

MINUTES

SNYDERVILLE BASIN PLANNING COMMISSION

REGULAR MEETING
TUESDAY, September 8, 2020
Electronically, via Zoom

COMMISSIONERS PRESENT:

Ryan Dickey, *Chair*
Thomas Cooke
Joel Fine

Canice Harte
John Kucera
Crystal Simons
Malena Stevens

STAFF PRESENT:

Peter Barnes- *Planning & Zoning Administrator*
Jami Brackin- *County Attorney*
Ray Milliner- *Principal Planner*
Patrick Putt- *Community Development Director*

Blaine Thomas- *County Attorney*
Kirsten Whetstone- *County Planner*
Kathy Lewis- *Secretary*

The meeting was called to order at 4:30 PM.

REGULAR SESSION

1. General Public Input

The public hearing was opened. No comments were made and the public hearing was closed.

2. Discussion and Possible Recommendation to County Council regarding proposed amendments to the Summit Research Park Development Agreement Exhibit C- Land Uses, (aka Dakota Pacific at Kimball Junction); located in the Community Commercial (CC) Zone District, Parcels PCTC 401-AM - PCTC 404-AM AND PCTC-5B-AM, Dakota Pacific Real Estate, Applicant - *Kirsten Whetstone, AICP, County Planner*

Attorney Brackin said the application is scheduled for a possible decision at this meeting. The decision the Planning Commission will be deciding is if additional uses to the Use Table shall be allowed. She said that several of the Commissioners have questioned if conditions can be added, if approval is given. The answer is yes, conditions can be made, but there should be findings connected to the condition.

Attorney Brackin said Staff is recommending that the Planning Commission send a favorable recommendation to the County Council. If they decide to send a negative recommendation, they should give the reasons why they reached that decision. She is available to answer any questions the Commission may have.

Chair Dickey clarified that if the Commission decides to send a positive recommendation, the Staff Report has a list of conditions; however, these can be amended as the Commission desires. If the Commission decides to send a negative recommendation, they should explain the reason they reached that decision. It shouldn't just be an arbitrary decision. Attorney Brackin added, they should indicate the reason they are voting no. Because the County Council is the final decision maker, the Commission doesn't necessarily need to have written findings.

Planner Whetstone shared slides to give the Commission a brief reminder of the proposal. A vicinity map was shown. Staff recommends that a positive recommendation is forwarded to the County Council. Should the Planning Commission forward a negative recommendation, the reason should be stated.

A slide was shared comparing the difference between the Research Park and the Dakota Pacific proposals. She pointed out the changes in the two development proposals. Some of these included requesting a mixed-use neighborhood of residential uses (new) vs. requesting restricted uses (old). The new proposal has improved pedestrian connection, increased open space, and an increase of affordable housing units. Another slide showed the requested uses and the uses that would be restricted. Exhibit C is the Use Table for the Summit Research Park. It showed the permitted and the conditional uses. Other slides included the Kimball Junction Neighborhood Plan along with the concept plan. Mr. Gochnour, the applicant, said they are available to answer questions.

Chair Dickey said he would like to proceed with the Commissioners revealing how they stand on the application and the reasons why. Following that, if there is no more

discussion, the Chair will entertain a motion. Attorney Brackin said the Commission may want to discuss any questions centered on the Findings of Fact, Conclusions of Law, and Conditions of approval before a motion is made.

Commission Questions and Comments

Commissioner Kucera thanked all involved from Staff to the applicants for their hard work and professionalism. He thinks this project needs to lead the way to represent the vision of the town center described in the Kimball Junction Master Plan. If it is approved, there are no do-overs. They need to get this right.

Commissioner Kucera shared his thoughts about the different aspects of the Dakota Pacific project. He started with affordable housing. If a project creates more jobs than the affordable housing units that they will build, there are no net benefits. This is not a justification to move forward.

Commissioner Kucera said the concept of live here and work here is critical. An 80% AMI is about \$90,000 per year of income. Service workers, teachers, fire fighters, and police are unlikely to make the cut. That means the needs of the community are not being met. They need to ensure they are making a positive impact before they add 1¹/₂ times the population of Coalville City to Kimball Junction.

