PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 12, 2005

Treasure Hill - Conditional Use Permit

Planner Kirsten Whetstone reported that this project is part of the Sweeney properties master plan which is 120 acres west of town called Treasure Hill. She noted that a project design booklet is available at the Planning Department for public review. The applicant also has a website that contains additional information and minutes from previous meetings.

Planner Whetstone stated that the project has access from Lowell and Empire Avenues at the switchback of those two streets. The two streets connect slightly south of the Park City Mountain Resort. She noted that consultants from Fehr and Peers provided a presentation at the September 14 meeting regarding their review of the applicant's traffic study as requested by the City. The consultants also addressed additional information requested by the City in a Scope of Work. Planner Whetstone stated that she reviewed the minutes from that meeting and identified some of the questions that were raised. She believed the issues raised warrant a discussion on the specifics of this project, particularly the impacts. Planner Whetstone remarked that the Planning Commission must find that the impacts of this project can be mitigated before a conditional use permit can be granted.
Planner Whetstone outlined some of the questions and concerns raised at the last public hearing. She asked the Planning Commission to prioritize the discussion points and to determine if additional information is necessary. Planner Whetstone noted that the consultants from Fehr and Peers were not present this evening but they are prepared to provide additional information or answer any questions at the next meeting this item is scheduled to be discussed.

Planner Whetstone submitted emails and letters the Staff had received over the past few months. A public hearing was scheduled this evening. Director Putt requested that the Planning Commission look at the comprehensive list of issues provided by Planner Whetstone and identify the primary issues. The Staff will take these to the consultants and allow them enough time to prepare a formal response or explanation of their findings. Director Putt suggested that some of the lesser issues could be addressed this evening. He hoped they could begin to close the chapter on the traffic discussion and move forward with other unaddressed elements of the conditional use permit.

Planner Whetstone remarked that several questions were raised at the last public hearing about why the City is looking at this project twenty years later. She explained that in 1985 a master plan was approved with a phasing plan and a condition that any phase of that plan would be reviewed as a conditional use permit. However, the Planning Commission will review the master plan against the conditional use criteria in the current Land Management Code. Another question related to amending the master plan. Planner Whetstone explained that a previous plan was informally submitted during the Town Lift Bridge which was an amendment to the Sweeney Master Plan. The Staff, the applicants, and the City discussed the Town Lift Bridge for a number of years and during those discussions the applicants presented for discussion an alternative plan for the Mid-station/Creole site which included a number of single

family homes on streets. That plan was not accepted by the Staff because it did not meet the concept of the master plan. Therefore, that alternative plan was never formally submitted.

Planner Whetstone referred to page 58 of the Staff report noting that she had included mitigation measures under Item 4. Some of the measures were recommended by the consultants and some were discussed by Staff. She noted that mitigation measures such as connections between Empire and Lowell in the form of City staircases, as well as an 8-foot wide bike lane that could be part of the trails master plan on the west side of Lowell Avenue were discussed by Staff and not specifically recommended by the consultants. Planner Whetstone identified an error in her report. The Staff report indicated that there was a staircase between Lowell and Empire on 12th Street and there is not. That right-of-way was vacated. There is a staircase on 11th Street and the Staff is recommending a staircase in the 9th and 10th Street rights of way.

Pat Sweeney, representing the applicants, stated that he and his brothers, Mike and Ed Sweeney, were prepared to respond to some of the comments and questions raised by the public at the last meeting. He introduced a number of people who were present this evening to answer additional questions.

Ed Sweeney stated that in 1986, following at least six years and thousands of hours of effort by the Sweeney family, the Park City Council approved the Sweeney Properties master plan which envisioned the development of various Sweeney family properties in Park City, including Treasure Hill. The master plan approval resulted in a 50% reduction in permitted density and came after the City had considered and rejected seven other development plans or alternatives. The plan ultimately adopted maximized open space, created additional bed base for Main Street, clustered density, and it was supported by ten findings of fact. In reliance upon, and as a condition of the master plan approval, the Sweeney's have deeded various parcels of land to Park City, agreed to the rezoning of certain of their properties as recreation open space, opened certain parcels of their property to public use, built and maintained over four miles of walking and biking trails for the use of the public, granted an easement to Park City at no cost for the location of a major water line, and expended hundreds of thousands of dollars and thousands of man hours on design work. Mr. Sweeney remarked that apparently some citizens want the Planning Commission to prohibit further development on Treasure Hill or to direct further studies that might kill the project or scale back the development to such a point that it lacks economic viability. He doubted that if these same citizens were a party to a contract that may have been breached by another party they would not take the breach lying down. Mr. Sweeney stated that several years ago, under the constraints of the master plan approval, the Sweeney's sought approval for the construction of the Town Lift Plaza now completed. As a family they went through a very rigorous approval process imposed by the Land Management Code. In connection with that process, with respect to the development of the Town Lift Base, they had numerous discussions with the Staff and the Planning Commission over volumetrics of the Town Lift Base, particularly with issues pertaining to density and height limitations. Mr. Sweeney commented on the current conditional use approval they are now seeking in connection with the Creole and Mid-station sites. When they appeared before the Planning Commission regarding the Town Lift Base, some Commissioners favored their plan, others were opposed, and some were undecided. At the time of that hearing, the Planning Commission was well aware of the Sweeney family position and that they were contractually entitled to design and construct the Town Lift Base in accordance with the parameters of the master plan.

Mr. Sweeney read a memo from 1992 that then City Attorney, Jim Carter, had sent to the Planning Commission. In his memo, Mr. Carter stated that the Staff had taken the position that the Sweeney MPD approval should remain viable and he outlined why they had taken that position. The memo further stated that there had been substantial compliance with the terms of the MPD approval and it, therefore, remains in effect. Mr. Sweeney noted that Mr. Carter's successors, Jody Hoffman and Mark Harrington, do not dispute the conclusion that the Sweeney's remain in compliance with the approved MPD, including that the Sweeney's have substantially complied with the contractual elements of the MPD.

Mr. Sweeney remarked that at the Town Lift Base hearings there were many pro and con comments. One that stood out in his mind was the comment made by then Commissioner Joe Tesch. Mr. Tesch stated that at some point government must have the integrity to honor its commitments. Mr. Sweeney asked the Planning Commission to honor the City's commitment to them. The Sweeney's have, in good faith, negotiated with the Planning Staff and the Planning Commission to meet their concerns. Those negotiations have gone on since May of 2002 and the plans generated by the Sweeney's in connection to Staff's review came at significant cost to the three brothers. Mr. Sweeney stated that they have done everything they can to move this process forward. They waited patiently for the City to authorize a separate traffic study which validated their previous study and said that with certain mitigations there are no health, safety, or welfare issues. Mr. Sweeney stated that they are not willing to cut back on their development rights or their plans any longer. There are people who hoped that the latest traffic study, which took seven months to complete and validated the prior study, would derail the Sweeney application. That is not the case. He and his brothers are anxious to have discussions related to the specific issues of mitigating traffic as outlined in the Staff report. Mr. Sweeney remarked that the current conditional use application reflects the accumulation of a twenty year effort by the Sweeney family. They have conceded as much as they are willing to concede and at some point the government needs to have the integrity to honor its commitments.

