

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 9, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010

December 7, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes from the joint session with the Snyderville Basin Planning Commission on December 7, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

January 12, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of January 12, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Pettit abstained since she was absent from that meeting.

III. PUBLIC COMMENT

Joe Tesch, representing the applicant for Alice Lode, stated that he had submitted a letter regarding Alice Lode, which was included in the Staff report. He also had several conversations with City Attorney Mark Harrington on this matter to address legal and other issues.

Mr. Tesch noted in his letter that the change in Staff personnel over the years has been problematic for the planning process, particularly in trying to provide historical and accurate information to the

Planning Commission. Mr. Tesch requested that the City consider forming a subcommittee to review the issues in depth and report back to the Planning Commission in a more efficient and timely manner.

Chair Wintzer stated that when he was on the subcommittee for Park City Heights, he felt it tied the hands of the other Commissioners. Once the subcommittee presented their recommendations to the Planning Commission, the Commissioners were put in the position of speaking against something that had been moving forward for a year and a half with the subcommittee. Chair Wintzer did not favor subcommittees and preferred to address the issues in a regular meeting with all the Commissioners present.

Commissioner Pettit concurred with Chair Wintzer. It is a difficult process to manage from the expectation perspective of the applicant. The applicant vests in the process of what they believe is an understanding, but another group of people still need to come to an understanding. Commissioner Pettit stated that she and Chair Wintzer have history with the Alice Lode project and she believed they could be helpful to the applicant and the other Commissioners.

Chair Wintzer suggested that the Staff could set up a work session on Alice Lode to address specific issues. That would help everyone get informed and updated before it comes before the Planning Commission at a regular meeting.

Mr. Tesch understood the concerns and how it may work as a disadvantage to the applicant, however, they were willing to take that risk. He stated that one of the issues that came up between he and Mr. Harrington, was how to represent Ron Ivie and the discussions he was involved in regarding support issues. Mr. Tesch understood that they could obtain a statement from Ron Ivie or ask him to attend a meeting, and that would be a more favorable approach than having someone else try to represent what Mr. Ivie had said. Mr. Tesch did not intend for any member on the subcommittee to take a position, but they may be able to take factual information from an interview. He stated that it has become a due process issue for the applicant, due to the multiple layers of people who were involved and left. Mr. Tesch believed a subcommittee could present information more credibly than the applicant. He stated that a subcommittee would provide the applicant with a vehicle to flush out their case in a comfortable and informal format.

Commissioner Pettit wanted to make sure that the City legal counsel could help guide the process in terms of what information was relevant or irrelevant to the application. She stated that some extraneous evidence is not necessarily relevant for what the Planning Commission needs to do as a body. In addition, a member of the Planning Commission participating on the subcommittee would be able to review and evaluate extraneous information, but other Commissioners would not have that benefit. Commissioner Pettit was concerned about trying to create the subcommittee process and sharing information so they are all on the same page.

Mr. Tesch clarified that he contacted City Attorney Harrington to inform him that he was stating in his letter that Mr. Harrington concurred with the subcommittee process for Alice Lode and believed it would be helpful. Mr. Harrington gave him the authorization to include that statement in his letter. Mr. Tesch stated that Mr. Harrington was trying to give the applicant the due process they were

looking for in light of a number of things, particularly the unavailability of Staff who dealt with Alice Lode earlier in the process.

Commissioner Savage asked if Assistant City Attorney McLean could speak on behalf of the Legal Department in Mark Harrington's absence.

Assistant City Attorney McLean stated that the Planning Commission has the ability to make the decision on whether or not to form a subcommittee, and the Legal Department does not have a strong recommendation either way. Mr. Tesch was correct in saying that City Attorney Harrington had given authorization for Mr. Tesch to include his concurrence in his letter. Ms. McLean remarked that there is no legal reason not to form a subcommittee, however, the concerns expressed by Commissioners Pettit and Wintzer were valid. Ms. McLean clarified that the applicant wants to make sure that the factual history is reflected correctly before the Planning Commission. She believed the same result could be achieved either through a subcommittee or before the entire Planning Commission.

Commissioner Strachan stated that his experience with subcommittees has always been negative. It typically means that the parent body does not want to tackle the issues itself and prefers to have a subcommittee make the decisions. Commissioner Strachan was willing to support a subcommittee if it was favored by the other Commissioners.

Commissioner Peek did not believe the Alice Lode issues were complicated enough to need a subcommittee. His last experience was with the Town Lift Design Review Task Force, which was a larger, complicated issue. The Task Force was formed by the City Council because the project rose to that level of review. If the City Council ever feels that the Alice Lode project rises to the level of requiring a task force or subcommittee, he would support that decision. However, at this point he believed the Planning Commission could adequately address the issues through work sessions.

Commissioner Hontz concurred with the concerns expressed by Commissioner Pettit. She did not believe a subcommittee was necessary in this instance.

Commissioner Luskin stated that his only experience with a subcommittee was the Quinn Junction MPD and he came away feeling like the Planning Commission was stuck with a pre-supposed decision. Commissioner Luskin was not familiar with the Alice Lode project, however, coming on to the Planning Commission during a time of projects with a long history, the Planning Commission was always able to work through them without a subcommittee. Commissioner Luskin did not advocate for a subcommittee and he would not volunteer to participate if one was formed.

