

**PARK CITY COUNCIL AND PLANNING COMMISSION  
JOINT WORK SESSION MINUTES  
SUMMIT COUNTY, UTAH  
MAY 16, 2013**

**DRAFT**

**Present: Mayor Pro Tem Alex Butwinski; Council members Andy Beerman; Cindy Matsumoto; Dick Peek; and Liza Simpson**

**Planning Commission members Stewart Gross; Jack Thomas; Brooke Hontz and Adam Strachan**

**Diane Foster, City Manager; Phyllis Robinson, Public Affairs Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Capital Budget Manager; and Mark Harrington, City Attorney**

**Stephen Gerran, Technical Consultant**

**Absent: Mayor Dana Williams; Planning Commission members Mick Savage; Nann Worel; and Charlie Wintzer**

**Bonanza Park Plan.** Thomas Eddington explained that staff has been working with Stephen Gerran on a model for Bonanza Park and a demonstration on the technology will be given. Phyllis Robinson added that the City has been working with Mr. Gerran from an emergency management perspective and the question was raised of how to model decision-making processes in real-time fashion that would allow more engagement and interaction in the creation process. Tonight's substation options will be presented to the City Council. Mr. Gerran explained that his expertise is not in creating renderings but to take that sort of information and bring it into a synthesized three dimensional form. This tool allows the public to interact and he would like feedback on issues of interest when he returns in June. He displayed a Bonanza Park model. In June, he will have a larger table capable of illustrating Substation Options 1 and 2, allowing people to see things like vantage points or what the power lines look like.

He will be working with the artist hired by the City to provide more visual information. Mr. Geffen spoke about representing elevations through Google Earth allowing anyone to set the altitude, the pitch or the heading of the camera to adjust views. The model is capable of showing a variety of information contained in GIS levels. He again emphasized that the table will be larger and the information more accurate for the meetings in June. Jack Thomas interjected that people perceive scale about four to six feet above grade. Thomas Eddington added that the buildings can be represented as they exist today and four and five story buildings can be added to gain a perspective of visual impacts. Discussion ensued on capturing sunlight and shadows. Liza Simpson suggested that the pedestrian view may be more meaningful than the view from a car. Jack Thomas pointed out how that lens type can alter perspective with regard to scale,

e.g. telephoto or wide lens and Mr. Geffen stated that he will look at other options other than Google Earth Plug-in. Ms. Robinson encouraged the group to think about vantage points important to them so they can be loaded in the model. Thomas Eddington confirmed that staff will work with Mr. Geffen to identify vantage points and looking at them from both a pedestrian and a vehicular experience. Ms. Simpson recommended modeling the view corridors so that height can be assessed, for example if a building is framing a view or blocking it. Mr. Eddington commented that others have expressed an interest in this as well. Ms. Robinson commented on the benefit of having the Google Earth overlay resulting in a much richer experience. She discussed having this tool at the public open house scheduled for June 11 and it will be available at the public hearing slated for June 20. This model is a work in progress but staff wanted to showcase it today to the group.

**General Plan.** Thomas Eddington stated that the General Plan schedule was discussed at the last joint meeting where Bonanza Park planning and the form-based code were identified as high priorities in consideration of the timing of the Community Development Area and Rocky Mountain Power's deadlines. Even though it was the general consensus to have the General Plan done prior to doing the other documents, given the time lines, it seemed more appropriate to deal with the General Plan after August and possibly through March. He asked the group if everyone is comfortable with that schedule. Another alternative would be adopting the document in its current draft form with the commitment that staff return in August to begin to refine it. He believes the new General Plan better reflects the four core values, City Council goals, and the Planning Commission's input over the past couple of years. This way, the group will have a holistic up-to-date document adopted, and decisions would not be based off of the existing 1997 General Plan. Diane Foster commented that members would need to commit to a schedule and the document would be readopted with edits.

Dick Peek believed the General Plan is very important because the LMC and other plans are guided by it. Cindy Matsumoto stated that if the guiding principles remain the same, it shouldn't be a problem. Alex Butwinski emphasized that the current LMC will be used.

