PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 25, 2023

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Laura Suesser, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Lillian Zollinger, City Planner; Spencer Cawley, City Planner; Jaron Ehlers, Planning Technician; Eric Daenitz, Director of Economic Development and Data Analytics; Jason Glidden, Affordable Housing Manager; Mark Harrington, City Attorney

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1. ROLL CALL

Chair Sarah Hall called the meeting to order at approximately 5:38 p.m. She announced that all Commissioners were present in chambers.

2. MINUTES APPROVAL

There were no minutes for approval.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff or Board Communications and Disclosures.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATIONS

A. **1415 Lowell Avenue - Condominium Plat Amendment** - The Applicant Requests an Amendment to the Resort Center Condominiums Phase 1B First Amended to Expand an Interior Second Level Loft. PL-23-05760.

Chair Hall noted that this application was withdrawn and not a request for a continuation. No action was required on this item.

6. REGULAR AGENDA

A. 3981 Kearns Boulevard - Development Agreement Ratification - The Applicant Seeks Ratification of the Development Agreement for Studio Crossing, a Mixed-Use Project With at Least 185 Affordable For-Rent Units. The Project Also Includes 60,000 Square Feet of Commercial Uses and up to 100 Market Rate Condominiums. The Site is Located in the Community Transition Zone With Regional Commercial Overlay, Entry Corridor Protection Overlay, and Sensitive Land Overlay. PL-22-05206.

Senior City Planner, Alexandra Ananth, reported that in November 2022, the Planning Commission approved the Master Planned Development ("MPD") for this mixed-use project with a number of affordable for-rent units. In December 2022, the City Council approved Ordinance 2022-47 that amended the Annexation and Zoning Ordinance including Zone Height exceptions. Additionally, during that meeting, the City's Housing Authority approved the Applicant's Housing Mitigation Plan. Planner Ananth reported that in April 2023, Applicant submitted a draft Development Agreement and Staff waited for Applicant to resolve the water service issue before bringing this before the Planning Commission for ratification. She noted that the Applicant had obtained a grading permit and required the Development Agreement prior to obtaining the Building Permit. Planner Ananth stated that the Development Agreement complied with the requirements and was reviewed by the Legal Department. Staff recommended the Planning Commission open a public hearing and consider ratifying the Development Agreement. The

The Applicant thanked Staff for helping to pull this together and expressed they were very excited for this project to move forward.

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

Commissioner Frontero reported that he had never participated in the ratification of a Development Agreement during his time on the Planning Commission. He sought clarification of the process and understood that Staff found the ten requirements had been met and recommended ratification. Planner Ananth explained that the process of ratification was to ensure that the Development Agreement was consistent with the MPD approved by the Commission last year.

Commissioner Suesser mentioned the signature block on the Final Action Letter attached to the Development Agreement, and Planner Ananth stated they had the signed document and would include it as an attachment.

MOTION: Commissioner Christin Van Dine moved to RATIFY the Development Agreement for 3981 Kearns Boulevard – Studio Crossing, attached as Exhibit 1 the to Staff Report. Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. **902 Woodside Avenue - Plat Amendment** - The Applicant Proposes to Create One Lot from Two Substandard Lots. PL-23-05836.

City Planner, Lillian Zollinger, reported that the application for a Plat Amendment was for an existing site with a Single-Family Dwelling. The Applicant proposed to remove the existing dwelling and construct a new dwelling. The Plat Amendment was the first step of their proposal and would also require Historic District Design Review ("HDDR") and a Steep Slope Conditional Use Permit ("SSCUP"). Planner Zollinger stated that the proposed lot combination complied with the Minimum Lot Size requirements and Lot Width. It also complied with the Pending Ordinance. The new Single-Family Dwelling would be required to comply with the Land Management Code ("LMC") requirements as outlined in the Staff Report. She mentioned that Building Footprint, Setbacks, Height, and other issues would be addressed as part of the SSCUP and HDDR processes.

The Development Review Committee reviewed the proposal and expressed no concerns, with the exception of requesting Condition of Approval 5. Planner Zollinger presented a photograph of the existing structure. She reported that there was good cause for this Plat Amendment because it would combine two substandard lots to create one developable lot. The proposal complied with the Pending Ordinance on Lot Combinations and would allow for the construction of a new Single-Family Dwelling that complied with the current requirements of the LMC. She reviewed Condition of Approval 3 that any new construction must comply with the LMC. She also highlighted Condition of Approval 4 which stated: "No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application."

As advised, Condition of Approval 5 was requested by the Engineering Department and provided that "A non-exclusive ten-foot public snow storage easement on Woodside Avenue shall be dedicated on the Plat."

Commissioner Suesser sought clarification of Condition of Approval 4 and asked if there would be a remnant parcel as a result of this Lot Line removal. She asked why this Condition of Approval was included. Planner Zollinger stated that it was a typical Condition of Approval so that if someone has an adjacent parcel, they would know they would need a Plat Amendment.

Senior City Attorney, Mark Harrington, stated that there were remnant parcels on Lots 31 and 32, and it did not appear there had yet been a Plat Amendment on those parcels. Commissioner Suesser wanted clarification that the proposed Lot would not infringe on the Right-of-Way. Planner Zollinger confirmed that it would not.

Commissioner Frontero understood that the Lots are substandard because they did not go back 75 feet. Planner Zollinger agreed and added that because they were shorter than usual, they would not be individually developable. Commissioner Frontero asked what exists behind these Lots that prevents them from being standard-sized Lots. Planner Zollinger stated it was mostly an empty lot owned by another property owner, and part of the structure on that lot went over the property lines.

Commissioner Suesser referenced the issue of good cause contained in the Staff Report but noted that the proposed Lot would still be substandard. Planner Zollinger commented that the two Lots were substandard due to square footage, not necessarily the depth of the Lot. Combining the Lots would make one Lot that would be viable for construction.

Mr. Harrington reported that the Lot would not be non-conforming after the Plat Amendment; rather, it would be a new conforming Lot. Commissioner Suesser observed that it would still be a non-standard Lot. Mr. Harrington noted that what was a “standard” Lot was not a defined term, although he acknowledged that most lots were 25’ x 75’, but this new Lot would meet the Code requirements whereas the current Lots did not.

Commissioner Van Dine observed that the Lot is required to meet the Code in terms of square footage and minimum width, whereas the depth of the Lot did not matter. It was noted the square footage requirement is 1,875 square feet.

Commissioner Sigg noted they were just looking at the land configuration, and the burden would be on the owner when they go before the Design Review Committee, which is out of the Planning Commission’s purview. He stated if you take the existing Setbacks with a 50’ deep lot, the house would be wider than it would be deeper. He stated they were somewhat caught up on the fact that it was not 75 feet deep, but the owner would still have to pass the Design Review Committee. He felt that was what made it challenging for the Commission in that they were reviewing the land independent of any kind of design.

Commissioner Shand referenced the diagram on page 2, which showed a Building Envelope with the Setbacks in place. Planner Zollinger clarified that this represented the existing house and noted the Applicant’s Building Envelope would be different. Commissioner Shand noted that Commissioner Sigg raised a good point, in that they would see where the Building Envelope would be, but the Commission would not see the plans for the home. He wanted to understand the Building Envelope for the new parcel.

Planner Zollinger explained that the new parcel did not have a specific Limit of Disturbance (“LOD”) and Building Envelope proposed for this Plat. She noted that the diagram referenced by Commissioner Shand represented existing site conditions, which included an existing non-conforming structure that was not compliant with the 10-foot front Setback. There was overlapping discussion regarding the diagram.

Jerry Fiat explained that the black line referenced by Commissioner Shand was the Setback. He noted there was an existing home on the property that straddles property lines. The current owner planned to raze the existing house and build a new Single-Family Dwelling that would conform. Fiat explained that the existing house did not conform with the Setbacks, and the lot combination would conform with the requirements for the HR-1 zone. He advised that a plan was submitted that had gone through pre-HDDR approval and was currently scheduled to go through the HDDR process.