Commissioner Savage remarked that they had a body of experience relative to the subject at hand, and a request from the applicant that was supported by the legal department, for a process that they believe would make things happen more efficiently. Commissioner Savage thought the Planning Commission as a group, should highly prioritize opportunities to make the process more efficient and more effective. He supported the applicant's request.

Chair Wintzer summarized that only one Commissioner favored forming a subcommittee.

Mr. Tesch stated that the applicant had a separate concern with the TDR process, understanding that Alice Lode is identified as a sending station for the purpose of maintaining open space. Mr. Tesch suggested that the applicant be allowed to have a discussion off the record with the City to clarify the intent of the TDR and how it relates to processing their application.

Chair Wintzer stated that if the Alice Lode site was designated as a sending zone, it would not affect the application and the Planning Commission would not be obligated to consider the TDR process in reviewing an application. He explained that the TDR is an opportunity available to the applicant if they did not want to go through the process of finding another location for density.

Assistant City Attorney McLean replied that Chair Wintzer was correct. Director Eddington clarified that TDRs are not mandatory.

Mr. Tesch understood the clarification, but he still thought it raised concern.

Commissioner Peek asked if a subcommittee meeting would be publicly noticed. Ms. McLean replied that the meetings would probably be noticed, but it would not be a quorum of the Planning Commission. Chair Wintzer pointed out that formal votes are never taken by the subcommittee. The subcommittee agrees on recommendations that are presented to the Planning Commission.

Commissioner Strachan pointed out that a subcommittee could be formed at any time if the Planning Commission finds it would be beneficial. Commissioner Pettit questioned why a subcommittee could not be formed without Planning Commission representation.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reported that the Park City and Snyderville Planning Commissions held a joint meeting a few months ago and another meeting was being scheduled for March 15th or 16th. He would be contacting the Commissioners to see which date was best.

Director Eddington noted that the Planning Commission had requested an update on the City's development review process. The Staff would provide that update at either the next meeting or the first meeting in March.

Commissioner Savage felt the Planning Commission and the City were in a season where it was important to make progress on certain matters. As a member of the Planning Commission, he thought they were well below quota in spending quality time discussing the matters in enough depth to have a common understanding of the real issues and the solutions to those issues. Commissioner Savage supported meeting and collaborating with the Snyderville Basin Planning Commission, however, we was more supportive for making sure they were taking care of their own City and paying attention to matters that needed additional quality time. Commissioner Savage requested that the Planning Department consider his concern as it relates to forum and frequency for a more meaningful discussion.

Director Eddington asked if Commissioner Savage was referring to larger scale planning issues. Commissioner Savage clarified that he was talking about a large list of important issues related to

TDR proposals that have been raised in the last two or three meetings, but have not been properly addressed. They are being asked this evening to make a recommendation to approve an ordinance, and from his perspective it is putting the cart ahead of the horse. He believed that if there had been a better process for vetting all the concerns, the Planning Commission would have had a better opportunity to make the type of progress that people have been pushing for. Commissioner Savage pointed out that his same comments are true for the General Plan and Bonanza Park and Treasure Hill. He felt the Planning Commission was spending too much time on smaller matters that are less important in terms of getting the big picture. He thought they should discipline themselves and spend quality time to get the big picture right.

Chair Wintzer suggested a general work session where the Planning Commission could sit as a body and find out what each Commissioner thinks is important and what issues need more clarification.

Director Eddington noted that for a while the second Planning Commission meeting of the month was devoted to the General Plan. At this point the number of applications have increased and the agendas are back to normal in terms of project review and actions by the Planning Commission. He stated that the Staff would look at ways to schedule work session time to address their concerns.

Planner Kayla Sintz reported that the next evening the City Council was hearing the 1440 Empire CUP appeal. She requested that a representative from the Planning Commission attend that meeting.

CONTINUATION(S) AND PUBLIC HEARING

4. Park City Heights - Master Planned Development
(Application PL-10-01028)

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside Avenue, believed that adding a dog park would help bring the community together.

Planner Whetstone offered to pass on his suggestion to the applicants.

MOTION: Commissioner Pettit moved to CONTINUE the Park City Heights - Master Planned to February 23, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 1109-1139 Woodside Avenue - Amendment to Record of Survey
(Application PL-10-01083)

Commissioner Peek assumed that the Building Department had reviewed the application and the applicants would need a building permit to enclose the garages. Commissioner Peek noted that each condominium exits through the proposed garage area and he was unsure whether the Code allows a garage exit as the main entrance to a structure.

Planner Whetstone replied that the Building Department had reviewed the application and building permits would be required. She understood that the limited common area that comes down the stairs from the units goes to the outside, and a door could be cut there if a separate entry is required.

Commissioner Pettit noted that a condition of approval requires building permits for all construction and approvals per the building code.

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey amendments for 1109-1139 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1109-1139 Woodside Avenue

1. The property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums records of survey plat was approved by the City Council on May 18, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit.
5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.

7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 9, 2010 the Resort Townhomes Owner's Association unanimously voted to approve the condominium records of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27" building height and there are no non-conforming setback issues.