Andy Beerman referred to concerns expressed at the last joint work session about not completing the General Plan. He has read most of the draft and feels it is far better to apply, although maybe imperfect, than working off a 17 year old General Plan that doesn't include current planning principles and/or strategies. Dick Peek questioned that in consideration of Mr. Beerman's comments about the schedule being onerous. He felt that August to March is a long time to get to an adopted General Plan. Thomas Eddington explained that part of that is going through the Planning Commission process and receiving public input and that schedule is based on reviewing the plan in sections. In a perfect world, the Planning Commission would have two hours to dedicate to the General Plan every meeting, but the number of applications has increased and meetings are pretty well booked through the summer. Dick Peek asked if it is prudent to adopt the draft General Plan without public input. Mr. Eddington believed there would

still have to be public input. Andy Beerman pointed out that public input has been received for four years, and the draft is the summation of those comments. He urged members to keep in mind that this is a living document and will be evolving constantly.

Jack Thomas stated that philosophically he prefers to plan from the big picture to the small picture or from the foundation up. To a great extent, the General Plan is the foundation of what holds the structure of the community together. He encouraged addressing the General Plan by breaking it into the visioning criteria for basic values of the community and simplifying it in some way but conducting a public process and making sure that the foundation for making decisions is sound. Perhaps there is a way to simultaneously review it with Bonanza Park because he does not support delaying it.

Brooke Hontz stated that she concurs with Mr. Thomas in terms of delaying the document. She has reservations about adopting the draft because words are powerful and matter and the draft could have significant impacts, in her mind, as it is written. She felt a significant portion of the General Plan should be removed and applied as a supplemental resource and not as part of the actual General Plan. She is somewhere in between and would like to see it moved faster.

Adam Strachan indicated that he tends to agree with Andy Beerman but he feels the principles are there. He didn't believe that a proposal can violate a general plan because they are designed to be broad. For instance, when reviewing Park City Heights, some Commissioners felt it complied while others didn't. The General Plan cannot be used to tell the Bonanza Park developer what he can or can't do; it's not the nature of the document. Mr. Strachan believed the form-based code is a far more pressing matter than the General Plan. He agreed with Mr. Beerman that 95% of the principles are there. The form-based code, on the other hand, is specific and will provide applicants more clarity and certainty.

Stew Gross expressed his confusion about the timing of reviewing the form-based code and Thomas Eddington explained that the plan is to consider the form-based code simultaneously with the Bonanza Park Plan. It won't be done prior to the Bonanza Park Plan which is planned for completion August 8. Adoption of the form-based code will fall behind that date. He added that the principles in the draft are similar to the 1997 General Plan, but have more detail and added principles. The strategy section and some other areas are pretty specific, reflecting the ideologies of both the Planning Commission and the City Council. He encouraged members to read the draft.

Alex Butwinski asked how specific the General Plan needs to be to meet CDA requirements and Thomas Eddington felt that it is there. Mr. Butwinski asked about flexibility to amend the document after the CDA is approved. Mr. Eddington explained that the General Plan can be modified if the amendments are not substantive. If they are, the Bonanza Park Plan would have to return to the Planning Commission and the City Council for readoption. The CDA is based on the Bonanza Park Plan as well as site specific plans, and the CDA primarily addresses square footage and tax generation.

Mr. Butwinski stated that it would be helpful to know for certain how detailed the plan needs to be for establishing the CDA. Nate Rockwood advised that the CDA is based on the Bonanza Park Plan and the form-based code. The CDA is adopted with the assumption that the development approved as part of the CDA will generate the revenue that will pay off the costs of the mitigation of the substation. For example, if the form-based code allows four story buildings and this is included in the CDA, and it is later decided to impose a lower height limit, financially the CDA no longer works because it needs the density from the fourth levels for economic return. The CDA includes the development plan and if the change is significant, it nullifies the CDA which should occur before spending money mitigating the substation.

Mr. Butwinski asked for a formula on density and Mr. Rockwood responded that the consultant does this type of calculation which is included in the data. As far as what needs to be included in the CDA, it would be ideal to have the Bonanza Park Plan in place and included in the CDA which is the reason for the push to get the plan adopted as quickly as possible. Mr. Butwinski expressed concerns about moving quickly on the CDA because of the specificity required in order to create the mechanism to pay back project money. He asked what would happen if four stories was denied by the Commission or Council. Mr. Rockwood encouraged that both bodies get through as much of the process as possible, and are comfortable with the density and the direction of the plan before the CDA is established. Dick Peek interjected that the form-based code is driven by the massing rather than uses but the pressure is coming from one industrial use.