Pat Sweeney provided a brief history of various plans presented for this property from 1977 to 1981. None of those plans moved forward and he was not specifically involved. Mr. Sweeney stated that he became involved with the property in 1982. After reading the rules he came up with a plan that he felt fit within those rules. He presented his plan to the City and he was asked to work with them to find a better solution. Mr. Sweeney stated that his family agreed to work with the City and over time they looked at eight different versions. The plan of choice is the plan being considered today. He believed they did everything they said they would do and now they would like to finish. Mr. Sweeney stated that Lowell and Empire were considered with every plan. They were responsible for the connection between Lowell and Empire and if they had not cooperated with the City in that connection Lowell Avenue would not exist and Empire would not have a secondary access. Mr. Sweeney stated that they have a commitment to that road and believe they have an equal right to use it. Mr. Sweeney noted that 90% of the property is open space and another 7% is open space within development parcels. He commented on all that the Sweeney's have contributed to the City and he believes it has benefited their property and the surrounding properties. Mr. Sweeney noted that Lowell and Empire are the main access to their property and they were required to mitigate the impacts starting with pedestrian connections. In developing this particular part of the master plan, they paid particular attention to mitigating the impacts. Mr. Sweeney reviewed a list of things they have done or propose to do to decrease those impacts.

Jenny Smith, representing Park City Mountain Resort, stated that the Resort understands the issues and acknowledges that it contributes to some of them. Ms. Smith stated that the Resort is ready to sit down with others and work through these issues because they believe it is possible to achieve positive resolutions. Ms. Smith addressed the question raised by Mr. Allred about designating a portion of Lowell Avenue as one-way. People talk about that road being closed but it is not closed. One portion is one-way. Ms. Smith referred to 5th Street and Park Avenue during the winter, noting that some streets function better as one-way. Based on a collaborative effort with City Officials from Public Works, they spent a lot of time walking the route, observing the traffic flow, and dealing with the problems. She was unsure if people remember the gridlock when Lowell was two-way through the bus area. Ms. Smith believes the solution of a one-way street has improved the situation. She recognized that it is not perfect and 14-20 days per year they still have significant traffic issue on Lowell, Empire and Manor. It is also an issue on Park Avenue, Main Street, Bonanza Drive, and Deer Valley Drive. Traffic is a bigger issue that needs to be dealt with and they are willing to sit down and work with the developer, the City, and neighborhood representatives to do what they can to help resolve some of these situations.

Chair Barth opened the public hearing. He requested that the public address the Planning Commission on issues related to pedestrian and traffic concerns. The public hearing will be continued and there will be opportunity to make comments at a future meeting.

Peter Roberts, a resident of Old Town, stated that he has known the Sweeney brothers for many years and they are very thoughtful, considerate, and deliberate in their actions. Mr. Roberts felt the Sweeney's have done the best they can in addressing the issues of pedestrian traffic and vehicular traffic in and around their project. He believes they have a done a great job in preparing the site to meet their plan.

Tom Humes, a resident of Old Town, remarked that when he investigated this project last fall he was amazed at the level of detail that was available. He believes the funicular will be a tremendous benefit to Old Town residents and tourists. As an Old Town resident he is concerned with traffic volume. Mr. Hume stated that although the residents of Lowell and Empire will have to deal with construction impacts; the efforts taken by the Sweeney's to give back to the town are very impressive. Considering his personal bias against vehicular traffic, he was surprised to find himself supporting this development and the benefits it will bring to Old Town and Park City.

Ken Davis, acting president for the HMBA, reported that as of last night Mike Sweeney resigned this position feeling that he was in a conflicted situation. Mr. Davis clarified that the HMBA does not endorse one project or another, however they have taken a stand and that is to see more beds on Main Street. The Sweeney's have proposed a way to get more beds on Main Street without increasing traffic The HMBA members believe that the traffic with this project would be less than with something else. Having a people mover take people down the mountain into town will give a boost to the merchants. He noted that the merchants are very concerned with all the development at Kimball Junction, Quinn's Junction, and Pinebrook. These developments will take business from Park City and they are concerned about bringing people to Old Town without increasing the amount of cars. Mr. Davis stated that the HMBA

believes this project is a very good solution. He reiterated that the HMBA will not endorse a particular project but they do endorse the concept of having more beds on Main Street and they endorse the way it is being done.

Mitch Cohen, a former board member of the Historic Business Alliance offered his perspective from being on the board. He felt this project is vitally important to Main Street because Main Street has a real potential of becoming irrelevant. With everything else going on around them, businesses are leaving Main Street. Mr. Cohen remarked that beds are vitally important on Main Street and this project should secure the future of Main Street for many decades. He felt that anyone who knows the Sweeney's understand that they have gone way out of their way to overcome the hurdles and they would never do anything to hurt the City. Mr. Cohen stated that he has seen the traffic studies and he believes this project needs to move forward.

Tim Murtons, a board member for the HMBA and a business owner on lower Main Street, stated that he was the first commercial operation in 1992 to be in that area. He has watched car flow and pedestrian flow for a number of years, as well as the approval process since the early 1980's for the Sweeney projects. This was the main reason he set up his business on Main Street in 1992. Mr. Murtons stated that in the last few years he has begun to see light at the end of the tunnel during the winter and summer seasons. A large component of the Sweeney project is built-in convention facilities and spring and fall months are very good for convention business. Mr. Murtons believed conventions would add a viable aspect to all of Main Street. He remarked that Main Street is the most excellent place for a destination visitor to recreate in Park City. Mr. Murton stated that he worked with Pat Sweeney when he was still in med school as a ski patrolman in Park City. He knows the entire family now and finds them to be high on integrity. He was assured that the Sweeney's will work with the City and the community and they will perform on what they promise. Mr. Murtons requested that the Planning Commission expedite their decision in a timely manner since this has been dragging on for quite a while.

Devon Stanfield, a two year business owner on Lower Main Street, stated that he has been aware of the Sweeney project for two years and he has participated in a number of their presentations. He has looked at the details of the plan and believes that the Sweeney's have addressed most of the concerns regarding traffic. In his opinion, this plan would alleviate traffic at the Park City Mountain Resort and on Main Street and it would diversify where the traffic goes. Mr. Stanfield believed the Sweeney's are addressing the concerns in a thoughtful and considerate way. He felt the benefits from adding beds to Main Street would far outweigh any flaws in the plan. Mr. Stanfield would like to see this project move forward as a resident, a skier, and a business owner on Lower Main Street.

Peg Bodell stated that she was speaking as one of the original co-authors of the environmental impact statement for Silver Mountain in 1980. She is familiar with the property based on what it could have been and what it is today. Being in the engineering field, she has also had a lot of experience with traffic mitigation. Ms. Bodell recognized that mitigation issues need to happen and the Sweeney's and the City Staff are working on it. She believed the impacts can be mitigated. Ms. Bodell remarked that she is also a resident at 817 Woodside Avenue. She has lived at that residence for five years and she has owned property and worked in Old Town for over fifteen years. She stated that traffic issues in her neighborhood come from the residents and construction trucks and not from the tourists. Traffic impacts can be mitigated with a lot of community effort. Ms. Bodell believes it is a rationale expectation that neighborhoods should

take care of their own streets and sidewalks because the City cannot possibly do it. Ms. Bodell remarked that adding the stairs to 8th Street and other streets is wonderful and that is what Park City is about. Ms. Bodell urged the City to take the twelve traffic questions back to the consultants so they can be answered as quickly as possible and this project can move on.

Peter Barnes stated that he was desperately finding a reason to love this project. He believed it is potentially exciting and wonderful and the traffic issues can most likely be mitigated. Mr. Barnes stated that if this intends to be a world class project, endorsements from Park City Mountain Resort leads him to many architectural conclusions and traffic will be the least of their problems. He suggested that the traffic questions get answered so they can move on to the next elements of the project. Mr. Barnes felt the major problems will come from the neighborhood and not from the project. It is important to resolve the snow shed issues and how the City and engineering will deal with the future traffic in town. Mr. Barnes remarked that the rest of the project will have bigger issues and architectural problems. He wanted a reason to get excited about this project and he wanted to move on.