Conclusions of Law - 1109-1139 Woodside Avenue

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed record of survey amendments.
4. Approval of the plat amendments, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 1109-1139 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and these conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval unless an extension to the recordation date is granted.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance are required for all construction and/or disturbances of the soil or landscaping on the site.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

7. Land Management Code - Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone and related amendments to Chapter 15 - Definitions
(Application #PL-10-01104)

Jack Thomas introduced Ron Lee and Ken Pollard, and noted that the three of them were asked by the City to develop a massing model of Bonanza Park, showing the existing conditions and existing building massing in context with the topography of the site.

Mr. Thomas explained that the model was based on several assumptions. The first was to get the existing heights of the existing buildings. He reviewed the model and drawings of the Bonanza Park District and identified roadways to orient the Planning Commission with the area. Mr. Thomas stated that they started with the topography and tried to build in actual topographic information into the site to better understand the volumetrics. The second step was to introduce the existing roads and existing footprints into the site. Everything shown in gray was the existing parking.

Mr. Thomas presented another level, which was the existing buildings present day. Everything that exists within the Bonanza Park District was represented in brown. Anything shown in white was outside of the District.

Mr. Thomas remarked that the first step was to get a sense of what could be done with the massing under the existing Code. He presented a volumetric that made several assumptions. The first version is that everything is done under an MPD and respects the existing setbacks. It also respects the entry corridors, which has a hundred foot setback on both Kearns Boulevard and Park Avenue. The first version had 30% open space. Mr. Thomas believed this version provided a sense of what the massing could be without planning. He was certain that every developer would manipulate open space and create their own project. Mr. Thomas noted that the 30% open space was in narrow strips around the perimeter of the buildings. He thought it raised the question of the definition of open space and how is it perceived in the community.

Mr. Thomas stated that they were also asked to introduce square footage from two other parts of the community. He noted that the blue represented 485,000 square feet as a one to one TDR from the Sweeney project. The yellow represented 87,000 square feet of TDR as transferred from Old Town. Mr. Thomas clarified that the locations were arbitrarily selected. The orange color represented a buildout of 35 feet, which is the existing maximum height. The blue area added another level of height above that 35 feet, spread across the site. It gave a sense of the footprint that would result from that amount of square footage.

Commissioner Luskin asked about the parking with that much buildout. Mr. Thomas replied that the parking was underground in this scenario. He pointed out that putting the parking underground on the pads and providing 30% open space is doable under the existing Code and the existing zoning.

Mr. Thomas presented another slide that imposed the existing footprints on what could be built out. He intended to have DVDs available to the Planning Commission and the community so they could have the opportunity to digest and understand the impacts and the direction this would be taking.

Mr. Thomas presented a second version with the same basic parameters, but with 60% open space. Comparing that with the 30% open space version, he noted that doubling the open space had minimal impact. He thought this begged for an interpretation of open space. The question is whether open space can be strips of land around buildings or if it should be conglomerated into a single place or a number of single places. Mr. Thomas reiterated that there was no planning in any of the scenarios presented. It was only a matter of following the Code under the existing guidelines and allowances.

Mr. Thomas noted that the Frontage Protection Zones were shown at 100 feet as required by Code, unless an applicant moves forward with a CUP. A CUP can reduce the Frontage Protection Zone to 30 feet.

Mr. Thomas reviewed a number of images taken from various points to demonstrate height, mass, and setbacks. He noted that in looking at computer simulations and visual images, different angles can change the picture. He had taken the pictures himself and tried to provide an accurate representation. Mr. Thomas presented fly-arounds to give a sense of what it would look like from the air. Mr. Thomas remarked that currently the General Plan suggests moving the verticality to the interior of the blocks. He thought the images showed why that would be a favorable idea. He

stated that their intention was to explore further possibilities and introduce some of the amenities they would like to see in the Bonanza Park District, as well as to show three different massing options that increase verticality at the inner blocks and reduce it at the edges. That would not avoid impacting the view corridor. Another option is to open and close the buildings to create a variation in the facade treatment.

Mr. Thomas stated that they would eventually show optional massing in various locations on the site and collect more open space in more definable areas. They would also explore ways to introduce walkways, etc.

Mr. Thomas noted that if you build up to the 100 feet of setback with a 35 foot building, the shadows will extend all the way across Kearns Boulevard at some part of the day. He commented on the impacts related to that scenario. Park City craves sunlight and open space and those have to work in conjunction with each other.

Mr. Thomas remarked that Bonanza Park is a ripe area for redevelopment and it is disturbing to think about what could occur under the existing Code.

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Chair Wintzer asked Director Eddington what direction they should take with the information they have obtained. After seeing the presentation this evening, he agreed with Mr. Thomas that it can be frightening. He did not want the model to stop at this point and not go any further.

Director Eddington replied that the model illustrates what could be built under the current zoning. That was one reason for wanting to see a model and for looking at TDRs in a number of sub-planning areas as they go into the General Plan. The objective is to know what is out there rather than wait for the regulatory process. Director Eddington requested input from the Planning Commission in terms of what they would like to see.

Chair Wintzer stated that he was surprised to see that there was very little difference between the 30% and 60% open space. Director Eddington remarked that the way the Code is set, some of the open space is not much different from the setback lines. He questioned how usable some of the open space really is as part of the MPD. It is mostly utilizing setbacks, parking lots and walkways to create open spaces. None of those are bad in and of themselves, but they do not create the type of planned open space they would like to see.

Commissioner Savage asked if Director Eddington was asking what the Planning Commission wanted the Planning Department to do as it relates to a plan for Bonanza Park, or whether he was talking about TDRs.