Planner Zollinger additionally clarified that plats in the Historic District typically did not have a Building Envelope on the plat because of the Setbacks and because there is a Building Footprint limitation. As long as the proposal was within these two requirements, then it would be considered compliant. She commented that Single-Family or Residential zones often had bigger lots; therefore the plats included the specific location where the structure could be built. She confirmed that in this case, the proposed structure would be required to fall within the Setbacks.

Commissioner Johnson commented that the Planning Commission would see this project again, as any redevelopment would require an SSCUP. At that time, the Commission would have the chance to review the conceptual designs for the structure. He confirmed that he was agreeable to proceeding with this application.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for the City Council's consideration on November 16, 2023, for 902 Woodside Avenue – Plat Amendment, subject to the following:

Findings of Fact

1. The property is located at 902 Woodside Avenue.

2. The Lot is within the Historic Residential - 1 Zoning District.

3. The subject property consists of 56.25 feet of Lot 31 and 32 on Block 3, or Parcel Number SA-10-B).

4. The Plat Amendment proposes to combine two Lots into one Lot.

5. The Lot contains 0.06 acres (2,318 square feet).

6. The proposed Plat Amendment is consistent with the pattern of development in the neighborhood.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it combines two substandard Lots and creates one developable Lot.

2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2 and § 15-7.1-6 Final Subdivision Plat.

3. The Plat Amendment is consistent with the Land Management Code.

4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Any new construction shall comply with Land Management Code Chapter 15-2.2 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.

4. No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.

5. A non-exclusive 10-foot public snow storage easement on Woodside Avenue shall be dedicated on the Plat.

Commissioner Sigg seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

C. Land Management Code Amendments - The Planning Commission will Review Proposed Land Management Code Amendments Clarifying Landscaping Regulations to Qualify for the State's Landscape Conversion Incentive Program. PL-23-05884.

City Planner, Spencer Cawley, noted that there were some minor updates to the Landscaping Code that were required to qualify for the State's Turf Incentive Program. Following the passage of the LMC amendments earlier this year the Water Department implemented the Landscape Incentive Program in May 2023. This program allowed a property owner to remove their turf and replace it with Water Wise Landscaping. In return, the City would pay $2 per square foot for the removal of turf. He added that the City had the opportunity to partner with the State and Weber Basin Water Conservancy District to help supplement the Incentive Program. When the Water Department appeared before the City Council with an update at the end of September, there was discussion about increasing the incentive from $2 to $3 per square foot. He explained that this incentive would be funded with each of the three partners contributing $1 per square foot of turf removed.

Planner Cawley reported that the State determined that the Code did not meet the requirements to qualify for State contribution and asked the City to make some minor clarifications. He stressed that this amended Code needed to be finalized before the end of the year for the City to be considered compliant. The proposed amendments were to Section 6 of the Lawn/Turf provisions of the Code. He stated these changes spoke specifically to "Landscaped Area" as opposed to Lot Size. The changes also involved removing the nuances relating to 30% for properties one-half to one acre in size, and 40% for a tenth of an acre to half an acre. He explained that the State wanted this language simplified to reflect 20% of a Landscaped Area greater than 250 square feet, or an area less than 250 square feet. The changes requested by the State also included the implementation of Active Recreation Areas within the Code. Active Recreation Areas is a defined term in the LMC but was not specifically called out, so they have included that term in these amendments.

Commissioner Suesser asked if Landscaped Area was a defined term. Planner Cawley did not believe it was a defined term but stated that Landscaped Area would include any area not covered by a structure or any impervious surfaces. Commissioner Van Dine asked if the Landscaped Area should be defined, and Planner Cawley stated they could define it. Planner Cawley reported that House Bill ("H.B.") 272 created a definition for Active Recreation Area, which the City adopted with the passage of the amendments earlier this year. He noted that when a substitution was presented during the Legislative Session there was a minor change to the definition, which he highlighted for the Commission.

In response to an inquiry from Commissioner Suesser, Planner Cawley explained that "local entity property" applied to any property. Planner Cawley highlighted that these amendments clarified specifically what was required to meet the definition required by the State to comply with its incentive program. He confirmed that this was the State's defined term. Planner Cawley advised that Staff recommended the Commission forward a positive recommendation for the City Council's consideration on November 16, 2023.

Commissioner Frontero sought confirmation that the recommended amendments would satisfy the State's requirements for participation in the Incentive Program wherein the State would contribute $1 per square foot for turf removal. Planner Cawley confirmed and reiterated that the contribution would be $1 from the State, $1 from Weber Basin, and $1 from Park City. He also confirmed that the $2 per square foot in the current program was paid entirely by the City.

Chair Hall asked how many people had participated in the Incentive Program. Planner Cawley did not recall the number of applications approved but estimated that they had received around 20 to 30 applications.

Chair Hall opened the public hearing. There was no public comment. The public hearing was closed.

Chair Hall asked if the definitions were now the City's definitions, not the State's. She understood that the Code would only include the State's definition of an Active Recreation Area. Planner Cawley reported that the City adopted some State definitions earlier this year. He mentioned Lawn/Turf as a State definition adopted by the City. It was noted that Landscaped Area was not a defined term in the LMC. Commissioner Suesser suggested that if the State had a definition for Landscaped Area the City adopt that definition.

Commissioner Suesser asked why it was capitalized if it was not a defined term. Mr. Harrington explained that it was because it referenced the table in the Ordinance that described Landscaped Areas. He stated if the Commission felt it needed to be a defined term, it could be added. Commissioner Suesser noted that Landscaped Area was also capitalized in Section 6 above the table. Chair Hall noted that the language in 6. b that states "Limits of Disturbance area of the Lot or property not covered by buildings," seemed to be what they were describing as Landscaped Area. She suggested they could define it to ensure clarity. Mr. Harrington stated the Commission could direct Staff to use that language as the defined term when these amendments are presented to the City Council.

Chair Hall reiterated that line 3 of subsection 6. b stated "allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or Impervious Surfaces," which she felt should be the definition. She noted that if this were included in the defined terms, they could insert Landscaped Areas in this subsection to avoid repetitive language. Assistant Director, Rebecca Ward, confirmed that they would capitalize Landscaped Area in all sections, as it would be a defined term.

Chair Hall mentioned the potential positive impact of the increased incentive and Planner Cawley noted there was an educational opportunity for the Water Department to take proactive steps to advertise this Incentive Program. He added that Staff would collaborate with the Water Department, which would conduct the initial review. Staff would review landscape plans against the LMC, and the Water Department would do the ultimate sign-off on each application.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation for the City Council's consideration on November 16, 2023, for Land Management Code Amendments – Waterwise Landscaping Regulations to Qualify for the State's Landscape Conversion Incentive Program – as set forth in the Draft Ordinance attached as Exhibit A to the Staff Report, along with a recommendation to include the definition of Landscaped Area, as discussed. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

D. Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) - Plat Amendment - The Applicant Proposes to Modify the Plat for Unit 55 to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609.

Planner Cawley reported that the Applicant's Representative, Martina Nelson, was present. He stated that this application is for a Plat Amendment for Unit 55 of the Bald Eagle Club at Deer Valley. This is the second amendment to the record of survey adopted by the City Council in May 1992. This was an Expandable Area of the Bald Eagle Club that included the addition of five units. Within the Expandable Area, the Plat established Limits of Disturbance ("LOD") for each of the units and the Limits of Disturbance was a representation of the boundary in which all building and associated construction or disturbance was allowed. He referenced a Plat Note that stated the Building Footprint could shift within the Limits of Disturbance and the Architectural Committee shall approve any deviation therefrom.