Commissioner Kucera said the impact to the traffic will be worse than the lowest designation of failing. It doesn't seem that the traffic can be mitigated. There is no question the traffic will get worse, faster, if the project is approved. He doesn't believe that making the traffic worse will help to solve the traffic problem, as the applicants have stated.

Commissioner Kucera said the size, scope, and location of the project are too important to simply allow expanded uses without strong control measures. To him, the mix of uses is as important as the mixes themselves. The projected percentage of

residential and retail doesn't reflect the vision of the Kimball Junction Master Plan. Additionally, converting offices to hotel space will have an adverse impact. It will increase the demand of services, trails, open space, and other amenities. These impacts need to be fully vetted and weighed. He recommended density be evaluated on the new uses and not the existing Development Agreement.

Commissioner Kucera said he doesn't believe that growth is inevitable. There are many urban communities, but not many vibrant mountain towns, which is what they want this area to be. The Commission should be highly attentive to the details of a project to not undo the previous work done by others in establishing this community. They should not make changes they can't undo.

Commissioner Kucera said he doesn't believe this plan provides the benefits and the vision that this community should demand. He would support forwarding a negative recommendation to the County Council.

Commissioner Harte said he has nothing but good things to say about the Developer's team. They did an incredible job and should be proud of the information they put forward. He gave praise to Planner Whetstone. It is difficult to work with such a controversial project. She has done an incredible job. He also thanked the community. This may have had the most public input of any project since he has been on the Commission. He said their input has been heard, whether positive or negative.

Commissioner Harte said it is clear the Planning Commission is the recommending body. He would like to direct his thoughts to the County Council about the issues the Commission identified. **Commissioner Harte** said he would like to introduce to **Commissioner Cooke** and the Planning Commission a new concept about anchoring. He read a statement from Harvard Law School. The statement indicated that anchoring gives a well-known cognitive bias. It gives too much weight to the first number put forth in a discussion.

Commissioner Harte referred to the previously approved Tech Park and its associated Development Agreement. He was on the Commission when the Skull Candy building was developed. Nothing about it fit the parameters of the Research Park 2008 Development Agreement. He said the anchoring premise indicates that what was envisioned in 2008 is what needs to be built today. He said that doesn't have to be the case. He gave the Skull Candy building as an example. It didn't align with the 2008 Development Agreement. The anchoring premise indicates that the Commission may have been fixated on a number, as they know it through the Tech Park. A lot of their comparisons may not have been relevant.

Commissioner Harte asked Planner Whetstone to display the slide with a graphic from [Page 3](#) of the Staff Report. This shows the comparisons between the Park City Tech Center, the Dakota Pacific original proposal, and the Dakota Pacific current proposal. He said when the Commission is evaluating this proposal, it is important that they are evaluating what is actually in the current proposal. He referred the slide being displayed (page 3). It indicates that what the Developers have done is to alter the current proposal from research park office to residential. He said the graph on the slide substantiates his figures. He believes the proposed density of 1,624,500 goes against the General Plan Policy 2.3.

Commissioner Harte said if someone were to snap their fingers and build what is already entitled; it would support a population of 100,000 people. He said that when Policy 2.3 was created they were trying to put the brakes on growth. They didn't want to developers to start looking at creating new development rights.

Commissioner Harte said the affordable housing for this proposal is an 80% AMI. During the public hearing, they heard a number of people (such as a teacher) who were excited to be able to afford to live here. For the Snyderville Basin, an 80% AMI is equal \$95,200 for an annual salary.

Commissioner Harte said he sent a text to the Park City Fire Chief, asking what the starting salary is for a fire fighter and how long would take to reach \$95,200 as an annual salary. **Commissioner Harte** said the starting salary for a fire fighter is \$44,000 per year. They would have to become a battalion chief to reach the \$95,000 range.

Commissioner Harte said he also reached out to law enforcement and the school district. He asked the same question. The starting salary for a deputy is \$48,000 per year. They would have to become a lieutenant before they could make the required amount. The starting salary for a teacher, with the required master's degree, begins at \$60,000. It would take quite some time before they make \$95,200, but it could happen.