Andy Beerman clarified that he was not proposing that the schedule change but to consider a parallel or expedited process for the General Plan so that we're not waiting until March. The other reality is that three City Council seats are up for election and three seats on the Planning Commission are up for appointment. Hopefully, many or all of us will be back but this group has been working hard on the General Plan for a long time and there is the potential of losing a lot of knowledge and investment.

Liza Simpson disagreed with Mr. Peek's comment about the form-based code being driven by one industrial use because the form-based code has been discussed for two and a half or three years as a concept for Bonanza Park. This occurred before conversations with RMP and the substation driving the time line.

Mr. Eddington felt that the form-based code will not have that much impact on the substation because it is somewhat independent. The question is the density issue to satisfy the CDA in terms of tax increment. Currently, the General Commercial Zone allows 35 feet heights in the area or three stories and a more conservative approach would be to base the CDA on three story buildings. It is safe as it is the current zoning but if there are opportunities for additional height, then that would be a bonus and the CDA might generate at a higher and faster rate and repayment made quicker. He encouraged using three stories which is probably the base for the form-based code.

Cindy Matsumoto understood that Mr. Rockwood is basing the CDA on four stories. Nate Rockwood agreed and clarified that the CDA is based on the Bonanza Park Plan and the form-based code which allows four stories. Mr. Eddington clarified that the form-based code has an enhanced option to get to the fourth story.

Ms. Foster encouraged discussion on a strategy to adopt the General Plan. Thomas Eddington believed that the draft General Plan could be adopted within 45 days with the commitment that it would return in August to make refinements. Dick Peek referred to this meeting's agenda which has been modified by two or three people to include a discussion on the General Plan. He is comfortable with an accelerated General Plan adoption but he questioned not having the General Plan designated as a topic of discussion on today's agenda and Ms. Foster responded that the General Plan schedule was in the packet.

Mr. Gross stated that he would like to see the General Plan addressed before everything else because of the substation and PCMR projects. Adam Strachan felt that more time should be spent on the General Plan to produce finished sections and if it is 95% complete, it is feasible to expect that the other 5% can be done before the Bonanza Park Plan. He doesn't want to rush into an approval after four years of work and explain to the community that an incomplete and less than perfect document was adopted to expedite it. Thomas Eddington emphasized that it won't be done in four months; either expedite it now or follow the schedule in terms of public meetings, applications, and workload. He clarified that there is probably not a middle ground in this instance.

Liza Simpson stated that she doesn't want to be in a position where the Planning Commission is uncomfortable making a recommendation to the City Council. Her priority is completing the Bonanza Park Plan and prefers to have the General Plan done well. It is 95% complete but she has only read a third of it and can't comment on the other two-thirds. She is comfortable with the schedule laid out in the staff report but is not comfortable with Council dictating to the Planning Commission that a recommendation be forwarded on a document. It is possible that the Commission may recommend denial and then Council is in a position of overturning a decision of the people who have performed most of the work on it. She supports the schedule in the staff report.

Brook Hontz stated that she is in agreement with Adam Strachan and Liza Simpson although she respectfully thinks there is an alternative schedule to the one presented where the Commission focuses on the *meat of the document*, which is the goals, the strategies, and the neighborhoods. Perhaps the trends section could be delayed to expedite this because the section isn't necessary going to guide decision-making and makes the General Plan harder to use. The trends could be included as an appendix to the document.

Jack Thomas agreed with Ms. Hontz comments and recommended looking at another time table, acknowledging that he doesn't have the answer. Mr. Eddington commented that he wished there was a middle ground but he doesn't think there is in this case.

