

4. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

11. Treasure Hill - Conditional use permit for single, multi-family, hotel, and commercial uses

Due to a conflict of interest, Commissioner Zimney recused herself from this item.

Planner Kirsten Whetstone distributed copies of e-mail correspondence and reported that this item is a continuation of the discussion of the Treasure Hill CUP. This project consists of a CUP request and preliminary subdivision plat for 197 residential unit equivalents, 19 commercial unit equivalents, and approximately 10% of the gross floor area for meeting rooms and support uses. The project is located at the switchback of Empire and Lowell on approximately 62-1/2 acres, with 51 acres dedicated as open space for ski runs, trails, and other passive uses, with an additional 70% of the 11-1/2 acre development site required to be open space per the master plan. The CUP request is for the Creole Gulch and Mid-station parcels of the Sweeney Master Plan which was approved by the Planning Commission in 1985 and by the City Council in 1986. The Staff requested that the Planning Commission conduct the public hearing which was continued from the May 11 meeting and continue the public hearing to July 13, 2005. Planner Whetstone noted that the Staff is waiting for information on the peer review traffic study, and the traffic study has not yet gone to a consultant. She reported that the Staff has made progress in reviewing the project through the CUP criteria, and a review of those criteria from the LMC Section 15-1.10 is contained in the staff report. She stated that the Staff is looking for direction on the 15 CUP criteria.

Pat Sweeney, representing the applicants, stated that he believed there was a lot of misperception about the project. He explained that the Sweeney family's involvement in this property started with his father in 1977. Between 1977 and 1981, five plans were proposed for the properties. Mr. Sweeney stated that, when he became involved, he stayed with the permitted use at the time, which involved the road from Lowell/Empire to Upper Norfolk and a road over the State part of the project and back down to Upper Norfolk. The Staff response at that time was acceptance of the road from Lowell/Empire to Upper Norfolk, with a request to cluster the density in the Creole Gulch from the State portion. They followed the Staff's recommendation and later entered into a formal process. The applicants were asked by the Staff, Planning Commission, City Council, and the neighbors to reconsider and approach their property with a master plan. Mr. Sweeney stated that they did that and looked at eight alternatives. At the end of that process, the current Sweeney Master Plan was approved. He noted that most of the master plan has been built except for the Treasure Hill portion, and integral to that decision was access off of Lowell/Empire. That access is called for in Sections 1 and 10 of the LMC, and it was

decided that those roads were adequate based on a traffic study that looked at twice the density which was ultimately approved.

Mr. Sweeney stated that, as part of the master plan, a decision was made to do something different than Rossi Hill and American Flag, which included bringing the mountain down to Main Street and to the residential areas. Because of the master plan, 109 acres of contiguous open space and 4 miles of bike trails exist. They were allowed to build on the other 10% of the property with an approved density of two units per acre. Mr. Sweeney compared that to other zones in the Historic District that allow 12 to 15 units per acre. He stated that it was a good deal for the City then, and he believes it is a good deal now. He believed people have lost sight of that. The current project under consideration on 11-1/2 acres, and important to the community is the balance of land being left undeveloped. Mr. Sweeney stated that they have complied with every condition at that time with respect to this part of the project, including the requirement for 70% open space, ski access, an average height at the Mid-station of 18 feet, and average height of 31 feet at Creole Gulch.

Mr. Sweeney stated that, to put traffic in context, the square footage of development on Lowell and Empire from Manor Way southward is approximately twice what he plans to build. A traffic consultant was hired to restudy the traffic issues in the context of this CUP plan, and the consultant determined that there would be no significant difference in the level of service. Mr. Sweeney noted that City Engineer Eric DeHaan determined the scope of the study, and he felt it was upfront and legitimate. Mr. Sweeney stated that he has done winter counts which show that the study is extremely conservative in terms of estimation of winter traffic. He stated that the applicants are puzzled, since the City decided to do a peer review in January. He understood that a typical peer review takes two to three days of office time, and he could see no reason why a peer review could not be done within a couple of weeks. It is now six months later, and the peer review has not been ordered. Mr. Sweeney stated that he believes that is fundamentally wrong and that they are getting the runaround.

Vice-Chair O'Hara opened the public hearing.

Abby McNulty, a resident at 921 Norfolk, stated that she also represents the homeowners of 1002 and 902 Norfolk. Ms. McNulty expressed concern with the amount of traffic this project will draw to her street. She noted that there are not sidewalks in Old Town, and people walk down the middle of the street. Currently there is constant development, and the pedestrians are being threatened when they walk their dogs or walk their children to school. Ms. McNulty stated that a large development with 2,000 beds will add more stress to their neighborhood, which is a concern that makes her oppose this project.

