

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION**



**SANTY AUDITORIUM; PARK CITY LIBRARY
1255 PARK AVENUE, PARK CITY**

June 8, 2016

AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 25, 2016

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5- add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code.

PL-16-03115 45
*Planner
Whetstone*

Public hearing and continuation to June 22, 2016

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

Parcel numbers, PC-800-1, PC-364-A - Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan

PL-08-00370 47
*Planner
Astorga*

Applicant Re-Introduction

Planning Staff Summary Presentation

Public hearing

Consideration of Motion to Continue Public Hearing to July 13, 2016

ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 25, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Makena Hawley, Planning Tech; Ashley Scarff, Planning Tech, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

May 11, 2016

Commissioner Thimm referred to page 10 of the Staff report, page 8 of the minutes, second paragraph from the bottom and changed volume of land to correctly read **value of land**. On page 28 of the Staff report, page 26 of the minutes, first paragraph, line 8, Commission Thimm changed to building up to read **building height**. On that same page, second paragraph, third line, Commissioner was changed to read **Commissioner Thimm**. In that same paragraph, third line from the bottom, Commissioner Thimm corrected depend what is easy to correctly read **beyond what is easy**.

Commissioner Phillips referred to page 22 of the Staff report, page 20 of the Minutes, last paragraph, line 10, and changed beautify mountains to correctly read, **beautiful mountains**.

MOTION: Commissioner Band moved to APPROVE the minutes of May 11, 2016 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed. Commissioner Joyce abstained since he was absent from the May 11th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that the next Planning Commission on June 8th would be held in the Santy Auditorium at the Park City Library at 5:30. The main item on the agenda will be the introduction to the Conditional Use Permit for the Treasure Hill Project. Director Erickson noted that the Treasure Hill project website is up and it contains basic information for the public. The Planning Commission would be receiving an additional packet as well.

Community Development Director, Anne Laurent, stated that the link to the Treasure Hill website can be accessed from the City home page under "How Do I".

Assistant City Attorney McLean reported that the City was successful in defending against an appeal for 1440 Empire Avenue, which was a project that came before the Planning Commission in 2010. She noted that the case had a convoluted history and there were two applications; a conditional use permit and a subdivision. The CUP went to the District Court and the court ruled in favor of the City. That decision was not appealed to the Court of Appeals. The subdivision application went to the Court of Appeals on a procedural issue because it was filed 30 days after City Council action but within 30 days of the publication date. The Legal Department argued that it should have been 30 days from the time of City Council action. They lost that argument at the Court of Appeals and it was remanded back to the District Court. It was litigated at the District Court and the City was successful on the subdivision on the substantive matters. The opponents were arguing that because the underlying parcels together would not have allowed the same density as was permitted when it was converted to a lot of record and, therefore, the City was not abiding by the General Plan. The decision was appealed to the Court of Appeals and the City won that argument.

Assistant City Attorney McLean noted that the agenda was amended the day before to include a ratification of the Central Park City Development Agreement. However, they later discovered that the Planning Commission had already ratified the Agreement in November. The item would be withdrawn from the agenda.

Since Treasure Hill will be scheduled on their agendas, Chair Strachan reminded the Commissioners to avoid ex-parte conversations with anyone regarding that application.

Assistant City Attorney McLean advised the public that emails or correspondence regarding Treasure Hill should be sent to the Planning Department and it will be included in the Staff report for the Planning Commission.

Planner Astorga stated that occasionally members of the public will send an email directly to the Planning Commission or a specific Commissioner without sending a copy to the Planning Department or the project planner. In preparation for the Treasure Hill CUP scheduled for June 8th, the Planning Department created a special email address of treasure.comment@parkcity.org. If the Commissioner receive emails they could either send it directly to Planner Astorga or to the special email address.

Commissioner Joyce recalled that when Treasure Hill was being discussed years ago, the developer did an onsite visit and flew balloons to make it easier to visualize where building would be located. He requested that they consider doing that again at an appropriate time in the process. Planner Astorga stated that the Staff has already had internal conversations with the applicant regarding that request. He thought it would be appropriate for the Planning Commission to have that discussion with the applicant on June 8th.

Commissioner Band disclosed that she would be recusing herself from 7700 Stein Way, Stein Erickson Lodge, and 7815 Royal Street, the Chateau Deer Valley. Her office is in the Chateaux, and the Stein Erickson Lodging Management Company owns her brokerage.

Commissioner Phillips disclosed that he worked on the original house at 220 King Road, and he has since been hired to do maintenance. However, that association would not have any influence on his influence this evening.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim discussion due to a past working relationship with the applicant.

Commissioner Phillips recalled a previous discussion about updating their iPads. Commissioners Strachan and Joyce were not present that evening and the other Commissioners wanted to hear their comments before making a decision. Chair Strachan stated that he was comfortable with the iPad he had and he did not have an opinion either way. Commissioner Joyce had sent his comments to the Planning Department agreeing with the other Commissioners to keep the iPads they currently have. Director Erickson clarified that the consensus was to keep the status quo.

Commissioner Phillips asked for an update on getting more sign posts. Director Erickson stated that Planner Astorga takes it upon himself to check all of the valid signs. Secondly, Director Erickson holds the record for bringing in invalid and out-of-date signs. Lastly, the City cancelled their order with the sign company and the signs were being re-designed. The wooden post signs would continue to be used until they achieve an adequate design. Commissioner Phillips noted that the posts have been posted very well.

Commissioner Thimm disclosed that several years ago he worked collaboratively with DHM Design, the planner for the Alice Claim project, on an out-of-state project. He was certain that it would have no bearing on his ability to discuss and vote on this project.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5- add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code. (Application PL-16-03115)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

Director Erickson suggested that the LMC Amendment be continued to June 22nd instead of June 8th as reflected on the agenda.

MOTION: Commissioner Joyce moved to CONTINUE the LMC Amendments to June 22, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Central Park City Condominiums MPD Agreement Ratification.**

This item was withdrawn from the agenda for reasons stated under Staff Communications.

2. 1409 Kearns Boulevard – Conditional Use Permit application for a drive-up coffee kiosk within the Frontage Protection Zone Overlay of the General Commercial District (Application PL-16-03144)

Planning Tech, Ashley Scarff, reviewed the conditional use permit application for the existing Silver King coffee kiosk at 1409 Kearns. The property is within the General Commercial Zone with Frontage Protection Zone overlay. The applicant was requesting to continue the operation of the coffee kiosk, as well as to make a small addition to the existing coffee kiosk.

Planner Scarff reported that in the General Commercial District drive-up windows require a conditional use permit. Any construction in the Frontage Protections also requires a conditional use permit.

Planner Scarff provide a brief background on the reason for the request to continue the operation of the Kiosk. On March 31st the Staff received a building application permit to construct a 100 square feet addition to the kiosk. In looking through the files the Staff found that the original CUP was conditioned with a three year expiration date; and the CUP had expired in April of 2014. Because the applicant had not requested an extension prior to April 2014, he was required to apply for a new conditional use permit to continue the operation of the drive-up window within the General Commercial District.

The Staff recommended that the Planning Commission review the proposed CUP application for the continued operation of and the small addition to the existing coffee kiosk with drive-up windows at 1409 Kearns Blvd, conduct a public hearing and consider approving the conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report, including a two year expiration of the use.

Commissioner Band asked if the City had re-inspected the capping method. She understood that the applicant had a conditional use permit for three years which the City had not followed up on; and in addition, the City was supposed to re-inspect the capping every year. Director Erickson stated that the City had observations on the capping method, and there were a number of conditions of approval on this CUP request to update the capping. Director Erickson agreed that the City inspections had been lax. On a regular basis they would see gravel re-compacted into the potholes. However, with a soils and environmental team the City has come up with a new capping method.

City Engineer Matt Cassel confirmed that the City had not inspected the capping. Chair Strachan asked if there were plans to do so in the future. Mr. Cassel stated that it had fallen off the radar and he intended to monitor it better.

Commissioner Joyce commented on a number of items that have been debated by the Planning Commission and through careful decision-making they make specific requirements on a project. He noted that this was not the first time in his brief tenure where the City had not followed up. Commissioner Joyce asked if there was an improved process for tracking these items.

Community Development Director, Ann Laurent stated that it does come down to tracking. The City does a good job in some areas and they are working on process for other areas where they have been lax. In the absence of current technology, they were creating spreadsheets to keep track, as well as considering interns to help go through files and create a history. Ms. Laurent noted that the City was well aware of the problem and the need for better tracking.

Mike Sweeney, representing the property owners, stated that the applicant had reviewed the conditions of approval with the Staff and made a commitment to accomplish all eight conditions.

Board Member Suesser referred to the request for building expansion and asked if indoor seating was part of the expansion; and if so whether parking had been considered.

Ben Buehner, the owner, clarified that the request was only for storage expansion and working space. There would be no indoor seating.

Board Member Suesser noted that the applicant is required to repair some of the pavement around the kiosk as a condition of approval. She asked if there was a time frame associated with that work. Ms. Scarff stated that the condition of approval requires the applicant to bring the driveway area back into compliance with the LMC, but it does not specify a time frame to accomplish the work. Director Erickson stated that the Planning Commission could revise Condition #4 to include a specific date.

Commissioner Band asked what the applicant thought would be a reasonable time frame for the paving and the landscaping. Mr. Buehner assumed the repair related to the large potholes. He stated that due to the nature of the lease and the type of business they try to keep it in the best condition possible as finances permit. He stated that per the condition of approval the required improvement should last for a longer time. Mr. Buehner noted that some upgrades were recently done.

Commissioner Band asked what it means to bring it into compliance with the LMC. Director Erickson pointed out that Condition #4 references the specific section of the LMC that requires the parking to be hard surfaced, maintained in good condition, and clear of all

obstructions. That is interpreted to mean no potholes and no free range gravel.

Commissioner Suesser suggested a 6 month time frame in Conditions #4 and #8. Director Erickson remarked that Conditions #4 and #8 had different requirements. Mike Sweeney noted that Condition #8 refers to the landscaping and that was done this past fall. He explained that a small area to the east by the medical center still needs to be planted, and that would be done this Spring.

Commissioner Suesser asked if there was a drawing of the kiosk after the expansion. Chair Strachan believed it was shown in Exhibit D on page 59 of the Staff report.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for 1409 Kearns Boulevard for a drive-up coffee kiosk based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1409 Kearns Boulevard

1. The property is located at 1409 Kearns Boulevard.
2. The property is in the General Commercial (GC) District within the Frontage Protection Zone (FPZ) Overlay.
3. The property is in the Bonanza Park area.
4. The site is currently undeveloped.
5. The applicant requests to build a small drive-up coffee kiosk structure with a footprint/floor area of 160 square feet.
6. Any construction within the Frontage Protection Zone Overlay requires a Conditional Use Permit.

7. A drive-up window is Conditional Use Permit within the General Commercial District.
8. The applicant requests to utilize the site as a short term use due to the property owner's desire to redevelop the area in the near future.
9. The property owner has authorized the coffee kiosk business owner to pursue this Conditional Use Permit request so that the land can be utilized concurrently with the master planning of the Bonanza Park area.
10. The proposed coffee kiosk is sixteen feet (16') by ten feet (10').
11. The proposed concrete pad is twenty-two feet (22') by ten feet (10').
12. The height of the proposed building is approximately eighteen feet (18').
13. The applicant submitted a UDOT approval letter which allows the connection onto Kearns Boulevard (SR 248).
14. As standard procedure the applicant will have to secure all the necessary utility permits to connect to the desire services.
15. The proposed structure and drive-thru are within hundred feet (100') of the right-of-way making access sufficient for emergency vehicle access.
16. The proposed kiosk is not designed to offer its services to pedestrians.
17. The proposed landscaping shall be in compliance with the Soils Ordinance related to landscaping care.
18. The proposed structure is compatible in mass, bulk, orientation and location with adjacent structures due to the size and design of the proposed structure.
19. The proposed structure is 220 square feet and the architecture has a mining motif.
20. The structure is designed to have a small covered area for loading and unloading.
21. The business will use the trash container shared by other businesses located on the same lot south of the coffee kiosk adjacent to the storage units.
22. The business owner will lease the land from the property owner.

23. The site is not within the Sensitive Land Overlay Zone.
24. The site is relatively flat land and requires no slope retention.
25. The site is within the Soil Ordinance Boundary and has been identified by the City as non-compliant with the Soil Ordinance.
26. The temporary capping proposal has been found adequate subject to adding a sealant to the proposed milling making it more impermeable and allowing the City Engineer to inspect the site on a yearly basis making sure that the millings are not detrimental to the environment or by changing the material to asphalt, concrete, or other paving material per the Soils Ordinance.
27. Staff recommends changing the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (80') from Kearns Blvd. allowing additional room to accommodate a total of eight (8) vehicles.
28. The applicant stipulates to the conditions of approval stated herein.

Conclusions of Law – 1409 Kearns Boulevard

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass, and circulation;
3. The uses are consistent with the Park City General Plan, as amended; and
4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval – 1409 Kearns Boulevard

1. This approval will expire three (3) years from the Planning Commission approval.
2. A building permit is required prior to construction of the kiosk and site improvements.
3. All landscaping and site improvements shall be installed prior to issuance of a certificate of occupancy.
4. No occupancy or use of the kiosk may occur until a certificate of occupancy is issued by the Building Department.
5. The applicant shall add a sealant to the proposed milling (temporary capping

proposal) to make it more impermeable. The City Engineer will inspect the site on a yearly basis making sure that the millings are not detrimental to the environment. The applicant may change the material to asphalt, concrete, or other paving material per the Park City Soils Ordinance.

6. The applicant shall change the location of the proposed coffee kiosk structure to the back drive which would put the structure approximately eight feet (80') from Kearns Blvd.

7. The applicant shall submit a letter of commitment from the property owner reiterating future commitment to clean up the site with his long range plans dealing with the full compliance with the Soil Ordinance prior to the City issuing a certificate of occupancy.

3. 7700 Stein Way – Stein Eriksen Lodge – Conditional Use Permit application for outdoor events (Application PL-16-03146)

Commissioner Band recused herself from this item and the next item concerning the Chateaux at Deer Valley and left the room.