Harry Reed stated that he has an interest on Main Street and he believes this project will be very good for all of Main Street. Mr. Reed stated that he was very involved in getting Marriott Summit Watch approved and traffic was a major concern with that project. He remarked that since the Summit Watch project, they have found that half the people bring cars and those who do bring cars learn that it is more of a hassle and end up taking public transportation. He felt there will be fewer cars than one would consider with a large project. Mr. Reed noted that this project is supposed to provide faster ski lifts up from Main Street and that is important for everyone.

Norm Anderson stated that he met Mike Sweeney on the summer leadership tour last year and he was very impressed. Mr. Sweeney took pictures of things he wanted to incorporate into this project from heated sidewalks to architectural issues. Mr. Anderson remarked that Mike Sweeney and his brothers are very dedicated and have a lot of integrity. Mr. Anderson felt it was time to move forward and try to get this project done.

Mike Allred did not believe there was any question about the integrity of the Sweeney's. However, there is question about the amount of traffic that this project will introduce on to streets that are already failing, particularly in the winter time. Mr. Allred outlined the big questions he would like to see addressed. He explained why it would be a major issue to have Lowell Avenue one way as suggested by Jenny Smith. He appreciated Ms. Smith's comment about Park City Mountain Resort's willingness to discuss this issue with the neighbors to see if they can open up Lowell Avenue so it can be used to unload this project as it was designed to do. Mr. Allred stated that this project has not adequately demonstrated how they intend to separate the pedestrians from vehicular traffic. At the last meeting, Commissioner Thomas mentioned that this is the first issue addressed in architectural school. It is an issue of public safety and Mr. Allred felt that Commissioner Thomas summarized it concisely in his statement. Mr. Allred thought it was clearly demonstrated at the last meeting that there are enormous issues between pedestrians and the public uses on Empire and Lowell. No one has shown how those issues can be mitigated and how the pedestrians are going to be adequately separated from the increased volume of traffic generated by this project. Mr. Allred commented on the computer models and the parking strategies presented and wondered how they can be successfully mitigated and enforced. He believed that additional significant

pedestrian situations will be a part of this project. No one is responding to the existing serious conditions and he is not convinced that anyone will respond in the future. Mr. Allred felt an important issue to address is whether the City will respond and enforce whatever conditions are necessary to make this project successful. Mr. Allred did not think that construction traffic has been adequately addressed in any of the studies. As a citizen of Old Town, he wanted it known that the residents are looking to the Planning Commission to protect their quality of life in the community.

Kevin Doolan, a business owner on lower Main Street, stated that when he first came to Park City he met Mike and Ed Sweeney and they helped him tremendously. The first thing he saw on lower Main Street was how slow business was during the off season. Mr. Doolan remarked that the Sweeney plan is a great opportunity for the City and he thinks they have adequately addressed all the traffic problems. He read all the reports and available information and saw nothing but positive things for Park City.

Missy O'Neal, a resident at 1127 Woodside Avenue, referred to a City goal to make Park City a great place for families. When they first moved to Old Town five years ago the City was encouraging families to move to Old Town. She loves Old Town and they moved there so they would not have to drive their car all the time. Ms. O'Neal appreciated the fact that the Sweeney's have the right to develop their property, however she wished it were a smaller scale so it would not overwhelm the town. Traffic is a major concern for residents on Woodside because drivers will try to avoid Lowell if traffic is backed up. Ms. O'Neal remarked that this project is a huge benefit to the Sweeney's and the business owners but it is not such a benefit to the residents in Old Town. She understood that the businesses who left Main Street were forced out because the owners doubled their rent and not because there were no patrons.

Ken Whipple, a business owner on Main Street, expressed his concern about traffic. He felt a simple solution would be to allow mass transit to come up from Salt Lake. This would provide mass transportation for employees and tourists and it would alleviate the traffic volumes in Park City. Mr. Whipple stated that the tourism and convention business in Park City could be better with a larger convention center. The Sweeney's are proposing a convention center that is three times larger than anything currently existing in Park City. He noted that Midway has a larger convention center than Park City. Mr. Whipple stated that he has reviewed this project and believes that it is a benefit to the community. He suggested that the City approve this project and not make it so difficult for people to move their projects forward or hold them for years until they give up and go away leaving the property to someone who might put houses all over the side of the mountain.

Brad Stewart, stated that he lives on Empire Avenue, he owns 12 condos up and down Empire Avenue, and he owns a Main Street business. Mr. Stewart commented on the traffic issues from the standpoint of a resident. In watching his guests come and go from the condos he has noticed that the traffic issues are caused by him and other Park City residents. He takes five or six times more car trips per day that any of his guests. Mr. Stewart believed that blaming the Sweeney project for additional traffic on the street is falsely directed. Pedestrians walk in the middle of the street because the streets are lined with snow and cars are parked on the side. As the streets get narrower and narrower with snow the cars should not be parked there. He wondered why this issue has never been addressed. Mr. Stewart commented on enforcement of the stairs noting that it is not the Sweeney's fault and they are not responsible for the

enforcement. He believed that once the City addresses those issues other issues will be resolved. Mr. Stewart echoed previous comments regarding the economic viability of Main Street. He submitted a letter he had written for the record.

Monty Coates, a business person on Main Street for 18 years, expressed his support for this project. Mr. Coates felt it was important to mitigate the resident's concerns with traffic management and other measures to preserve their quality of life. He also believed it was important to find a way to let this project move forward. Mr. Coates stated that the Old Town region is now a resort. The lumber yard, the car dealership, and other businesses have moved out and the downtown core is an integral part of the Resort experience. It is a resort and it needs to be managed as such. Mr. Coates remarked that the main economic engine of a resort is the bed base and PCMR needs some fresh hotel base. It would be helpful and beneficial towards marketing the area and the Resort. Mr. Coates supported this project and he urged the Planning Commission to find a way to mitigate the concerns of the residents and allow this project to move forward.

Dave Shafner, a business owner on Main Street for 20 years, stated that he has seen a number of things happen over time. He remarked that Main Street is beginning to feel like a beaten stepchild. The Chamber does not provide much support and many of the local residents shop elsewhere. Mr. Shafner stated that Aspen, Vail, Jackson, and Sun Valley are all isolated islands with very little competition. He noted that the Park City business owners are not getting the local business needed to survive on Main Street and they depend more and more on out-of-town visitors. If they can get a developer to provide more beds and more reasons for visitors to come to town and stay as long as possible, it allows the Main Street businesses to provide them with goods and services that are not available anywhere else. Mr. Shafner supported this project and everyone he has talked to on Main Street shares his support. The only negative response is coming from the people who will be inconvenienced within their own neighborhoods and that is not uncommon in any neighborhood in the County. Mr. Shafner encouraged the Planning Commission to do the right thing for Park City and Main Street by moving this project forward.

Thea Leonard, representing the Treasure Mountain Inn, encouraged Jenny Smith to consider a gondola from the top of Main Street to Deer Valley in the interest of mitigating traffic. Ms. Leonard felt they needed to think way outside the box in terms of moving people out of their cars. She challenged PCMR and the Sweeney's to put their money where their mouth is and figure out how they are going to move people. Ms. Leonard felt it was silly to talk about people coming because the people are already here and they are trying to get in. It is up to the community to make sure the infrastructure is in place and to find ways to move people outside of their cars. Park City is an outdoor community and they should be encouraging people to walk, bike, and get on the mountain without motorized vehicles. Ms. Leonard believed the funicular is a step in that direction and they should all get behind it.