Juli-Ann Warll from Empire Avenue stated that the history was interesting, and she acknowledged that the project was approved many years ago. She stated that she plans

to live in Park City for awhile, and in 10 or 20 years the developers may be gone but will leave behind a large project with traffic and other major impacts that the people in Old Town will have to live with. This is a concern to those who plan to stay in Park City and keep Old Town a special community. She asked how many employees there would be and where they would park their cars. She believed a traffic study in the next two weeks would be inappropriate, because it is the quietest time of year. There was no doubt that traffic would increase, and using the access roads is not a viable solution. If the funicular were to break down, she could imagine people being shuttled or bused back and forth, and they would have to use Crescent Avenue.

Ron Shepard stated that his concerns are specific to Crescent Tram. He agreed that it would not make sense for people to drive, but the fact is that they do. People who live in Park City are more inclined to walk, but people who travel into Park City may not. Saying that people will not drive is not a good answer knowing the likelihood that the most direct route to Main Street will be through his back yard. Saying that the main route will be Lowell and Empire does not insure that people will not use Crescent Tram unless the Planning Commission takes some action to make sure that it will not happen. He referred to vehicular and pedestrian circulation and the improvements to the Crescent Walkway and asked how they could be sure that the impacts will not overwhelm the neighborhood. Mr. Shepard did not believe it would make sense to consider the project further until the traffic study is complete and answered to everyone's satisfaction.

Mary Whitesides, a resident at 812 Empire Avenue, stated that her house will be a few hundred yards from the Treasure Hill project. She built her house in 1979, and the building codes at that time were very strict. The Code required that they maintain the flavor of Old Town, and the design of choice was the miner's salt box style or a Victorian style. She believed this would be a great opportunity for the Treasure Hill project to take a leadership role in creating a project that is sensitive to the Resort, with architecture that fits the landscape, reflects the charm of Old Town, and is compatible with the exclusive and unique experience of Park City. She stated that the proposed project will hover over Park City like a giant and will have no relationship with the historic flavor prevalent in the architecture of Old Town. She provided a history of her experience with resort development and what she has learned about hospitality through traveling. She was involved in the first development phase at Sundance, they fit every cottage unit into the landscape and amongst the trees. She stated that she travels a lot and seeks out boutique hotels that provide the flavor of the country or place she is visiting. She stated that people want something unique when they travel. She believed the Treasure Hill project should be an upscale development restricted to 50 high-end condos selling for \$1 million to \$2 million, with each situated on the hillside amongst the trees. She believed this type of development would solve potential traffic nightmares and attract sophisticated people with money to spend in Old Town. Ms. Whitesides stated that, if the architecture is sensitive to the historic flavor of Old Town, it would be a continuance of the experience rather than a

visit to a structure that could be located in Chicago. She believed this project could provide an opportunity to take leadership in a unique ski resort development while maintaining the charm of Old Town which drives visitors to Park City.

Lawrence Meadows, a resident at 515 Woodside Avenue, stated that he owns three other properties on Woodside Avenue, two of which directly border the Treasure Hill project. He stated that he understands the concerns of the residents along Lowell and Empire, but in the big scheme of things, this project will be positive for the City's long-term economic viability and for the open space it will dedicate to the City. He stated that the Sweeney's have done a lot of positive things for the community, and this project would increase the skiing experience with new trails and better lift access. If the City cannot resolve the issues for the people living along Lowell and Empire, he suggested that they float a bond and purchase the property to be preserved as open space. Mr. Meadows felt the Sweeney family was being unduly punished by unnecessarily delaying the project.

Mike Allred, a resident of Old Town on Empire Avenue, stated that construction of his home was highly scrutinized to be sure it fit with the historic nature of Old Town. He stated that this development does not comply with the historic nature of Old Town, and if the Planning Commission approves the massive structure proposed, they will be choosing between the historic character they have required and a non-compliant development. He hoped that the Planning Commission would not make the choice to sacrifice Old Town. He recalled that he spoke at a previous public hearing about how the Park City Mountain Resort has been given Lowell Avenue for bus transportation. He noted that Condition of Approval 8 states that Empire Avenue and Lowell Avenue are the main accesses for the Treasure Hill project. Mr. Allred did not believe the project should be discussed further until Mr. Sweeney, the Park City Mountain Resort, and Park City Municipal work together to find a way to give Lowell Avenue back to Old Town so the traffic can proceed up and down Lowell Avenue. He also suggested that the project be put on hold until they can resolve the transit issues. He referred to traffic issues on Lowell and Empire in the winter and stated that traffic studies are meaningless unless they can be done during peak conditions. He supported the idea of Park City Municipal floating a bond to buy out the Sweeneys' density and leaving Old Town a residential community.