Planning Tech Makena Hawley reviewed the application for a conditional use permit for the Stein Eriksen Lodge. She noted that the next item on the agenda was a conditional use permit for outdoor event at the Chateaux Deer Valley, and both applications were very similar.

Planner Hawley reported that the applicant was proposing temporary structures at four locations within the Stein Eriksen property to be used up to seven times per year for a maximum of four days.

The Staff recommended that the Planning Commission review and discuss the proposed Conditional Use Permit for a temporary structure, conduct a public hearing, and consider approving the CUP application in accordance with the findings of fact, Conclusions of Law and Conditions of Approval found in the Staff report.

Zane Holmquist from Stein Eriksen Lodge explained that the intent is not to expand the operational space or the current indoor space. The purpose would be to augment outdoor events. He noted that the use is primarily weddings where the ceremony is held outdoors and the remainder of the event takes place indoors. Mr. Holmquist clarified that it would not add additional guests, service space, volume or traffic to the area. A temporary structure would allow flexibility in inclement weather conditions to accommodate a bride

who is passionate about being married outside in Park City. Mr. Holmquist believed their request was different from other tent permits.

Mr. Holmquist remarked that the conditional use permit being requested for the Chateaux was slightly different because the temporary structure would be within the courtyard space. He clarified that like Stein Eriksen Lodge, it would not accommodate additional guests. When events are held downstairs many guest like to be outside in the courtyard and this would provide outdoor coverage to protect against inclement weather. The temporary structure would not create additional volume within the property itself.

Mr. Holmquist stated that they always remove the tents as quickly as possible to mitigate the impacts to the owners and other guests. If a tent is put up on a Saturday it does not come down until Monday morning.

Commissioner Phillips asked Mr. Holmquist if their operations for events would remain the same or if this would allow them to do something different. Mr. Holmquist replied that nothing would change. This conditional use permit would allow them to put up temporary structures without having to seek a permit for every event. He explained that Diamond puts up their tents and it requires a Fire Marshall Life Safety inspection each time. Sometimes it is a short window of two to three days when they realize that the weather might not cooperate, and it does not meet the Code minimum of 10 days. Mr. Holmquist clarified that they prefer to keep the number of tents to a bare minimum to keep from impacting their guests, the property or their neighbors.

Chair Strachan opened the public hearing.

Mike Sweeney stated that what this applicant was requesting was similar to what he had acquired for the Town Lift Plaza in 2006. The City has had a lot of experience in terms of how these CUPs work. He believed it was a good idea and he supported the request.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for the temporary tent structures located at Stein Eriksen Lodge in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was recused.

Findings of Fact – Stein Eriksen Lodge

1. On May 4, 2016, the Planning Department received a complete application for a CUP to allow seven (7) fire permits to be pulled which may include up to four (4) temporary tent structures to be placed on the property per year, for a maximum period of 4 days at the Stein Eriksen Lodge.
2. Outdoor Events and Temporary Improvements require a CUP in the Residential Development (RD) Zone.
3. The property is located within the Residential Development as part of the Deer Valley Master Planned Development (RD-MPD).
4. No additional signs or lighting are proposed with this application.
5. In 2015, the hotel hosted five (5) separate events requiring temporary structures.
6. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
7. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install four (4) different temporary structures up to seven (7) times per year for a maximum of four (4) days total for weddings and outdoor events. There may be occasions when more than one temporary structure is installed for an activity.
8. All four (4) tents may be included with one fire permit.
9. Stein Eriksen Lodge may be accessed via Stein Way. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. The Stein Eriksen Lodge has four (4) locations for temporary tent structures: The Ballroom Deck: (40x50 sq. ft), 2 small tents on the Flagstaff Deck (40x40 sq. ft. and 10x20 sq. ft.), and The Bald Mountain Lawn (40x50 sq. ft.). (See Exhibit B & C).
11. According to a recent parking analysis, the Stein Eriksen holds 221 parking spaces in its underground parking lot. In addition the Chateaux Deer Valley, under the same owner, holds 400 parking spaces and the two hotels work together and offer a free

shuttle service in the event that one parking lot becomes crowded. The applicant conducted a parking study on the busiest day of the year where occupancy for both lots total was 80% and did not find full usage of the parking lots. Staff estimates that the addition of a temporary structure at maximum capacity would not increase parking usage because hotel events are typically for hotel guests. Police records indicate no parking-related complaints from events held at the Stein Eriksen Lodge. (See Exhibit A and D)

12. On May 11, 2016, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 11, 2016.

13. The Findings in the Analysis Section are incorporated herein.

14. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16 (C).

Conclusions of Law – Stein Eriksen Lodge

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Deer Valley Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval – Stein Eriksen Lodge

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
2. A parking plan shall be required for each fire permit application in order to be approved by the Planning Department.

3. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.

4. A maximum of seven (7) events which include temporary structures per year are allowed.

5. A maximum duration of a temporary structure if four (4) days.

6. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.

7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.

9. In the case there are any complaints to the City regarding parking at the Stein Eriksen, this CUP shall return to the Planning Commission for re-review.

4. 7815 Royal Street – The Chateaux Deer Valley – Conditional Use Permit Application (Application PL-16-03147)

Planning Tech Hawley reviewed the application for a conditional use permit for the Chateaux Deer Valley for one temporary structure up to six times per year for four days each.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the application for the conditional use permit in accordance with the findings of fact, conclusions of law and conditions of approval in the Staff report.

Zane Holmquist representing the applicant stated that in the last three years they had only requested two permits per year. There is always an opportunity for more. Generally it is one Spring event for Governor Romney's event that he holds each year. The event is limited and held within the closed courtyard. It creates no obstructions for any other properties other than their own. Mr. Holmquist noted that the Fire Marshall has had no issues from the standpoint of life safety conditions.

Commissioner Phillips understood from the Staff report that the applicant has had a conditional use permit. Director Erickson explained that there are three levels of permitting for special events and outdoor uses. One process is to pull a permit every time they want to put up a tent, which requires the City to process an administrative CUP three or four times a year for this location. Director Erickson stated that this requested CUP is a long term land use permit under the terms of the approval, and the applicant would not have to pull a land use permit every time they wanted to put up a tent. However, they would still need to have a fire inspection each time the tent is erected. Commissioner Phillips asked if there was a sunset on the CUP. Director Erickson answered no. It is a land use decision and the public has been notified. He believed it was a better procedure from both an administrative standpoint and for how the applicant manages the property.

Commissioner Phillips clarified that he was not opposed to this CUP request. He was only trying to understand why they were just now coming in this this application. Director Erickson stated that over the winter the Staff has been working with all the major property owners to bring them into this process rather than doing individual permits. Due to the heavy workload of the Planning Department, the intent is to bring all of the properties who do this type of activity into compliance under this type of conditional use. He noted that Planner Hawley was rewriting sections of the Code to deregulate some of the smaller properties.

Chair Strachan thought these types of CUPs are different in that the use is limited to six events and a maximum of four days. Commissioner Phillips assumed that the Planning Commission would be seeing more of these CUP applications. Chair Strachan pointed out that someone could get this type of CUP and still come back for a per event basis. He believed that if the applicant was asking for a CUP for no longer than four days it would probably serve their needs.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the Conditional Use Permit for temporary structures no longer than 14 days or more than five times per year for 7815 Royal Street, the Chateaux Deer Valley, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously. Commissioner Band was recused.

Findings of Fact – The Chateaux Deer Valley

1. On May 4, 2016, the Planning Department received a complete application for a CUP to allow six (6) fire permits to be pulled for a temporary tent structure on the property per year, each for a maximum period of four (4) days at the Chateaux Deer Valley.
2. Outdoor Events and Temporary Improvements require a CUP in the Residential Development (RD) Zone.
3. The property is located within the Residential Development as part of the Deer Valley Master Planned Development (RD-MPD).
4. No additional signs or lighting are proposed with this application.
5. In 2013 and 2014, the hotel hosted 4 events that required a temporary structure.
6. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
7. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install one (1) temporary structure up to six (6) times per year for a maximum of four (4) days each for weddings and outdoor events.
8. The Chateaux Deer Valley has one (1) location for a temporary tent structure: The Courtyard Le Chateaux. It is located within the development; the tent is 8,072 square feet and measures 82.02 sq. ft. x 98.42 sq. ft. (See Exhibit B).
9. The Chateaux Deer Valley may be accessed via Royal Street. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, the Chateaux Deer Valley holds 400 parking spaces in its underground parking lot. In addition the Stein Eriksen, under the same owner, holds 221 parking spaces and the two hotels work together to offer a free shuttle service in the event that one parking lot becomes crowded. The applicant

conducted a parking study on the busiest day of the year where occupancy for both lots total was 80% and did not find full usage of the parking lots. Staff estimates that the addition of a temporary structure at maximum capacity would not increase parking usage because hotel events are typically for hotel guests. Police records indicate no parking-related complaints from events held at the Stein Eriksen Lodge. (See Exhibit A and D)

11. On May 11, 2016 the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 11, 2016.

12. The Findings in the Analysis Section are incorporated herein.

13. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16 (C).

Conclusions of Law – The Chateaux Deer Valley

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Deer Valley Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval – The Chateaux Deer Valley

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect the structure, circulation, emergency access, and all other applicable public safety measures.
2. A parking plan shall be required for each fire permit application in order to be approved by the Planning Department.

3. Prior to installing a temporary structure, the Planning Department must sign off on a fire permit and record the date within the CUP application folder.
4. A maximum of six (6) events which include a temporary structure per year are allowed.
5. A maximum duration of a temporary structure if four (4) days.
6. The use shall not violate the City noise or nuisance ordinance. Any violation of the City noise or nuisance ordinance may result in the CUP becoming void.
7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
9. In the case there are any complaints to the City regarding parking at the Chateaux Deer Valley, this CUP shall return to the Planning Commission for rereview.

5. **220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Division – Plat Amendment requesting two (2) lots from one (1) lot of record.**

Planner Francisco Astorga handed out public comments he had received. Of six written comments, five were in support of this plat amendment and one was opposed. The Commissioners took five minutes to read through the public comments.

Planner Astorga reviewed the application for a plat amendment identified as the second amended Lot 2, Phase 1 Treasure Hill Subdivision located at 220 King Road. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a negative recommendation to the City Council based on the findings of fact and conclusions of law as found in the draft final action letter.

Planner Astorga replied that Robert Sfire submitted an application for the plat amendment to split the existing lot into two lots. The site is part of the Sweeney Properties Master Plan; however, it is not part of the hillside properties identified as the Mid-Station and Creole Gulch CUP on file with the Planning Department. Planner Astorga pointed out that Mr. Sfire's property at 220 King Road is part of the Sweeney Properties MPD which requires a conditional use permit for each type of construction improvement. Planner

Astorga noted that the applicant had moved forward with conditional use permits for the existing single family dwelling and the existing guest house that is currently on the property.

Planner Astorga had provided a brief history of the site on pages 109 and 110 of the Staff report, explaining how the master plan allocated one unit of density to be associated with this specific lot. He stated that one challenge is that the site currently has two separate Tax IDs currently recognized by Summit County for taxing purposes. The Staff was able to find paperwork where the former City Engineer, Eric DeHaan, identified this component in a specific memo that was forwarded to the Legal Department in the 1990s. In his memo Mr. DeHaan expressed his concern regarding the two separate Tax ID numbers. He understood that it was done for taxing purposes but he was concerned that it would be confusing in the event of a subdivision because someone might think it was two different lots of record. Mr. DeHaan expressed his wish that Summit County would discontinue the practice of issuing different Tax ID numbers on these specific lots of record.

Planner Astorga stated that further research found that the lot was originally owned by Beaulieu, Carlig and Sweeney Land Company. On April 15, 1996 the Sweeney entity was removed from ownership of this lot and it was transferred to Beaulieu and Carlig in its entire configuration, which is the legal description of Lot 2 of the Treasure Hill Subdivision. That same day warranty deeds were transferred over from Beaulieu and Carlig to Ms. Sfire. However, it was done in two separate deeds and the Staff believes that was the reason for the two separate Tax ID numbers. The property was deeded in two separate parts and not as part of the entire lot of record. Planner Astorga had looked at the legal description of the warranty deeds and it was verified by the City Engineer that the legal descriptions are accurate per the split into two Tax ID notices.

Planner Astorga had found a survey that was done by Alpine Survey, a registered land surveyor. He reviewed a copy of the survey that was included on page 126 of the Staff report. He indicated the deed line that follows the same legal description from the warranty deeds. Planner Astorga pointed out that the surveyor put a note on the survey which reads, "The legal validity of the interior lot line labeled here as the deed line is unresolved and not a component of this survey. It is shown here at the request of the owner." Planner Astorga explained that through specific survey and practices, the survey was only supposed to show the legal lot of record, which is probably why the surveyor added the disclaimer.

Planner Astorga stated that in reviewing the Treasure Hill plats as currently approved and recorded, the Staff finds the same language regarding the Master Plan. Those special restrictions were shown on pages 113 and 114 of the Staff report. The plat effective shows the approval of the master plan. Planner Astorga noted that the first restriction on page 113 talks about the maximum building footprint. He stated that through the subsequent

conditional use permits for the single family dwelling and the guest house, Mr. Sfire was in compliance with the maximum building footprint of 3500 square feet.

Planner Astorga remarked that the Staff made finding for a negative recommendation because the lot is governed by the Sweeney Properties Master Plan. The only way Mr. Sfire could receive two lots of record from this lot would be if the original Sweeney Properties Master Plan is amended to allocate another unit to Mr. Sfire. In discussions with Pat Sweeney, who controls the existing MPD, Mr. Sweeney has indicated that he is not willing to file an application to amend the approved MPD that was approved on October 16, 1986 and subsequently amended for other parts and components of that same governing master plan.

Planner Astorga noted that the property was properly noticed. Letters were mailed to property owners within 300 feet and a notice was published in the newspaper.

Jodi Hoffman, legal counsel representing Bob and Constance Sfire, stated that she was approached by Mr. Sfire four years ago asking for her help. He explained that he has owned property in Park City for 20 years and he just wanted to keep his property. He had not intentions of changing how the property was being used, but he needed advice on what to do. She advised him at the time that the biggest issue he faced was dealing with the Sweeney Master Plan. Ms. Hoffman stated that after four years the issues have not been resolved. Mr. Sfire and his wife have lived on the property for the past eleven years. They are good neighbors, they love Park City and they want to continue living here. Without this subdivision it may not be possible.

