stated that if they scrape the building and start over they would be subject to the new rules. Commissioner Campbell used the example of a grocery store expanding 20 feet and putting on a new façade. He asked if Form Based Code would govern the look of the new façade. Director Eddington stated that design guidelines were incorporated within the Form Based Code and they would have to meet the guidelines recommendations. He pointed out that the guideline recommendations were similar to the LMC architectural guidelines that are currently in place.

Commissioner Campbell clarified that he was not opposed to the idea of Form Based Code, but his responsibility as a Commissioner is to the people who already own businesses. He still did not fully understand the negative impacts of how those businesses might be affected. Commissioner Campbell requested a better forum for the next meeting to figure out the impacts. He was also interested in hearing from more of the business owners in the District. Their fears may be unfounded, but he was interested in helping them find out whether or not they were unfounded.

Mr. Polikov commented on other communities that have implemented Form Based Code, and he offered to provide the names of mayors, city managers and business owners in those communities who could be contacted for input.

Planner Alexander asked any of the public who had not been receiving public notice to update their name and address on the sign-up sheet.

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The Park City Planning Commission meeting adjourned at 8:15 p.m.

Approved by Planning Commission: _____