David Belz, an architect and urban designer, stated that he has lived and worked in Old Town for 16 years and is deeply concerned about Old Town. He stated that he has watched the Sweeneys' and other projects and has watched the fear of growth through opposition as other projects were put on hold, such as the Town Lift and the ability to get skiing to Main Street. He believed the Town Lift was one of the greatest assets Park City has and that they owe gratitude to the Sweeneys for making it possible. In the long term, he believed that was the one thing that would identify Park City as unique throughout the world. He stated that he had seen the people who fought it for years be amazed at how great it was once it was built. He commented that the old mining buildings were massive.

He noted that the projects on Lower Main Street are not sufficient to make the area vital. He believed the critical mass and the number of people the proposed project would bring would make Main Street and Old Town vital. It has been suggested that the City buy out the density, and Mr. Belz felt that would be a mistake, because it would relegate what is already built in Old Town to relative failure or moderate success because there would not be the number of people to make it happen. Mr. Belz stated that what this project proposes is part of the growth and change that will occur in Park City. He agreed that there will be traffic considerations and commented on the amount of available parking at the Marriott Mountainside project. He believed most of the people would be shuttled in and would use the funicular because they will not have their cars. Mr. Belz asked the Planning Commission and the public to consider all the benefits the Sweeney family has brought to Park City and to consider their struggle, love, and dedication to always do an excellent job and put their heart and labor where their love is.

Peter Marth, a 24-year Old Town resident, agreed that the Sweeney's are good people, but they have a piece of property that is above a historic district residential area. Between the Main Street core district area and this proposed hotel is the historic residential district. Mr. Marth believed the funicular was a great idea, but he believed people would still use their cars. He stated that he has been opposed to massive development in Old Town for years, because it generates so much traffic. He commented that traffic is not being mitigated, and traffic volumes continue to increase day after day, which is slowly chipping away at their quality of life. He believed the Sweeney's want to mitigate the impacts as much as possible and that their hearts are in the right place, but human nature does not get people out of their cars or into buses. People who buy a \$500 hotel room do not want to share a van with other people. Mr. Marth stated that another traffic contributor is service vehicles. He stated that the scale of the hotel is out of touch with the historic flavor and small features of Old Town. Mr. Marth believed traffic studies and traffic mitigation were just an excuse to allow development. Mitigation, such as traffic signs, may slow people down, but they cannot mitigate the traffic volume this project will generate. Mr. Marth stated that he did not think this project was compatible with the area and the surrounding homes. He requested that the City buy down some of the density.

Riley Shepard stated that he rides his bike to and from school every day. He does not like cars on the road, and he believed the traffic would increase a lot. There is a lot of traffic now, and adding extra homes will add more people with cars.

Jeff Love, a resident at 615 Woodside Avenue, expressed his support for Treasure Hill. He agreed with the comments made by David Belz. He thanked the Sweeney family for the bridge, the trails and the access, and the open space.

Dan Smith stated that he owns two homes across the street from the proposed Treasure Hill project. Mr. Smith recognized the open space the town has received from the

Sweeney family as a huge asset. He believed the plan is put together well and is carefully thought out. He believed the project makes sense and stated that he supports it.

Vice-Chair O'Hara continued the public hearing.

Vice-Chair O'Hara stated that the Planning Commission is anxious to see the results of the traffic study and peer review. He felt they had addressed bulk and mass of the building in previous reviews. He stated that he is personally less concerned about height itself than about height in the context of the architectural rendering. He believed the building would be driven by its appearance, not by how tall it is.