Commissioner Harte said he also looked at the hourly pay that would be needed to reach an annual salary of \$95,200. This would be \$45.10 per hour. He doesn't think the affordable housing being proposed will help people afford living in this community. He said the proposal is to have deed-restricted housing of 80% to 120% AMI. He said that amount is targeting the "missing middle." The lower end of that range (80% AMI or \$95,200 annual salary) is listed in Utah as upper income. The upper range, or 120% AMI, is \$142,800.

Commissioner Harte said he thinks that using the 80% AMI is more of a tactic than it is a real solution. It will not help teachers, firefighters, or law enforcement. It doesn't help the service industry. If he were on the County Council, he would be looking to have the affordable housing to be less than 60% AMI.

Commissioner Harte said to shorten the time, he will not refer to the things he agrees with, but the things he may find subjective or what he disagrees with. He referred to the bullet points on the following pages of the Staff Report:

PAGE 4, Bullet Point #2-

It states that some of the transportation and civic uses depend on a partnership with the County and UDOT. **Commissioner Harte** said this is not actually in the proposal. In theory, this could happen if all the entities can get together; however, there is nothing in the proposal that actually addresses traffic congestion or transportation. It is not anymore transit ready than any other development.

PAGE 5, Bullet Point #1-

He thinks the use of the word "open space" is misleading. They are proposing more grass. He thinks what they are proposing is landscaping, not open space. He suggested this verbiage be changed before it goes to the County Council. It doesn't accurately represent what is being proposed.

PAGE 6 #4-

Commissioner Harte said he was on the Snyderville Basin Neighborhood Plan Commission. He has firsthand knowledge of it goals. He doesn't think anything in this project achieves even the first tier of sustainability.

PAGE 8, Bullet Point #3-

Commissioner Harte said the third bullet point is about improving visual quality. He said that goal is subjective. One person may find it meets this goal and another may say that it doesn't. He agreed the parking with this project will be more attractive than the parking that was planned for the Tech Park. The Tech Park had parking structures and garages. He said to him, the fact that the Tech Park buildings will be dark after 5:00 p.m. is a good thing.

Bullet Point #4-

This is about the preservation of open space. He doesn't believe the Dakota Pacific project preserves any additional open space. There is more grass and landscaped areas, but he doesn't see that as open space.

Bullet Point #5-

This is about the preservation of critical lands. He doesn't think that building something achieves that goal.

Bullet Point #6-

Commissioner Harte said he does not see any traffic mitigation. Connectivity was discussed a year ago, but it has been removed from the current proposal.

Bullet Point #7-

The next bullet point discusses additional affordable housing. He has already given his reasons why he doesn't think this hits the affordable housing standards that are needed for Summit County.

PAGE 9-

This page refers to a variety of housing and condominiums. **Commissioner Harte** said he was on the Kimball Junction Committee. They didn't define what "a variety of housing" actually means. He listed several possibilities. He said the applicants claim they have achieved the "play, work, live" goal. It is his opinion is that they have not.

Bullet Point #3-

This bullet point implies the applicants have included "a wide-range of affordability." He doesn't think that goal has been achieved. What they proposed initially was a wide range. There were various points of AMI.

Bullet Point #4-

He said he thinks this project is going in the direction to foster a diversity of people, but he doesn't think that goal has yet to be achieved. The senior center is a way the applicants have shown they were willing to adapt to the feedback of the community.

Commissioner Harte went over more bullet points. Some have been partially met, but this will only for a few months of the year. He said that having a bunch of condos at one end and a hotel at the other, doesn't improve visual quality.

Commissioner Harte said he would like to discuss the minor amendment, which means it would be up to Staff to bring projects before the Commission. Attorney Brackin said that minor amendments are generally approved by the Community Development Director. It would be up to Director Putt to decide which changes and project would be brought before the Commission. A condition can be to require a housing project to be a conditional use. If that is done, it will come back to the Planning Commission.

Commissioner Harte moved to page 13, which contains the findings of fact. He said Staff always includes any additions to a project, but when something has been removed, it is not listed. Planner Whetstone said she thinks that is a fair critique. She agreed that findings should be made clear in terms of what has actually happened.