Cindy Matsumoto expressed her support of the Planning Commission and understood that members would like to work through the General Plan. She agreed with Ms. Hontz about addressing the *meat of the document* first so it can be adopted earlier and can be applied to projects. If staff can't think of another way to approach this, she suggested adhering to the plan in the staff report. Mr. Eddington explained that the General Plan has four components; trends, how we got to where we are, principles and goals, and strategies. The General Plan also defines neighborhoods. Although the principles and the goals are the most important, it would not be prudent to adopt the document without the strategies. He encouraged adopting the complete General Plan. Getting the goals done is going to be as important as having identified them and he encouraged a holistic review. The trends can be put in an appendix, but the goals and how you get there are needed and are lacking right now.

Andy Beerman did not think it prudent to adopt it as is or place an unrealistic time frame of adopting it within 45 days. He would love to see the General Plan on an expedited schedule that might include some special meetings and adoption before March. The special meetings should be limited to focus on the heart of the plan and he is very much in favor of reviewing it in two volumes or a volume and an appendix section, similar to the budget. The budget document has grown to 800 pages but there is a 150 page executive summary. The plan summary could include the goals, some of the strategies and the neighborhood plans. The trends and some of the less relevant strategies and case studies could go into an appendix section.

Alex Butwinski acknowledged that members are divided and there is another option on the table that the Planning Department develop another schedule. Thomas Eddington expressed that another option is challenging to provide given the existing Planning Commission meeting schedule which includes the Bonanza Park Plan and form-based code over the next three months. Meetings would be added for the General Plan as well as for applications. Diane Foster pointed out that when a schedule for Bonanza Park is finalized, staff can return at the beginning of August and hold another joint meeting to kick off the General Plan. At that time, sections can be prioritized and based on work load. She pointed out the 17 day turn-around period needed for staff reports to the Planning Commission and the potential number of applications in the pipeline. Remaining productive can be a real constraint that needs to be acknowledged when there are many long meetings and all members agree that they want the product to be good.

Alex Butwinski understood that nine weeks from today, a joint meeting will be held to approve a schedule. Ms. Foster clarified that the number of applications expected in the future is the same level the Planning Department is dealing with now and she felt that waiting will provide a clearer view. A meeting could be scheduled on June 13

which is a no meeting date for the City Council. Adam Strachan believed the Planning Commission can review the goals and strategies within nine weeks. Ms. Foster did not think so if the Bonanza Park Plan is prioritized. Mr. Strachan disagreed.

Mark Harrington suggested that if there is a hybrid approach where the legal staff can facilitate to take some of the pressure off of the Planning Department, there probably is some middle ground. The idea of an executive summary under 50 pages that could run concurrently with the schedule but meet the intent that Jack Thomas, Andy Beerman, and Brooke Hontz are articulating, could be effective. A task force could be formed with one representative from the Planning Commission and one from the City Council to work through the General Plan. He pointed out that members have had the document since the end of March, but few have read it and he mentioned this because the posture gained from the Buki meetings has been *to facilitate and to be proactive*. A perfect planning document will never put members in that posture; it will maintain the integrity of the best plan, but there has to be a balance. If members are not willing to commit to the balance, you will remain reactive to external pressures. We are all accountable for the failure of completing the documents in a manner that puts us in a position to proactively address RMP. Now we are reactive and have hard deadlines controlled by a third party which was the fear we tried to avoid. He asked if we are going to proceed on the CDA schedule in an aggressive posture that can at least influence the outcome or lose the opportunity. The Legal Department is willing to dedicate additional resources to help the Planning Department, if necessary, and spearhead a more hybrid approach. Thomas Eddington stated that he just wants a realistic schedule because the General Plan is a big document. He suggested starting Planning Commission meetings at 1 or 2 p.m. to get through this and process applications, including MPDs. Alex Butwinski stated that this is a good middle ground because it accomplishes a lot that the group wants. He didn't see a problem with trying it and he asked if there are any objections.

Jack Thomas expressed that he has no objections and suggested that Planning Commission members take different sections to review to help facilitate the process. Diane Foster understood that Bonanza Park and the General Plan would be addressed concurrently and pointed out that at the last meeting most of the group clearly expressed that it is confusing to review two documents together and that you wanted to accomplish Bonanza Park first. Liza Simpson agreed that it was agreed that the documents would be reviewed sequentially which was supported by most of the Commission. Brooke Hontz explained that her concern was bouncing between two documents and never getting to the finish line. Thomas Eddington stated that he could try to put a schedule together but it is contrary to direction from last week. Liza Simpson stated that she is deeply concerned about pushing back the schedule on Bonanza Park. Alex Butwinski felt that Mr. Harrington's suggestion solves that problem and suggested putting a task force together to create a framework for review of the General Plan. Liza Simpson nominated Mr. Butwinski who accepted.