Planner Cawley reported that Unit 55 was constructed in 1994 and was built outside the platted Building Footprint. The proposal before the Commission was to amend the platted Limits of Disturbance due to the non-conformity. He noted that Martina Nelson created visuals included in the Staff Report, and he highlighted the image that showed the existing conditions at the site. He explained that the red-dotted line represented the existing Limits of Disturbance ("LOD"), and the green area was a portion of the structure within the LOD, while the red was outside the LOD. Planner Cawley highlighted the image depicting the conditions occasioned by the Plat Amendment and noted it would take some area from the rear of the property and transfer it to the front so that the entire structure would be within the LOD. He noted this Plat Amendment would not increase the allowed LOD and the square footage would be maintained with this amendment.

Planner Cawley reported that the proposal complies with the Residential Development Zoning District requirements, and the Applicant was not presently proposing anything that would not comply with the zone. He commented that the site was within the Sensitive Land Overlay ("SLO"), and he highlighted Condition of Approval 4 requiring protection of Significant Vegetation. He noted that a survey was done of existing Significant Vegetation and the table was included in the Staff Report. He noted that the Condition of Approval was included in the Draft Ordinance so that if the Applicant decided to move forward with any changes to the property, they would be required to maintain the Significant Vegetation on site.

Planner Cawley stated that there was good cause for the Plat Amendment as it conforms to the site's as-built conditions, complied with the Zoning District requirements, would not increase the density of the site, would protect Significant Vegetation, and would maintain the LOD square footage. No public street or right-of-way will be vacated or amended, and he noted that Bald Eagle Drive was a private road. The Amended Plat would maintain the utilities and drainage easements that exist on the current plat.

Staff recommended the Planning Commission review the proposed amendment, hold a public hearing, and forward a positive recommendation for the City Council's recommendation on November 30, 2023.

Commissioner Suesser referenced the image depicting the Significant Vegetation. Applicant representative Nelson acknowledged that it was a difficult map to read. She explained that they mapped every significant tree using the Park City LMC definitions, and there were more than 100 significant trees that they individually surveyed, mapped, and included on the map. Commissioner Suesser stated they would like to see if there would be Significant Vegetation either saved or removed with the new LOD. Applicant Representative Nelson reported there were no plans to disturb any Significant Vegetation. She added that the building would remain in the same location and that this Plat Amendment would only make the LOD comply with the as-built house. By changing the LOD, she did not anticipate that any trees would be destroyed. She acknowledged that going forward, if the owner has plans to improve the property, he would have to go through the proper procedures with the Planning Department and Building Department. She added that they went to great lengths to identify all the Significant Vegetation on site.

Commissioner Sigg asked if the structure outside of the LOD was part of the original building plan. Applicant representative Nelson stated that the structure was approved originally with that footprint, and the footprint had not expanded. She noted a slight addition on the second story, but the original footprint was approved as-is and the developer internally approved these buildings being outside the LOD. The current Homeowners Association ("HOA") does not have records of the approvals. She reiterated that the purpose of this application was to correct this non-conformance.

Commissioner Suesser asked if the driveway was also outside the LOD. Applicant Representative Nelson explained that in this five-lot Subdivision, all of the LODs were square or polygon-shaped and did not include the driveway access. She expressed that the driveway was approved in this location, and all of the LODs for these five lots were similarly positioned and shaped.

With regard to Condition of Approval 3, Commissioner Johnson asked if there were any easements on the Lot. Applicant representative Nelson advised that there were drainage easements and utility easements, which she pointed out to the Commission. Commissioner Johnson noted that he did not see the easements in the Exhibit to the Ordinance and suggested that they be called out in the Plat. He noted that page 4 showed some of the easements, just not on Unit 55.

Applicant Representative Nelson explained that the easements of record for the original Plat for this Phase of Deer Valley would not change and were shown on the Plat Amendment map.

Referencing the image before the Commission, Applicant representative Nelson advised that the green dashed lines and the grayscale lines were easements that surround the edges of Unit 55. She mentioned that these easements were also called out in print on the drawing, adding that these drawings were intended to be printed on a 24” x 36” sheet or mylar and were very legible at that size.

Commissioner Johnson surmised that what he referenced might not be in his Packet, and requested it be added if they moved forward with an approval. Applicant representative Nelson stated that she would make sure that all the easements were shown on the recorded document.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for City Council’s consideration on November 30, 2023, for Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) – Plat Amendment subject to the following and that the Plat Exhibit be updated to depict all easements so that it is consistent with Condition of Approval 3:

Findings of Fact

1. The property is located at 7875 Bald Eagle Drive, Unit 55 of the Bald Eagle Court at Deer Valley.

2. The property is listed with Summit County as Parcel number BEC-55-2AM.

3. The property is in the Residential Development (“RD”) Zoning District.

4. Bald Eagle was developed as a condominium project and each Unit owner owns the ground upon which a house can be built.

5. The Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive established five Units within platted Expandable Area A and established the Limits of Disturbance (“LOD”) for each Unit.

6. The LOD represents the boundary in which all buildings and associated construction disturbances may occur.

7. The Building Footprint can shift within the LOD, but construction disturbance may not occur within 15 feet of the established Building Footprint.

8. The property owner proposes to modify the platted LOD because the existing Single-Family Structure, constructed in 1994, was built outside the platted LOD.

9. The proposed LOD will encompass the existing Structure, maintain the original platted LOD Area of 21,285 square feet, and will not increase the buildable area for Unit 55.

10. Single-family structures are an Allowed use in the RD Zoning District.

11. The required Front Setback is 15 feet; the existing Structure is set back 100 feet from the Front Unit Line.

12. The required Side Setback is 12 feet; the existing Structure is set back 15 feet, six inches on the east Side Unit Line and 25 feet, nine inches on the west Side Unit Line.

13. The required Rear Setback is 15 feet; the existing Structure is 54 feet from the Rear Unit Line.

14. The Site is located within the Sensitive Land Overlay (SLO).

15. The proposal complies with the SLO Criteria pursuant to LMC § 15-2.21-2(A)

    a. Slope/Topography – No Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). However, an Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope, or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. There are no slopes greater than 40% within the LOD covering an area of at least 25 feet vertically, upslope, or downslope, nor 50 feet horizontally. Within the existing and proposed LOD, most slopes are less than 30%. Some areas outside the LOD range from 30-40% and greater. However, because these areas are outside the existing and proposed LOD, the Applicant cannot construct or develop on these steep slopes.

    b. Ridge Line Areas – The site exists between the elevations of 8360 feet and 8380 feet and is not on any ridge lines.

    c. Vegetative Coverage – Low Stump Tree Service provided an Arborist Consultation report identifying the site's vegetative coverage.

        i. Deciduous trees: Quaking Aspen.
        ii. Conifer: White Fir, Douglas Fir, and Colorado Spruce.
        iii. Gable oak or high shrub: Not present.
        iv. Sage, grassland, and agricultural crops: Not present. The Arborist report indicates good health of the site's vegetation. There are signs of a fungal disease present among the aspens but is below average. This Plat Amendment will shift the LOD away from a heavily vegetated Area to an Area previously disturbed.

    d. Designated Entry Corridors and Vantage Points – The property is not visible from the designated entry corridors and vantage points outlined in LMC § 15- 2.21-3(6).

    e. Wetlands – The Property is not affected by any designated wetlands as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.

f. Stream Corridors, Canals, and Irrigation Ditches – The property is not affected by any designated streams, canals, or irrigation ditches as determined by UGS data updated July 19, 2022, and approved by the National Wetland Inventory.

g. Wildlife Habitat Areas – The Site is not in or near any migration corridors. This Plat Amendment will not result in the disturbance of Sensitive or Specifically Valued Species occupying or using on-site and adjacent natural Areas.