Director Eddington clarified that he was talking about what the Planning Commission wanted to see in terms of planning for Bonanza Park. However, the TDRs are part of that discussion. Commissioner Savage stated that from his perspective, the plan for Bonanza Park is neo-natal at this point in time, and a lot of work needs to be done to formulate a master plan for that area. In his opinion, it represents the best opportunity Park City has to have a meaningful, differentiated, high

quality area as part of the community on a 15 to 30 year basis. He felt it was important to do the work necessary to get it right. Commissioner Savage stated that from a preliminary point of view, everything being done is important and valuable. He thought they should work hard to build on that information to achieve a vision for that community that results in a product that the residents will love and those who participated can be proud. Commissioner Savage believed that had nothing to do with TDRs. There is no reason to think that the current density allowed in that area is insufficient to achieve the vision people are talking about with Bonanza Park.

Director Eddington agreed that they need to plan for this area. However, the issue regarding TDRs, is not specifically tied to Bonanza Park. The Planning Commission will also be looking at Treasure Hill, Alice Claim and Ridge Avenue. The issue will be the most appropriate place to put density.

Planner Katie Cattan requested that the Planning Commission provide their comments on the model.

Commissioner Pettit thought the model demonstrated the need to master plan the area in order to take advantage of different variations to improve the circulation, create more meaningful open space, and create a more desirable walkable/livable community. She believed the presentation this evening clearly pointed out the reason why they need to pay attention to how the area is built out, and the importance of having a vision for the entire area instead of facilitating piecemeal development.

Commissioner Luskin found it hard to comprehend the model. He understood that they need to move density into Bonanza Park and he was impressed that it could fit. However, he could not decipher what that amount of density would look like in reality and how it would work with underground parking and limited traffic flow. Commissioner Luskin believed the model was a starting point, but he would like to flush out different scenarios and how they might work. In his opinion, knowing how much building space can fit in one area is only the first step in a series of processes. In terms of the TDRs, Commissioner Luskin believes the Bonanza Park area has the potential for transferring density.

Commissioner Hontz stated that the model begs for another solution in terms of the Code. She thought form based code was a great solution. In her opinion, a logical way to get to the next step is to apply form based code principles and apply it to a development scenario master plan to see how it works. She believed that tool was necessary regardless of TDRs or whatever else happens in the community.

Chair Wintzer favored the idea of looking into form based code and using it in a model of a specific scenario. He agreed that form base code is a great tool and this would be a good opportunity to see if it works.

Commissioner Peek agreed that it would be nice to see a model using form base code and to phase it according to the current ownership of the land. Developer X could come in with specific plat amendments, and they could phase the form base code into the District in this scenario. As it grows through the area it should all work in its own phasing.

Commissioner Strachan understood that Commissioner Peek was suggesting that they put a form base code overlay on it and have the City try to predict which developers would come in first and which parcels of land they would try to do under an MPD.

Commissioner Savage felt the Planning Commission needed to spend time on what they think this area should be within the context of the guidelines from both the existing and the evolving General Plan and the Visioning. He suggested that they develop a set of conceptual designs for Bonanza Park that would fulfill the “should be” diagram that includes consideration for economic development, work force housing, and sustainability, and incorporate some of the deliverables along the lines of a conference center and whether or not a film studio or other uses would make sense in that location. Commissioner Savage believed this was an opportunity to think about a development plan that would help secure the desire for a long term relationship with Sundance. If they could come up with three or four ideas of how it would look and be positioned in that space, it would give them something to work from. They could then form a time line with a set of constraints and a set of objectives, and start matching up the “should be” statement with the “is now” statement to come up with a game plan and a way to move from where they are now to where they want to be.

As these proposals come in, they would have a guideline and a reference framework they could use to make intelligent decisions. Commissioner Savage did not believe any of this related to TDRs at this time.

Mr. Thomas stated that during the phasing portion he failed to point out that the existing square footage in Bonanza Park is approximately 780,000 square feet. With the 35 foot buildout scenario, underground parking allows approximately 5 million square feet, with 30% open space. At 60% open space the square footage decreases with the MPD process. Mr. Thomas remarked that there is no magic number or density that would achieve what they are looking for in the community. He believed that form base code would help to focus on the things that they value such as open space, walkability, mixed-use, affordable housing, etc. Mr. Thomas encouraged the Planning Commission to begin thinking about how those values could be integrated into a master plan.

Planner Cattan clarified that transfer of development rights was an option and not a mandatory requirement. Therefore, a density transfer requires someone who wants to buy the rights and another person to sell them. Planner Cattan wanted it clear that in talking about the buildout of Bonanza Park, the numbers were calculated through a formula to quantify the number of UEs in certain locations, but the numbers are not a base density. The full planning process would be required.

Planner Cattan noted that at the last meeting, Commissioner Hontz had asked the Staff to look into the Snow Creek Subdivision as a receiving zone. She pointed out that in going through the Bonanza Park model they learned that nothing is predictable because each developer would come in with their specific project. However, the Snow Creek area is already developed and according to the original annexation agreement and the master plan, 90,500 square feet was allowed. The Snow Creek area is built to capacity, however, it could potentially become a receiving zone in the future, after additional analysis on the annexation agreement. Planner Cattan reported that the Snow Creek area is 15.3 acres with a maximum square footage of 90,000 square feet. Twenty-two acres of open space was dedicated in the proposal. Planner Cattan stated that Snow Creek is a

single-story area that could be looked at as a receiving area. Since it has met its maximum density, it is more predictable in terms of what additional density would look like.