Chair Barth continued the public hearing.

Director Putt read from the first paragraph of the Land Management Code regarding a conditional use permit, "There are certain uses that, because of their unique characteristics or potential impacts on the municipality, surrounding neighborhoods, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required

that mitigate or eliminate the detrimental impacts". Director Putt remarked that the process is aimed at identifying the problem and trying to figure out if there is a way to eliminate that bad impact. The Fehr and Peers report recommends approximately six or seven mitigation factors that were contained in the Staff report. Director Putt suggested that the Planning Commission have a discussion with the consultant as to how each of these mitigation measures makes the traffic, circulation, and the pedestrian issues better. He recommended that the consultants explain this in layman terms and have an opportunity to dialogue with the Planning Commission on whether or not they agree with some or all of their comments. In addition, Director Putt recommended a discussion on what, if any, additional mitigations can be implemented into the project to help eliminate some of the problems created by the proposed project. He noted that all the problems expressed in the September 14 meeting have a tie to one of those mitigation measures. He recommended that the mitigations outlined in Item 4 of the Staff report be the first item on their punch list.

Commissioner O'Hara agreed with Director Putt but he felt they should first identify and define the incremental impacts. He did not believe the applicants have the responsibility to fix Lowell and Empire but they do have a responsibility to show how they intend to mitigate the incremental impacts their project will create on Lowell and Empire. He agreed with the comment that the traffic and speed problems are created by the residents more than the tourists. However, he is concerned with how the traffic will be impacted through construction and deliveries. Commissioner O'Hara stated that the applicant, not the Planning Commission, should determine the punch list based on the incremental impacts.

Commissioner Sletten agreed with Commissioner O'Hara that the real issues are the incremental increase in traffic, pedestrian, delivery vehicles, and construction vehicles and what that looks like going forward. He agreed that they cannot ask the Sweeney's to cure the problems that exist today, however they need to go back to their traffic engineer to look at those specific issues and come back with plans that address the fears of the residents. The residents cannot be ignored and to the extent that new development is going to detrimentally impact them the Planning Commission needs to make sure they are protected.

Commissioner Volkman remarked that the traffic study provides information on how the impacts can be mitigated but personal experience tells them that the street fails every winter without additional traffic. Commissioner Volkman felt it was imperative to weigh both the study and their experience. They would be remiss to follow the study alone and not listen to the testimony of the residents or rely on their own personal experience. He felt the Planning Commission should draw on City Staff beyond the Planning Staff to discuss some of those issues. Based on what has been recommended to mitigate the problems and the City's willingness to implement these mitigating measures, Commissioner Volkman felt the applicant should come up with a plan on how to do it. He felt this would give the Planning Commission something on which to make a decision.

Commissioner Thomas agreed with Commissioner Volkman. He echoed his previous comments regarding the issues outlined in the Staff report. Anything relating to pedestrian and automobiles are hot spots in his opinion. Another hot issue for him is the construction traffic, particularly after having the personal experience of being run off the road by a tandem truck. Commissioner Thomas remarked that the human factor such as improper stops, improper parking, accidents, etc. are issues that have not been adequately addressed and he would like to hear more on how those factors can be mitigated. If you build it they will come and he fears they will have additional unanticipated parking and traffic issues. Commissioner Thomas referred to the question of whether Crescent Road should be improved and suggested that it at least be studied. Crescent Road is a straight line access to the heart of town and the Sweeney's have done a great job of offering additional transportation modes to get into the community. However, as with any transportation system, the moment it is built all the other networks increase as well. He believed people will use Crescent Road to get into town, either walking or driving.

Commissioner Wintzer remarked that the General Plan talks about maintaining the quality of life in Old Town. In his mind, the biggest issue is finding a way to maintain the quality of living for the people who live there. Commissioner Wintzer agreed with the comment that tourists cause less traffic problems than residents or employees. He was concerned about whether the mitigation plans proposed are feasible. He wanted someone to physically show him that these mitigations can be done before making a decision.

Commissioner Volkman noted that a lot of the comments this evening represented businesses on Main Street. He did not think anyone questioned the benefits this project would have on Main Street or Park City in general. However, the process has taken a long time because it is a gigantic project that will impact this town more than anything else they have looked at in 20 years. Commissioner Volkman stated that they would all like to process this project quickly and move on to other business. They have spent hundreds of hours pouring over reports and deliberating the issues. The Staff and the Planning Commission tried to sift the issues down to the most important points and they decided that traffic was a lynch pin in this project because it involves the health, safety, and welfare of the people who live in town. It is necessary for the Planning Commission to spend a lot of time considering the elements and impacts of this project and they will do it as quickly as possible.

Commissioner O'Hara stated that the role of the City in this project is a partnership that needs to be defined. For example, if a mitigation measure for some of the impacts is to enforce parking on Lowell that is a requirement for the City that the applicant cannot enforce. Commissioner O'Hara felt that another consideration is the liability of the City in entering into that type of partnership. Commissioner O'Hara remarked that the Planning Commission will honor the commitment to the Sweeney's that was made by the City, however they have a duty under the Land Management Code to completely apply all the review criteria of the conditional use permit.

Commissioner Wintzer felt it would be helpful to know what PCMR sees as the future for Lowell. If they add more traffic the Resort may have to widen the road or do something on their property. Ms. Smith replied that they are keeping this in mind when they work through this situation with the Sweeney's. The Resort understands that they need to do something and they are looking at this as one big plan. The Resort and Treasure Hill are integral to each other.

Chair Barth agreed with all the comments stated. He summarized that the key issues are incremental impacts, construction traffic impacts, pedestrian/vehicular conflict exploration and definition, the feasibility of mitigation attempts, the City's role in mitigation, the study of Crescent Tram, an employee traffic plan, input from other City Staff including Public Works and the City

Engineer, General Plan application, protect quality of life for existing residents, PCMR involvement now and long term, and consideration of the existing entitlements.

Director Putt asked if the Planning Commission wanted to address all these issues or begin with the top priority issues. Chair Barth noted that pedestrian/vehicular continually comes up. Commissioner Thomas agreed that pedestrian/vehicular issues should be the first priority. Commissioner Wintzer felt that the number one issue should be the feasibility of whether or not it is physically possible. Planner Whetstone stated that she has already begun to look at existing conditions in terms of parking, street size, location of right-of-ways, etc. She agreed that they should continue working on the feasibility of the plan with input from other City Departments.

Commissioner O'Hara stated that he was not interested in participating in the solution. He was interested in reviewing the solutions as they come before them. Commissioner Sletten added current and long term construction traffic as a third item of importance. Commissioner Wintzer felt it would be helpful if the Sweeney's could provide something on how they plan to mitigate the construction impacts. Commissioner Volkman believed that if they could answer some of these questions a lot of the other questions will take care of themselves.

Director Putt stated that the Staff will work with the consultants on these issues. Director Putt remarked that he will test the consultants' recommendations against these three priority issues to help frame the discussion for the next meeting. Commissioner Volkman requested that they follow up the recommendation with the feasibility of doing it.

8. The Thaynes Canyon Subdivision I Homeowners Association has been active since its inception and has vigorously enforced the ten-foot side yard setback.

9. The amendment is consistent with the original zoning of the subdivision and eliminates inconsistent build-out patterns.