16. There is Good Cause for this Plat Amendment because it resolves a non-conformity and brings the property into compliance.

    a. Conforms to the site's as-built conditions;

    b. Complies with the RD Zoning District Requirements;

    c. Does not increase density;

    d. Will not disturb Significant Vegetation; and,

    e. Maintains the platted LOD square footage as established in 1992.

17. No Public Street or Right-of-Way is vacated or amended.

    a. All roads in the Bald Eagle Club at Deer Valley are private, and

    b. This amendment does not alter access to the property or assume the existing roads are now public Rights-of-Way.

18. No easement is vacated or amended.

19. The Development Review Committee met on April 18, 2023, reviewed the proposal, and found it complies with required standards and practices.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District, LMC Chapter 15-2.21 Sensitive Land Overlay Zone Regulations, and LMC § 15-7.1-6 Final Subdivision Plat.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall identify all existing non-exclusive utilities and drainage easements along the front, rear, and side Unit lines.

4. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected from future development. Any removed Significant Vegetation shall be replaced pursuant to the regulations outlined in LMC § 15-5-5(N). Landscaping. Multiple trees equivalent in caliper and size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

5. The plat shall note that all Conditions of Approval and Plat Notes from the Bald Eagle Club at Deer Valley Second Amendment plat continue to apply.

Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

Following a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

7. WORK SESSION

A. Work Session – Land Management Code Amendments – The Planning Commission will Review Potential Amendments to Chapter 15-6.1 Affordable Master Planned Developments to Evaluate Parking Requirements, Mechanical Equipment and Building Height, Commercial Uses, and the Affordable Housing and Market Rate Units.

Assistant Director Ward explained that this Work Session would address modifications requested by the Planning Commission to prioritize this year. She announced that Affordable Housing Manager Jason Glidden was present in chambers, and Director of Economic Development and Data Analytics Eric Daenitz attended remotely. Assistant Director Ward advised that the Affordable Master Planned Development ("AMPD") Code allowed for building heights up to 45 feet, with a 10-foot step back. It also included reductions in Setbacks and Open Space and the potential for reduced parking. She noted that the issue of parking was scheduled for discussion during the next Work Session on November 8, 2023. The consultants were preparing a broad evaluation of all of the LMC to identify opportunities to incentivize affordable housing beyond the AMPD. Part of what these consultants were evaluating included the potential for parking reduction criteria. She explained that tonight's Work Session would focus on Building Height, Mechanical Equipment modifications, and the potential for Nightly Rentals for deeper affordability and what it would mean for commercial square footage allowances within these developments.

Director Daenitz addressed the issue of Nightly Rentals and advised that the only material parameter that changed since the last discussion in August was the cost of funding. He explained that they had assumed long-term funding rates of 6.95%, and he reported that this number increased to around 7.6% and was as high as 8% depending on the deal. For the purposes of the additional analysis provided, Director Daenitz kept the funding rate consistent with the August numbers, and in particular planned to discuss commercial density and Nightly Rentals, specifically. He noted that nothing else had changed in their modeling. He noted that the historical average of Nightly Rental occupancy in the City was approximately 46%, which is a daily occupancy rate. They maintained that number in the current model. He added that the historic daily rate for a two-bedroom Nightly Rental remained at approximately $430 per night, rounded up from $428.

Director Daenitz stated that the numbers spike in the winter. He added that the two-bedroom Nightly Rentals made up a minority of the market share in the Park City market. He next focused on the two key takeaways from the Planning Commission following the last Work Session. He isolated and analyzed the effects of commercial density and Nightly Rentals in their own rights, and all other variables were held constant. The analysis focused on whether adding commercial density would make an AMPD more feasible. He stated that unfortunately the answer now was no. While they initially configured a hypothetical project to have 10,000 square feet of commercial space, as that is increased up to 60,000 square feet there was no number that would make the project pencil at the current moment.

Director Daenitz explained that the key drivers of this conclusion were the relationship between the costs of financing new parking relative to the prevailing commercial lease rates outside the Main Street District and the resort bases. Going back to the August discussion, he stated that the input for commercial lease rates was an average of commercial space deals that he had seen. He felt the assumptions for commercial lease rates per square foot were accurate. He stated that the key was that the cost of funding commercial construction continued to increase while the benefits of creating that construction were not moving. He expressed hope that these were localized, short-term conditions, but based on the model inputs no amount of additional commercial would drive deeper affordability or project feasibility in the current market.

With regard to the comment that commercial projects were not penciling, Commissioner Frontero posited the impact of reducing parking requirements in commercial at the same time. He believed that Nightly Rentals exasperated the affordability problem in Park City, so he fundamentally struggled to conclude that offering Nightly Rentals was an incentive when they know that Nightly Rentals were partly to blame for the affordability issue. He looked for any scenario where they could offer an incentive without offering additional Nightly Rentals. He wondered if they could reduce parking requirements, and possibly eliminate them and leave parking up to the developer, while at the same time increasing commercial. Commissioner Frontero asked if the modeling would show this to be feasible.

Director Daenitz responded that he could intuitively state that Commissioner Frontero's suggestion would significantly help. He did not prepare a commercial analysis with reduced parking for this Work Session but noted that as he prepared the analysis, he saw that as a key issue. The biggest element driving the lack of impact of commercial had to do with funding parking at existing interest rates because it presented developers with an onerous cost relative to the yield collected on the lease revenue. Commissioner Sigg asked what data point was used for commercial rents.

Director Daenitz recalled they looked at $580 per square foot. He then corrected himself and responded that the annual rent revenue shown by the model was $267,000 for a 10,000-square-foot unit.

Commissioner Sigg reported that Eric Crandall is asking $38/square foot at Studio Crossing, and the lender underwrote it at that rate. He learned this from the Senior Appraiser at Cushman/Wakefield. Director Daenitz commented that his calculation for the model was $27/square foot.

Commissioner Suesser stated the Commission can reduce parking for the affordable housing element of a project, but not for the commercial units. Director Daenitz stated that was the assumption he used, which was consistent with his understanding of the current Code. Assistant Director Ward explained that as part of the MPD process, the Planning Commission had discretion to reduce parking; however, the baseline required that the commercial be calculated according to the ratio.

Chair Hall asked who enforces this. Commissioner Suesser commented that they could not approve a project that did not have a certain amount of parking for commercial based on the Code. Chair Hall observed that was based on the Code, and they could change the Code. She supported Commissioner Frontero's comments and would like more information about different inputs as suggested when this matter comes back as a Regular Agenda item.

Director Daenitz expressed difficulty hearing the Commissioners but stated he could come back with a scenario where the commercial space had a reduced parking requirement and would seek Assistant Director Ward's input to guide that next step.

Chair Hall noted that the Commissioners could pass their comments to Assistant Director Ward and emphasized Commissioner Sigg's point about the inputs or the price per square foot. She also echoed the points raised by Commissioner Suesser and Commissioner Frontero about re-evaluating a commercial parking reduction. She added that the hope would be that if a developer supplied commercial space to the residents at an AMPD, the Commission should be able to double up on the issue of parking. Commissioner Suesser observed that they would not be drawing people to the site; rather, the commercial businesses would be there to support the people who live in the AMPD.

Commissioner Van Dine stated that if this were to be put in the Code it would need to be specific so developers know what they would be able to do.

Commissioner Frontero suggested taking the discretion out of it and providing a scale to allow less parking as an incentive based on the affordability provided by a project.

Commissioner Van Dine commented that one of the biggest issues the Commission deals with is parking and the Commission has always been reluctant to grant parking reductions. She felt that weighed on some of these developments and impacted them moving forward. If there were a more definitive statement of what a developer could expect, that would help. Commissioner Frontero agreed.

Commissioner Suesser commented that a lot of commercial businesses would want a certain amount of parking, so they might be scaring off commercial businesses from going into these development projects if there would not be adequate parking.