Commissioner Erickson commented on the traffic study peer review. He stated that, while the City Engineer did scope the original traffic study, the Planning Commission reviewed the traffic study in detail and found that additional information was required, and that request was passed on to the Staff. The basis of the information requested had nothing to do with trip generation, and he differed with those who suggest that traffic studies cannot be conducted at a slow time of year, because the model is driven by the traffic counts taken at the peak time of year. He recalled that the three key elements the Planning Commission asked for in the traffic study were turning movements, intersection geometry, and the current condition of the roads with respect to snow and parking on the roads. Total trip generation showing that levels of service may not vary from Level A or Level B have to do with a street that operates at design capacity, not one that is limited by snow and parking. This was the direction given to the Staff. He stated that he looks forward to the results and that he intends to hold back on any findings with respect to traffic until the study is completed. Commissioner Erickson pointed out that the open space on the hillside is not the gift of the Sweeneys. It was the result of significant hard work on the part of the City officials, Planning Staff, Planning Commission, and City Council in office at the time in cooperation with the Sweeney family. He noted that the staff report finds compliance on the basis that the project complies with the currently established development agreement. Aside from that development agreement, he believed more work would be necessary to find compliance on a number of issues, particularly height and bulk. He shared Commissioner O'Hara's position with respect to height; however, he believed height is appropriate in the correct location on the site and not necessarily on the periphery. He noted that his position regarding height is consistent with the planning guidelines, Land Management Code, and General Plan. Commissioner Erickson referred to the findings regarding sensitive lands and noted that, when the Sweeney project was developed, there were no sensitive lands requirements. Therefore, the established density on the site based on the development agreement would be different now. However, he understands and respects the development agreement and the density allocated by that agreement.

Commissioner Volkman asked if it would be possible by the next meeting to know when the traffic study and peer review will be completed. Director Putt stated that the Staff should be able to provide an update at the June 8, 2005, meeting.

Vice-Chair O'Hara stated that he has lived on Upper Empire and Upper Lowell and appreciates how small the streets are and their condition in the winter. His main concern about traffic in that area relates to access for emergency and fire vehicles. He believed the traffic study and working with the fire and police departments would help the Commissioners understand this issue. He asked that the Staff look for indications of mine waste and any potential impacts. Planner Whetstone reported that the City's environmental specialist, Jeff Schoenbacher, has been in contact with the Sweeneys and is working on a report.

Commissioner Powers stated that he was in Park City before traffic lights, and he has seen what has happened over time. He stated that he intends to leave Park City if he can sell his house, because in five years the City will be dealing with traffic that looks like the LA freeway. He stated that he loves Park City, but it has a traffic problem which may be insurmountable because it is located in a canyon, and canyons do not lend themselves to good traffic control. He stated that he understands the dilemma the City is facing, but they cannot afford to keep building and adding more traffic.

Commissioner Thomas agreed with Commissioner Erickson's comments. He stated that he would prefer to withhold further comment until he can review the traffic study. He stated that the issues he is struggling with on this project include physical design and compatibility, transportation, and sensitive lands. He is specifically concerned about the impact of grading and impacts on adjacent properties of the massing on the north side of the development. He believed there are design solutions which can work, and he is open to looking at them. He acknowledged the Sweeneys and their efforts and contributions to the community, but he would have to evaluate the project and intends to hold their feet to the fire on the CUP criteria. He recognized that the 1988 MPD granted density and rights, but in all logic and fairness, the Sweeneys need to understand that this is no longer the 80's, and the issues need to be addressed by meeting the criteria very closely to deal with the here and now of the community.

Vice-Chair O'Hara referred to an apartment building on 2000 South and Main Street in Salt Lake that is approximately the same height as this proposed building. He suggested that people look at that building to get an idea of what this building will look like. He recalled that the Planning Commission and the Staff have discussed differences in grading and architecture which affect height and appearance.

Commissioner Erickson suggested that the applicant look for ways to ameliorate an eight-story building from all points and noted that can be done partially through the design and architecture of the building.

Commissioner Thomas commented that the Planning Commission should not be the design police. He pointed out that there is a hint in the CUP criteria with regard to sensitivity to the historic nature of the community, and that could be considered a mining aspect. He noted that the mining vernacular is not a defined style and is open to interpretation. He stated that he would be looking for something that is sensitive to the nature of the vernacular of the community.

12. General Plan Discussion - Transportation element

Director Putt suggested that two or three Commissioners work with the Staff on a subcommittee to help frame the discussion for a work session when they can discuss this important item earlier in the evening. Vice-Chair O'Hara stated that he would be comfortable with a subcommittee and further suggested that each Planning Commissioner e-mail their comments to Director Putt to be incorporated into the framework. Vice-Chair O'Hara volunteered to sit on the subcommittee.

MOTION: Commissioner Erickson moved to CONTINUE this item to a date uncertain. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

Director Putt reported that a site visit to the hospital property has been scheduled for 4:00 p.m. on June 8 prior to the regular meeting.

The Park City Planning Commission meeting adjourned at 9:40 p.m.

Approved by Planning Commission _____