

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 26 , 2006

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Michael O'Hara, Andrew Volkman, Charlie Wintzer, Diane Zimney

EX OFFICIO:

Patrick Putt, Planning Director; Brooks Robinson, Planner; David Maloney, Planner; Kirsten Whetstone Planner; Jonathan Weidenhamer, Planner; Ray Milliner, Planner; Polly Samuels McLean, Assistant City Attorney; Eric DeHaan, City Engineer

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Barth called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except for Commissioners Thomas and Sletten who were excused.

II. MINUTES

MOTION: Commissioner Wintzer moved to APPROVE the minutes of April 12, 2006. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV STAFF & COMMISSIONERS' COMMUNICATIONS

Chair Barth commented on the Lodges at Deer Valley - Silver Baron, and noted that he was asked several times today whether the Planning Commission transferred density from Parcel A. He could not recall transferring density. Planner Brooks Robinson explained that seven units of density was transferred into the Lodges, subject to a recorded instrument from Courchevel, with the creation of the Silver Baron parcel split off from the remaining Lodges Parcels B, C, D, and E. Parcel A was incorporated into the Silver Baron parcel. Planner Robinson stated that initially there were mitigated wetlands on the south end of Silver Baron and no construction was allowed in that area. With a revised Army

Conditions of Approval - Red Cloud Plat Amendment

1. All original conditions and plat notes of the Red Cloud subdivision approved November 11, 2004 continue to apply.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
3. Both utility lines and ski tails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. The proposed over-length cul-de-sac that is Red Cloud Trail will have a secondary emergency access from the end of Red Cloud Trail. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency access road and all connections and private road construction below SR-224 must be installed prior to building permit issuance for any of the single-family homes within the subdivision.
5. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
6. 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.
17. Treasure Hill Conditional Use Permit

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

Director Putt reported that the discussion this evening is a follow up from the public hearing on April 12. At that meeting, he went through a lengthy and detailed account of the Staff report and attempted to respond to Planning Commission questions relating to the project's compliance with the 1985 Master Plan Development approval of the Sweeney properties master plan. Director Putt stated that in his report, he went into specifics related to setbacks, density, height, street commitments for reconstruction of the street, affordable housing, etc. The conclusions at the end of that presentation was that the drawings for the project are currently being refined and once those plans are completed, he will be better able to give a more definitive response to the Planning Commission and the public with regards to compliance with the underlying zoning requirements. He noted that the Staff report outlined nine important elements that he will be looking for in order to render a Staff recommendation.

Director Putt reiterated five questions that he touched on at the conclusion of his presentation on April 12. These questions were outlined in the Staff report and he believed they form the basis for the responses the applicants are prepared to present this evening.

Pat Sweeney, the applicant, commented on the issues outlined by Director Putt. Mr. Sweeney read a letter from Susan McIntyre dated October 4, 1989 regarding the Sweeney master plan documents and the effort to put everything together in one form to be recorded and to become the standard handbook for reference. He explained that when they were going through the subdivision process for the Upper Norfolk and King Road lots, which was a requirement of the Master Plan, the City Attorney at that time, Jodi Hoffman, determined that they were required to rezone the land. Mr. Sweeney noted that compliance with the rezoning obligation had occurred.

With respect to support commercial uses, Mr. Sweeney stated that these uses were specified in earlier documents and those documents need to be reviewed. He suggested that appropriate uses would be an informal eatery, a formal eatery, a bookstore, a ski shop, coffee shop, convenience store. He anticipates discussing these uses in detail as they move through the process.

With respect to the fire protection plan, Mr. Sweeney stated that Director Putt had used the term "preliminary fire access plan" and later explained that everything is preliminary until he has an approval from the Planning Commission and the City Council. Mr. Sweeney felt it was important to know that this plan took two years to formulate. They worked with Fire Department personnel, Ron Ivie, Kelly Gee, and Scott Adams to establish the criteria for fire and safety on this project.

With respect to the height, Mr. Sweeney stated that early in the process a plan was developed with specific dimensions. This plan was hand drawn and based on good survey data. Mr. Sweeney stated that they have always relied on this exhibit and they have done their very best to extrapolate those dimensions into the computer era. They have always based their design on these dimensions and will continue to do so.