Commissioner Sigg offered that the allowed parking was established by organizations like Urban Land Institute that set a norm. Looking at the Code requirement of 5 per 1,000, it might not be appurtenant to every type of business. He mentioned the parking needed for a grocery store versus a smaller inline retailer. He felt the use and size of the retail facility could dictate the number of spaces required and they have historically used the blanket approach of 5 per 1,000 when it might not necessarily apply to a particular business.

Commissioner Frontero echoed these comments and stressed that this was particularly true with an MPD because it is part of a living unit and presumably businesses would have a lot of patrons walking or biking to their establishments.

Commissioner Van Dine offered that the affordable housing residents would frequent a coffee shop near affordable housing.

Chair Hall summarized that the Commission requested further analysis of what parking threshold would make a project feasible. She also suggested they look at the higher price per square foot.

Commissioner Sigg mentioned the encouragement of transportation initiatives that could also affect the need for parking.

Commissioner Frontero agreed and asked if the Commission could suggest that type of amendment. He stressed that developers liked certainty, and he would like the Code to have more certainty so it could present a road map. He suggested that an MPD within ¼ mile of a transit center would allow a 40% parking reduction or similar language.

Commissioner Shand added that the developer could pencil in a new transit hub for its development as well. Commissioner Frontero agreed that it might make sense for a developer to provide transit in order to gain the affordability incentive that they were trying to provide through reduced parking. He noted that parking was expensive, and they did not necessarily want a lot of cars. He observed the overall goal of reducing cars through mitigation efforts and felt this dovetailed nicely with reduced parking if the development was near a transit hub.

Commissioner Johnson asked if the commercial use would be added to the AMPD Code and then they would update the parking provisions to clarify. He felt this discussion was related only to AMPDs and commercial uses. Assistant Director Ward stated that currently a commercial use was allowed, and the question was about the 10,000-square-foot maximum. If a project had 50% of the total square footage dedicated to affordable units, she asked if it would matter how much of the remaining space was commercial or market rate rentals. She asked if there could be flexibility in allowing different uses within the square footage and still have the additional height, reduced Setbacks, and Open Space.

Currently, there are criteria specified in the Code recommended by Cascadia Partners to allow for reduced parking by right. She mentioned that when that Code was adopted, the applicants could ask for a reduction, but it was not a given. She understood that the Planning Commission was interested in exploring a specified percentage of reduced parking if a project was within one-quarter mile of a transit center. She stated they could bring that back for discussion with the commercial square footage consideration.

Assistant Director Ward advised that Fehr & Peers was currently working on the criteria for reduced parking in all land use applications. Currently, for all CUPs and MPDs that come before the Commission the Code allows the Commission to grant a reduction in parking but there are no clear criteria. Fehr & Peers' recommendations were scheduled for discussion on November 8, 2023.

Commissioner Shand sought clarification of Commissioner Frontero's points. He understood they were talking about a possible reduction of parking on the residential side as well as possibly the commercial side. To Commissioner Sigg's point, Commissioner Shand suggested it might be easier to apply a reduction in parking to the residential side of a project based on the transit hub. Looking at the commercial side, Commissioner Shand stated they did not know the types of businesses that would go into the commercial space. A bike shop might go out of business and a restaurant might then take that space and would have different parking requirements. If they applied it to the residential criteria, especially if a project was within one-quarter mile of a transit hub, it would make it easier for the Commission to draw a box around the parking requirement for that particular project. Commissioner Shand, therefore, suggested focusing more on reduced parking for the residential use of a project than the commercial use.

Commissioner Van Dine commented that doing this would eliminate the incentive. If they would stay with the Code-allowed commercial parking, there would still be a limit to the amount of commercial space that would be developed. She explained that the commercial reduction would become more feasible by taking that parking requirement away. Parking would then become the developer's issue in terms of the businesses they would allow in the commercial space. Commissioner Shand offered that a developer looks at the project as a whole.

Director Daenitz added that parking expenses were fungible to the capital stack. It is the total number of parking spaces that presents an issue. However parking is reduced would be a dollar-for-dollar savings.

Commissioner Shand provided the example of a project where 50 parking spaces were required for commercial uses and 200 spaces were required for the residential use. If that project were located within one-quarter mile of a transit center, it would be easier to reduce the residential parking requirement from 200 to 100 spaces, than it would be to address the commercial aspect when they do not know the types of businesses that would occupy the commercial spaces.

Commissioner Johnson agreed and offered that if they reduced commercial parking, they might have to define the commercial uses that could go in. Commissioner Sigg suggested they could define the boxes, as they would know that a larger commercial user would occupy the larger spaces. He suggested a lot of that would be defined by the configuration of the buildings. Commissioner Johnson mentioned that Iron Horse was required to come in for a CUP because of the new use being proposed in that commercial space.

Chair Hall wondered if they could avoid Nightly Rentals and in lieu have a better incentive for commercial. The next question was how they could mitigate any of the unintended consequences.

Commissioner Suesser would like commercial units to drive the feasibility of these projects and noted they would have to reduce commercial parking requirements to achieve that goal.

Director Daenitz offered that wherever they eliminate the parking, it would make the project more feasible. If they authorized commercial use and reduced commercial parking requirements that would have an effect similar to adding market-rate residential. How much commercial could be added would still influence the depth of affordability. He stated he could explore that in more detail as he had not yet modeled a parking reduction for commercial, per se, but commented that it would result in less parking required for the entire site in terms of the financing itself.

Chair Hall asked if there was something that addressed the scenario where an AMPD resident worked at one of the commercial uses, as it seemed it would present a duplicative parking space. She felt there were a few areas they could explore, and identified the different uses, the tailoring of the uses to the residents, and the commercial employment of residents. She noted there were a lot of shared parking opportunities, and exploring shared parking to incentivize commercial development would be a good idea.

Commissioner Sigg felt that a realistic driver was suburban versus urban areas, and having less parking in urban areas would result in people just walking. To him, it was great that Studio Crossing has a transit hub, but he would be surprised if people didn't use their cars. He felt that if they allowed Nightly Rentals in those areas, people would use their cars. Driving parking down in a centralized core area made sense, but Commissioner Sigg felt the further a project goes out from that, perhaps a project would need more parking.

Commissioner Suesser posited that the idea was to put commercial uses in these projects that would not be a destination for other people in town but rather to support the residents who live there. Commissioner Van Dine observed that even if it was a destination for nearby neighborhoods, it should be convenient which is why they would want a transit hub within a quarter of a mile.

In response to Commissioner Shand's comments, Commissioner Suesser felt the Commission should focus on reducing the commercial parking requirements within an AMPD. Commissioner Frontero added that reducing the commercial parking requirement would come with an understanding that the residents would be availing themselves of the commercial uses so the parking would be shared.

Commissioner Johnson suggested defining the commercial uses. Commissioner Suesser did not believe that would be necessary.

Commissioner Sigg felt the Nightly Rental aspect was significant because those outside of the community would use most of the Nightly Rentals. If the parking is not there, it could change the mindset of that Nightly Rental unit. If a Nightly Rental were not in the core, those who use the Nightly Rentals would rent a car. There was discussion about reducing parking for market-rate rentals as opposed to the affordable units.

Commissioner Shand asked about the parking ratio for the workforce housing project at the base of the Canyons, as he was curious if that parking requirement was reduced. He noted there was a parking hub, but no commercial, and a waterfall occupancy policy in effect for employees of the Canyons.

Affordable Housing Manager, Jason Glidden, responded that parking at that project was reduced significantly. He estimated it was reduced by approximately 25% of the requirement, but that development also charged for parking. Any resident who requested parking is charged an additional fee per month, which he believed was around $125. He reported that the project saw the workforce showing up with a car and quickly selling it because there was no need for it due to the transit hub and the waterfall provisions. Manager Glidden noted that over half of the parking spaces remained empty during the winter.