Ms. Hoffman stated that the proposed plat amendment creates no additional density, it lowers the currently improved intensity of use, and it rewards 20 years of double taxation on two separate parcels that the Sfire's have been paying. It also affects their original purchase of two large parcels that were limited by building footprint and height. Ms. Hoffman believed the key factor was the limitation on building footprint and height.

Ms. Hoffman noted that the Staff had forwarded a negative recommendation based on what she believes is one apparent mischaracterization of fact and an apparent misapplication of conditions of the CUP; as well as another mischaracterization of law that she suggested the Planning Commission correct this evening. Ms. Hoffman referred to page 111 of the packet which correctly points out that the Sfire's Lot 2 is taxed as two separate single family parcels; one includes the main home and the other includes the home in which they reside. Ms. Hoffman remarked that the Staff also included a 1997 memo from Eric DeHaan that identifies both parcels but indicates no harm resulting from this parcels. The letter proposes no attempt to address a misperception, or the double taxation benefit

that Park City has accrued for the last 20 years as a result of there being two identified parcels.

Ms. Hoffman stated that she looked through the entire record and the Sfire's purchased Lot 2A and 2B to affect a 1031 tax exchange for separate parcels they had sold in another location. Ms. Hoffman emphasized that the Sfire's purchased two parcels. The purchase warranty deeds for both parcels show that the title transferred to them before the plat recorded. Ms. Hoffman pointed out that the recorded plats note the separate parcels as reflected on 138 of the Staff report. Ms. Hoffman stated that the Sfire's were new to Park City in 1996 and they not only relied on the advice for the 1031 exchange, but they also relied on advice from a seated Planning Commissioner who was their title officer, and from the elected County Attorney at the time, or his partner, who were both in contract with the City.

Ms. Hoffman felt it was important to remove any implication that the parcels were split after the Sfire's acquired it because they purchased two separate lots described by metes and bounds. She stated that everyone knows this is not a legal subdivision. They also know that the Summit County Recorder will record whatever is presented because of State law, which raises the issue of consumer protection. Ms. Hoffman noted that for 20 years the Sfire's have paid taxes on both parcels as full single family residential lots.

Regarding the CUP, Ms. Hoffman noted that the Staff points to a deed restriction that was signed years later that restricts the sale or lease of the smaller home, which is the home the Sfire's currently live in. The deed restriction was provided on page 130 of the Staff report. Ms. Hoffman referred to the CUP conditions on page 114 indicating that no further subdivision of this lot is permitted. She reiterated that the larger home and the smaller home are already on separately identified parcels, and the Sfire's were not asking to further subdivide. They were only requesting to keep the structures on the parcels on which each one was constructed. Ms. Hoffman read Condition #3 of the CUP, "Notice of a conditional use permit and deed restriction prohibiting rental of the guest house separate from the main house shall be recorded at the County prior to issuance of a certificate of occupancy for the guest house. She believed that was the document that was supposed to be recorded saying that the guest house cannot be rented separately from the main house. Ms. Hoffman stated that what was actually recorded was a document that said they could not alienate these two parcels from one another or rent them separately. She pointed out that the restriction was much broader than what was restricted by the condition of approval.

Ms. Hoffman stated that the Sfire's were required to remove an accessory apartment from the main house as a condition of the CUP, which they did immediately, yet the deed restriction that the City required still remains. Ms. Hoffman noted that currently the Sfire's

offer nightly rental of the main house, but they were offering to preclude this intense use as a condition of separating the lots.

Ms. Hoffman pointed out that the Sfire's executed a deed restriction on the two separately taxed parcels well after the homes were completed per the CUP, upon assurance from his friend who was the title officer and a Planning Commissioner that she would take care of it for him. Ms. Hoffman recognized that it was not something that the Planning Commission could consider and the facts could not be verified. However, after researching the title documents she believed it to be true.

Regarding the Sweeney MPD, Ms. Hoffman suggested that there might be a mischaracterization of the MPD density and what the MPD does or does not allow. She did not blame the Sweeney's for not wanting to amend the MPD. She did not believe it was necessary because a single family use is allowed and both houses are single family homes. It is confined to a 3500 square foot footprint and a height of 25 feet. A basement and two stories results in 10,500 square feet of residence; or 5.25 UEs under the current unit equivalency. Ms. Hoffman pointed out that in the Sweeney master plan the single family homes are encouraged to be broken up to separate the structures to reduce massing and help scale the homes and the structures up the hill in a modest way. Ms. Hoffman noted that this has been done.

Ms. Hoffman stated that the two homes currently have a combined 3450 square foot footprint, which is less than the restriction from the MPD. There is 6965 square feet of living space within the two structures on three floors, which is under the 10,000 square feet maximum that is allowed. Ms. Hoffman commented on the intensity of use that is allowed; noting that renting the larger house could bring six to ten cars from B&B guests.

Mr. Hoffman clarified that Mr. Sfire was offering to effect the primary intent that was effected through a legitimate transaction not by him but by prior owners. The Planning Department received six letters in support, and Mr. Sfire had a petition signed by seven of his neighbors supporting the lot split. They acknowledge that no additional homes could be built and the intent is simply to separate the house from the guest house. Ms. Hoffman reiterated that with that separation the home would be taken off of the nightly rental program, which would lead to a betterment of the neighborhood.

Ms. Hoffman noted that there has been no opposition until the one letter that was handed out this evening from Mr. Murphy in Washington State. She suggested that Mr. Murphy made not understand that the split would reduce the in intensity use. Ms. Hoffman argued that there is no public harm and there would be a substantial public benefit in the reduced intensity of use, as well as a separate private access easement that would result from this plat amendment.

Chair Strachan asked if the separate tax ID numbers correspond to the deed line. Ms. Hoffman answered yes. She explained that to effect the 1031 exchange, two separate entities with two separate sales prior to the purchase had to purchase two separate properties. She reiterated that everyone knew this, including the seated Planning Commissioner, the County Attorney, and the property owners. Ms. Hoffman stated that this is only an issue because of the opinion that the Sweeney MPD needs to be amended before this split could occur. She reiterated why she did not share that opinion and why the separate ownership would result in a net benefit, not a net detriment.

Chair Strachan opened the public hearing.

Jeff Brabender, a resident at 283 Norfolk, stated that he does not know the Sfire's but he is a neighbor who could potentially be impacted by this application. He listened to the arguments on both sides this evening. Both arguments seemed valid and technical but he did not believe they had a lot of utility or use in making a decision. Mr. Brabender noted that there are two houses next to each other on adequate space with plenty of parking and access. He thought that should stand on its own merits without being tied to the Sweeney project or anything else. Mr. Brabender understood they needed to work through the legal issues, but it was important to look at who is harmed and who benefits. He personally would not be harmed and he did not see how his neighbors or the City would be harmed. He agreed that there would be benefits; one being that he might get a real neighbor. Mr. Brabender encouraged the Planning Commission to find a way to address this issue on its own merits rather than on the technicalities.

Bob Sfire, the property owner, offered an explanation of the deed restriction that was signed. He stated that two years after he built the house Diane Zimney called him in Michigan telling him that the deed restriction was never signed and he needed to sign it. When he told her that one day he would want to sell one of the house separately she offered to get him through it. Mr. Sfire noted that he has been a landowner in Park City for 20 years and he signed the deed restriction on Ms. Zimney's advice, realizing now that it should not have been signed. Mr. Sfire wanted the Planning Commission to understand that he signed the deed restriction thinking that he would have help getting it changed when he decided to sell one of the houses. Mr. Sfire pointed out that if he is allowed to split the houses he would give up the nightly rentals, which would completely change the use of the house. He has a good property manager and the house is rented a lot. Sometimes there are eight to ten cars in the driveway and eight or more people in the house. He stated that the lesser use for the house would be to return it to a single family home that can be owned by a family. Ms. Sfire stated that he has to sell one of the houses. If he is not allowed to split the property and sell one house separately, he will have to sell both houses. He and his family love their house and do not want to move. Ms.

Sfire pointed out that selling the entire property to someone could potentially mean that someone could tear down both houses and build a McMansion on the property. He asked the Planning Commission to find a way to allow him to split his houses and sell them separately so he can remain living in his house.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that he was torn. On an emotional level he would love to help Mr. Sfire. It would be good for the community and his request was supported by the community. However, as Planning Commissioners their job is to enforce the Land Management Code. Commissioner Joyce stated that frequently what they would like to see happen is not what they can enforce with the LMC. He noted that Mr. Sfire's lot is part of a big, important MPD. The only way to change the situation would be to amend the MPD. The Sweeney MPD is a big agreement that was achieved with a lot of give and takes. The restrictions were carefully decided 30 years ago and the Planning Commission is always reluctant to unravel little pieces without understanding the discussion and the reasons for the decisions that were made. Commissioner Joyce pointed out that Mr. Sfire signed a legal document saying that one house could not be sold without the other. Commissioner Joyce clarified that he would like to help Mr. Sfire and he believes it would be good for the neighborhood, but from the standpoint of the Land Management Code he could not see how they could make it happen.

Commissioner Phillips shared the same sentiment. He lives nearby and he has witnessed and heard the impacts of the rentals and he agreed that eliminating nightly rentals would be a positive benefit to the neighborhood. Commissioner Phillips liked Mr. Sfire's intention and his willingness to add that to the deed was a good thing, but as a Planning Commission their job is to follow the Code. Commissioner Phillips questioned whether the Planning Commission could even legally grant this request. Assistant City Attorney McLean replied that the only way would be to amend the Sweeney MPD because they cannot manufacture density. Commissioner Phillips stated that splitting the lots would be great for the Sfire's and for the neighborhood, but there was no way the Planning Commission could legally defend a decision in Mr. Sfire's favor.

Commissioner Thimm agreed with Commissioners Joyce and Phillips. There is merit to splitting the lots, however, the Planning Commission cannot make a decision that renders the LMC meaningless. The LMC guides the Commissioners and he could see no way to change what is there and what has been put in place and actually signed.

Commissioner Band agreed that it would be great for the neighborhood and she would like to help the Sfire's. She suggested that Mr. Sfire talk with the Sweeney's and come back to

the Planning Commission if he is successful. She would love to keep the Sfire's in Park City.

Commissioner Suesser echoed the comments of her fellow Commissioners. She did not believe the Planning Commission had the authority to grant the requested plat amendment.

Commissioner Campbell agreed with the comments made by the other Commissioners and he had nothing further to add.

Planner Astorga stated that the Staff chose not to do an analysis regarding the nightly rental component because it was not indicated on the application that nightly rentals would be restricted. The Staff was not made aware of that restriction which is why it was not addressed in the Staff report. However, even with that information the Staff was not able to change the negative recommendation.

Planner Astorga pointed out that the current proposal did not match the warranty deed restrictions. He read from the last amendment to the plat that follows the legal description on page 138 of, "Deed line to be removed." That plat amendment was recorded in 1997.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for 220 King Road based on the Findings of Fact and Conclusions of Law as found in the draft final action letter. Commissioner Band seconded the motion.

VOTE: The motion passed 5-1. Commissioner Phillips voted against the motion.

Mr. Sfire understood that the Commissioners were in favor of splitting the houses, but the issue was with the MPD. Chair Strachan informed Mr. Sfire that the minutes would reflect their comments.

Commissioner Joyce clarified that because of the legal issues, he had not looked at the details of splitting the houses and what would be the conditions of approval. He was not prepared to say that he was ready to vote in favor if it had been legal. Commissioner Joyce wanted his comments to reflect that he was sympathetic with the issue and it seemed like there were reasonable considerations, but because of the legal issues they were not able to pursue the details to see if they could come to an agreement.

Findings of Fact – 220 King Road

1. The property is located at 220 King Road.
2. The property is zoned as an approved master plan.

3. The subject property consists of all of Lot 2, Phase 1, Treasure Hill Subdivision.
4. The entire subject area is recognized by Summit County as Parcel no: THILL-2-A-AM and THILL-2-B-AM (Tax IDs).
5. The site is part of the Sweeney Properties Master Plan (SPMP) approved on October 16, 1986, as part of the Miscellaneous Properties.
6. The Sweeney Properties Master Plan narrates Miscellaneous Properties as the following: In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.
7. The Sweeney Properties Master Plan was amended on October 14, 1987. The amendment identified it as minor as it did not result in increased height in any of the development parcels.
8. The 1987 Sweeney Properties Master Plan modification included the following: Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
9. The two (2) King Road unit equivalents are found at 200 and 220 King Road.
10. The site contains a single-family dwelling and a guest house.
11. The single-family dwelling was built in 1998 and has a combined area of 4,235 square feet.
12. The existing Building Footprint of the single-family dwelling is approximately 2,003 square feet.
13. The guest house was built in 2000 and has a combined area of 2,730 square feet.

14. The existing Building Footprint of the guest house dwelling is approximately 1,450 square feet.

15. In April 2000, the Park City Planning Commission approved a Conditional Use Permit for a 2,700 square foot detached guest house on the site.

16. In 2000, the site had an existing accessory apartment in the main residence that had to be removed prior to issuance of a certificate of occupancy for the guest house.

17. A notice of the guest house CUP and a deed restriction prohibiting rental of the guest house separate from the main house was listed as a condition of approval of the Guest House CUP.

18. The notice was recorded with Summit County in January 2003.

19. The approved guest house Conditional Use Permit indicated that no further subdivision of this lot is permitted.

20. The proposed Plat Amendment requests to create two (2) lots of record from the existing platted lot.

21. The applicant stated that they would like to split the properties so that they can sell one home and keep the other home for themselves.

22. The proposed Plat Amendment does not meet its allocated/permitted density.

23. The approved and amended master plan indicated that 220 King Road development would be restricted to one (1) single family home with no greater than 3,500 square foot footprint and maximum building heights of 25 feet.

24. The combined Building Footprints of the existing single-family dwelling and the guest house equates to approximately 3,453 square feet.

25. The approved and amended master plan is consistent with the approved, amended, and recorded Lot 2, Phase 1, Treasure Hill Subdivision.