With respect to architecture, Mr. Sweeney remarked that it is good to know what they need to do. He felt it is clear that they need to move in the direction suggested by Director Putt.

With respect to traffic issues, Mr. Sweeney remarked that their fundamental perspective is to make the road sound. Based on recommendations from their traffic consultants, as well as the one hired by the City, if the road is properly plowed and the current parking restrictions are enforced, the roads can work. They agree with the City Engineer that further road improvements is a separate process. Mr. Sweeney is comfortable funding improvements with impact fees and he is willing to participate in the process.

With respect to on-site staging, Mr. Sweeney remarked that the fundamental way to build large projects is just on time. He noted that time can be managed and certain materials can be stockpiled for winter. Mr. Sweeney stated that making it work is a combination of doing what makes sense and keeping everyone aware. In response to the issue of material on-site, Mr. Sweeney noted that they consider their site to be the entire Hillside master plan, including open space. They always understood that the buildings in the Treasure Hill project would be within a very restricted area. Mr. Sweeney felt it was obvious that some of the ground around that area will be disturbed when constructing buildings of that size. Dirt will be redistributed on-site.

Mr. Sweeney stated that the issue of employee housing caught them off guard because there has been some question as to whether the requirement applies. They have met with Director Putt and the City Attorney and at the present time they are waiting for a specific opinion as to why the employee housing requirement applies. Mr. Sweeney stated that in principle they have always thought it would be appropriate to have employees living there.

Mr. Sweeney commented on the setback and how they relate to the houses on Woodside. He believed the Restrictions and Height Exhibit is the document that applies and it identifies specific distances. Some places are above the 100 foot setback and other places are less.

Mr. Sweeney stated a willingness to meet with Peter Barnes at any time and he appreciated his comments at the last meeting. Mr. Sweeney clarified that they disagree with some of Mr. Barnes comments but believe it is an excellent way to sort things out. They have a team of highly qualified professionals that have been involved throughout the process and have communicated with the City Staff.

Mr. Sweeney commented on steps they are taking in working with Director Putt to move this process to the next step. He believes they have made progress on the unit equivalent formula and they are in the process of discussing employee housing. Mr. Sweeney believes they have the volume using the same footprints that would add layers. He stated that they are not opposed to this and, on a limited basis, thinks it is a good idea.

Mike Sweeney commented on divisiveness between the brothers. He was not interested in putting in an additional 37,000 square feet of employee housing. He did not believe this was the intent of the MPD. Mr. Sweeney pointed out that it was called employee housing in 1985, and not affordable housing. The master plan talks about people who are not permanent residents staying there as opposed to people who are permanent residents. He did not think it was as clear as people thought it was in 1985. Mr. Sweeney read from the Sweeney properties master plan, "Employee Housing: At the time of conditional use approval, individual projects shall be reviewed for impacts on, and the possible provision

of employee housing, in accordance with applicable City ordinances in effect". He remarked that the language does not say they have to do it and this why they have never had to build employee housing with other projects. Mr. Sweeney stated that when Rule 17-99 came up in 1990, they were asked to participate and in that particular case they did not because they were not subject to that rule.

Pat Sweeney stated that an element was included in their plan that was in the zero height area half way between Lowell and Empire. This was done for the specific purpose of creating public access to the project, as an alternative to walking up the fire lane, which was previously a ski trail. Mr. Sweeney commented on an alternative that uses the funicular to serve the public in that area. They are waiting to hear from the City Attorney to see if it is legally appropriate and at some point the Planning Commission may be asked to provide their input on this feature.

Mr. Sweeney commented on the Mine Tour and believes that it would be a win/win for Main Street provided that they have an overhead mass transit that does not use roads. He noted that this same concept applies to the support commercial. They have no interest in trying to attract people to the project on anything but the cabriolet from Main Street or on skis. Mr. Sweeney remarked that if parking is not provided for these facilities, people will not drive up Lowell and Empire to use them.