There was discussion in favor of this concept; however, Commissioner Johnson felt that paid parking for residents was a new concept for affordable housing projects. He wanted to focus on the commercial space and perhaps revisit paid residential parking at a later date.

Chair Hall summarized that there was interest in exploring all of the reasons for parking reduction to make commercial uses feasible.

Commissioner Frontero asked for an explanation of "parking by right." Assistant Director Ward explained that currently, the Planning Commission may reduce parking if the project meets certain criteria. The parking reduction is built into the Code. She confirmed that developers preferred that because it was more certain.

There was discussion about removing the Planning Commission's discretion from the Code. Commissioner Frontero supported looking further into this issue.

Commissioner Suesser expressed concerns about looking at that too closely and based on the feedback from residents of affordable housing, parking is a big deal. While it might incentivize developers, the Planning Commission needs to strike a balance using its discretion. She was not sure she wanted to move towards eliminating parking by right.

Commissioner Johnson was not completely opposed to that concept but would like to see more information. He was hesitant to use the example presented because it is brand new and would like to see it flush out a bit. He requested more information from Staff.

Commissioner Suesser agreed and added that when they approach incentives for developers to build affordable housing, they are only looking at one side of the equation and not the feedback from the residents of the affordable housing projects. She did not want to pull the parking reduction lever without hearing from the residents of these developments. Commissioner Frontero agreed that was a fair point.

Director Daenitz continued by stating the second takeaway from the last discussion was to isolate the effect of Nightly Rentals. He explained they mixed in a few different configurations in the models, and he revisited those to try and create a simpler rule of thumb. He understood from tonight's discussions that Nightly Rentals were not favored by the Commission but presented some statistics with respect to the impacts. He offered two scenarios for comparison. The first scenario was labeled a Pure Market Deal, which meant no tax credits, and no City involvement in terms of land or subsidies. He also presented the second scenario, which he labeled City Land Grant/Tax Credit Deal.

Director Daenitz explained that both of these scenarios were entertained under the AMPD, except one had no involvement from either the State or the City. The number of units in the five-acre model that would be required to make a project feasible under Pure Market Conditions was 30 units. Fifty-two percent of the total square footage, including commercial, would be associated with Nightly Rentals. The reduction in Average Median Income ("AMI") achieved with the Pure Market Conditions model was 12%.

Director Daenitz reported that in order to put these projects on the same terms, he queried how much Nightly Rental square footage would need to be offered inside of a project to reduce AMIs by 10 percent. Therefore, 43% of the project would need to be Nightly Rentals in order to bring AMIs down with an effect size of 10%. This meant that if a developer built 43% of units for Nightly Rentals, they could bring the affordability down by 10 percent.

Under the City Land/Tax Credit scenario, the conditions were a little better because of the subsidies that go into the project. In this scenario, the developer would only need to provide ten Nightly Rentals that would provide slightly less of an AMI reduction at 8 percent. Therefore, if the average AMI of a project was 60%, with 10 Nightly Rentals it would result in 52% AMI.

Director Daenitz explained that to line up both scenarios to achieve a 10% reduction in AMI, 21% of the square footage would need to be Nightly Rentals. The bold numbers at the bottom of the presented chart represented the rule of thumb in terms of what percentage of Nightly Rentals would be required to bring AMIs down by 10% for deeper affordability.

Commissioner Frontero asked how the Commission felt about Nightly Rentals in an AMPD. He felt strongly that they should not be included, and that they should do everything possible to find different avenues.

Commissioner Van Dine expressed that she would rather see market-rate units that are occupied full-time. Commissioner Sigg agreed and mentioned the threshold of anything over 30 days noting there were a lot of workarounds to that, especially during peak times when rates are high. He felt that the way they define a long-term rental was a fundamental problem and opined that 30 days was not a long-term rental and would not lead to full-time occupancy. He added that Nightly Rentals had their place in town, and he mentioned the resort core, but there should not be a blanket language that anything over 30 days was considered a long-term rental.

Commissioner Suesser asked Commissioner Sigg if he favored eliminating market-rate units from affordable housing development. Commissioner Sigg stated he did not, but that long-term rental should be re-defined. He felt that 12 months qualified as a long-term rental and reiterated that Nightly Rentals made a lot of sense in certain areas.

Chair Hall expressed surprise at how a small reduction in AMI could have such a massive need for Nightly Rentals to compensate. While initially she felt it was a great idea to consider Nightly Rentals, she felt that the small reduction in AMI was not worth a massive Nightly Rental pool. She agreed that Nightly Rentals should be the last tool utilized for developers.

Director Daenitz added that in the Pure Market scenario, the need for Nightly Rentals to create deeper affordability broke the bounds of the Code on the AMPD because 50% of the square footage would not be affordable. He stated the Pure Market scenario would not qualify under the existing Code.

Manager Glidden returned to the question of what they were trying to accomplish. Owners and developers have a right to submit for either an MPD or an AMPD, and the City was trying to incentivize AMPDs. He noted that with MPDs, the developer could build 100% Nightly Rentals, whereas if developers were incentivized to develop an AMPD then they know that over 50% of the development would be affordable. He stressed that the AMPDs would necessarily reduce the production of short-term rentals. Therefore, Manager Glidden was not opposed to Nightly Rentals as a way to incentivize developers to move toward an AMPD. He felt it was more important to get developers to construct an AMPD than an MPD because they would get more affordable housing and potentially fewer Nightly Rentals.

Commissioner Suesser noted there was a market for market-rate units with long-term rentals. Manager Glidden stated that short-term rentals had essentially caused the housing crisis, and he was not promoting Nightly Rentals. But he noted that the developer had to meet its balance sheet, and it was all about meeting the costs with revenue. Nightly Rentals provided revenue to developers and allowed them to cover their costs.

Manager Glidden's position was to try and move developers towards an AMPD. He referenced The Yarrow and stated he would much rather it come in as an AMPD rather than an MPD because the MPD would not drive as many affordable units. He was willing to give up on some of the Nightly Rentals because, in the long run, they would get more affordable units and most likely get a reduction in short-term rentals in that project. Commissioner Johnson noted that Manager Glidden used a good example.

Commissioner Suesser requested information on the feasibility of an AMPD with 51% affordable housing and 49% market-rate units with long-term rentals.

Manager Glidden liked this discussion and noted that there were numerous levers they could use. He reiterated he was not necessarily saying that allowing Nightly Rentals in all of the market rate units was the way to go. He suggested the Commission could limit Nightly Rentals to 25% or 50% of the market rate units and use that with another tool such as reduced parking for commercial.

Manager Glidden stated that the Commission could use incentives to get what they wanted. If they wanted commercial, they could incentivize commercial as much as possible.

Commissioner Shand noted that the biggest lever was the land. Commissioner Frontero observed that they had a lot of land with which the City could work with developers in public/private partnerships.

Commissioner Suesser queried why they were still struggling over things like parking requirements if the City had all this land to donate to a deal. Commissioner Johnson commented that some of the land would require rezones.

Manager Glidden looked past that and stated it was important that the City had the land for public/private partnerships; however, they were seeing major redevelopment in areas like Bonanza Park, and it was in those situations where these various levers come into play.

Commissioner Sigg pointed out that in an AMPD, they would potentially have a building that would be taller than what was currently permitted in the zone; therefore, not only would they have taller buildings, but they would also have Nightly Rentals. He stressed that they had to keep their perspective on the volumetrics of the buildings.

Commissioner Van Dine mentioned Manager Glidden's comments about limiting percentages for Nightly Rentals and felt that was something the Commission should review.

There was discussion about how they could enforce the percentage limitations. Commissioner Suesser suggested deed restrictions.

Commissioner Frontero asked Director Daenitz if the models could handle interest rates going down over the next five years, and wondered if there was a scenario where they could take into account lower interest rates and costs.