Conclusions of Law - Thaynes Canyon I

1. There is good cause for this Land Management Code amendment.

2. The Land Management Code amendment is consistent with the Park City Land Management Code and General Plan.

3. Approval of the Land Management Code amendment, subject to the conditions stated below, promotes the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Thaynes Canyon I

1. A previous conditions of approval for the Thaynes Canyon Subdivision I remain in full force and effect.

2. Section 15-2.11-3(I) of the Land Management Code is amended to modify the reduced side yard setback for the Thaynes Canyon Subdivision I to ten feet (10').

8. Treasure Hill - Conditional Use Permit

Planner Kirsten Whetstone reported that this project is part of the Sweeney properties master plan which is 120 acres west of town called Treasure Hill. She noted that a project design booklet is available at the Planning Department for public review. The applicant also has a website that contains additional information and minutes from previous meetings.

Planner Whetstone stated that the project has access from Lowell and Empire Avenues at the switchback of those two streets. The two streets connect slightly south of the Park City Mountain Resort. She noted that consultants from Fehr and Peers provided a presentation at the September 14 meeting regarding their review of the applicant's traffic study as requested by the City. The consultants also addressed additional information requested by the City in a Scope of Work. Planner Whetstone stated that she reviewed the minutes from that meeting and identified some of the questions that were raised. She believed the issues raised warrant a discussion on the specifics of this project, particularly the impacts. Planner Whetstone remarked that the Planning Commission must find that the impacts of this project can be mitigated before a conditional use permit can be granted.

Planner Whetstone outlined some of the questions and concerns raised at the last public hearing. She asked the Planning Commission to prioritize the discussion points and to determine if additional information is necessary. Planner Whetstone noted that the consultants from Fehr and Peers were not present this evening but they are prepared to provide additional information or answer any questions at the next meeting this item is scheduled to be discussed.

Planner Whetstone submitted emails and letters the Staff had received over the past few months. A public hearing was scheduled this evening. Director Putt requested that the Planning Commission look at the comprehensive list of issues provided by Planner Whetstone and identify the primary issues. The Staff will take these to the consultants and allow them enough time to prepare a formal response or explanation of their findings. Director Putt suggested that some of the lesser issues could be addressed this evening. He hoped they could begin to close the chapter on the traffic discussion and move forward with other unaddressed elements of the conditional use permit.

Planner Whetstone remarked that several questions were raised at the last public hearing about why the City is looking at this project twenty years later. She explained that in 1985 a master plan was approved with a phasing plan and a condition that any phase of that plan would be reviewed as a conditional use permit. However, the Planning Commission will review the master plan against the conditional use criteria in the current Land Management Code. Another question related to amending the master plan. Planner Whetstone explained that a previous plan was informally submitted during the Town Lift Bridge which was an amendment to the Sweeney Master Plan. The Staff, the applicants, and the City discussed the Town Lift Bridge for a number of years and during those discussions the applicants presented for discussion an alternative plan for the Mid-station/Creole site which included a number of single family homes on streets. That plan was not accepted by the Staff because it did not meet the concept of the master plan. Therefore, that alternative plan was never formally submitted.

Planner Whetstone referred to page 58 of the Staff report noting that she had included mitigation measures under Item 4. Some of the measures were recommended by the consultants and some were discussed by Staff. She noted that mitigation measures such as connections between Empire and Lowell in the form of City staircases, as well as an 8-foot wide bike lane that could be part of the trails master plan on the west side of Lowell Avenue were discussed by Staff and not specifically recommended by the consultants. Planner Whetstone identified an error in her report. The Staff report indicated that there was a staircase between Lowell and Empire on 12th Street and there is not. That right-of-way was vacated. There is a staircase on 11th Street and the Staff is recommending a staircase in the 9th and 10th Street rights of way.

Pat Sweeney, representing the applicants, stated that he and his brothers, Mike and Ed Sweeney, were prepared to respond to some of the comments and questions raised by the public at the last meeting. He introduced a number of people who were present this evening to answer additional questions.

Ed Sweeney stated that in 1986, following at least six years and thousands of hours of effort by the Sweeney family, the Park City Council approved the Sweeney Properties master plan which envisioned the development of various Sweeney family properties in Park City, including Treasure Hill. The master plan approval resulted in a 50% reduction in permitted density and came after the City had considered and rejected seven other development plans or alternatives. The plan ultimately adopted maximized open space, created additional bed base for Main Street, clustered density, and it was supported by ten findings of fact. In reliance upon, and as a condition of the master plan approval, the Sweeney's have deeded various parcels of land to Park City, agreed to the rezoning of certain of their properties as recreation open space, opened certain parcels of their property to public use, built and maintained over four miles of walking and biking trails for the use of the public, granted an easement to Park City at no cost for the location of a major water line, and expended hundreds of thousands of dollars and thousands of man hours on design work. Mr. Sweeney remarked that apparently some citizens want the Planning Commission to prohibit further development on Treasure Hill or to direct further studies that might kill the project or scale back the development to such a point that it lacks economic viability. He doubted that if these same citizens were a party to a contract that may have been breached by another party they would not take the breach lying down. Mr. Sweeney stated that several years ago, under the constraints of the master plan approval, the Sweeney's sought approval for the construction of the Town Lift Plaza now completed. As a family they went through a very rigorous approval process imposed by the Land Management Code. In connection with that process, with respect to the development of the Town Lift Base, they had numerous discussions with the Staff and the Planning Commission over volumetrics of the Town Lift Base, particularly with issues pertaining to density and height limitations. Mr. Sweeney commented on the current conditional use approval they are now seeking in connection with the Creole and Mid-station sites. When they appeared before the Planning Commission regarding the Town Lift Base, some Commissioners favored their plan, others were opposed, and some were undecided. At the time of that hearing, the Planning Commission was well aware of the Sweeney family position and that they were contractually entitled to design and construct the Town Lift Base in accordance with the parameters of the master plan. Mr. Sweeney read a memo from 1992 that then City Attorney, Jim Carter, had sent to the Planning Commission. In his memo, Mr. Carter stated that the Staff had taken the position that the Sweeney MPD approval should remain viable and he outlined why they had taken that position. The memo further stated that there had been substantial compliance with the terms of the MPD approval and it, therefore, remains in effect. Mr. Sweeney noted that Mr. Carter's successors, Jody Hoffman and Mark Harrington, do not dispute the conclusion that the

Sweeney's remain in compliance with the approved MPD, including that the Sweeney's have substantially complied with the contractual elements of the MPD.

Mr. Sweeney remarked that at the Town Lift Base hearings there were many pro and con comments. One that stood out in his mind was the comment made by then Commissioner Joe Tesch. Mr. Tesch stated that at some point government must have the integrity to honor its commitments. Mr. Sweeney asked the Planning Commission to honor the City's commitment to them. The Sweeney's have, in good faith, negotiated with the Planning Staff and the Planning Commission to meet their concerns. Those negotiations have gone on since May of 2002 and the plans generated by the Sweeney's in connection to Staff's review came at significant cost to the three brothers. Mr. Sweeney stated that they have done everything they can to move this process forward. They waited patiently for the City to authorize a separate traffic study which validated their previous study and said that with certain mitigations there are no health, safety, or welfare issues. Mr. Sweeney stated that they are not willing to cut back on their development rights or their plans any longer. There are people who hoped that the latest traffic study, which took seven months to complete and validated the prior study, would derail the Sweeney application. That is not the case. He and his brothers are anxious to have discussions related to the specific issues of mitigating traffic as outlined in the Staff report. Mr. Sweeney remarked that the current conditional use application reflects the accumulation of a twenty year effort by the Sweeney family. They have conceded as much as they are willing to concede and at some point the government needs to have the integrity to honor its commitments.