26. The proposed Plat Amendment is not in compliance with the approved Master Plan as amended.

27. The site is allocated to one (1) single-family dwelling.

28.The applicant request to have (2) lots, each one (1) with a single-family dwelling.

29.Good Cause for the proposed Plat Amendment if not found as issues related to density are not addressed but rather intensified. Positive benefits are not provided and negative impacts are not mitigated.

30. The proposed Plat Amendment would create non-compliance with the approved master plan density as it would add one (1) dwelling unit to a parcel identified in the master planned as having only one (1) dwelling unit.

31.Master plans set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment.

32.There are numerous pedestrian/access easements across this property.

Conclusions of Law – 220 King Road

1. The proposed Plat Amendment is not consistent with the Park City Land Management Code and applicable State Law regarding Subdivisions as the approved allocated/permitted density is not observed.

2. The public would materially injured by granting of the proposed Plat Amendment.

3. The proposed Plat Amendment adversely affects health, safety, and welfare of the citizens of Park City.

4. There is Good Cause to deny the proposed Plat Amendment as the plat Amendment does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code and approved the Master Plan.

5. The proposed Plat Amendment is not in conformance with the Sweeney Properties Master Planned Development, as amended.

6. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining Walls six feet (6') in height or more (Application PL-15-02669)**

7. **Alice Claim Gully Site Plan south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment**
(Application PL-08-00371)
8. **123 Ridge Avenue, Alice Claim Gully Site Plan property swap – Ridge Avenue Plat Amendment** **(Application PL-16-03069)**

Commissioner Phillips recused himself from the three Alice Claim items and left the meeting.

Since the three Alice Claim applications were related, the Planning Commission addressed them in one discussion but took action on each one individually.

Planner Astorga introduced the applicant representatives Gregg Brown, Brad Cahoon, Jerry Fiat and Marc Diemer.

Planner Astorga noted that the Staff chose to prepare one Staff report for all three items because they are intertwined. He noted that the first application was the Alice Claim subdivision and plat amendment which was remanded back from the City Council on October 29th, 2015. Planner Astorga explained that this application was waiting for the conditional use permit application that was denied by the Planning Commission and appealed by the applicant. The applicant had amended the site plan and the application to the currently proposed Gully Site Plan. The appeal was then remanded back to the Planning Commission by the City Council last week. Planner Astorga reported that the third component was the Ridge Avenue Plat Amendment, which is a new plat amendment that involves swapping approximately 2,000 square feet from a neighboring site.

Planner Astorga noted that the Planning Department received a substantial number of exhibits equating to approximately 200 pages. For the Staff report he used hyperlinks to the exhibits. The Commissioners favored that format and encouraged the Staff to use hyperlinks in the future. Planner Astorga stated that the actual exhibits provided in the Staff report were limited to 30 pages.

Planner Astorga reported that the applicant amended their application for Gully Site, which is similar to Alternative B that was presented in 2009. He noted that the Planning Department had received complete applications for the three components of the Alice Claim project.

Planner Astorga referred to the exhibit on page 152 of the Staff report, which was the Gully Site Plan. He noted that the proposed plat matched the proposal. Planner Astorga

identified the eight lots in the HR-1 zone, four on each side of what was identified as the proposed Alice Court. The lot sizes were reduced to 4500 square feet, which equates to approximately 2-1/2 Old Town lots of record. Planner Astorga stated that there was a platted restriction of a maximum building footprint of 1750 square feet, which was the exact number currently identified in the building footprint. He pointed out that in the Historic Residential Districts the maximum footprint is governed by the size of the lot. Planner Astorga noted that Lot 1 is the Estate Lot and the minimum lot size is 3 acres.

Planner Astorga commented on the retaining walls. The exhibit showed a system of three retaining walls with a separation of approximately 5 feet in between. The maximum height of each retaining wall was 10'. Page 173 of the Staff report showed the proposed mitigation and the trees and shrubs in between each separation.

Chair Strachan asked if the trees with the x through it were the ones that would be eliminated. Planner Astorga answered yes. The trees would be eliminated to accommodate the access road into Alice Court. Chair Strachan asked if it was significant vegetation. Planner Astorga replied that it was. He indicated one tree that was not shown as being removed; however, the Staff was concerned about how to mitigate construction around it.

Planner Astorga reviewed the exhibit on page 179 which is referred to as the land swap. He stated that 123 Ridge Avenue is controlled by the applicant and it was brought in as part of the application. In order for the Gully Site Plan to work, they would exchange 2,057 from Lot 123 which was shown in yellow, and incorporate it into Lot 8 and 9. The area shown in green would be given to 123 Ridge Avenue. The three lots affected, Lots 8 and 9 and 123 Ridge Avenue, would follow the specific layout of a block lot that is more square or rectangular. He noted that the current layout of 123 Ridge Avenue is a triangle. Planner Astorga stated that if the City chooses to move forward on this plat amendment the easements for 123 Ridge Avenue would be moved on to the next parcel. He clarified that it would not be an issue because the applicant controls that lot.

Planner Astorga stated that the Staff was not concerned with the property exchange at this time. The plat amendment would make the layout of Lots 8 and 9 and Lot 1 of the Ridge Avenue subdivision cleaner.

Planner Astorga handed out one letter and one email with comments from nearby property owners. This was noticed for public hearing through letters, the newspaper and by posting the property. Planner Astorga clarified that because some components needed to be finalized and many of the exhibits were updated as late as last month, the Staff was not prepared to propose a specific recommendation this evening. In addition, they had to wait for the conditional use permit remand to come back from the City Council. Planner Astorga

remarked that the Staff wanted to spend more time looking at the layout of the Gully Site Plan before they come back to the Planning Commission.

Planner Astorga requested that the Planning Commission provide guidance and direction to both the Staff and the applicant this evening regarding the Alice Claim subdivision plat amendment and conditional use permit.

Gregg Brown with DHM noted that Scott Bolton from Stantec Engineering, and David Kagan from King Development were also part of their team and they were present this evening to answer questions if necessary.

Mr. Brown stated that the development proposal was a subdivision and a plat amendment. The subdivision was for the eight lots in the HR-1 District and one lot in the Estate District. The maximum size for the eight lots in HR-1 was reduced to one-tenth of an acre, which is smaller than the previous submittals that were seen last year. Mr. Brown stated that the Estate Zone would have a development envelope to limit the amount of disturbance within that 3 acre lot. Mr. Brown remarked that the plat amendment has a piece of the HRL zone and that piece would be dedicated to the City. Portions of King Road/Sampson Road are part of the property being dedicated property. He stated that the applicant would still like to control what occurs in terms of erosion control and landscaping.

Mr. Brown stated that the Conditional Use Permit is for the retaining walls for the currently proposed entry. Three terraced walls of a maximum of 10' height would be stoned veneer. He presented revisions from the previously shown retaining walls. They were proposing to wrap the bottom wall around the intersection and do some intersection improvements.

Mr. Brown reiterated that the last component was the Ridge Avenue plat amendment.

Mr. Brown stated that after the last meeting in December the team went through all the comments from the Planning Commission. They made two dramatic changes that they believe will resolve some of the issues and concerns. One change was to the Estate lot. They came up with a plan to save a tree that was previously going to be removed by development in that zone. Another concern was traffic safety at the intersection at King Road. Mr. Brown stated that in working with the City Engineer and the engineers at Stantec, as well as Fehr and Peers, they came up with a solution that he believes makes King Road much safer and helps with the intersection.

Mr. Brown presented the previously denied plan from last year which had the secondary road going up the hillside with the large lots and large building footprints. The team heard loud and clear that the plan was not acceptable. Therefore, they revised the plan to what is called the Gully Plan, moving all of the lots and homes sites down to the bottom of the

gully. This plan was looked at several years ago but the economics did not work at that time. Mr. Brown stated that economically it is still tight but they believe it is a plan that has a better chance of getting approved.

Mr. Brown noted that they addressed the concern regarding the Estate lot and the house. He recalled that last year they moved the Estate lot and flipped it to the other side of the existing access road up to the water tank. However, that configuration affected a significant evergreen tree. Mr. Brown stated that the plan was reconfigured and the Estate Lot was moved over in order to save the tree. A disturbance envelope would be created that excludes the tree. Fencing would be put up and the tree would be protected.

Mr. Brown showed an illustration of the plan that was denied last compared with the current plan. He believed it clearly showed how the house sites were clustered at the bottom of the gully and reduced in size. Mr. Brown thought the new layout was more in character with the historical layout of the City.

Mr. Brown presented a summary of the lot sizes and building footprints. The Gully Plan proposes 4510 square feet for the HR-1 lots resulting in an allowable building footprint of 1750 square feet. In comparison, the plan that was denied last year proposed over 7700 square feet and an allowable building footprint of 2500 square feet.

Mr. Brown stated that the open space and trails plan has not changed since the last meeting. There will still be trail access north/south through the project. The existing trail that comes in from the east will be connected through an easement down to Alice Court in the location of the access on the north/south.

Mr. Brown reported that the configuration on open space is similar to what they proposed in November. The overall open space for the entire site is 87%. Within the HR-1 area the open space is a little over 75%. In the HRL zone they took out the road and the rest is about 90% open space. The disturbance area was removed from the entire Estate Zone resulting in almost 95% open space.

Mr. Brown presented a new graphic of the current plan with the clean-up plan. The plan was done in 2008 after the clean-up was completed. It was to illustrate where the work had been done. The green area with the hatched pattern was an area that was capped. The current plan aligns with that capped area, including the home in the Estate Lot. The areas where they were currently proposing to put the lots and build the houses were all previously disturbed areas.

Mr. Brown recalled significant discussion in previous meeting about compatibility. At that time they were looking at the compatibility of their site with the neighboring property which

was HRL. There was pushback from the Staff and the Planning Commission that this was HR-1 zoning and it needed to be compatible with HR-1. Mr. Brown stated that he looked at the closest HR-1 area and within that small area there are 29 lots that are a tenth of an acre or larger. He noted that the current proposal was not compatible with every lot but with a great number of the lots in just this small area of the HR-1 zone.

Mr. Brown commented on access. He stated that they have not been able to reach an agreement with the owner on the existing gravel road that accesses their property. It is private property and they do not have legal access. The existing legal access to this property is the extension of platted King Road; however, it cuts through fairly steep slopes and will require retaining walls, which is part of the CUP application. Mr. Brown requested that the Planning Commission consider and approve the CUP application for the walls because it is the only access to the site at this time.

Mr. Brown noted that last year Fehr and Peers did a traffic study to address public concerns regarding traffic safety from the Alice Claim site and at the intersection of the property. He stated that Fehr and Peers looked at the traffic from the intersection of King Road and Ridge Avenue from October 30th to November 1st, and again on December 30th. They tried to choose days with fairly significant traffic. Fehr and Peers found that if they look at the existing conditions plus the additional traffic from nine homes, there would be no change in the level of service at the peak a.m. and peak p.m. times. Mr. Brown pointed out that the current level of service is a Level A. Mr. Brown referred to previous discussions regarding the intersection and whether anything could be done to improve the intersection. He stated that Stantec Engineers worked with Fehr and Peers and met with the City Engineer to come up with what they believe will be an improvement to the intersection. Mr. Brown remarked that the proposal improves the existing traffic condition on King Road. The addition of the intersection does not add safety issues and the traffic flow will be small coming out of there. The problem is that King Road is a 180 degree turn. Fairly large vehicles use that road and it is difficult to make the turn because the road is narrow.

Mr. Brown stated that the applicant was proposing to widen the asphalt template of King Road. In order to widen the road they would have to add a retaining wall. It is a steep slope that is heavily eroded and unstable. Therefore, the bottom retaining wall proposed for the entrance would be extended around the corner to lay the slope back enough to get the road width extended. Mr. Brown showed a photo of the existing slope. They were already proposing to do landscape improvements in the area and the retaining wall would help resolve some of the erosion control problems. In the new plan the wall would continue around the corner and there would be opportunities for landscaping in that area as well.

Mr. Brown reviewed an elevation sketch of the wall for the entry road. The wall coming into the project would be a series of three retaining walls at a maximum height of 10 feet with 5 feet of landscape planting between the walls. He indicated the three sections that were ten feet tall and how the wall tapers down at the end. The wall will be rock veneered and the proposed landscape buffer will help soften the appearance. It will be a soil nailed process to avoid the need for large footings.

Mr. Brown showed photos of historic areas in town with large retaining walls.

Mr. Brown commented on the application for the 123 property swap and their intent to swap some of the Ridge Avenue property owned by this applicant for some of the Alice Claim property. They would be trading equal square footage so there would be no change to the total square footage of the Ridge Avenue Subdivision. The swap would help square up the lots in keeping with the historic character of the town.

Mr. Brown noted that prior to his presentation he had passed out a summary sheet of the key points in terms of General Plan compliance issues and what they believed were findings of good cause. He stated that the proposed Gully Plan is a compact design that reduces the size of the lots, minimizes the impacts to the steep slopes, and creates a project that the town and the developer could be proud of.

Mr. Brown requested that the Planning Commission support this project and direct the Staff to produce findings of fact and conditions of approval for review.

Chair Strachan opened the public hearing on all three applications related to the Alice Claim proposal.

Carol Sletta, a resident at 135 Sampson, handed out a written copy of her comments this evening. She thanked the Planning Commission for the time they have taken to review and evaluate this project in the past and again this evening. As a member of the public who has made numerous comments on this project. Years of public testimony have been given by her and others, and she wanted to know how that information is made available to the current Planning Commission. Ms. Sletta stated that as she reviewed the packet for this meeting she questioned why all three items for Alice Claim were placed on the agenda because if the first item is not approved, there was no need for items two and three. Mr. Sletta could see no reason for the City to approve this project. Adding density would only benefit the developer. On the question of good cause they need to consider whether it benefits the City and the neighborhood. She understood it was one parcel that must meet very specific requirements to be subdivided into more lots; however, it is not a land use right to have more lots. Ms. Sletta stated that both the public and the Commissioners have made arguments that must be reviewed and resolved to meet the subdivision standards.