Director Daenitz stated the model could run those types of scenarios, and he could produce a band of scenarios based on different rates. He added that no matter the interest rates, the more tools they have to create affordable housing, the more affordable housing would show up regardless of the rates. If interest rates drop to 4%, he agreed that would bring a lot more into play by bringing profitability five years sooner. In terms of what that would mean relative to AMIs, he could put that together.

Director Daenitz reiterated that no matter what the interest rates were, the more tools they have for the creation of affordable housing, the more likely it would be to occur. He stated it would certainly be much more likely to occur with lower rates, but they would still incentivize the creation of affordable housing under either condition.

Commissioner Frontero observed that current rates are near a 20-year high, and they were creating a basket of incentives with these high rates. As the rates come down, he initially thought they should reduce some of the incentives, but he understood Director Daenitz's point that more incentives would result in more affordable housing.

Director Daenitz clarified that he was not trying to direct policy; rather, he was providing his thoughts.

Commissioner Frontero requested information on the scenario at 2% intervals and mentioned 8%, 6%, 4%, and 2 percent.

Commissioner Suesser agreed and felt that as they refined the language in the Code, they might want to include this information so they would not have to revisit the issue.

Commissioner Van Dine stressed they were not writing this based on interest rates; they were writing it to increase affordable housing. If interest rates go down, it would be better for the City as well, because they would get more applicants. She offered that interest rates of 4% would not necessarily mean the Commission would require more parking. She felt that lower interest rates would hopefully result in more AMPD developments because the return on investment would be faster. She disagreed with trying to write a Code based on financial impacts, because it would change, and they do not know how it would change. If they set a baseline of incentives that get developers in the door, Commissioner Van Dine felt that as conditions improved more would apply.

Manager Glidden believed in periodic review of the Code in light of interest rates, because conditions change. He advised that they review the Housing Resolution every two years to see what has changed and what needs to be adjusted. He felt this should be reviewed every two years to see how it's working. He did not necessarily agree to include the different interest rate scenarios in the Code.

Chair Hall commented that it seemed they were looking at this every year.

Assistant Director Ward understood that there was support for allowing an increase in commercial uses considering parking reductions. The Commission would like more information on what that would look like in terms of long-term management change of uses. She also mentioned shared parking and live-work considerations. She also mentioned interest in establishing clear criteria in the Code that would be predictable for developers. With respect to the 50% of square footage that is not affordable, Manager Glidden asked if the Commission had a preference that it be commercial or residential. There was consensus that there was no preference. Chair Hall mentioned prior comments she made about adding affordable housing to existing commercial structures in town.

Commissioner Johnson noted that a hotel is a Nightly Rental use that is less impactful than the over-arching concerns with Nightly Rentals. Commissioner Suesser stated that there were service trucks and employees that need to service that hotel.

Commissioner Suesser stated she would not care if an AMPD had commercial as long as it would be commercial that would serve the residents rather than as a destination.

Commissioner Sigg commented that the footprint would drive most of the commercial, because there was not too much viable second-floor commercial unless it is something like an office use.

With regard to Nightly Rentals, Assistant Director Ward understood that initially there was consensus for no Nightly Rentals, but as the discussion progressed, the Commission requested more information on what it would look like if 50% were Nightly Rentals versus long-term rentals. Chair Hall added that they would like more information on achieving deeper affordability. Based on the information presented, she was not in favor of a small reduction in AMI in exchange for 43% Nightly Rentals. Commissioner Frontero agreed. He added that there seemed to be a consensus to do everything possible to reduce the Nightly Rental percentage, but not eliminate it completely. He suggested that developers start with No Nightly Rentals, and then if it does not pencil, they should look at all of the incentives with the last carrot being Nightly Rentals. Commissioner Sigg also wanted to redefine the definition of long-term rental.

There was discussion regarding having a higher AMI to reach a different market. Commissioner Sigg noted that per Housing and Urban Development ("HUD") guidelines, AMI could go up to 120 percent, and developers could not get a loan and tax credit for 80% or less. Manager Glidden noted that the number was 60 percent.

Commissioner Sigg explained that financing options were greater for lower AMIs, but if developers built a 900-square-foot unit instead of a 1,400-square-foot unit and offered it at 100% or 120% AMI, some people would take that unit all day long.

Commissioner Suesser liked the approach of including the higher AMI units in a project. Commissioner Sigg commented that a builder would not be building as much square footage, but they were getting a higher amount. Director Daenitz advised that he had good feedback and would work on some items for the next discussion.

Assistant Director Ward reminded that there was discussion about the 45-foot Maximum Building Height and 10-foot step back during the last Work Session, along with discussion about re-evaluating the zones where these would be allowed. She presented a table that showed the comparison of the zone height and AMPD density height. As indicated in the Cascadia report, the 45-foot Building Height achieved four stories, which helps to incentivize these projects. She referenced a slide during the prior discussions that showed Bluebird Village, which is a 51-foot-high building in Ketchum. She added an image with the step back that showed the same 51-foot height without the same massing impact.

Assistant Director Ward reported that Staff recommended maintaining the 45-foot height with the step back and addressing additional mitigations such as stepbacks for mechanical equipment and other ways to reduce the additional impacts. She asked if there was interest in modifying or re-evaluating the zones that currently have the 45-foot height allowance with the step back on the fourth floor.

Chair Hall mentioned that there would still be mechanical equipment on top of the 45 feet. Assistant Director Ward stated that there would be a 10-foot step back for the height up to the fourth floor. For the rooftop mechanical, she reported that some communities established an additional 10-foot Setback on the roof for mechanical equipment. Chair Hall noted they did not have that requirement now, but the Commission requested that on Homestake because the initial drawings had a full fourth floor, and the end result was that the developer agreed they did not need the mechanical on the entire floor. The developer therefore made it a lot smaller at the 53-foot height.

Commissioner Suesser recalled that they heard from Craig Elliott that it did not make sense because of the step back, and it was not feasible for them to include a fourth story on HOPA. Regardless, she liked the approach of keeping the step back on the fourth floor to minimize the impact from the street.

Commissioner Shand agreed and liked the step back. If there was a particular challenge with a particular building, he would let the developer come before the Commission for discussion.

Commissioner Sigg suggested defining the impact of the parapet on the overall height. Commissioner Shand stated that if the parapet were the façade, he would include it in the measurement. Commissioner Frontero agreed because it would be part of the visual impact. Commissioner Suesser also agreed.

Assistant Director Ward summarized that the Commission was agreeable with the 45-foot height and maintaining the 10-foot step back. She also mentioned the possibility of additional density on the interior of buildings with additional step-backs. She presented an illustration of the HOPA project and reported that this project was under the Maximum Building Height allowed, but under the current Code, all buildings would require the step back. She asked if the Commission supported changing the Code so that the step back would only be required for the exterior façade, not interior façades. There was consensus.

With regard to the Frontage Protection Zone ("FPZ"), Assistant Director Ward explained that currently AMPDs were required to comply with the standards. She stated they could include an additional Finding of Fact as part of the Planning Commission review. She explained that currently within the 30 feet to 100 feet within the FPZ, any AMPD would also have to obtain a

CUP. She asked if there were additional considerations or criteria that the Commission would like to include.

Commissioner Sigg stated this really hit home on the Bonanza project when they looked at what the FPZ took away from the potential of the already small site. He stated there was likely an area along SR-248 where protection for the frontage ended and they were into the core of the City. He suggested re-evaluating the Frontage Protection Zone boundaries as he saw it as being a pretty strong detriment to building massing at the Bonanza location.

Commissioner Johnson noted they went to 100 feet, and he agreed with Commissioner Sigg's concept, but he would like to look at making the process at 30 feet more streamlined.

Commissioner Sigg understood that in the context of a CUP, they could reduce the area based on building height.