Pat Sweeney provided a brief history of various plans presented for this property from 1977 to 1981. None of those plans moved forward and he was not specifically involved. Mr. Sweeney stated that he became involved with the property in 1982. After reading the rules he came up with a plan that he felt fit within those rules. He presented his plan to the City and he was asked to work with them to find a better solution. Mr. Sweeney stated that his family agreed to work with the City and over time they looked at eight different versions. The plan of choice is the plan being considered today. He believed they did everything they said they would do and now they would like to finish. Mr. Sweeney stated that Lowell and Empire were considered with every plan. They were responsible for the connection between Lowell and Empire and if they had not cooperated with the City in that connection Lowell Avenue would not exist and Empire would not have a secondary access. Mr. Sweeney stated that they have a commitment to that road and believe they have an equal right to use it. Mr. Sweeney noted that 90% of the property is open space and another 7% is open space within development parcels. He commented on all that the Sweeney's have contributed to the City and he believes it has benefited their property and the surrounding properties. Mr. Sweeney noted that Lowell and Empire are the main access to their property and they were required to mitigate the impacts starting with pedestrian connections. In developing this particular part of the master plan, they paid particular

attention to mitigating the impacts. Mr. Sweeney reviewed a list of things they have done or propose to do to decrease those impacts.

Jenny Smith, representing Park City Mountain Resort, stated that the Resort understands the issues and acknowledges that it contributes to some of them. Ms. Smith stated that the Resort is ready to sit down with others and work through these issues because they believe it is possible to achieve positive resolutions. Ms. Smith addressed the question raised by Mr. Allred about designating a portion of Lowell Avenue as one-way. People talk about that road being closed but it is not closed. One portion is one-way. Ms. Smith referred to 5th Street and Park Avenue during the winter, noting that some streets function better as one-way. Based on a collaborative effort with City Officials from Public Works, they spent a lot of time walking the route, observing the traffic flow, and dealing with the problems. She was unsure if people remember the gridlock when Lowell was two-way through the bus area. Ms. Smith believes the solution of a one-way street has improved the situation. She recognized that it is not perfect and 14-20 days per year they still have significant traffic issue on Lowell, Empire and Manor. It is also an issue on Park Avenue, Main Street, Bonanza Drive, and Deer Valley Drive. Traffic is a bigger issue that needs to be dealt with and they are willing to sit down and work with the developer, the City, and neighborhood representatives to do what they can to help resolve some of these situations.

Chair Barth opened the public hearing. He requested that the public address the Planning Commission on issues related to pedestrian and traffic concerns. The public hearing will be continued and there will be opportunity to make comments at a future meeting.

Peter Roberts, a resident of Old Town, stated that he has known the Sweeney brothers for many years and they are very thoughtful, considerate, and deliberate in their actions. Mr. Roberts felt the Sweeney's have done the best they can in addressing the issues of pedestrian traffic and vehicular traffic in and around their project. He believes they have a done a great job in preparing the site to meet their plan.

Tom Humes, a resident of Old Town, remarked that when he investigated this project last fall he was amazed at the level of detail that was available. He believes the funicular will be a tremendous benefit to Old Town residents and tourists. As an Old Town resident he is concerned with traffic volume. Mr. Hume stated that although the residents of Lowell and Empire will have to deal with construction impacts; the efforts taken by the Sweeney's to give back to the town are very impressive. Considering his personal bias against vehicular traffic, he was surprised to find himself supporting this development and the benefits it will bring to Old Town and Park City.

Ken Davis, acting president for the HMBA, reported that as of last night Mike Sweeney resigned this position feeling that he was in a conflicted situation. Mr. Davis clarified that the HMBA does not endorse one project or another, however they have taken a stand and that is to see more beds on Main Street. The Sweeney's have proposed a way to get more beds on Main Street without increasing traffic The HMBA members believe that the traffic with this project would be less than with something else. Having a people mover take people down the mountain into town will give a boost to the merchants. He noted that the merchants are very concerned with all the development at Kimball Junction, Quinn's Junction, and Pinebrook. These developments will take business from Park City and they are concerned about bringing people to Old Town without increasing the amount of cars. Mr. Davis stated that the HMBA believes this project is a very good solution. He reiterated that the HMBA will not endorse a particular project but they do endorse the concept of having more beds on Main Street and they endorse the way it is being done.

Mitch Cohen, a former board member of the Historic Business Alliance offered his perspective from being on the board. He felt this project is vitally important to Main Street because Main Street has a real potential of becoming irrelevant. With everything else going on around them, businesses are leaving Main Street. Mr. Cohen remarked that beds are vitally important on Main Street and this project should secure the future of Main Street for many decades. He felt that anyone who knows the Sweeney's understand that they have gone way out of their way to overcome the hurdles and they would never do anything to hurt the City. Mr. Cohen stated that he has seen the traffic studies and he believes this project needs to move forward.

Tim Murtons, a board member for the HMBA and a business owner on lower Main Street, stated that he was the first commercial operation in 1992 to be in that area. He has watched car flow and pedestrian flow for a number of years, as well as the approval process since the early 1980's for the Sweeney projects. This was the main reason he set up his business on Main Street in 1992. Mr. Murtons stated that in the last few years he has begun to see light at the end of the tunnel during the winter and summer seasons. A large component of the Sweeney project is built-in convention facilities and spring and fall months are very good for convention business. Mr. Murtons believed conventions would add a viable aspect to all of Main Street. He remarked that Main Street is the most excellent place for a destination visitor to recreate in Park City. Mr. Murton stated that he worked with Pat Sweeney when he was still in med school as a ski patrolman in Park City. He knows the entire family now and finds them to be high on integrity. He was assured that the Sweeney's will work with the City and the community and they will perform on what they promise. Mr. Murtons requested that the Planning Commission expedite their decision in a timely manner since this has been dragging on for quite a while.

Devon Stanfield, a two year business owner on Lower Main Street, stated that he has been aware of the Sweeney project for two years and he has participated in a number of their

presentations. He has looked at the details of the plan and believes that the Sweeney's have addressed most of the concerns regarding traffic. In his opinion, this plan would alleviate traffic at the Park City Mountain Resort and on Main Street and it would diversify where the traffic goes. Mr. Stanfield believed the Sweeney's are addressing the concerns in a thoughtful and considerate way. He felt the benefits from adding beds to Main Street would far outweigh any flaws in the plan. Mr. Stanfield would like to see this project move forward as a resident, a skier, and a business owner on Lower Main Street.

Peg Bodell stated that she was speaking as one of the original co-authors of the environmental impact statement for Silver Mountain in 1980. She is familiar with the property based on what it could have been and what it is today. Being in the engineering field, she has also had a lot of experience with traffic mitigation. Ms. Bodell recognized that mitigation issues need to happen and the Sweeney's and the City Staff are working on it. She believed the impacts can be mitigated. Ms. Bodell remarked that she is also a resident at 817 Woodside Avenue. She has lived at that residence for five years and she has owned property and worked in Old Town for over fifteen years. She stated that traffic issues in her neighborhood come from the residents and construction trucks and not from the tourists. Traffic impacts can be mitigated with a lot of community effort. Ms. Bodell believes it is a rationale expectation that neighborhoods should take care of their own streets and sidewalks because the City cannot possibly do it. Ms. Bodell remarked that adding the stairs to 8th Street and other streets is wonderful and that is what Park City is about. Ms. Bodell urged the City to take the twelve traffic questions back to the consultants so they can be answered as quickly as possible and this project can move on.