Planner Cattan noted that previous requests to the Planning Commission for Alice Claim was nine lots. Upper Ridge was eight lots. Lower Ridge had an approval for three lots and recently returned with a request for six lots. She explained that her equation to incentivize sending by allowing more density would be creating one unit equivalent per existing minimum lot area within the underlying zone. The lot area includes existing right-of-ways that go through these parcels. Planner Cattan requested discussion on the numbers this evening. The acreage for Alice Claim was 6.65 acres. Portions of Alice Claim are in the Estate zone, which requires a three acre minimum per unit. The acreage for Upper Ridge is 1.52 and 1.65 for Lower Ridge.

Commissioner Savage referred to the proposed multiplier and asked Planner Cattan to explain the rationale for having a multiplier of two for Treasure Hill and only one at the other locations. Planner Cattan replied that for Alice Claim and Upper Ridge, their multiplier took into consideration what was asked for by the Planning Commission, compared to the calculation of one UE per existing minimum lot area. As an example, for Upper Ridge one UE for existing minimum lot area results in 17 unit equivalents. The developer had asked for eight units, therefore, the formula doubles the density. There is a multiplier in the way it is calculated because through the planning process and the subdivision process, they would not be able to realize the 17 units based on existing conditions of the land.

Commissioner Savage did not understand the point of having a larger number. Planner Cattan replied that the larger number benefits ski in/ski out properties on the hillside. She explained how the lot area is calculated. Commissioner Savage clarified that the analysis was based upon the existing zoning relative to a flat piece of property. However, the property is not flat, but the numbers calculated give full credit as if it were flat. Planner Cattan replied that this was correct. Commissioner Savage wanted to know the rationale for Treasure Hill having two. Planner Cattan explained that Jonathan Weidenhamer, the Economic Development Director, was asked to look at values comparing a property such as Treasure Hill to Bonanza Park and what the value would be in the analysis. Mr. Weidenhamer determined that two to one was the correct calculation.

Commissioner Savage understood that the Staff was using a multiplier methodology for Treasure Hill that was different than the methodology applied to other the locations. Director Eddington replied that it was different, however, part of the issue is looking to incentivize some of the relocation of density from Treasure Hill. Another issue is the difference in property values with regard to ski in/ski out slope sites and Bonanza Park property values. In comparing one square foot on Treasure Hill to one square foot in Bonanza Park, Treasure Hill would have a higher per square foot value. Commissioner Savage clarified that the formula makes the assumption that a square foot of property in a high end home on an Estate lot is lower by a factor of two, than a condo in Treasure Hill. Director Eddington replied that this was correct.

Director Eddington remarked that the Staff was not suggesting that the Planning Commission was tied to believing that value assumption. Commissioner Savage pointed out that the Planning Commission was being asked to approve an ordinance that codifies that assumption. Director

Eddington noted that there are various values and different appraisals would result in different multipliers.

Commissioner Strachan remarked that the ordinance does not ask the Planning Commission to codify the values. The ordinance asks the Planning Commission to determine the best sending and receiving areas. Director Eddington remarked that most TDR ordinances have various multipliers and much of it is based on either appraised value or anecdotal value, or where density should be transferred to and from. The Planning Commission could determine that it is better to go straight across the board and keep it all equal. His concern with that approach is that the tool may not be as effective for slope side development on Treasure Hill as it may be for Upper Ridge and Alice Claim. He assumed those people would sell their TDRs first. A straight across the board method is acceptable, but it may not be as effective in the private market.

Planner Cattan pointed out that they are not comparing apples to apples in this situation. Treasure Hill has unit equivalents at 2,000 square feet per unit, but they cannot determine a house in Alice Claim without knowing what will be built. The Staff derived what they thought was the most consistent way to quantify something, so the developer or property owner has an expectation. In TDRs it is important to make sure the economic analysis works, because if that fails the tool will never be used.

Director Eddington noted that the Staff had also discussed other multipliers for the Old Town areas in terms of Planning Commission review numbers. Planner Cattan reviewed a slide showing other options to be considered if the Planning Commission wanted the Staff to look at different methods for calculating the areas.

Director Eddington reiterated a previous question regarding how much information the Planning Commission wanted the Staff to provide on Bonanza Park in terms of planning, renderings, 3-D graphics, street network, etc. Based on earlier comments, he assumed that the Planning Commission wanted in-depth detail and a sub-MPD for that area.

Chair Wintzer stated that based on the model presented this evening, he was not comfortable adding any additional density without first seeing a master plan. Director Eddington believed that tied back to what the Commissioners requested earlier in terms of examining the use of form base code and additional analysis.

Commissioner Peek was interested in seeing additional analysis. He believed the TDR is a valuable tool and they should proceed with looking at other receiving zones. Commissioner Peek explained why adding an additional story to the Snow Creek density would create very little impact. He stressed the importance of getting the TDR tool on the books.

Chair Wintzer felt it was important to do an inventory of the town. There may be other scenarios like Snow Creek that they have not considered. He felt the incentive for Bonanza Park is not workable right now because so much density is still unbuilt. It could be ten to fifteen years before additional density is needed in Bonanza Park. Chair Wintzer thought an area that has reached its maximum density under the zone might be more interested in the incentive if the density could be increased.