Commissioner Harte said the traffic study was done by the applicant. Never has he seen an applicant come back with a finding that the proposal won't work. He thinks the onus is on the County to do an independent traffic study. This is especially for something that is as large and impactful as this project.

Attorney Brackin said the applicant's traffic study is reviewed by the Engineering Department for methodology and data. There have been questions that were caught by the engineers.

Commissioner Harte said there are things that slip through the cracks when the report is reviewed. He gave the example of BRT being used with the Dakota Pacific project, but not the Tech Park project. This was not caught for a year.

The study only compares rush hour traffic. It doesn't compare traffic at other times because that study wasn't done in 2008 and so no comparisons can be made. He said

they also don't have any comparisons for weekends. These things should have been caught. An independent traffic study would have helped to make these things known.

Summary:

Commissioner Harte said the Kimball Junction Master Plan had the objective of creating something creative and special. He doesn't think that has been achieved. He thinks there has been an exchange of businesses for residential unit. He doesn't believe the affordable housing needs are being met due to the 80% AMI.

Commissioner Harte said this proposal has given zero solutions to mitigate the impact to the traffic, other than a lot that will not be built on. He said that BRT has no funding at this time and there is no targeted date. He said Summit County should have caught the holes in the traffic study. The study did not include weekends, weekdays, and the missing element of BRT.

If he were to give advice to the County Council, it would be to get an independent traffic study for all times of the day, weekends, and weekdays. Don't worry about what the Tech Park would or would not have done.

Commissioner Cooke thanked Attorney Brackin for her thoughtful and impartial legal counsel. She counseled the Commission that their decision is to give either a positive or a negative recommendation to the County Council. He said the requested uses would allow a boutique hotel, 1,100 residences, and office buildings. The Commission has looked at all angles of the project.

Commissioner Cooke said there are land-use changes being proposed. There will be multi-family units, including apartments, condominiums, and townhomes. They are being asked to consider less restrictive uses that were requested in 2008. Lastly, the applicants are requesting a hotel. He finds no compelling reason in the Staff Report to justify adding a hotel to the allowed uses.

He said this will go before the County Council and another set of public hearings will be held. It is his impression that the proposal got worse the further along the process they got. Some of the big picture things were removed.

Commissioner Cooke read a statement found in the Staff Report that all future amendments would be deemed non-substantial. That means any amendments would be administrative. Neither a public hearing nor a recommendation by the Planning Commission would be required. (See findings of fact #17 and #18)

Commissioner Cooke said it is possible that the applicant could decide to sell the property. If this approved, a new property owner could decide to have two hotels, when the Commission is struggling to include even one.

Commissioner Cooke said this is the time to consider Policy 2.3. In his opinion, he cannot find a countervailing public interest. In his opinion, the affordable housing component does not meet Policy 2.3. It does not include any rental housing units in the 50% or below AMI range. There are no bus drivers, teachers, fire fighters, and service workers that would earn anywhere near what this housing would require. He said that Mr. Gochnour admitted they may need help in attaining Lit Tech funding. Currently, this is not part of this plan.

Commissioner Cooke said the applicants have provided a variety of housing unit styles; however, they are all in the same AMI. The main challenge of the project for him is with the affordable component. He agrees with many of the things stated by

Commissioner Harte and **Commissioner Kucera**.

Commissioner Simons said she respects the concerns and the comments made by her fellow Commissioners. She noted this design concept has already changed three times. She believes that whatever recommendations made by this body will again be changed in the future. The Kimball Junction area is a critically important neighborhood, which is

the reason why the Commission unanimously approved the Kimball Junction Neighborhood plan.

Commissioner Simons said the three tenants she deems critical for this neighborhood is economy, environment, and society. The dark sky ordinance is very relative to this location. She noted the guiding principles of the Kimball Junction Master Plan are just principles. They are not requirements.

Her consideration of this project is centered on the long-term vision for the evolving Kimball Junction community. This applicant is requesting an expansion of uses. If led by Dakota Pacific, this community could become a mixed-use village-centered destination site. She wants to consider if housing is a good idea.

Commissioner Simons said it seems undeniable that traffic problems will increase whether this project is built or not. To her, the question is if they want to open up this community to a new generation of residents. This may be the "missing middle" or even senior citizens.