Diane Foster believed that members are unhappy because unrealistic schedules were set in the first place. The General Plan will not be done by the end of August and the

end of December or November may be more realistic if it is expedited, but she doesn't want members to leave with unrealistic expectations. Adam Strachan discussed appointing a Planning Commissioner, legal staff, a planner, and a City Council member to the task force and breaking the Planning Commission into thirds to review sections of the General Plan; members would rotate participating in task force meetings. He felt that this can be accomplished through emails.

**Continuation of Bonanza Park Plan.** After a short break, Thomas Eddington revisited the Bonanza Park Plan, specifically public-private partnerships. He pointed out that there are incentivized options for height in the draft General Plan. The General Commercial Zone limits height to 35 feet and the draft plan proposes incentivized enhanced options to get up to five stories, 50 to 60 feet, including road dedications, affordable housing, transfer of development rights and net zero buildings. He asked members if they want to consider additional heights and displayed photos of buildings in redeveloped areas in Salt Lake as successful examples of density and variations of height. He specifically pointed out the look of four story buildings in a mixed height environment.

Thomas Eddington stated that the current LMC provides that 15% of the development be dedicated to affordable housing which has to be built within the building envelope. In the spirit of the public-private partnership and in consideration of the recession at the time a few years ago, the City spoke about giving height and density and allowing the affordable housing to be located outside of the building envelope. There was a proposal to be able to build 75% of the fourth floor out and 25% of the fifth floor out. He explained that the *gives and gets* are still going to be opportunities for height and density but with the economy improving, he asked if members want to look at opportunities for more traditional incentives. This could be the City paying for some of the road infrastructure, similar to paying for open space.

Cindy Matsumoto asked if the 75% and 25% proposals are just for providing affordable housing and Mr. Eddington clarified that was the maximum for everything. Ms. Matsumoto hoped the SIM table can accurately represent heights and she supports variety in heights. Jack Thomas noted that there is no incentive for building three story buildings and is not comfortable with five stories because it is contrary to a small town feel and the scale of Park City. He felt four stories should be the maximum and buildings around open space may only be one story for sunlight.

Diane Foster stated that one of the reasons for the joint meeting is to receive policy input from Council because it would be helpful for the Planning Commission to know whether or not to pursue height in Bonanza Park. Liza Simpson stated that she personally would like to keep height in the tool kit. There could be buildings where five stories can work and decisions like one story on the south side of a park is better left in the tool box.

Dick Peek pointed out that there are other things in the plan to gain additional height and at first blush, these items would fall under accounting (LEED standards, net carbon footprint, etc.) and not the built environment. Liza Simpson noted that there is a funding mechanism for purchasing right-of-way, building streets, and purchasing open space with the resort cities sales tax revenue which are core responsibilities of municipalities. However, she is not comfortable removing them from incentives because her goal is to have the best built environment possible and would like to keep height as a *give* but agreed with Dick Peek about narrowing what those incentives might be. Dick Peek spoke about the elements of the public experience.

Jack Thomas felt that this is the district that should have density and additional height but the magic number is unknown and the 75% and 25% formulas do not clearly work for him. It eliminates the potential for the other mix that contributes to community character. Mr. Gross agreed that this is an area for density and every available option should be considered. Adam Strachan stated that he prefers to reserve judgment on height; he needs to see how it looks. Brooke Hontz stated that she struggles with ever seeing a five story building in Park City but agrees this is the place for density. Even getting her to four stories would require a discussion on TDRs and making that work for today's developments so that a value is established for density rather than giving away four or five stories.