Commissioner Frontero understood these comments as suggesting that the FPZ was starting to encroach into the core of Park City and perhaps they should look at pulling it back. Commissioner Sigg suggested possibly pushing it forward, in other words, reducing the FPZ as they get closer to the core, provided a developer could minimize the impact of a 40 - 45-foot building. He understood the need for the FPZ near the High School and as you are driving out of town, but he felt that for a project like Bonanza, the FPZ curtailed how they could mass the buildings.

Commissioner Johnson suggested the potential for incentivizing AMPDs by providing the 30 feet without requiring a developer to go through a full CUP with the Planning Commission. He felt this would be a huge stick they could provide developers for an AMPD.

Commissioner Van Dine would still like to see those CUPs under Planning Commission control.

Chair Hall asked if it could be included in the AMPD so it would not be a separate application. Manager Glidden stressed that anytime they create more certainty, the better.

There was discussion about the Planning Commission's discretion for Frontage Protection Zone CUPs.

In response to an inquiry, Assistant Director Ward advised that the FPZ along Kearns Boulevard at The Yarrow was between 30 to 100 feet, and if a developer wanted to build within that distance for a certain building height, it would require a CUP from the Planning Commission. The Commission did not want to forego the requirement for a CUP in AMPDs.

Commissioner Suesser suggested that they could amend the distance and say with an AMPD a developer could get 50 feet or some other distance. Commissioner Van Dine felt it would be reasonable to look at those numbers to see what it would look like.

Chair Hall commented that it would also depend on the structure or the improvements within the FPZ. They would have to assume a developer would want a 45-foot-tall building, rather than a greenhouse or a community garden like at HOPA.

Commissioner Shand would like to see some sort of line drawing of what a 45-foot-tall building would look like on the Double Tree site at 30 feet, 50 feet, and 100 feet from the road. Manager

Glidden expressed that it would only be 35 feet, because of the step back. Assistant Director Ward recalled that information was in the original submittal, which was part of the public record.

With regard to mechanical equipment, Assistant Director Ward understood there was consensus for a 10-foot Setback measured from the roof, not the parapet. In terms of childcare centers, she advised that the MPD Code established Planning Commission discretion when evaluating larger projects. The AMPD Code mirrored the MPD Code in this regard. She reported that some communities incentivized childcare centers through density bonuses or other allowances rather than at the discretion of the Commission. She recalled that as shown in the HOPA review, this could impact the financing and predictability for the design of the project for developers. Staff's recommendation was to remove this from the Code, noting there were opportunities to incentivize childcare centers as an exception from density. She asked if the Planning Commission supported removing the Commission's discretion and incentivizing childcare centers through density or other means. There was consensus, and there was discussion that there were challenges with requiring childcare centers.

Commissioner Frontero was supportive of a bonus density for childcare centers, within the context of the overall project.

Chair Hall commented that they did not touch on the zoning for the height and referenced the chart presented earlier. Manager Glidden noted the chart referenced the zones where AMPDs were allowed. Chair Hall asked if there were other zones where AMPDs would make sense. Assistant Director Ward explained that the table presented excluded the Estate Zone and stated that AMPDs were allowed in those zones where multi-unit dwellings were allowed. Chair Hall felt that made sense.

Commissioner Van Dine appreciated the table and stated it helped see how impactful the allowed height was in certain zones. This table helped satisfy her regarding the 45-foot Building Height with the step back in these zones. Assistant Director Ward asked if the Commission felt these amendments would be ready for a public hearing, or whether they wanted an additional Work Session. Chair Hall asked if there was consensus to review a Draft Ordinance in a Regular Session, and specifically pointed to the commercial changes.

Manager Glidden suggested another Work Session and felt that Director Daenitz's additional analysis would be key for the Planning Commission's review. He stated that parking was not helping with anything right now.

Director Daenitz stated that if parking were eliminated, the deals would not pencil without City land contribution or tax credit subsidies. He noted zero parking did not work.

Assistant Director Ward stated they would schedule another Work Session on this item.

In response to Commissioner Johnson's inquiry, Assistant Director Ward advised that Lisa Wise Consulting was not reviewing the AMPD Code, but they were reviewing Parking and Transportation Demand Management to develop criteria based on what the Commission did with Traffic Impact Studies. Fehr & Peers was working on criteria so that applicants could have measurable criteria that would support reduced parking. These criteria would apply to all MPDs and CUPs that allow the Planning Commission to approve parking reductions.

Manager Glidden stated this supported the reason for having another Work Session on this item. He understood there would also be community feedback following the consultants' presentations.

Chair Hall noted that because this involves a policy decision and LMC amendment if the Council Members felt the Commission was not heading in the right direction, they should advise the Planning Commission.

Commissioner Suesser felt it would be helpful to analyze a potential project and what levers could be used to help make it pencil. Manager Glidden stated that was what Director Daenitz had essentially done in his analysis and invited the Commission to request any additional levers. He mentioned that Lisa Wise Consulting had looked at other communities and what they had done, which might provide additional ideas.

Chair Hall announced that several Commissioners would be going to No Name Saloon following the meeting.

8. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:00 p.m.

Studio Crossings – Ratification of Development Agreement

Planning Commission
October 25, 2023

PL-22-05212

PARK CITY
1884

Studio Crossings Timeline

- November 9, 2022—The Planning Commission approved the Studio Crossings MPD for a mixed-use project including at least 185 affordable for-rent units. The project also includes 60,000 square feet of Commercial Uses, up to 100 market-rate condominiums, a transit stop and shelter, and a bike share and trail connection. On the same day the Planning Commission forwarded a recommendation to the City Council to amend the Annexation and Zoning Ordinance as well as for exceptions to the Zone Height for the Studio Crossings project at 3981 Kearns Boulevard.

- December 15, 2022 – The City Council approved Ordinance No. 2022-47, amending the Annexation and Zoning Ordinance including exceptions to the Zone Height.

Studio Crossings Timeline

- December 15, 2022 - The City's Housing Authority approved the Applicant's Housing Mitigation Plan.

- April 14, 2023 – Applicant submitted the draft Development Agreement. The Planning Department waited for the Applicant to resolve their water service issue before bringing the DA to the Planning Commission for ratification.

The DA must be ratified by the Planning Commission and recorded prior to the issuance of building permits. The Applicant has a grading permit but no other permits have been issued.

Development Agreement Requirement	Analysis of Proposal
A legal description of the land.	Studio Crossings DA Exhibit A – Legal Description of the Property
All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions.	Studio Crossings DA Exhibit D –Studio Crossings Final Action Letter dated November 9, 2022 Studio Crossings DA Exhibit E – Ordinance No. 2022-47 dated December 15, 2022.
An express reservation of the future legislative power and zoning authority to the City.	Studio Crossings DA ¶ 4 – Master Plan Approval and Reserved Legislative Powers
A Copy of the Approved Site Plan and all plans which are part of the Planning Commission Approval	Studio Crossings DA Exhibit F – MPD Approved Plans
A description of all Developer exactions or agreed-upon public dedications.	Studio Crossings DA ¶ 2.2
Developer agreement to pay all specified impact fees.	Studio Crossings DA ¶ 2.2
The form of ownership anticipated for the project.	Studio Crossings DA ¶ 6.3 – Form of Ownership Anticipated for the Project
A specific project phasing plan.	Studio Crossings DA Exhibit G –Phasing Plan Project Approval expires two years from the date of execution of the Development Agreement unless Construction, as defined by the International Building Code, has commenced on the project. Studio Crossings DA ¶ 2.4 requires the developer to complete the deed restricted affordable housing prior to or concurrent with the market rate condominiums.
A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.	Studio Crossings DA ¶ 6.5 – Physical Mine Hazards and Exhibit H – List of all Known Physical Mine Hazards on the Property (None)
A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.	Not Applicable – There are no Historic Structures on the Property

Recommendation

1. Open a Public Hearing
2. Consider ratifying the Development Agreement