Peter Barnes stated that he was desperately finding a reason to love this project. He believed it is potentially exciting and wonderful and the traffic issues can most likely be mitigated. Mr. Barnes stated that if this intends to be a world class project, endorsements from Park City Mountain Resort leads him to many architectural conclusions and traffic will be the least of their problems. He suggested that the traffic questions get answered so they can move on to the next elements of the project. Mr. Barnes felt the major problems will come from the neighborhood and not from the project. It is important to resolve the snow shed issues and how the City and engineering will deal with the future traffic in town. Mr. Barnes remarked that the rest of the project will have bigger issues and architectural problems. He wanted a reason to get excited about this project and he wanted to move on.

Harry Reed stated that he has an interest on Main Street and he believes this project will be very good for all of Main Street. Mr. Reed stated that he was very involved in getting Marriott Summit Watch approved and traffic was a major concern with that project. He remarked that since the Summit Watch project, they have found that half the people bring cars and those who do bring cars learn that it is more of a hassle and end up taking public transportation. He felt there will be fewer cars than one would consider with a large

project. Mr. Reed noted that this project is supposed to provide faster ski lifts up from Main Street and that is important for everyone.

Norm Anderson stated that he met Mike Sweeney on the summer leadership tour last year and he was very impressed. Mr. Sweeney took pictures of things he wanted to incorporate into this project from heated sidewalks to architectural issues. Mr. Anderson remarked that Mike Sweeney and his brothers are very dedicated and have a lot of integrity. Mr. Anderson felt it was time to move forward and try to get this project done.

Mike Allred did not believe there was any question about the integrity of the Sweeney's. However, there is question about the amount of traffic that this project will introduce on to streets that are already failing, particularly in the winter time. Mr. Allred outlined the big questions he would like to see addressed. He explained why it would be a major issue to have Lowell Avenue one way as suggested by Jenny Smith. He appreciated Ms. Smith's comment about Park City Mountain Resort's willingness to discuss this issue with the neighbors to see if they can open up Lowell Avenue so it can be used to unload this project as it was designed to do. Mr. Allred stated that this project has not adequately demonstrated how they intend to separate the pedestrians from vehicular traffic. At the last meeting, Commissioner Thomas mentioned that this is the first issue addressed in architectural school. It is an issue of public safety and Mr. Allred felt that Commissioner Thomas summarized it concisely in his statement. Mr. Allred thought it was clearly demonstrated at the last meeting that there are enormous issues between pedestrians and the public uses on Empire and Lowell. No one has shown how those issues can be mitigated and how the pedestrians are going to be adequately separated from the increased volume of traffic generated by this project. Mr. Allred commented on the computer models and the parking strategies presented and wondered how they can be successfully mitigated and enforced. He believed that additional significant pedestrian situations will be a part of this project. No one is responding to the existing serious conditions and he is not convinced that anyone will respond in the future. Mr. Allred felt an important issue to address is whether the City will respond and enforce whatever conditions are necessary to make this project successful. Mr. Allred did not think that construction traffic has been adequately addressed in any of the studies. As a citizen of Old Town, he wanted it known that the residents are looking to the Planning Commission to protect their quality of life in the community.

Kevin Doolan, a business owner on lower Main Street, stated that when he first came to Park City he met Mike and Ed Sweeney and they helped him tremendously. The first thing he saw on lower Main Street was how slow business was during the off season. Mr. Doolan remarked that the Sweeney plan is a great opportunity for the City and he thinks they have adequately addressed all the traffic problems. He read all the reports and available information and saw nothing but positive things for Park City.

Missy O'Neal, a resident at 1127 Woodside Avenue, referred to a City goal to make Park City a great place for families. When they first moved to Old Town five years ago the City was encouraging families to move to Old Town. She loves Old Town and they moved there so they would not have to drive their car all the time. Ms. O'Neal appreciated the fact that the Sweeney's have the right to develop their property, however she wished it were a smaller scale so it would not overwhelm the town. Traffic is a major concern for residents on Woodside because drivers will try to avoid Lowell if traffic is backed up. Ms. O'Neal remarked that this project is a huge benefit to the Sweeney's and the business owners but it is not such a benefit to the residents in Old Town. She understood that the businesses who left Main Street were forced out because the owners doubled their rent and not because there were no patrons.

Ken Whipple, a business owner on Main Street, expressed his concern about traffic. He felt a simple solution would be to allow mass transit to come up from Salt Lake. This would provide mass transportation for employees and tourists and it would alleviate the traffic volumes in Park City. Mr. Whipple stated that the tourism and convention business in Park City could be better with a larger convention center. The Sweeney's are proposing a convention center that is three times larger than anything currently existing in Park City. He noted that Midway has a larger convention center than Park City. Mr. Whipple stated that he has reviewed this project and believes that it is a benefit to the community. He suggested that the City approve this project and not make it so difficult for people to move their projects forward or hold them for years until they give up and go away leaving the property to someone who might put houses all over the side of the mountain.

Brad Stewart, stated that he lives on Empire Avenue, he owns 12 condos up and down Empire Avenue, and he owns a Main Street business. Mr. Stewart commented on the traffic issues from the standpoint of a resident. In watching his guests come and go from the condos he has noticed that the traffic issues are caused by him and other Park City residents. He takes five or six times more car trips per day that any of his guests. Mr. Stewart believed that blaming the Sweeney project for additional traffic on the street is falsely directed. Pedestrians walk in the middle of the street because the streets are lined with snow and cars are parked on the side. As the streets get narrower and narrower with snow the cars should not be parked there. He wondered why this issue has never been addressed. Mr. Stewart commented on enforcement of the stairs noting that it is not the Sweeney's fault and they are not responsible for the enforcement. He believed that once the City addresses those issues other issues will be resolved. Mr. Stewart echoed previous comments regarding the economic viability of Main Street. He submitted a letter he had written for the record.

Monty Coates, a business person on Main Street for 18 years, expressed his support for this project. Mr. Coates felt it was important to mitigate the resident's concerns with traffic management and other measures to preserve their quality of life. He also believed it was

important to find a way to let this project move forward. Mr. Coates stated that the Old Town region is now a resort. The lumber yard, the car dealership, and other businesses have moved out and the downtown core is an integral part of the Resort experience. It is a resort and it needs to be managed as such. Mr. Coates remarked that the main economic engine of a resort is the bed base and PCMR needs some fresh hotel base. It would be helpful and beneficial towards marketing the area and the Resort. Mr. Coates supported this project and he urged the Planning Commission to find a way to mitigate the concerns of the residents and allow this project to move forward.

Dave Shafner, a business owner on Main Street for 20 years, stated that he has seen a number of things happen over time. He remarked that Main Street is beginning to feel like a beaten stepchild. The Chamber does not provide much support and many of the local residents shop elsewhere. Mr. Shafner stated that Aspen, Vail, Jackson, and Sun Valley are all isolated islands with very little competition. He noted that the Park City business owners are not getting the local business needed to survive on Main Street and they depend more and more on out-of-town visitors. If they can get a developer to provide more beds and more reasons for visitors to come to town and stay as long as possible, it allows the Main Street businesses to provide them with goods and services that are not available anywhere else. Mr. Shafner supported this project and everyone he has talked to on Main Street shares his support. The only negative response is coming from the people who will be inconvenienced within their own neighborhoods and that is not uncommon in any neighborhood in the County. Mr. Shafner encouraged the Planning Commission to do the right thing for Park City and Main Street by moving this project forward.