Commissioner Simons said she appreciates the research done by **Commissioner Harte**; however, there could be roommates that could help with the rent. She thinks it is important that senior citizens and the new generation can afford to live here. Compact building designs can help the County maintain the desired open spaces. She is not advocating for expedited growth, but for smart growth.

Commissioner Simons said the Tech Center has been approved for 12 years. If the Tech Park Center is developed, it won't be what was envisioned in 2008. It is possible that nothing will be built there for another 12 years. She encouraged the County Council to consider the balance of the uses. Secondly, she would like the County Council to consider how the strategic phasing of additional uses could be executed and

conditioned over time. She thinks it is good that the plan has changed three times. Most likely more changes will come.

Commissioner Simons said she hasn't been convinced that the hotel is a good thing. She doesn't think they are being asked to approve each of the proposed changes separately, not in one lump sum. They can talk about which of the changes are appropriate and make conditions.

Commissioner Fine thanked everyone who worked on this project. He sincerely appreciates the effort that has gone into this project. He agrees with all of the previous Commissioners who have spoken. Everyone has made some very good points. He sees no need to add other comments beyond what has already been said.

Commissioner Stevens thanked the public for all of their comments and their letters. The public process only works when people participate. The public has commented that there should be more public process with this application. She said this will be going to the County Council. At that time, there will be ongoing public hearings and public comments received.

Commissioner Stevens said the applicant is not looking for additional entitlements for the property. That means the Commission is not considering Policy 2.3. The Commission is being asked to amend the uses. They are not being asked to approve the details of the finalized project. As has been stated, the Skull Candy building was built differently than what was anticipated with the original proposal. It is critically important to have flexibility with the project.

Commissioner Stevens said the Kimball Junction Master plan is relevant in this process. She was a part of this committee. She recalled the committee was looking at the entire Kimball Junction area, not just one parcel. Therefore, it is important to consider how this project connects to the other areas within Kimball Junction. It is

critical to have trails and sidewalks. There should be a way for people to get to shopping areas and restaurants. She thinks the applicants have done a great job in providing connections.

Commissioner Stevens said they cannot compare this project to the currently empty space. This should be compared to the current entitlement of a built out Tech Center. This parcel is not intended to be open space, but to have some type of buildings located on it. It is not appropriate to compare what is being proposed to what is currently there. Phasing will be important as they move forward.

Commissioner Stevens said comments were made about the \$25 million spent to preserve this area as open space. The open space being proposed will be used as community gathering spaces, which is considered a type of open space. It is not the pristine open space found at the Swaner Nature Preserve.

Commissioner Stevens recalled when the Commission was reviewing a development project next to the New Park Amphitheater. Many comments were received from the public about how beloved that open space was. At that time, people said they want to have gathering spaces. She believes it is important to have some kind of community gathering space, such as this or community gardens. These should be memorialized in the Conditions of Approval.

Commissioner Stevens said she thinks it is relevant that this project will be transit ready and will be walkable. The hope is to add connectivity for the entire Kimball Junction area. She believes there is still additional work that needs to be done on this project by the County Council to ensure they are getting the appropriate mix of uses. They need to deliberate where the commercial uses are placed.

Commissioner Stevens said they need to have a variety of unit types with affordable housing. There are not a lot of rental units available, whether they are affordable or

not. She believes these units should stay as rentals. This should be added to the conditions of approval.

Chair Dickey said with an application like this the Planning Commission has the opportunity to be more involved in the planning. This is a rare and unusual experience. The Commission has the ability to ensure that the project has a lot of community benefits. He wants to approve a project that is the best they can imagine for this parcel. The development should be something truly special. It should be a landmark for people who visit and live here. It should be something the community embraces.

Chair Dickey said he has four thoughts that he keeps coming back to. One is the affordable housing. To him, the greater consideration is not about how many units there are, but their impact. This development will create 1,553 jobs, with the bulk of them in hospitality and service. He thinks that at best, the proposed housing will only break even. He would like the County Council to determine if the development helps with the affordable housing problem.

Chair Dickey said another concern is the mix of residential and commercial being proposed. He said the square footage of the retail and commercial is only 1.2%. This has been called a mixed-use project, but 84% of the project is a combination of housing and a hotel. This should be looked at more thoroughly.