Commissioner Savage clarified that he was not opposed to TDRs as a tool and he thought it was a good idea. However, it should be implemented thoughtfully and with consideration of the economics to make sure there is enough demand on the buy side to provide an incentive on the sell side. He did not believe this was the case based on the proposal as presented today. Commissioner Savage thought it was important to understand how it would be administered from an organizational point of view and from a budgetary point of view. He did not think they had a clear understanding of who would be responsible for the long term maintenance of properties that become open space as a consequence of a TDR. The ordinance states that it is the responsibility of the title holder, but in his opinion that was not sufficient in terms of long term care of those properties. Commissioner Savage did not think they had a clear understanding of the mechanism and how the "banking" process would work with the City. If there is meaningful incentive to include Treasure Hill, an interim banking solution would be necessary if it becomes part of a long-term solution.

Commissioner Savage believed there were conflicting agendas related to the upcoming bond season, as well as other negotiations in process. He was certain there were conflicting agendas regarding the implementation of TDRs, in the absence of a more robust discussion of their context relative to the evolving General Plan. Commissioner Savage stated that if they intend to approach an ordinance for TDRs, it must be based upon more thoughtful analysis and simple understanding of sending and receiving zones, where they can believe the economics will justify what they are trying to accomplish.

Planner Cattan addressed the concern regarding thoughtfulness. The reason for recommending the sending of Treasure Hill and not the Alice Claim, Upper Ridge and Lower Ridge was based on the Treasure Hill meeting that was held at the Yarrow to accommodate the number of people who wanted to speak at the public hearing. As planners, they have the job of trying to consider the interest of the public.

Planner Cattan presented a table showing traffic count calculations. The top part of the table was for Treasure Hill. The bottom portion was the Alice Claim development. She thought it was interesting to show the difference between a residential development. One would think that a large hotel would generate more traffic trips, however, because it is in a walkable location, the traffic counts for Treasure Hill were lower and the impact evaluation between the two were comparable.

Planner Cattan reviewed a comparison of the view shed analysis. One was a rendering of the view from the corner of Heber and Main, looking up at the Treasure project. A second was the view shed analysis for Alice Claim.

Commissioner Savage asked if Planner Cattan had a before and after of the Treasure impact picture. Planner Cattan replied that there was one, but she did not have it with her.

Assistant City Attorney McLean remarked that there were two parts to the issue. The first was whether or not they want the tool. If they do, they should possibly consider starting with something smaller before getting into master planning and other major analysis. She advised that if they move into another level of layering, they would not have the TDR tool for a long time. Ms. McLean recommended that the Planning Commission begin their discussion with whether or not they want

the tool and if so, what is the minimal amount they feel comfortable putting into place in an effort to move it forward. Once the TDR is in place, additional density and locations could be added or changed in the future.

Commissioner Savage recalled that previously there was a sense of urgency with respect to TDRs and pending State legislation that may prohibit an ordinance in the future. Ms. McLean stated that to her knowledge, nothing has been raised in the State legislature concerning TDRs. However, there is a current bill limiting historic districts and she intends to follow that discussion. Ms. McLean pointed out that the Legislature is still in session and it is difficult to know what issues will come up between now and when they adjourn in March. She emphasized that getting the tool through the process would be helpful to the City and the public in terms of using it as a possibility for Treasure Hill.

Commissioner Savage stated that with respect to Treasure Hill or any TDR process, he asked if the City was willing to state that it does not intend to be a bank as it relates to TDRs. Ms. McLean replied that it would depend on how the Planning Commission institutes the tool. The Planning Commission can address that issue in approving a TDR. Commissioner Savage clarified that he was asking about the City's intention on being a bank. Ms. McLean believed that was up to the City Council and she was unprepared to answer that question on their behalf.

City Council Member Liza Simpson stated that if the Planning Commission makes a recommendation on a proposed ordinance, they could include that as part of their recommendation. Assistant City Attorney McLean remarked that the Planning Commission would either put a tool in place that allows for banking or one that does not. If the ordinance is adopted with that framework, the market and other factors would dictate whether or not it is actually used.

Director Eddington clarified that currently the proposed ordinance does not recommend that the City would be a bank. It would be through private transactions. Commissioner Savage understood that under the Staff recommendation, a TDR would require one seller and one buyer without a third party holding the asset. Director Eddington replied that this was correct. Commissioner Savage clarified that as proposed, the ordinance would preclude the City from participating. Planner Cattan replied that there would not be an intermediary step. The density would be transferred upon approval of a master plan in the receiving zone. Director Eddington explained that a seller of TDRs would negotiate with a buyer of TDRs. The person buying it would come before the Planning Commission and request approval for an increased density MPD. The Planning Commission would know the number of TDRs and the Staff would have a calculation sheet with regard to certificates. They are not proposing to be a bank.

Commissioner Savage stated that in the case of Treasure Hill, if the Planning Commission was to approve sending a 1,000 square foot unit to a receiving area, that mechanism would not generate cash until such time a the receiving unit had implemented an MPD that had gone through the approval process. They would be entitled to take advantage of that incremental density and receive that approval. Planner Cattan noted that at the same time, a conservation easement would be adopted on the sending zone.

Chair Wintzer opened the public hearing.

