

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 14, 2004

COMMISSIONERS IN ATTENDANCE:

Chair Andrew Volkman, Jim Barth, Bruce Erickson, Chris Larson, Michael O'Hara, Bob Powers

EX OFFICIO:

Patrick Putt, Planning Director; Brooks Robinson, Planner; Kirsten Whetstone, Planner; Eric DeHaan, City Engineer; Mark Harrington, City Attorney; Tim Twardowski, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Chair Volkman called the meeting to order at 6:30 p.m. and noted that all Commissioners were present except Commissioner Zimney who was excused.

**II. ADOPTION OF MINUTES**

MOTION: Commissioner Powers moved to APPROVE the minutes of March 24, 2004, as written. Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously. Commissioner Barth was not present for the vote.

**III. PUBLIC COMMUNICATIONS**

There were no comments.

**IV. STAFF & COMMISSIONER'S COMMUNICATIONS**

Commissioner Larson reported that the Enchanted Forest subcommittee met last week to review the Pod D development with respect to Enchanted Forest. The subcommittee met with Planner Robinson and provided preliminary direction to the Staff on the resolution of the Enchanted Forest area.

### **Treasure Hill Conditional Use Permit for single-family, multi-family, hotel, and commercial uses**

Planner Whetstone explained that this item is scheduled for work session only to introduce the Planning Commission to the project. The proposed conditional use would be on two parcels of the Sweeney property's 1985-86 approved master plan which totals 277 unit equivalents on 123.5 acres. The property is located on Treasure Hill directly west of Old Town. The CUP request is for 282 condominium townhouses and hotel suites ranging in size from 650 to 2,500 square feet, plus an additional 19,000 square feet of resort commercial on two parcels on the mid-station and Creole Gulch sites. Underground parking is proposed, with access to the site from Lowell and Empire Avenues. 10% of the gross floor area is allowed for meeting space and support uses. The proposal includes additional amenities, such as pools and spas, ski trails, ski runs, and other uses typical to a small base area for the resort. The unit equivalents approved for the mid-station site residential was a maximum of 35.5 unit equivalents, with an additional 3.5 unit equivalents for commercial. The Creole Gulch site was approved for a maximum of 161.5 unit equivalents with an additional 15.5 unit equivalents of commercial. The master plan was approved with a 70% open space requirement, with specific development pods being called out and the remaining property zoned Recreation Open Space. The master plan was approved with specific height volumetrics and height limit zones. The development parcels were zoned E-MPD, and the rest of the property was zoned ROS. The applicant is requesting a subdivision plat of 51 acres concurrent with this review, and the City Engineer and Planning Department recommend that the two development parcels be combined on the plat into one development lot to avoid cross action and maintenance issues. The Staff requested input from the Planning Commission on the CUP and subdivision plat this evening.

Pat Sweeney, the applicant, noted that the plans for this project are available on a web site. He reviewed the history of various plans submitted for the site in the past and explained that a master plan for the site was approved in 1986. In that process they looked at eight scenarios, and it was believed that it would be better to have most of the density in one location than have roads running everywhere. With respect to the two sites in the current application, a certain number of acres was identified where buildings would be placed, and heights and number of UE's were approved. The proposed plan honors those conditions and works on the site. Mr. Sweeney recognized the importance of preserving skiing to Old Town and explained that, after devising a path for the skiing, they looked at height zones to determine where to put the height. They identified the buildings that would work within the heights and still fit within the context of Old Town. He commented that he worked with Ron Ivie and the Fire District to design this project from a fire and safety perspective. Mr. Sweeney commented on the unit types, pedestrian circulation, and parking and described how the project would function. He identified

proposed lift improvements and a stand-up gondola that would originate from the Town Lift Plaza into the project which would run like a bus on a regular schedule. He stated that an effort was made to break up the mass of the buildings and commented that, if they are successful in making this project visually appealing and functional, it will benefit the City's tax base and bring more customers to Main Street. He explained that each phase of the project will take approximately two years to complete.

Commissioner Barth asked City Attorney Mark Harrington to discuss his memorandum. Mr. Harrington explained that this project is likely to be resisted by the neighborhood. He explained that his memo confirms what previous City Attorneys have confirmed, that the phasing plan is intact from the original MPD approval and that the scope of this project needs to go through the process with that in mind. The project has an existing MPD approval. The City made certain decisions 15 years ago that frame the nature of the current process, and it may be difficult for the Planning Commission and community to accept those decisions. Most prior approvals were appealed to City Council and fought with public emotion and testimony, and he expected the same with this project. He compared this process to a steep slope CUP analysis that must meet certain criteria before it can be approved. There is an existing density for the property, and if the site plan can meet the CUP criteria for compatibility and public health, safety, and welfare, the applicant is entitled to move forward with his project. Mr. Harrington clarified that this is not a rubber stamp process, and the project will be closely scrutinized. If the applicant meets the criteria, they are entitled to the number of units previously approved.

Commissioner Larson referred to Item 5 in Mr. Harrington's memo which states that the Planning Commission should find compatibility with surrounding structures compared to the density already approved. He did not believe that was consistent with how the CUP criteria are applied. Mr. Harrington explained that this is a second-stage compatibility finding. A compatibility finding is already in place to the degree density has been relocated off the hill to these pads. The overall MPD found that density is more compatible here than on the hill, and saying that the overall density is not compatible would be difficult to justify in findings. Commissioner Larson asked if structures proposed adjacent to existing HR-1 zone structures could be used as the compatibility test. Mr. Harrington replied that they could be. The Planning Commission would use the standard Sensitive Lands and CUP criteria to help bridge the gap. However, the applicant has the opportunity to redesign and move the units to another location as long as they meet the criteria. Mr. Harrington explained that the applicant is entitled to the density, and under the conditional use, the Planning Commission would have to prove that the project is incompatible and cannot meet the criteria before they could deny it.