She believed that approving this project would set a precedent encouraging future developers to increase the density on remaining parcels and hillsides in historic Old Town Park City. On the issue of public safety, Ms. Sletta stated that the traffic study by Fehr and Peers showing the emergency vehicle turning movement confirms the inherent danger of this intersection by adding access to Alice Claim. The applicant dedicating land at the corner has no benefit. She pointed out that Exhibit J does not reference the steep pitch or grade of the intersection. Ms. Sletta remarked that adding a stop sign at the uphill corner of King Road and Ridge Avenue reconfirms that drawing something does not mean it works. It would be difficult, if not impossible, for dump trucks, cement trucks, or a PCMR vehicle to come to a complete stop on the uphill of King Road and then proceed either left or right in the winter. She questioned the ability of any large vehicle to stop on a dry day on the uphill and still safely proceed. Having lived on Sampson Avenue since 1980, Ms. Sletta respectfully disagreed with the traffic engineer and the City Engineer when they state that nine homes would have no negligible traffic impact in this area.

Ms. Sletta commented on the CUP for retaining walls. She thought they needed to see a realistic accurate drawing of the retaining walls from a vantage point of the center of the intersection. She believed that the photo Mr. Brown showed of the retaining wall that was not visible was set back and not on the street. Ms. Sletta was concerned that permitting these walls in historic Old Town would again set a precedent for future development. On the street stacked retaining walls would give the town an undesirable look.

Ms. Sletta understood that the property swap would not be an issue if the subdivision and the CUP are not approved. Ms. Sletta felt strongly that the Alice Claim Gully Subdivision did not belong in historic Old Town Park City.

Brooke Hontz, a resident on Daly Avenue, noted that she has given public input numerous times regarding this project. Considering the number of meetings she believed the project had only evolved minimally. She noted that they were looking at a plan that was similar to a plan presented in 2009. In all those years there has been very little progress. Ms. Hontz stated that she did not come this evening prepared with copious amounts of information and analysis because she had done the work over and over again, as well as other members of the community and multiple Planning Commissioners, to say that going from one metes and bounds parcel to eight carries significant impacts. She agreed that the presentation and the materials presented are compelling and makes everything look good, but the reality is that it is not even close to good. Mr. Hontz stated that the subdivision code empowers the Planning Commission to not only grant rights, which are associated with this property, but it also allows the Planning Commission to control density and provides various ways to accomplish it.

Ms. Hontz provided an exhibit showing all of the platted lots in the area. She pointed out that this site was a metes and bounds parcel and not a platted lot. All of the lots shown on her exhibit are above and adjacent to the Alice Claim property and they are all accessible through the same means as the Alice Claim project, on platted but unbuilt road. She believed that fact was hugely significant. Ms. Hontz appreciates the Staff and their good work, but she disagreed with Planner Astorga regarding his discussion on the layout of the lots. Going back to minutes from prior a meetings, she found that former Planner Ray Milner did a report for a work session that said the work session discussion should only focus on the layout and not density. Mr. Milner further indicated that the Staff had concerns about density but it was not to be talked about. Ms. Hontz believed that the policy ever since has been to talk about the location of the houses but not the impacts that accompany having nine lots instead of one lot.

Ms. Hontz understood that the City was faced with increased pressures in their most sensitive and challenging places. She encouraged the Planning Commission to focus on the Code and not set a precedent because many other projects will be coming before them that need to be treated fairly using the same procedures and policies.

Sherrie Leveton, the owner of 135 Ridge Avenue, stated concurred with Ms. Hontz. She has her husband have attended several meetings and they have owned the home at 135 Ridge Avenue for several years. As her husband commented last time, there is a gross misrepresentation that the applicant has been negotiating in good faith with them, but that has not happened. She understood that access is an important issue and she wanted the new Planning Commissioners to hear that firsthand. Ms. Leveton explained that there were negotiations in 2008 and since then she and her husband have not been involved in any real negotiations of any kind.

Tom Gaddick, a resident at 291 Daly, stated that he has spoken at previous public hearings and his concern regarding emergency egress access up Ridge and up King have not been addressed. Each road at their smallest point is 12' with not enough room for two cars to pass. Mr. Gaddick remarked that in the event of a wildland fire everyone would be driving their cars down while the fire trucks are trying to get up. He emphasized that it will not work.

Charlie Wintzer, a resident at 320 McHenry Avenue, stated that at the last meeting for this project Commissioner Joyce made a comment to the effect that this has been done on Sampson before and even though it does not work right they have let it happen in the past. Mr. Wintzer remarked that Sampson was created because of bad decisions by Planning Commissioners in the past, and it was also created because of entitlements that came with existing lots. Ms. Wintzer noted that this current Planning Commission and City Council will create new entitlements and new lots. He did not believe they should use what

occurred in the past as an excuse to move forward. Mr. Wintzer remarked that the HR-1 zone allowed building area is the lot minus setbacks. If they intend to create a lot, it should mimic that calculation. He noted that these are steep lots and ridgeline encroachments with this subdivision will be created. If they decide to allow this, they need to study each lot individually and with a section through each lot to identify the encroachments. Mr. Wintzer stated that retaining walls are considered a structure and the purpose statement of the HR1 says to create compatible structures with existing historic structures. He could find no compatibility. He did not believe the picture Mr. Brown showed was what they were proposing to build. Mr. Wintzer stated that when the applicant presents a bad project and then changes it to a slightly better project, everyone thinks they won. He pointed out that a better project is not necessarily the best that could be achieved. Mr. Wintzer referred to his previous comments about construction mitigation, but he has yet to see where that has been discussed or addressed. If they approve this project he believed they would be creating entitlements that would allow this applicant to further make the roads substandard due to the amount of construction traffic and the additional traffic generated once the project is completed. Commissioner Wintzer stated that when he was on the Planning Commission the Alice Claim project was reviewed several times; however, they never started at the beginning to determine whether or not this site was an appropriate place for a subdivision and whether or not it was the appropriate amount of density. The project was presented at a work session and it was presented in a way that did not allow the Commissioners to make those types of comments.

Chair Strachan closed the public hearing.

Commissioner Band stated that every time this came before them they asked the applicant to come back with a plan like Alternative B that was previously proposed. She believed they followed that direction and came back with a plan that was like Alternative B. She recalled one Planning Commissioner saying that if the applicant had brought in Alternative B they would be having a totally different discussion. Commissioner Band thought they were moving in the right direction. King Road has always been her primary concern. The roads are substandard and there are new subdivisions coming in. She felt the same way about Ridge Avenue and found it frightening that huge trucks go up and down those roads. Commissioner Band pointed out that they have not yet had a fatality but that did not mean it would never happen. She did favor the proposed improvements.

Commissioner Band stated that the retaining wall was still a concern and she thought it was unfortunate that access has not been addressed. She noted that when the previous site plan was proposed the Planning Commission visited the site to see exactly where the homes would be located. Given that the site plan has changed she thought that it would helpful to have another site visit.

Commissioner Thimm stated that there has been significant conversation regarding this site, and a comment was made that this plan keeps coming back but it never improves. He personally has seen an improvement in the last year and a half that he has been on the Planning Commission. He noted that the large sweep of road that went up the hill and wiped out a large portion of slope is gone. The lot size was reduced appropriately and seems to be consistent with many of the surrounding lots in the zoning district. Commissioner Thimm was pleased to see improvement in King Road and the access. He thought the plat shows the retaining wall going right into the right-of-way. He was unsure how that would work and whether or not it was the right solution. However, in looking at the photos and when he walks around the site, that portion of the slope appears to be failing. He believed the retaining wall would improve the erosion. Commissioner Thimm remarked that installing a soil nail wall is an expensive proposal, but it allows building from the top down without having to go back and over cut and damage more undisturbed ground to build the wall. He believed that building from the top down would mitigate some of the issues. Commissioner Thimm questioned the viability of the landscaping and how it could live within the five foot widths. He would like more information on specific planting materials and whether they could survive. In terms of access, Commissioner Thimm noted that there is a legitimate lot and whether there are one or nine homes, making provisions for access to a legal lot is an argument in favor of allowing something that can provide a solution that stabilizes the slope and still provides access.

Mr. Brown clarified that the retaining wall they were showing on King Road is on property that the applicant currently owns. He pointed out that there is no right-of-way for the road and the applicant would be dedicating that land to the City. Commissioner Thimm appreciated the clarification.

Commissioner Suesser stated that as the newest Planning Commissioner she was also new to this project. However, in going through the discussion items that the Staff asked them to address, she thought the current proposal is compatible with the HR-1 District. She referred to public comment about whether the amount of density is appropriate, and requested that the Staff look into that issue. With regard to whether the impacts of this proposal have been properly mitigated, Commissioner Suesser had concerns with traffic impacts. She agreed that the impact of one home versus nine homes is significant. Commissioner Suesser thought the Staff should also look at the platted lots above this project and consider those with respect to this project. She did not believe that emergency access had been properly mitigated. She agreed that construction mitigation needed to be looked at, particularly because of the substandard roads. Commissioner Suesser thought the comment about making the substandard roads more substandard should be directly addressed in this proposal.

Commissioner Joyce stated that he was much happier than where they started with this project. He believed the question of nine lots was proposed in the beginning and that number was never changed or discussed. Commissioner Joyce thought the question was whether nine is a reasonable number. He stated that if other subdivision plats proposed 80% open space he would be very happy. In talking about nine lots, he focuses on the fact that they were looking at a plan that is mostly open space. Commissioner Joyce clarified that his biggest issues in previous meetings was that the project did not fit with the HR-1 zone in size or appearance. The applicant heard his comments and revised the plan to address his concerns. He also liked the fact that everything was moved off of the hillside and into the gully to reduce the amount of excavation and the amount of disturbance, which were major issues. Commissioner Joyce favored the proposal to improve King Road as it goes up the hill. He understood the concerns regarding traffic, but the traffic engineers and the City Engineer agree that the thresholds remain the same and the level of service would not change; and he was not in a position to challenge their professional expertise. Commissioner Joyce stated that he has driven up this property several times and a lot of times he is the only car on the road.

Commissioner Joyce remarked that to do a subdivision there has to be good cause. When he looks at photos from previous years this site was a mine disaster. No one cared when it looked like a pig sty, but the applicant cleaned it up and it looks gorgeous and now everybody cares. Commissioner Joyce still had concerns with the wall. He asked the applicant to clarify the issue with negotiating the easement for access. The applicant reports that the property owner will not negotiate and the property owner has said they have not been contacted in years. Someone was not completely forthright and he wanted to understand the issue. Commissioner Joyce stated that if they could negotiate the access and eliminate the retaining wall it would be easier to approve the project. Commissioner Joyce had no issues with the land swap if the subdivision and CUP are approved.

Commissioner Campbell agreed that it would be nice to eliminate the wall. He believed that if the Planning Commission gave approval to build the wall it might put the applicant in a better position to negotiate the easement agreement. Commissioner Campbell stated that the owner has the right to access their property and if building the wall is the only way to obtain access they should be allowed to do it. Commissioner Campbell stated that when an applicant comes before the Planning Commission with an idea and the Planning Commission prefers to have it be something else, if the applicant comes back with what they asked for and the Planning Commission requests further changes, the process can drag on for years. Commissioner Campbell did not believe that was a fair process. He thought the applicant addressed all of the points that were raised at the last meeting and he could not see how the Planning Commission could vote against it in good conscience.

Chair Strachan stated that his biggest issue was the CUP request for the retaining wall. There is nothing in Old Town even similar to 30 feet of retaining wall that was being proposed. It can be tiered, stepped and vegetated but it still creates a substantial visual impact. Chair Strachan remarked that he had not seen any evidence that the wall would be mitigated in any way. He pointed out that significant vegetation would have to be removed in order to put in the road and build the wall. His reading of the Code in the HR-1 is that significant vegetation “must” be protected. He noted that by moving the Estate lot, the applicant admitted that significant vegetation is a valid concern. Chair Strachan stated that the applicant needed to figure out how to get around the issue of significant vegetation. He noted that trees are being removed under this plan and he was not sure it was allowed by Code. Chair Strachan put the burden on the applicant to convince him that this obvious and substantial impact could be mitigated. Chair Strachan remarked that widening King Road was like a wolf in sheep’s clothing. They were doing it to mitigate an impact, but widening the road creates more impact because it goes into a very steep slope as defined by the Code. It was like trying to mitigate an impact with a worse impact.

Chair Strachan agreed with other Commissioners in terms of the site plan and the subdivision application. The Gully Plan is far more compatible with the surrounding zone and it is closer to meeting the LMC. Chair Strachan clarified that the issue is the CUP request which is a high standard to meet under the LMC. At this point he did not believe they had met that standard. Chair Strachan stated that if the applicant could convince him, he would want to see visuals of what the walls would look like and a visual analysis. It was also important to know how the walls themselves and the staging would affect the significant vegetation. Chair Strachan remarked that the new plan of putting a retaining wall further up Sampson was not a solution because it creates a greater impact.

Planner Astorga believed the next step in the process would be to allow the applicant the opportunity to respond to the Commissioners comments and concerns and bring it back with a recommendation. Director Erickson agreed. He thought there needed to be more discussion regarding the density questions because the comments were mixed as to whether nine lots were appropriate. Mr. Erickson believed the site plan could move forward. He thought the applicant’s burden of proof on the conditional use permit was the most critical issue. He had ideas for construction mitigation and making sure it is part of the conditional use process and the subdivision approval.

Chair Strachan assumed the Staff and the applicant had been given sufficient direction. At the applicant’s request these items were continued to July 13th.

MOTION: Commissioner Joyce moved to CONTINUE the Alice Claim south of intersection King Road and Ridge Avenue Conditional Use Permit for retaining walls six feet in height or more to July 13th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

MOTION: Commissioner Joyce moved to CONTINUE the Alice Claim Gully Site Plan subdivision and plat amendment to July 13th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

MOTION: Commissioner Joyce moved to CONTINUE 123 Ridge Avenue Alice Claim Gully Site Plan property swap to July 13th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

The Park City Planning Commission Meeting adjourned at 8:15 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: June 8, 2016
Type of Item: Legislative – LMC Amendments

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and **continue to June 22, 2016**, the Land Management Code (LMC) Amendments regarding various administrative and substantive amendments as generally described below, to allow Staff time to prepare the code redlines and analysis.