John Stafsholt, a resident at 633 Woodside, stated that the model was very good and helpful, but it was showing a 100% underground parking. Mr. Stafsholt suggested that they also look at the model with a 100% above ground parking. Since Bonanza Park does not currently have underground parking, he thought it would be more realistic to see the maximum density in the current situation.

Director Eddington replied that without underground parking the maximum density would be approximately 1.5 million square feet.

Mr. Stafsholt stated that based on public input on Treasure Hill over several years, he urged the Planning Commission to consider moving forward to adopt TDRs as a tool. He thought it was a great idea to look at additional receiving zones.

Mary Cook, representing the Homestake Homeowners Association, asked for clarification on the correct pronunciation and spelling of form base planning.

Director Eddington replied that it is form base code, spelled f-o-r-m. He noted that the Planning Department has a number of documents available if Ms. Cook or anyone else was interested in reading about form base code.

Chair Wintzer closed the public hearing.

Commissioner Hontz referenced pages 152-153 of the Staff report outlining the pros and cons and additional considerations. She understood that Planner Cattan was asked to compile a list of pros and cons, however, she would characterize those differently because in her opinion the cons were not true cons, etc. Commissioner Hontz wanted it clear for the record that she had a hard time finding the bullet points as a strong pro or a strong con.

Commissioner Hontz understood from previous discussions that the Planning Commission wanted to start with a good ordinance that was essentially basic. That would allow them to move towards more specifics once they find out how it works and as the market changes. As they learn more, they could add to it and make it work better for the community. Commissioner Hontz stated that she wanted the TDR tool and she wanted it in place now.

Commissioner Hontz was comfortable about forwarding a recommendation to the City Council this evening, if the recommendation includes matters they have already discussed. She understood the rationale for including some of Treasure Hill, and the concern for what they would end up with in a receiving zone. Commissioner Hontz was comfortable adding a percentage of Treasure Hill as the total amount that could go forth in the TDR ordinance if they could also open up Snow Creek and include it as a potential receiving zone. She did not favor specifying a percentage of Treasure Hill if Bonanza Park was the only receiving zone. At the same time, she would not forward a positive recommendation unless they also included all Old Town lots as sending zones. Commissioner Hontz remarked that the economics need to work and if they include Alice Lode, Upper and Lower Ridge and some of Treasure Hill, it creates the potential for sellers to price their TDRs more

realistically. Commissioner Hontz stated that the potential positive impact of eliminating all density on some of the Old Town sites would be a positive traffic benefit.

Planner Cattan asked if Commissioner Hontz had a definite percentage in mind for Treasure Hill. Commissioner Hontz replied that up to 20% would be reasonable. Commissioner Hontz stated that she struggled with the numbers in the middle column of the sending zones as outlined in the Staff report.

Commissioner Luskin stated that he was a strong advocate of TDRs because the more tools they have available the better they can do their job. He was still digesting all the numbers and information presented. Commissioner Luskin felt it was important to keep moving forward and to keep working on the ordinance. He was prepared to advocate for a positive recommendation this evening.

Commissioner Pettit concurred with Commissioner Luskin. She wanted the ordinance and she wanted it sooner rather than later. She agreed with Commissioner Hontz on having a variety of landowners designated as sending zones to promote competition and the opportunity to test the market. Commissioner Pettit thought they should also be thinking about more than one receiving zone.

Commissioner Strachan stated that he generally thinks the tool is good, however, he thought it was premature to forward a positive recommendation this evening. He believed they had already covered their bases by having a pending ordinance. If the Legislature changes the State law they would still be able to have a TDR ordinance because a public hearing was held this evening. Commissioner Strachan was uncomfortable mandating the ratios and felt it was best to leave it up to the private market. He did not believe the City should dictate a ratio in the ordinance. For that reason, Commissioner Strachan was hesitant to forward a positive recommendation this evening.

Assistant City Attorney McLean stated that the Planning Commission needed to define the ratio, otherwise, they would not know what receiving density would be allowed. She noted that it could be changed in the future or determined on a case by case basis. From a legal perspective, she was uncomfortable leaving the numbers unpredictable. Commissioner Strachan wanted to know the difference between that thought and subparagraph B, which states that, "if requested, the calculation will be made by the Planning Director". Planner Cattan replied that the Staff tried to make it predictable within the ordinance. Ms. McLean clarified that the language was intended to mean that the Planning Director would provide a letter specifying the number of units agreed upon in a specific transfer. Commissioner Strachan thought the language was improperly worded to reflect that intent. Planner Cattan offered to reword the language. Commissioner Strachan suggested adding the criteria into the ordinance. Ms. McLean agreed that they could remove the language and make sure the ordinance itself was very predictable.

Planner Cattan pointed out that it would be necessary to re-visit the multiplier and adjust it as the market demands. If they find it is not working, they would need to evaluate why and also do an economic analysis.

Chair Wintzer asked if the Planning Commission passes an ordinance with specific numbers, could the Planning Department request that the ordinance be re-opened to change the numbers. If so, could it be opened to only address one specific area. Assistant City Attorney McLean answered yes to both questions. Commissioner Strachan questioned whether that provided enough flexibility and gave an example to explain his concern. Chair Wintzer felt it would be foolish not to have a number in the ordinance. The City can control the number and two private individuals can decide if there is enough incentive to do it.