Thea Leonard, representing the Treasure Mountain Inn, encouraged Jenny Smith to consider a gondola from the top of Main Street to Deer Valley in the interest of mitigating traffic. Ms. Leonard felt they needed to think way outside the box in terms of moving people out of their cars. She challenged PCMR and the Sweeney's to put their money where their mouth is and figure out how they are going to move people. Ms. Leonard felt it was silly to talk about people coming because the people are already here and they are trying to get in. It is up to the community to make sure the infrastructure is in place and to find ways to move people outside of their cars. Park City is an outdoor community and they should be encouraging people to walk, bike, and get on the mountain without motorized vehicles. Ms. Leonard believed the funicular is a step in that direction and they should all get behind it.

Chair Barth continued the public hearing.

Director Putt read from the first paragraph of the Land Management Code regarding a conditional use permit, "There are certain uses that, because of their unique characteristics or potential impacts on the municipality, surrounding neighborhoods, or adjacent land uses,

may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts". Director Putt remarked that the process is aimed at identifying the problem and trying to figure out if there is a way to eliminate that bad impact. The Fehr and Peers report recommends approximately six or seven mitigation factors that were contained in the Staff report. Director Putt suggested that the Planning Commission have a discussion with the consultant as to how each of these mitigation measures makes the traffic, circulation, and the pedestrian issues better. He recommended that the consultants explain this in layman terms and have an opportunity to dialogue with the Planning Commission on whether or not they agree with some or all of their comments. In addition, Director Putt recommended a discussion on what, if any, additional mitigations can be implemented into the project to help eliminate some of the problems created by the proposed project. He noted that all the problems expressed in the September 14 meeting have a tie to one of those mitigation measures. He recommended that the mitigations outlined in Item 4 of the Staff report be the first item on their punch list.

Commissioner O'Hara agreed with Director Putt but he felt they should first identify and define the incremental impacts. He did not believe the applicants have the responsibility to fix Lowell and Empire but they do have a responsibility to show how they intend to mitigate the incremental impacts their project will create on Lowell and Empire. He agreed with the comment that the traffic and speed problems are created by the residents more than the tourists. However, he is concerned with how the traffic will be impacted through construction and deliveries. Commissioner O'Hara stated that the applicant, not the Planning Commission, should determine the punch list based on the incremental impacts.

Commissioner Sletten agreed with Commissioner O'Hara that the real issues are the incremental increase in traffic, pedestrian, delivery vehicles, and construction vehicles and what that looks like going forward. He agreed that they cannot ask the Sweeney's to cure the problems that exist today, however they need to go back to their traffic engineer to look at those specific issues and come back with plans that address the fears of the residents. The residents cannot be ignored and to the extent that new development is going to detrimentally impact them the Planning Commission needs to make sure they are protected.

Commissioner Volkman remarked that the traffic study provides information on how the impacts can be mitigated but personal experience tells them that the street fails every winter without additional traffic. Commissioner Volkman felt it was imperative to weigh both the study and their experience. They would be remiss to follow the study alone and not listen to the testimony of the residents or rely on their own personal experience. He felt the Planning Commission should draw on City Staff beyond the Planning Staff to discuss some of those issues. Based on what has been recommended to mitigate the problems and the City's willingness to implement these mitigating measures, Commissioner

Volkman felt the applicant should come up with a plan on how to do it. He felt this would give the Planning Commission something on which to make a decision.

Commissioner Thomas agreed with Commissioner Volkman. He echoed his previous comments regarding the issues outlined in the Staff report. Anything relating to pedestrian and automobiles are hot spots in his opinion. Another hot issue for him is the construction traffic, particularly after having the personal experience of being run off the road by a tandem truck. Commissioner Thomas remarked that the human factor such as improper stops, improper parking, accidents, etc. are issues that have not been adequately addressed and he would like to hear more on how those factors can be mitigated. If you build it they will come and he fears they will have additional unanticipated parking and traffic issues. Commissioner Thomas referred to the question of whether Crescent Road should be improved and suggested that it at least be studied. Crescent Road is a straight line access to the heart of town and the Sweeney's have done a great job of offering additional transportation modes to get into the community. However, as with any transportation system, the moment it is built all the other networks increase as well. He believed people will use Crescent Road to get into town, either walking or driving.

Commissioner Wintzer remarked that the General Plan talks about maintaining the quality of life in Old Town. In his mind, the biggest issue is finding a way to maintain the quality of living for the people who live there. Commissioner Wintzer agreed with the comment that tourists cause less traffic problems than residents or employees. He was concerned about whether the mitigation plans proposed are feasible. He wanted someone to physically show him that these mitigations can be done before making a decision.

Commissioner Volkman noted that a lot of the comments this evening represented businesses on Main Street. He did not think anyone questioned the benefits this project would have on Main Street or Park City in general. However, the process has taken a long time because it is a gigantic project that will impact this town more than anything else they have looked at in 20 years. Commissioner Volkman stated that they would all like to process this project quickly and move on to other business. They have spent hundreds of hours pouring over reports and deliberating the issues. The Staff and the Planning Commission tried to sift the issues down to the most important points and they decided that traffic was a lynch pin in this project because it involves the health, safety, and welfare of the people who live in town. It is necessary for the Planning Commission to spend a lot of time considering the elements and impacts of this project and they will do it as quickly as possible.

Commissioner O'Hara stated that the role of the City in this project is a partnership that needs to be defined. For example, if a mitigation measure for some of the impacts is to enforce parking on Lowell that is a requirement for the City that the applicant cannot enforce. Commissioner O'Hara felt that another consideration is the liability of the City in

entering into that type of partnership. Commissioner O'Hara remarked that the Planning Commission will honor the commitment to the Sweeney's that was made by the City, however they have a duty under the Land Management Code to completely apply all the review criteria of the conditional use permit.

Commissioner Wintzer felt it would be helpful to know what PCMR sees as the future for Lowell. If they add more traffic the Resort may have to widen the road or do something on their property. Ms. Smith replied that they are keeping this in mind when they work through this situation with the Sweeney's. The Resort understands that they need to do something and they are looking at this as one big plan. The Resort and Treasure Hill are integral to each other.

Chair Barth agreed with all the comments stated. He summarized that the key issues are incremental impacts, construction traffic impacts, pedestrian/vehicular conflict exploration and definition, the feasibility of mitigation attempts, the City's role in mitigation, the study of Crescent Tram, an employee traffic plan, input from other City Staff including Public Works and the City Engineer, General Plan application, protect quality of life for existing residents, PCMR involvement now and long term, and consideration of the existing entitlements.

Director Putt asked if the Planning Commission wanted to address all these issues or begin with the top priority issues. Chair Barth noted that pedestrian/vehicular continually comes up. Commissioner Thomas agreed that pedestrian/vehicular issues should be the first priority. Commissioner Wintzer felt that the number one issue should be the feasibility of whether or not it is physically possible. Planner Whetstone stated that she has already begun to look at existing conditions in terms of parking, street size, location of right-of-ways, etc. She agreed that they should continue working on the feasibility of the plan with input from other City Departments.

Commissioner O'Hara stated that he was not interested in participating in the solution. He was interested in reviewing the solutions as they come before them. Commissioner Sletten added current and long term construction traffic as a third item of importance. Commissioner Wintzer felt it would be helpful if the Sweeney's could provide something on how they plan to mitigate the construction impacts. Commissioner Volkman believed that if they could answer some of these questions a lot of the other questions will take care of themselves.

Director Putt stated that the Staff will work with the consultants on these issues. Director Putt remarked that he will test the consultants' recommendations against these three priority issues to help frame the discussion for the next meeting. Commissioner Volkman requested that they follow up the recommendation with the feasibility of doing it.

The Park City Planning Commission meeting adjourned at 8:25 p.m.

Approved by Planning Commission_____