Description

Project Name: Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing;; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements for reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) other administrative corrections for consistency and clarity between Chapters such as noticing requirements; 11) definitions for barrel roof, billboard, glare, and intensive office; and 12) for alignment with certain provisions of the State Land Use Code.

Approximate Location: City wide

Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Executive Summary

Planning Staff is in the process of reviewing the Land Management Code (LMC). This review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up. Staff is also preparing amendments to align the LMC with changes made to the State Code. This item was continued on May 25th to June 8th. Council requested the continuation to June 22nd to free up time on the June 8th agenda for other items.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Treasure Hill
Author: Francisco Astorga, AICP, Senior Planner
Date: 8 June 2016
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the history and development parameters of the Treasure Hill Conditional Use Permit as provided in the staff report, allow the applicant to re-introduce the project, and provide the applicant and Staff with direction on the outlined items. Staff recommends that the Planning Commission hold a public hearing and continue the item to the July 13, 2016 Planning Commission meeting. This meeting is also informational/introductory for the Planning Commission and the Public. No action is requested at this time.

Description

Applicant: Sweeney Land Company and Park City II, LLC
represented by Pat Sweeney
Location: Creole Gulch and Mid-station Sites
Sweeney Properties Master Plan
Zoning: Estate District –Master Planned Development
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval consisted of 277 unit equivalents (UE), including 258 residential and 19 UEs worth of support commercial space on 123.59 acres. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was amended once again on November 7, 1996 to provide for the Town Bridge. The

Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
 - 161.5 residential UEs
 - 15.5 support commercial UEs
- Mid-station, 3.75 acres
 - 35.5 residential UEs
 - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP. During the original master plan review many development options were reviewed. The Planning Commission and later City Council decided on the most dense option which resulted in the greatest amount of open space.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 until April 26, 2006 in a series of twenty-three (23) separate meetings.

During the April 26, 2006 Planning Commission meeting, staff outlined additional application requirements which were required to be submitted by the applicant as part of the revised plans in order to continue the full analysis of the proposed development. A complete set of revised plans were received by staff by October 1, 2008. Staff requested additional details, and also requested a description of the affordable housing plan. These additional materials were received by staff on December 18, 2008.

The CUP was reviewed by the Planning Commission from January 7, 2009 until February 10, 2010 in a series of eleven (11) separate meetings, including a meeting with the Park City Housing Authority. Some sheets were revised in January 2009 and others were updated in March 2009.

The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration.

Proposal

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

"The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial."

According to the applicants' calculations, the current proposal consists of the following:

Residential (net):	393,911 square feet
Commons space & circulation (gross)	145,655 square feet
Allotted Commercial (MPD UE's, gross)	18,863 square feet
Support Commercial (gross)	33,412 square feet
Meeting Space (gross)	16,127 square feet
Accessory Space (gross)	70,372 square feet
Parking (gross)	3,661 square feet
Subtotal	682,001 square feet
<i>Underground/basement areas:</i>	
Parking (gross)	241,402 square feet
Common Space & Circulation (gross)	27,555 square feet
Accessory Space (gross)	65,929 square feet
Subtotal	334,886 square feet
Grand Total	1,016,887 square feet

The proposal consists of 424 parking spaces.

Meeting Summaries

The following outline consists of summaries made over the years compiled by various City Planners assigned to work on this CUP application taken directly from staff reports and meeting minutes. The actual record, published Planning Commission staff reports and adopted meeting minutes can be found at the [City's website](#). Comments and/or questions were often made by individual Planning Commission members and a vote was not taken.

April 14, 2004 Planning Commission

- Introduction to Project/review History.
- Break down of Creole Gulch and Mid-station allowance under MPD.
- Commission concerns:
 - emergency and fire protection

- circulation throughout the project ,utility service, maintenance, and public improvements,
- interface with the resort,
- site plan and location of various land uses within and adjacent to the project,
- general building design, architecture, and massing,
- cliff-scape design, and
- construction mitigation and phasing.

April 28, 2004 Planning Commission

- Website established by applicant. Applicant prepared visual analysis for PCMR bus stop, intersection of Heber and Main, and the Park City golf course.
- Commission comments:
 - key issues traffic studies, traffic mitigation, construction mitigation, and phasing in a way that amenities used for the public and the bed base will be incorporated in the early phases of the project.
 - Which viewpoints will be required?
 - Need to discuss technical issues before getting into visual analysis
 - Approval of volumetric first then an architect is hired to design specifics. Both require approval of CUP. Issue of CUP expiring after 1 year.
 - Use transition is important factor.
 - Phased build-out must be bonded or set so they will be finished and can stand alone.
 - Request for water conservation plan.
 - Review the service and utility access of property.
 - Traffic study assumption of 41% occupancy should consider effect of events and festival operation.
 - More control mechanism for outdoor operations on the plazas to control events and minimize impacts to the neighborhood.
 - Program to encourage tourists not to rent cars.
 - Preservation of the residential historic district important.

May 26, 2004 Planning Commission

- Review and discuss CUP criteria 1-6.
 1. Size and location of the site – discussion of subdivision plat and visual analysis to be shown during meeting by applicant.
 2. Traffic considerations including capacity of the existing streets – discussion of traffic study by Project Engineering Consultant.
 3. Utility capacity – Water, Sewer, and Storm – Additional coordination of these items with the City Engineer, City Public Works Director, and Snyderville Basin Water Reclamation District will be necessary before staff can provide a complete analysis and return with meaningful findings. Electric power, natural gas, phone, TV, internet, etc. – need to have a utility coordination meeting to discuss in greater detail. More analysis at a later date.

4. Emergency vehicle access – fire protection plan and technical documents are complete to the extent that the Fire Marshall and Chief Building Official are in agreement that the site plan, circulation, building locations, access, etc. are acceptable and defensible as proposed.
 5. Location and amount of off street parking – Amount of parking proposed complies with MPD requirements. Staff suggests that the applicant submit a preliminary phasing and construction mitigation plan for broader neighborhood input and planning commission review.
 6. Internal vehicular and pedestrian circulation system. Discussion of access to town lift, PCMR, and adjacent neighborhood.
- Commission comments:
 - Traffic Circulation – recommendation of comprehensive traffic study for the area. Need to review the four-way intersection study.
 - Service vehicle plan needed and they pertain to health, safety, and welfare. Need plan to control when service vehicles come and go.

June 23, 2004 Planning Commission

- Focus on CUP criteria 7 – 10.
 - 7) Fencing, screening, and landscaping to separate use: internal separation of multi-level plazas, commercial on lower levels and oriented towards internal site, ski runs, and plazas. Residential use on multi-levels. Landscape using cliff-scape schematic. Screening and buffering separation for the single family homes in North Star subdivision. Staff recommended the applicant provide additional details in the form of a preliminary landscape plan for the Planning Commission to review.
 - 8) Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots: no analysis.
 - 9) Usable open space. No definite numbers at the time of report
 - 10) Signs and lighting. Master sign plan and lighting plan will be reviewed separately unless the Planning Commission would like to add conditions of approval to address lighting and signs.
 - 11) Physical design and compatibility with surrounding structures in mass, scale and style, design and architectural detailing. No analysis.

July 14, 2004 Planning Commission

- Focus on CUP criteria 2, 12 - 15.
 - 12) Noise vibration, odors, steam, or other mechanical factors that might affect people and property off-site. Reviewed during building permit process and to be a condition of approval. (Did not address impacts during construction)
 - 13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas. All delivery is through the underground parking garage. Trash pick-up area must be identified. Control of delivery and service vehicles – plan not made yet.
 - 14) Expected ownership and management of the property. “It is expected that individuals will own the condominium units and the condo-hotel units

will be operated primarily as a traditional hotel (with various units in a rental pool). Timeshare units or club ownership units are not allowed per LMC in the estate zone. Nightly rental of residential units is permitted by the LMC” Anticipate the entire project will be subject to a Master Owner’s association.

- 15) Within and adjoining the site, impacts on Sensitive lands, slope retention, and appropriateness of the proposed structures to the topography of the site. Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis.
- 2) Traffic considerations including capacity of the existing streets in the area. Applicants have updated traffic analysis “Treasure Hill Traffic Impact Analysis, July 2004 prepared by Project Engineering Consultants. Studies the proposed development and potential traffic impacts on Lowell and Empire Avenues, as well as on 6 associated intersections. Access through PCMR area equals gridlock on peak skier days. “final staff position regarding traffic.. it’s not yet complete”
- Commission discussion:
 - Conclusions drawn from traffic study are based on cabriolet. Need closer look at cabriolet (operates, maintained, hours of use, costs)
 - City engineer memo commending the traffic work.
 - Service vehicle and construction vehicle plans must be memorialized in the approval documents.
 - What is backup plan if Cabriolet is down for length of time?

August 11, 2004 Planning Commission

- Request discussion on criteria 7- 10.
 - Fencing, screening, and landscaping to separate uses. Staff requests discussion of criterion and direction as to whether the information to date is adequate to formulate a decision regarding compliance.
 - Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots. Building locations and heights in conformance with the 1985 Sweeney Properties Master Plan. Massing and footprints discussed. Setbacks from the perimeter property line are generally greater than the required MPD setback of 25’. Setbacks off the Lowell/Empire Avenue switchback range from 30’ to 60’ for the wall of the parking structure and 70’ to 80’ for the buildings. Plaza and landscaped areas are located between the buildings and Lowell/Empire. Setbacks from the east property line, above old town range from approximately 50’ to 90’ with the driveway retaining wall setback about 35’. Request discussion of location of building 4A in terms of setback and stepping. Should the Planning Commission require additional building stepping for bldgs. 4a and 4b? Additional horizontal and vertical stepping may be needed for compliance with criterion. Staff concerned with massing of bldg 1B. Waiting on complete visual analysis and architectural modeling are complete.

- Usable Open Space – 75% of developed areas are open space. (Staff found compliance with criteria).
- Discussion on setting 9 viewpoints.
- Concern for building 4b and break of façade lines both in plane and elevation.
- Concern for building mass and relationship with the adjacent community. Need to be satisfied in terms of the relationship of the massive structures with the height of the community

August 25, 2004 Planning Commission

- Concern that the buildings appear to be coming out of what appears to be the SL Avenues District rather than PC concept.
- Did not understand why they used Chicago, San Francisco, and Salt Lake City as comparative architectural styles to Park City. They do not match the character and style.
- Struggle with criteria # 11 in terms of scale in relationship with the adjacent neighborhood fabric, because Park City is not an urban fabric. Park City is a townscape with a different scale and quality.
- Not enough information to be able to provide input on criterion 11 and architectural detail, design, style, and scale. Did not believe there was transition from a neighborhood to this kind of scale.

September 22, 2004 Planning Commission

- Felt they were going in the right the direction and appreciated the reduction in height of the buildings closest to the residential neighborhoods. Need additional articulation.
- Why is all verticality placed in one location during the MPD process?
- Is the massing fixed by zoning that was done years ago or could the look for a better solution. Is it set due to MPD or could they look for a better solution?
- Going in right direction transferring some density into other locations within the project, to hide height in Creole Gulch.
- North wall needed stepping and a reduction in height.
- Would like to provide applicant with more flexibility to provide the best product he can achieve.

October 13, 2004 Planning Commission

- Time to evaluate the proposal for the site and compliance with the CUP and development
- Progress had been made in the massing and asked about the wall.
- Concern for the 25' wall off Lowell/Empire.
- Agreed that it was time to move forward with the evaluation of the project.
- Questioned whether the height restrictions put in place by the development agreement might cause difficulty since the tallest buildings are not against the hillside.
- Concern for height of building 4b and development agreement parameters being incorrect when assigned during MPD.

- Planning Director clearly explained the steps in possibly amending the MPD. “Number of steps. First would be to address in what area the project square footage could be relocated on the site that would be different from the volumetric allowed in the MPD, which could be done in work session discussions...Nothing would have to be amended to accomplish that. Once it can be determined whether positive changes can be achieved that will work for the applicant and the City, the next step will be to craft the language and what the volumetrics should be. If that is acceptable to the PC and the applicant, the last step will be to formally amend the MPD exhibit related to the specific areas of the plan... Amendments would be made only to those specific components of the MPD. If a decision is made to not approve the amendment, the PC would go back to the heights of the 1985 MPD.”
- Suggested that the evaluation discussion be held with a subcommittee to move the process along faster. Two commissioners volunteered to sit on the subcommittee.
- Applicant concerned of reopening MPD.

December 08, 2004 Planning Commission

- Could not look at massing without considering the impacts on grading. Noted that a 105-foot cut is shown in that location against the building site. Unsure about the soil conditions or the ramifications of excavation. Normally a 1-to-1 cut is considered for the angle proposed, and the diagram shows a substantially higher cut.
- Noted that the cut line goes beyond the lot line. Stated that wants to be clear about the ramifications of a mass this substantial and a cut this low against the hillside as the ramifications of protecting the hillside are great.
- Concerned about the immensity of the project and the impacts on the City.
- Further reduce the severity of the edge as it meets the surrounding neighborhood.

January 12, 2005 Planning Commission

- Traffic Study: look at traffic study that applicant submitted with application.
 - Potential traffic impacts on Lowell and Empire Avenue as well as on 6 associated intersections. Staff report goes into depth on existing conditions and projected conditions.
 - Condition of approval suggested by staff for annual review of traffic and parking to determine whether changes need to be implemented.
 - City does not recommend changing existing patterns.
 - Additional way finding signs may be necessary to direct traffic safely and efficiently.
 - Service and Delivery (Criteria #12) – Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas.
- Work Session Public Hearing
 - Applicant listed the mitigators on the project for traffic: Pedestrian connections, cabriolet to town lift base, foot paths and stairs to town lift

base, heber and park, main and 6th / Service – centralized, off street and covered / Ski to and ski from / Onsite amenities / Cabriolet bus connection / No new public roads

- Applicant's traffic consultant discussed formal traffic study. Recalled two traffic studies previously completed:
 - 1980 for the Silver Mountain Development
 - 1996 for the Park City Village
- New study done in by July 2004. Based on study info gathered on June 16, 2004
- Commission comments:
 - Health and safety related to traffic is concern.
 - Questioned traffic engineer if proposal could cause additional traffic demand due to mitigators. No answer until built. Study based on vehicles per hour based on square footage of restaurant.
 - Suggestion that no nightly rentals be allowed to protect health, safety, and welfare issues for neighborhood.
 - Idea of city buying down density from the developer at the suggestion of the mayor.
 - Asked Planning Staff to put together a decision matrix of the consequences of various decisions and the potential next steps.