Commissioner Strachan stated that his concern was whether or not there was enough incentive to encourage a sender to send. Chair Wintzer was unsure, but he thought price would also be a factor.

Commissioner Peek was comfortable proceeding with the ordinance to get something on the books. He thought a high priority was extending the receiving areas to create more demand. In terms of the UEs in the sending zones, Commissioner Peek was concerned about creating a specific number and giving the incentive through the transfer of a UE number. He thought it was better to give a realistic number and then possibly increase the ratio. Assistant City Attorney McLean stated that if Commissioner Peek was talking about sending zones outside of Treasure Hill, she was comfortable that only having the multiplier was a good approach.

Commissioner Savage fully supported a mechanism to implement TDRs. However, he felt that it was premature at this juncture because there was a lot of ambiguity surrounding the question of implementation and the market associated with TDRs. Commissioner Savage was mindful of the recent discussions that have taken place in the community relative to MIDA and how an early expectation was set for 2,200,000 square feet being appropriate for a particular type of development. He believed they should earnestly try avoid that same situation with this matter. He noted that the Staff report contained a list of pros and cons that were thoughtfully prepared, but had not been addressed. In addition, the urgency associated with legislative actions appears to be less urgent. Commissioner Savage pointed out that there is no indication from any party that there is a demand on the receiving zone side of the equation. In addition, it has been clearly indicated that the implementation of TDRs is not a concern as it relates to the negotiation with Treasure Hill. In light of all those considerations, Commissioner Savage recommended that the Staff come back with a simplified version of a TDR ordinance that properly addresses the question of economics, and to the best degree possible, address the unaddressed pros and cons and other considerations prepared by Planner Cattan.

Commissioner Savage strongly recommended that the Planning Commission delay forwarding a recommendation to the City Council until they have clarity on those particular issues. He believed the change in events allows them time to do it more thoughtfully.

Chair Wintzer stated that after looking at the model and walking the neighborhood, he was not convinced that Bonanza Park could handle more density. At this point, it is the only receiving zone proposed. Chair Wintzer was uncomfortable specifying 20% of Treasure Hill. He could support the ordinance without Treasure Hill in the mix at this time. If someone wants to look at that size of a

project, they need to show him that it can fit in an area and there is a demand for it. Chair Wintzer recommended that the Planning Commission forward a recommendation for the TDR ordinance without Treasure Hill. He also recommended that the Planning Commission direct Staff to inventory the City for other receiving zones.

Planner Cattan stated that she had calculated 20% of Treasure Hill and that number with a multiplier of 2 is 86.4 units. She explained that 20% is 43.2 multiplied by 2. The credits would be 86.4 and the MPD units would be 43.2.

Chair Wintzer felt it was important to know the amount of bulk and mass they would be sending, rather than the number of units. He believed additional analysis was needed. He was also concerned about sending density to Bonanza Park without knowing how it would be used.

Commissioner Savage requested an analysis on viable buyers who have an interest for being on the other end of the equation. Director Eddington replied that the City may not always know the buyer, but it would be no different than the current zoning. Not knowing who would or would not build out without TDRs makes it difficult to provide that analysis. The City is not involved in TDR transactions and they will not seek out buyers or sellers.

Director Eddington noted that there is a preliminary concept for Bonanza Park in terms of planned heights, networking, road networks, etc. He did not believe the Staff had done a good job of presenting that plan to the Planning Commission and they would present that plan again with a more visual presentation.

Commissioner Luskin clarified that if the Planning Commission recommends the ordinance, they would not be bound to the sending and receiving zones discussed and they could always add or subtract. Director Eddington replied that this was correct.

Commissioner Hontz was prepared to make a motion based on her understanding that a master plan for Bonanza Park would be done in conjunction with form base code, and that they would continue to refine the TDR ordinance and ask more questions about receiving zones. She understood that they would go back and verify the values of what would be proposed in her motion.

MOTION: Commissioner Hontz made a motion to forward a positive recommendation to the City Council that amends the proposed TDR ordinance and adds: 1) add Snow Creek as an additional receiving zone; 2) includes all of the other Old Town areas as identified in the Staff report as sending zones; 3) takes those sending zone values from the middle column on page 157 of the Staff report, which takes 43.46 for Alice Claim down to 9 with a multiplier of two to match Treasure Hill. It would be 9 times 2, so it would be 18, 8 times 2, so on and so forth; 4) reduces the amount of Treasure Hill as recommended in the draft TDR ordinance to 22 MPD units or 44 development credits. Commissioner Luskin seconded the motion.

Planner Cattan clarified that Lower Ridge had a previous approval of three lots and recently came back to the Planning Commission requesting six lots. Commissioner Hontz suggested that Planner Cattan base the calculation on three lots.

Chair Wintzer felt it was important to specify new numbers for all of the middle column mentioned in the motion. Alice Claim changes from 9 to 18, Upper Ridge from 8 to 16, and Lower Ridge from 3 to 6. Treasure Hill goes from 22 units to 44 credits.

Commissioner Savage pointed out that the Planning Commission was making decisions and changing the Staff recommendation without any reason or consideration. He felt they were shooting from the hip and he could not support it.

VOTE: The motion passed 4-2. Commissioners Hontz, Pettit, Luskin and Peek voted in favor. Commissioners Strachan and Savage voted against the motion.

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

Approved by Planning Commission: _____