Dick Peek spoke about the photos of redeveloped areas in Salt Lake pointing out the built environments and in-fill development and asked how we can create a code that will give us that look without defined uses behind articulated facades. Thomas Eddington felt that part of that is dealt with by applying the form-based code. An appealing feature of Main Street is the variety in height of buildings. The zoning allows three stories or 35 feet and the MPD process allows some movement of density but if members want to have one and two story buildings, as well as three story buildings, you might not want to incentivize any additional development but may want to commit dollars to infrastructure. He added that if the developer provides affordable housing or TDRs, he is going to want the fourth story or there is also the option of giving money. Cindy Matsumoto understood that the City is incentivizing for affordable housing, rights-of-way, green building and TDRs but she didn't understand Mr. Peek's comment.

Dick Peek clarified his prior comment to mean that if the allowed vested density would be the volume of these four tables on a lot, the form-based code would allow this table to go up to there and these tables reconfigured, the accounting incentives would be taking the two food tables and bringing them over so if everyone came to the table with the same accounting incentives, everyone would have this newer larger volume in the area.

Ms. Matsumoto believed that instead of giving development rights for roads that maybe the City can come up with dollars. Affordable housing is certainly a top priority but the developer should be building green no matter what and maybe that shouldn't be an incentive. She felt this is the way of the future and suggested that green building be

removed as an incentive. She needs to think more about the TDRs. She commented on the 75% and 25% formulas and Ms. Simpson clarified that it is not 25% of the project in its entirety; the fourth story is 75% of the building footprint instead of 100%. Ms. Matsumoto feared that the majority of the buildings will be at that height and Thomas Eddington expressed that that is not the intent but it could happen. Ms. Matsumoto insisted that a safeguard needs to be added to ensure that it doesn't happen. She is not afraid of a five story building but would like to keep height in the tool box and four stories should not be a given. The City may have to come up with some money to remove some of the incentives. Diane Foster interjected that \$8 million is estimated for road infrastructure. Mr. Eddington noted that most of the roads are in but some of them will be redone and Phase 1 is estimated at \$2.25 million and it wouldn't be built out within a one year period but probably over a five to eight year time frame. At that point, the cost projection is about \$300,000 to \$400,000 for road infrastructure. Liza Simpson pointed out that the \$8 million is for the entire project. Ms. Foster explained that her comments are in the context of the FIAR. The City does not have a surplus of funds right now and Bonanza Park is not one of Council's priorities from a financial perspective.

Andy Beerman encouraged the group to talk about height rather than *stories* because there are different interpretations of stories. The goal of the district is density and he is not afraid of some height in the area and agrees that variety is key. The only way to facilitate five stories, in his mind, is utilizing TDRs either from other districts or using this area as a sending zone. Ms. Simpson suggested that maybe there is a multiplier, for example, getting a fifth story may cost the developer five affordable housing units instead of two and she acknowledged the concerns about variety in height. Keep all of the incentives but look at a way that will make the extra height cost more because it is a bigger *get* for the developer.

Alex Butwinski warned that members may be getting into too much detail and asked them for input on the question of maximum height and achieving variation. Thomas Eddington discussed a hypothetical application with all three story buildings but in applying the form-based code, two stories could be moved to create five or four story buildings.

Jack Thomas agreed with Mr. Strachan's comments about needing to see the visual impacts on a model. Dick Peek referred to Tony Camputo's city block as an example of successfully applying a form-based code by including tall buildings. Mr. Eddington agreed. Diane Foster interjected that the first meeting of the Planning Commission on Bonanza Park is June 12 and it could be a joint meeting with the City Council. She asked if this is a better option than providing a number tonight. Liza Simpson explained that she is not prepared to commit to a maximum height and would rather leave the Planning Commission with adequate tools to be able make these types of decisions. Mr. Butwinski asked if a joint meeting should be scheduled or a special meeting organized.

Andy Beerman believes that the bigger issue is variety than maximum height and the next meeting should address this. Jack Thomas clarified that this is the whole purpose of a form-based code. Mr. Eddington encouraged thinking about a maximum threshold for the form-based code. Dick Peek understood that when the form-based code is adopted, the Planning Commission is removed from the process and approval becomes administrative within the code. Mr. Eddington clarified that it does for smaller buildings and Dick Peek urged members to weigh in now. Mark Harrington believed that this is a topic that should be further discussed. Diane Foster advised that the next joint meeting will be at 3 p.m. on June 12.

Prepared by Janet M. Scott, City Recorder