January 26, 2005 Planning Commission

- Staff Report
 - Focus on traffic study. Applicants to provide presentation on traffic for public benefit. Presentation outlining construction mitigation plan and construction traffic impacts and mitigation.
 - Matrix outlining general consequences of various decisions and potential next steps attached under separate cover.
 - Purpose of meeting is to focus on traffic and service and delivery, including construction-related traffic, Staff requested additional info regarding more accurate winter counts, more documentation and information regarding trip reductions, and information and ideas about the ability to further reduce trips with the centralization of certain activities.
- Work Session Meeting minutes/Commissioner comments:
 - On road today barely wide enough for two cars on Lowell.
 - Consensus of Commissioners for additional traffic study including winter months, pedestrian traffic, parking and snow storage. Concern for safety must be addressed in next study. More definitive numbers on construction workers impact on road.
 - City Engineer clarified that the development agreement did not require improvements of widen Empire and Lowell but rather to reconstruct them the same dimensions so the pavement can withstand the construction impacts.
- Meeting minutes/Commissioner Comments:
 - Concern with human health and safety

- would like to have Ron Ivie (Chief Building Official), Kerry Gee (Park City Mines), Eric DeHaan (City Engineer), and Jerry Gibbs (Public Works Director) involved at a PC meeting.
- Traffic study to include winter traffic counts.
- Traffic study to include proposed direction of traffic flow or mitigation of traffic flow to assist in mitigating impacts.
- Pedestrian safety.
- Do not agree with approach noted in study that states that a project of this complexity must be reviewed annually to re-examine conclusions and determine whether changes need to be implemented. Do not agree with band-aid approach.
- Disappointed that applicant not willing to enter into negotiations with the city
- Recommend that the city pay for a study
 - look at bottlenecks on Manor Way.
 - impact to crescent tramway from project.
 - analysis should indicate how many times Lowell and empire could or would fail.
- Need to look at impact on bottleneck at the end of ski day. Will people staying at the lodges add to this or is this an assumption?
- Hotel traffic may not peak, construction traffic will peak.

March 9, 2005 Planning Commission

- Staff Report
 - Provide community with better understanding of the history of the Sweeney Master Plan and details of the proposed Treasure Hill CUP.
 - Outline a review of the proposed CUP for compliance with the Master Plan.
 - Exhibit: Included a CUP review of the criteria to date.
- Meeting Minutes
 - City Engineer has draft scope of work for independent traffic analysis.
 - Applicant discussion on family history and how property was acquired.
 - Applicant provides a visual presentation.
- Commissioner comments:
 - Planning looking for direction on what additional information the Planning Commission may need in order to make a determination if the application meets the Sweeney MPD.
 - Need to be clear with public that the Sweeney Master Plan is a contract already in place between the municipality and the Sweeneys. A denial of this permit would leave all the density in place and allow the applicant to return with another plan. Denying the project based on traffic will not make Master Plan disappear.

May 25, 2005 Planning Commission

- Request the Commission provide direction to staff on the CUP criteria.
- Planning Staff provided overview.

- Staff still waiting on the peer review traffic study and the study has not yet gone to a consultant.
- Staff looking for direction on the 15 CUP criteria.
- Applicant provided project history, 6 months for city to do a peer review of proposed traffic study.
- Commissioner response:
 - Bulk and mass has previously been addressed. Need architectural rendering.
 - Waiting on traffic study.
 - Compliance with Sweeney master plan but not CUP: bulk and height, need architectural rendering, height does not belong along property edge,
 - Staff look into mine waste: PCMC Environmental Coordinator working on report.
 - City cannot keep building and adding more traffic.
 - Impact of grading on neighboring project.
 - Massing on north side of development.

August 10, 2005 Planning Commission Staff and Commissioner's Communications

- Copy of traffic study was provided to each Commissioner. The Study will be reviewed at Planning Commission on September 14, 2005. Engineers will be in attendance.

September 14, 2005 Planning Commission

- Traffic:
 - Fehr and Peers contracted by City to do Traffic Study. Fehr and Peers findings:
 - i. Background and forecast traffic volumes prepared in TIA by PEC were adequate
 - ii. Confirmed trip generation assumptions and calculation reported by PEC.
 - iii. The Fehr and Peers Treasure Hill Traffic Review includes the following recommendations:
 1. Lack of adequate non-ski pedestrian connections between Treasure Hill and PCMR
 2. Forecasting for existing plus project traffic may not have accounted for background growth unrelated to TH CUP that is likely to occur in the interim until construction (2012 design year).
 3. Assumed no use on Crescent Tram from Treasure Hill. Expect increase of 10% worst case scenario.
 4. TIA underestimate of delay at Deer Valley Drive and Park Avenue.
 5. Also looked at potential capacity limitations resulting from snow storage and on-street parking.
 6. Intersections are impacted by "friction created by pedestrians, pick-up/drop-off traffic, and transit traffic"

Consolidating and channeling pedestrian crossings and improving the circulation of pick-up and drop-off traffic.

7. Mitigation recommended at Deer Valley/Park Avenue and Empire Avenue/Silver King Drive intersections.
 - iv. Fehr and Peers also assessed:
 1. public safety (emergency access)
 2. roadway capacity of Lowell Avenue and Empire Avenue
 3. intersection capacity and queuing
 4. pedestrian connectivity
 - v. Recommends conditioning CUP to mitigate impacts on criteria #2 and #4.
- Planning staff request specific direction from the Planning Commission as to any of the recommendations contained in the traffic study.
 - Traffic study presentation.
 - Commission comments:
 - Utah very liberal state in terms of vesting laws. Entitlements and density are vested and no choice but to address the project.
 - Good study and good mitigation but does not fit the reality.
 - Liability of City raised. Would like to know the City's liability before moving forward.
 - How can parking mitigation be handled without penalizing the existing residents?
 - Pedestrian component must be resolved.
 - Health, safety, and welfare on public and pedestrian safety and the degradation of the quality of life that would result from the increase traffic. Proposed plan will not work.

October 12, 2005 Planning Commission

- Staff report:
 - List of 13 questions raised during the September 14th meeting that have not been addressed by the consultants, staff or Planning Commission.
 - Also went through a list of possible conditions of approval to mitigate traffic, 11 total.
 - Liability was clarified "Any new road or pedestrian improvement will meet applicable standards and are unlikely to increase City liability. The City's liability for the existing condition is minimal. The City is allowed to prioritize on-going maintenance and upgrades to its historic roads in the CIP in accordance with legal standards.
- Staff asked commissioners to look at list of issues and identify the primary issues.
- Staff will take them to consultants and allow them enough time to prepare a formal response or explanation of their finding.
- Planning Director reiterates the LMC CUP: "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."

- Planning Director suggests that the Planning Commission have a discussion with consultant focus on how suggested mitigation measures make the traffic, circulation, and the pedestrian issues better.
- Commission comments:
 - First identify and define the incremental impacts.
 - Real issues are incremental increase in traffic, pedestrian, delivery vehicles, and construction vehicles.
 - Applicant must return with plans that address the issues caused by development.
 - Crescent Road will be utilized more than forecast.
 - General Plan: maintaining the quality of life in Old Town. Must find a way to maintain quality of life.
 - Tourist cause less traffic than residents or employees.
 - City partnership in project needs to be defined.
 - Enforcing parking on Lowell.
 - Applicant and PCMR work on future of Lowell.
 - Issues to be addressed concerning traffic:
 - incremental impacts
 - construction traffic
 - pedestrian/vehicular conflict exploration and definition
 - feasibility of mitigation attempts
 - City's role in mitigation
 - study of Crescent Tram
 - employee traffic plan
 - input from City: Public Works, City Engineer,
 - General Plan application
 - protect quality of life
 - PCMR involvement short and long term
 - existing entitlements
- Planning Director clarifies that first 3 issues to be addressed are pedestrian/vehicular, feasibility of plan, construction traffic.

December 14, 2005 Planning Commission

- Staff Report:
 - Resume traffic review discussion requesting traffic consultants provide info on three specific issues.
 - Staff conducted a parking analysis of existing off-street parking on Lowell and Empire Avenue and will present study during PC meeting.
- City Engineer requested questions be directed towards himself or consultants to provide answers.
- Planning Staff restates three specific issues being addressed and goes over findings of parking, 173 units in area, 345 off-street parking spaces in garage or driveways.
- Fehr and Peers Engineer
 - Reviewed PEC study and found it provided adequate assessment of the traffic characteristics and impacts.

- i. Adequate means they have met the professional standards and their methodologies and analysis are consistent with the state of the practice within the traffic engineering industry.
- ii. Recommendation of PEC. Residents park with permits on one side of street along Lowell and Empire. Fehr and Peers concurred.
- iii. Roads could be reconstructed to 25'.
- iv. Discussion on accuracy of PEC Study. Finding that the survey was conservative in the methods used.
- v. Pedestrian connection.
- vi. Construction mitigation.
- vii. Intersection mitigation
- Commissioner comments:
 - Why up Lowell and down Empire?
 - answer: maximize right hand turns
 - Do industry standards take into consideration annual snow fall and cold temps?
 - Yes. This study took these coefficients into consideration.
 - If parking is limited to one size how many of the existing 300 spaces will be lost?
 - 300 spaces were in garages or driveways. None will be eliminated.
 - Can intersection be widened to have two left turn lanes?
 - Yes.
 - Have they looked at widening Manor Way or adding a sidewalk? Can it handle large construction vehicles?
 - Four Seasons was going to improve pedestrian and traffic improvements on Manor Way. City Engineer states that Manor Way does need additional attention. There is not enough right-of-way.
 - Applicant must be responsible for mitigating the incremental impacts generated by project.
 - Construction impacts must be shown better.

January 11, 2006 Planning Commission

- Mass and scale by themselves are out of context and architecture brings it into context. If architecture is separate CUP then there must be room with height and mass to achieve best design. Need to look at vantage points from town.
- Planning Staff “recalled that during the Town Lift project, the City Council formed the Town Lift Design Review Task Force consisting of representatives from the HPB, PC, and architects. The task force drafted design guidelines specific to the project. Same could be done for TH.
- Consensus reached that separating design review in a separate CUP ok.
- Still uncomfortable with the NW corner where the largest massing occurs adjacent to the residential neighborhood. Very vertical and contrasting form next to the scale of the residences.

- Concerned with setting the volumetric and massing in stone when the hotel operator will probably want to do something different. Can they recognize density, height, and volume to buildings without being too specific?
- They have to specify the volumetric, keeping in mind that they represent the maximum extent that a building can be built. There is certain wisdom in coming back for final details once they have a known hotelier who will be building a known product.
- Did not believe that the massing and volumetrics presented was the best for the site.
- Hard to make decisions without having the drawings in scale with the surrounding community.
- Summarized that PC will separate architecture review but not yet satisfied with building mass, particularly the N and W side adjacent to homes, key vantage points at the street level to be reviewed.

January 25, 2006 Planning Commission

- Staff remarked that prior to doing any modeling, the applicant wanted input from the Planning Commission.
- Planning Commissioners had several questions raised from the computer generated drawing presented by the applicant.
- The Planning Commission discussed specific areas they would each like to use as viewpoints:
 - Must provide viewpoints from eye-level
 - Street façade important
 - Pedestrian connection with regards to mass and how they can enhance pedestrian connectivity through community
 - Need to see existing building surrounding project
 - What are impacts on lowering Lowell and Empire on existing residents?
 - approx. 5 feet elevation change
 - will allow massing shifts
 - benefit improving the grade
 - Visual analysis
 - previously: the aerie, city park, deck of the town lift base, the Garda deck, the golf course, Heber/main intersection, Marsac building, PCMR
 - New suggestions: from homes on East side of Lowell looking towards PCMR, top of the stairs near Woodside, coming down the ski trail, animation up Lowell and down Empire, panorama from the Larson deck and Garda deck, Heber/main, roundabout, Aerie, PCMR, City Park, Radisson,
 - compare with existing structures
 - provide cross sections

February 8, 2006 Planning Commission

- Construction mitigation continued from January 11, 2006 meeting:

- Could the applicant provide more information regarding specific trip generation numbers for specific construction related activities?
- Has the applicant addressed seasonality and large events?
- Are there other impacts that haven't been considered?
- Turning radii for trucks, can they make the turns from Park Avenue to site?
- Access issues with PCMR need to be addressed in more detail? Timing to avoid peaks?
- More information needed regarding environmental impacts during excavation, remediation, and soil removal.
- Outline vantage points identified at last meeting
 - Top of stairs near Woodside
 - Heber/Main intersection
 - Round-about
 - City Park (along Deer Valley Drive)
 - Aerie Drive
 - In front of the project at Lowell/Empire (animation along Lowell/Empire)
 - Marsac Building (near south entrance)
 - Park Avenue and Holiday Ranch Loop intersection
 - Golf Course (18th Fairway)
 - Park City Mountain Resort looking up Lowell
 - Panorama from Larson deck without new trees and looking up the hill
 - Panorama from Garda deck without new trees and looking up the hill
- PC Chairman read 10 items submitted by another Commissioner regarding traffic study.
- Need to extend the hauling delivery dates to include Christmas, President's day, and other peak days.
- Next meeting answers to public and commission questions from applicant.
- Also, clarification from City Engineer on the plan to widen the road. Traffic study is based on this improvement.
- Snow removal must be addressed.

March 8, 2006 Planning Commission

- Many plans of street: which one is being proposed?
- City Engineer commented that no one cross section will be applied. There are areas where parking is needed, areas where pedestrian safety is needed. It is a mix, not one pattern will solely work.
- Health/safety/welfare is priority. Streets must be safe in order to approve cup.
- City needs to show that they can maintain the snow off that road in a timely manner.
- MPD: support commercial is to be onsite use and not designed to attract off-site customers.
- MPD: all buildings should be reviewed for conformance with HDDG and related architectural requirements at the time of CUP.
- MPD: Utility plans must include water, fire flow, sewer, storm drain, gas, and utilities in detail analysis at time of CUP.
- Employee housing to be reviewed at the time of the CUP submittal.