Chair Dickey said if Commission votes against the development, it isn't necessarily a repudiation of the Kimball Junction Master Plan. He said the Dakota Pacific plan doesn't describe how things will be carried out. They need to make sure they get this right. He doesn't want to fill the west side of Highway 224 with housing. This area should be held for something truly exceptional. He doesn't want to end up with a lot of new density without addressing the traffic on Highway 224.

Chair Dickey said another concern is traffic and transit. He said that **Commissioner Harte** made some good points about the flaws of the traffic study. **Chair Dickey** said the traffic study uses average days. He doesn't think the Kimball Junction have a lot of average days. Because of the two big peaks, he doesn't think that using the average makes sense. He would like to have the two big peaks be used as a measuring metric.

Chair Dickey said an idea was presented that the project will get the attention of UDOT because by making the traffic worse, UDOT will help things to get better. He hopes that Summit County doesn't have such a poor relationship with the State of Utah that they have to break the road in order to get it fixed.

Chair Dickey said he would like to thank Dakota Pacific. They have been straightforward and very transparent. They have followed Summit County's process. They highlighted whenever changes were made. He has no doubt they can pull off a great project. **Chair Dickey** called for a motion.

MOTION

Commissioner Simons said for the reasons she stated earlier in the meeting (to re-envision and grow smartly), she would like to make a motion to send a positive recommendation to the County Council to amend Exhibit C of the 2008 Summit Research Park Development Agreement as outlined in the Staff Report with a few modifications.

- 1. That hospitality and hotels uses be thoughtfully and significantly conditioned.*
- 2. Per condition #2 of the Staff Report, residential uses will be conditioned for greater consideration and be strategically phased. There will be a variety of types. This will be in accordance with Finding of Fact #59.*

- 3. *Added open space by the project will accommodate community gathering spaces as articulated by Commissioner Stevens in her earlier comments. This space won't be merely undeveloped or a landscaped area.***
- 4. *The housing agreement should be a variety of rental types. There will be a certain number of units required to remain as rental units.***

Commissioner Stevens seconded the motion.

MOTION DISCUSSION

Commissioner Cooke said he feels compelled to point something out. **Commissioner Stevens** stated that Policy 2.3 doesn't apply to this project because the development does not add new density. **Commissioner Cooke** said the word density is not found in Policy 2.3. Instead, the term entitlement is used. He added that if there is a Development Agreement that has a very limited set of approved land uses, but the uses are amended and added to; those uses are in fact entitlements. This means that Policy 2.3 does apply.

Commissioner Stevens asked that either Director Putt or Attorney Brackin respond. Director Putt said he disagrees with the statement made by **Commissioner Cooke**. Attorney Brackin said this is an existing entitlement of commercial uses. In this circumstance, the applicant is not changing the overall footprint, the massing, or the density of the plan. She said that Policy 2.3 does not apply in this case. She added that the Development Agreement doesn't have a set density.

Attorney Brackin said the question **Commissioner Cooke** is asking is if adding more uses changes the entitlement. She believes that adding additional uses modifies the entitlement but does not increase it. For that reason, Policy 2.3 does not apply. A discussion took place about Policy 2.3 and when it applies. **Commissioner Kucera** asked if the intensity of uses is relevant. Attorney Brackin said Policy 2.3 is about new entitlements, not modifications.

Commissioner Simons said she strongly feels that the residential and the hotel need to be a conditional use. These structures should come before the Planning Commission. She isn't comfortable with finding of fact #29. This isn't about a number, but the number of residential units that are conditioned over time. The enhanced civic and community uses should be a priority. They will help to connect Kimball Junction.

Chair Dickey said under Utah law, the Commission cannot deny a conditional use if the impacts can be mitigated. If a hotel is allowed as a conditional use, an applicant could come before the Commission requesting multiple hotels. The Commission would have a hard time of saying no. That makes him hesitant.

Commissioner Kucera said he thinks the entire Development Agreement needs to be looked at and amended. He understands that isn't what is before the Commission, but that is the reason for his negative recommendation.