Mr. Sweeney expects to have a future discussion on public buses versus private buses. In terms of pitched roofs versus non-pitched, Mr. Sweeney stated that Ron Ivie has been clear about restraints on pitched roofs on buildings as tall as the ones proposed. The Fire Department shares that same opinion. He noted that they will measure any interest in doing pitched roofs against the fire protection plan. Mr. Sweeney disagreed with Peter Barnes' comments about the walls and the complexity of the project. In his mind, Old Town is all about interesting angles, elevations, and walls. Mr. Sweeney remarked that timing will need to be discussed. Once they have an approval it will take two years to turn the plans into working drawings. Mr. Sweeney stated that they would like to develop a booklet with a set of plans and addendums, including the fire protection plan, the traffic study, and all things appropriate and necessary to provide the basis for an approval. This information will also be available on line for public access.

Mike Sweeney commented on the overall objective of this project. He came back to Park City in 2000 and has worked hard participating with the merchants in trying to develop more people on Main Street and in the Historic District. Mr. Sweeney clarified that the purpose of this project is to serve as a bed base with the ability to bring people to Main Street. They do not intend to compete with businesses on Main Street. Mr. Sweeney believes there is a lack of activities on Main Street for the younger generation and he has proposed the idea of a Mine Tour to work in conjunction with the Museum. He developed and designed an underground Mine Tour in California that is very successful and to have

that on Main Street would be key in preserving their heritage. Mr. Sweeney remarked that the Mine Tour would require the cabriolet gondola.

Chair Barth re-opened the public hearing.

Norm Anderson stated that Mike Sweeney has worked with suppliers like himself in trying to figure out the safest and best timing to get products to his job. Mr. Anderson believes the Sweeney's have the right to develop their property. He favors the Mine Tour because it will provide valuable history to their children and grandchildren.

Bill Truxes, a resident on North Star Drive above Lowell felt that people are misrepresenting the traffic on Lowell Avenue. Over the years he has observed the traffic and the only time the streets are overflowed is during a special occasion. Mr. Truxes remarked that the streets are not bad during the winter. He believes his family is the only permanent residence on Lowell since he does not see other people regularly. He walks to the Post Office every day and he does not think there are more than three or four people that use Lowell Avenue at any given time. Mr. Truxes could not understand why people are worried about traffic, pedestrian safety, and construction and delivery vehicles.

David Belz remarked that with regards to traffic, the Marriott Summit Watch is a great model. Every time he goes into the parking garage there are hardly any cars. He agrees that there will be traffic but they will not have the number of cars that people are afraid of. He does not share the fear that people will use their cars to drive from the project to Main Street. The cabriolet is key in transporting people back and forth and people would not want to use their private cars. Mr. Belz understood that there will be impacts but the benefit of the bed base is worth it.

Chair Barth continued the public hearing.

Director Putt stated that he would like the opportunity for the applicants to complete the drawings. Much of the information already exists and some of it will change. He would like a comprehensive packet of material that he can review. This packet will be made available to the public so everyone has the same information that will be used to make a final decision. The amount of time needed will depend on the completeness of the information and he anticipates that it will take at least a month to digest the material, open it to in-house peer review, and write his report. Director Putt recommended that the Planning Commission continue this item to a date uncertain. Once he obtains the information and does the analysis, they will re-notice the neighborhood and make the information available to the public. Director Putt committed to making this a priority and recognized that it serves no interest to the public, the Planning Commission, or the applicants to delay in getting the analysis completed as quickly as possible.

Chair Barth requested that the Treasure Hill project be the only item on the agenda when the information is presented. Director Putt suggested the possibility of scheduling a special meeting at a larger venue. This has been done in the past for larger master planned developments. Commissioner Wintzer suggested that the Planning Commission have a week or more to review the packet rather than the customary four days. Chair Barth felt it was important to make sure they have a full Planning Commission for that meeting.

Pat Sweeney asked if it would be worthwhile for the Planning Commission to see the volumetrics before they apply the architecture. Director Putt replied that he needed time to think about the best approach. Commissioner Wintzer noted that the Planning Commission has still not seen an aerial photograph of the area and cross sections of the roads. Director Putt stated that they have pulled together a fairly good library of aerial photos. It is not complete and they are still working on it.

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

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:50 p.m.

Approved by Planning Commission _____