Commissioner Harte said he thinks the Commission is ready for a vote. It doesn't seem that anyone has changed his or her position. **Commissioner Cooke** agreed. He said there is a motion on the table that has been seconded. **Commissioner Stevens** said they need to remember this will be going to the County Council. No matter how this vote goes, there will be multiple public hearings to come.

Commissioner Simons restated the motion she made earlier:

Commissioner Simons said for the reasons she stated earlier in the meeting (to re-envision and grow smartly), she would like to make a motion to send a positive recommendation to the County Council to amend Exhibit C of the 2008 Summit Research Park Development Agreement as outlined in the Staff Report with a few modifications.

- 1. That hospitality and hotels uses be thoughtfully and significantly conditioned.**
- 2. Per condition #2 of the Staff Report, residential uses will be conditioned for greater consideration and strategically phased. There will be a variety of type. This will be in accordance with Finding of Fact #59.**
- 3. Added open space by the project will accommodate community gathering spaces as articulated by Commissioner Stevens in her earlier comments. This space won't be merely undeveloped or a landscaped area.**
- 4. The housing agreement should be a variety of rental types. There will be a certain number of units required to remain as rental units.**

Roll Call vote:

Commissioner Kucera-nay

Commissioner Fine-nay

Commissioner Harte-nay

Commissioner Stevens-aye

Commissioner Cooke-nay

Chair Dickey- nay

Commissioner Simons-yea

- MOTION FAILED**

MOTION

Commissioner Kucera said he will make a motion to forward a negative recommendation on the Summit Research Park development amendment agreements to the County Council with the following findings:

- 1. A new Development Agreement should be negotiated in its entirety, not just allowing for additional permitted uses.**
- 2. The mix of uses is critical and needs to be evaluated.**
- 3. The density should be evaluated on the new uses and not the existing Development Agreement.**
- 4. Affordable housing should target lower AMIs. There should be a net benefit of affordable housing.**

5. Traffic impacts should be independently studied, along with transit solutions.

Commissioner Cooke seconded the motion.

Commission Questions and Comments

Chair Dickey said the findings suggested by **Commissioner Kucera** make sense. He has a concern about having a list of findings. It is possible that the list could become exhaustive. He prefers to have a simple negative recommendation. They can let the County Council dig into the record.

Commissioner Kucera said he wanted to consolidate in his motion some of the key issues. **Commissioner Harte** said he thinks the County Council does their homework. They will read through the minutes. **Commissioner Simons** said she agrees, but thinks it is part of their job to articulate why a motion was made. **Chair Dickey** said if they are going to give findings of fact, he would not want to draft them at this meeting. His preference would be for Attorney Brackin to craft them for the Commission.

Commissioner Cooke said although he seconded **Commissioner Kucera's** motion, after hearing this discussion, he now wonders if **Commissioner Kucera** would like to remake the motion. **Commissioner Kucera** said he would like to amend his motion. He would like to remove the findings of fact and simply forward a negative recommendation. The previously mentioned findings are his reasons why he isn't in favor of the application. Attorney Brackin said because they are not the final decision makers, they don't need to have findings and conclusions. It is good to give the reasons why a no vote was given. Those reasons seem to be obvious in the discussion.

Commissioner Kucera restated his motion. It is to forward a negative recommendation on the Summit Research Park development agreement amendments to the Summit County Council. Commissioner Cooke seconded the motion.

Roll Call vote:

Commissioner Kucera-yea

Commissioner Harte -yea

Commissioner Cooke-yea

Commissioner Simons-nay

Commissioner Stevens-nay

Commissioner Fine-yea

Chair Dickey-yea

- MOTION CARRIED 5-2

DRC UPDATES *(None)*

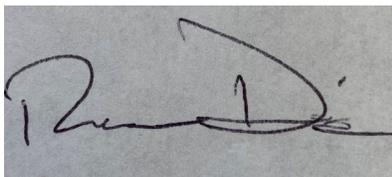
COMMISSION ITEMS *(None)*

DIRECTOR ITEMS

The upcoming agenda items were reviewed.

ADJOURN

At 8:37 p.m., the meeting was adjourned.

A handwritten signature in black ink on a light-colored background. The signature appears to be "Paul Dickey" written in a cursive style.

Approval Signature