- Exhibit referred to in MPD defining the business envelope limitation.

April 12 2006 Planning Commission

- Planning Commission provide comments to the five items:
 - Type of resort support commercial
 - Lowell & Empire Avenues protection
 - Architectural information for compatibility (see bullets below)
 - Task force creation
 - On-site material storage and staging
- Architectural information for compatibility:
 - How can you evaluate scale and massing, relationship, character, and compatibility without some degree of architecture?
 - Did not recall that they had agreed to separate the architecture. Open to the idea, but unsure how it could be done.
 - Architecture consistent with the neighborhood.

April 26, 2006 Planning Commission

- Would like the opportunity for the applicants to complete the drawings.
- Be the only item on the agenda when the information is presented.
- Item continued to a date uncertain.
- Staff recommended that applicant provide a complete set of revised project plans including:
 1. all site plan and grading details (including vegetation protection and excavated material relocated on site)
 2. open space calculations;
 3. building setbacks for all structures
 4. building height compliance with approved building volumetrics
 5. residential unit size and configuration so as to verify density and parking compliance
 6. architectural details illustrating size, building form and massing, roof shapes, exterior details including materials, window to wall ratios, decks, plaza/outdoor spaces, retaining walls, etc.
 6. project streetscape detailing the design of project entrances, retaining walls, landscape areas, pedestrian ways.
 7. preliminary landscape plan
 8. ski lift and funicular design

January 7, 2009 Planning Commission

- Staff provided brief history of the original SPMP and outlined the review criteria for the current CUP.
- Staff requested that Planning Commission review the proposed Affordable Housing plan and provide staff with a recommendation.
- The Planning Commission unanimously recommended that the applicant have all the required Affordable Housing on-site, rather than have partial on-site in conjunction with payment an in lieu fee for the remainder as proposed by the Applicant.

- The Planning Commission agreed with concentrating on one aspect of the CUP review at a time and in the order outlined by staff (affordable housing, traffic, mass and scale, etc.)
- The Planning Commission requested that staff provide a recap of each previous meeting within each newly prepared staff report.

February 11, 2009 Planning Commission

- Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic.
- Staff outlined four issues raised within the previous Planning Commission review followed with specific questions, as follows:
 - Proposed Use and Traffic Generation
 - Pedestrian Circulation
 - On-site Parking
 - Displaced Parking
- Planning Commission request:
 - Additional detail of the support commercial from the applicant. The uses must be better defined in order to make a decision of whether or not the support commercial is attracting offsite visitors and creating additional traffic. Applicant asked to return with specifics of the support commercial uses.
 - Exact details of the improvements be shown on a site plan. The documents provided by the applicant did not contain enough information to make a decision. All improvements including proposed parking areas, sidewalks, retaining walls, and snow storage areas must be identified on a site plan.
 - No additional parking on site. The Planning Commission is in favor of reducing the onsite parking requirement and would like the applicant to explore the parking reduction requirements of the LMC, Section 15-3-7.
 - Exact details be shown on an overlay of the access roads to the project. There was inadequate information provided to make findings of mitigation. The updated site plan must show how many on-street parking spaces are being created in order for staff to evaluate whether or not the existing parking is being displaced.
- List provided to the applicant to prepare for the March 25, 2009 meeting. Due to inadequate time, the applicant requested an extension to the April 22, 2009 meeting.
- Staff requested a Construction Mitigation Plan.
- Planning Commission suggested to continue the transportation component to give the applicants the opportunity to respond.
- Planner summarized that the applicants needs to come back with a better definition of uses for commercial spaces in the building. They need a hard design for exactly where parking will be on Lowell Avenue and the number of spaces. The applicant needs to better clarify plans for the retaining wall. Staff was to do an analysis on the parking situation. Empire, Manor Way, and the intersection of Empire and Park Avenue to be included in the staff analysis.

- Commission needs to see the life safety aspect of pedestrian circulation, and how they plan to address and mitigate the impacts during storm conditions.
- Commission requested a walkability study. Could it be expanded to include the cross streets from 15th to 8th. The northbound numbers in the traffic study of the Park Avenue/Deer Valley Drive light indicate a profound number of cars. Interested in knowing how many of those are coming down from the Empire/Woodside neighborhoods.

February 26, 2009 Housing Authority (City Council)

- Employee Housing: Housing Authority directed the applicant to place the employee housing onsite. Chairman Williams confirmed consensus to be 22,000 square feet, mixed housing on site and no in-lieu fees. A formal plan will return to the Housing Authority for consideration and approval.

April 22, 2009 Planning Commission Meeting

- Independent attorney was retained as independent counsel to render an advisory opinion on the issue of vested rights presented his findings.
- Applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting outlined by staff in a letter.
- Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed.
- The City/Planning Commission to review each of the following:
 2. Traffic considerations including capacity of the existing Streets in the area;
 4. Emergency vehicle access;
 5. Location and amount of off-street parking;
 6. Internal vehicular and pedestrian circulation system;
 13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas.
- Applicant expressed disagreement with the Planning Commission request for improvements to be shown as far as the Deer Valley Drive and Park Avenue intersection.
- In response to the applicant's opinion that the project is a "very minor contributor to the traffic" beyond Manor Way, staff finds that they are a "contributor" and therefore must work with the Planning Commission and the City to mitigate the contributing impacts.
- Incremental impacts of 197 residential units and 19 commercial units will add to the traffic at Park City Mountain Resort and the intersection at Park Avenue and Deer Valley Drive.
- The City Staff finds that the developer should contribute to the cost of improvements for the incremental impacts as quantified within the traffic studies.
- Exhibit B updated from the December 2008 Packet.
- Applicant responded to the following topics:
 - More details of pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions.

- Specify/define the types of use for the commercial areas.
- Specify/define the types of ownership within the project.
- Provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel/nightly rental units.
- Parking Management Plan.
- The parking for all buildings within the Sweeney Properties Master Plan Development is required to be provided on-site and in enclosed structures.
- The proposed project contains 424 parking spaces total. Per the MPD, 366 spaces are required for the proposed unit sizes. The applicant has designed additional spaces for the use of employees.
- Commissioner comments:
 - Commission agreed with the issues raised in the Staff report.
 - Disappointed with the mitigation measures presented by the applicant.
 - Concerned that there had been no analysis or discussion on mitigation plans for Empire. Did not think that the lack of parking should be a burden that is passed on to the residents. Alternative transportation should be explored. As proposed, did not think the use was consistent with the MPD.
 - Parking reductions must be supported by valid studies. Commented on the maximum road width and whether it would be sufficient to accommodate construction vehicles, such as large cement trucks. With parking and snow, Lowell Avenue would not be able to accommodate two trucks passing. Suggested that the support commercial should be reviewed at the time of business license renewal to assure that the business is a compatible use for the development.
 - Understood that the applicants have vested rights; however those rights were vested in the 1980's. Felt they needed to do a better job of making the project work with the issues and situations they face today. Thought it was unrealistic for the applicant to think that people would not use Empire Avenue as access to and from the project. Encouraged the applicants to realistically address parking and traffic issues. Believed the hotel would encourage off-site visitors and that is inconsistent with the MPD. Interested in knowing what specific commercial uses would be considered. He did not favor interval ownership of units such as timeshare and he did not favor parking exceptions.
 - Matter of "reasonable detrimental effect" addressed in LMC 15-1-10 and stated that to not mitigate would be grounds for denial. Expecting people to park a quarter-mile away is too far and people would park illegally. Pointed out that the street plan prepared by Alta Engineering did not address traffic circulation. Did not believe signs would be sufficient to help direct traffic.
 - Concerns could be resolved but the applicants need to think outside the box. Applicants had sufficient direction from the Planning Commission regarding traffic issues to come back with better solutions.

July 22, 2009 Planning Commission

- Applicant presented customized approach to pedestrian mitigation. Continued concern for snow removal cost and management, location of improvements, width of streets, and onsite parking.
- Commission submitted a list of suggestions for traffic mitigation.
- The City/Planning Commission to review each of the following:
 2. Traffic considerations including capacity of the existing Streets in the area;
 4. Emergency vehicle access;
 5. Location and amount of off-street parking;
 6. Internal vehicular and pedestrian circulation system;
 13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas
- Since the April 22, 2009 meeting the applicant has changed the proposed mitigation which includes:
 - Empire Avenue
 - All sections 31 feet wide including curb.
 - Anticipate future public process involving all impacted properties to arrive at detailed design customizing sections to meet individual neighbor needs based on the three sections provided (Options A - C).
 - Accommodate snow storage equivalent to present conditions.
 - Suggest permit parking for residents and guests.
 - All current right-of-way parallel, perpendicular, and driveway parking maintained and located outside of the two travel lanes.
 - Suggest 15 mph speed limit.
 - Signs to limit truck traffic on Empire (subject to fine) and direct traffic to Lowell.
 - Encourage traffic from Treasure project to utilize Lowell Avenue with left turn only sign.
 - Lowell Avenue and Manor Way
 - Four foot sidewalk from Manor up Empire on downhill (east) side. The sidewalk will continue in front of Treasure and around to Lowell Avenue. In this section it will be 5 feet wide. The sidewalk will continue down Lowell on the uphill (west) side at 4 feet wide down to Manor Way.
 - Removed previous proposal to construct 10th street stair between Lowell and Empire.
 - Removed snow storage location on the project site.
 - Cross walks added at Empire and Lowell.
 - Do not support prohibiting parking between 2 – 6 am for snow removal. Suggest occasional snow emergencies where residents are noticed to move their cars for a period of time for snow removal as happens in the rest of Old Town.
 - Additional cost of maintenance will be covered by project tax base.
 - Agree to participate in cost of improvements north of Manor
- The revisions also include changes to Lowell Avenue. Previously the sidewalk was proposed on the downhill side of the street. The City supported this location

because it would result in greater utilization. By moving the sidewalk between the parking/snow storage and the retaining wall it will be very difficult to keep clear and will be utilized less.

- The applicant's engineer has stated that the two reasons for this modification:
 - By putting the sidewalk on the downhill side of Empire Ave and on the uphill side of Lowell, it make for a continuous pedestrian path from the lower end of Empire all the way up and around the Treasure project and then down Lowell all the way to the Park City Mountain Resort without having to cross the street. The sidewalk was put on the downhill side of Empire because it creates the least impact to existing structures/driveways.
 - By putting the sidewalk on the uphill side of Lowell it allows for tailoring the grading to fit the existing conditions and approaches and is the option that creates the least impact to the existing conditions.
- The three options proposed for Empire Avenue address the issues of pedestrian safety (introduction of sidewalk) and traffic calming (narrower streets). The customized approach to accommodate existing conditions is an improvement over the sole mitigation of signs to deter traffic. Each of the options decreases the width of travel lanes and would be customized toward the existing conditions on the street.
 - Option 1. Existing Conditions with Downhill Sidewalk on Empire. Two 9 feet wide travel lanes with a 2 ½ foot curb and gutter. Parking, landscaping, and a 4 feet wide sidewalk is also included.
 - Option 2: Landscape Islands with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands, and a 4 feet wide sidewalk is also included.
 - Option 3: Landscape Islands Both Sides with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands on both sides of the street and a 4 feet wide sidewalk are also included.
- The applicant provided mitigation to decrease trips from the project once guest/residents have arrived:
 - Cabriolet
 - 8th Street Improvements
 - Bike and ski trail
 - Ticket Sales
 - Connectivity to public transportation
 - Onsite amenities
 - Storage
- The applicant submitted a proposal to decrease the demand to the site.
- The applicant provided staff with an updated traffic study which places the through traffic to the site on Lowell Avenue. The previous study distributed the traffic between the two streets.
- The original traffic study assumed road widths to be 25 feet.
- The City Engineer and the Public Works Transportation Manager determined that in order to provide the level of service that will accommodate the projected traffic the roads must be maintained to a width of 25 feet as the PEC traffic study suggest.

- In order to maintain the 25 feet width, the City must impose the management practice of no parking between the hours of 2 am and 6 am.
- The parking on the street is not a problem due to the existing traffic levels. With increased traffic levels from the project, the road must be kept clear and therefore the additional demand requires that additional impact is mitigated.
- The applicant has stated that “We no longer support the winter prohibition of parallel street parking from 2 AM to 6 AM.”
- The applicant suggests “occasional snow emergencies where residents are noticed by the placement of temporary signs over existing to move their cars for a period of time to the designated snow storage areas having been previously cleared.”
- City staff cannot support the newly proposed snow management plan.
- The City utilizes the management practice of emergency snow removal in order to haul snow from tight residential streets. This management practice does not occur on a regular basis due to the impacts to the residents, the difficulty in logistics, and the expense.
- City staff asked the applicant to answer the questions in response to the need to remove cars from Lowell and Empire between the hours of 2 – 6 am:
 - How many cars will be displaced due to the snow removal management plan?
 - Where will the displaced cars park?
- Not all residents have off-street parking.
- City staff has requested a number associated with the number of residents actually impacted to determine if mitigation is achieved.
- If a number is known, then the Planning Commission can make a determination of an acceptable level where mitigation is achieved.
- City staff finds that the sidewalk will not sufficiently mitigate the pedestrian safety issues due to inadequate snow removal. The previous snow removal cost did not include the maintenance of the sidewalk. The sidewalk plow mentioned in the bid is only slated for use for hauling, not for regular plow service. Public Works use the small sidewalk plow to get snow from around obstacles and out of the gutter during hauling events.
- City Staff does not support the location of the sidewalk on the uphill side of Lowell Avenue. It is expected that the sidewalk will be utilized by the local residents more than the visitors of the development. By placing the sidewalk closer to the majority of the existing neighbors on the downhill side it will be easier access for the residents and snow will melt more quickly. The challenges of locating the sidewalk on the uphill side include grade issues due to the steeper existing conditions and keeping a sidewalk cleared adjacent to the proposed snow storage areas.
- Another concern of City Staff is the proposed improvements to Empire Avenue. The proposed landscape islands on Empire Avenue will necessitate ongoing planting, watering and maintenance, again creating another financial and labor burden on the City for years to come.
- The City Engineer has concern for the proposed travel lane width of 8 feet. A standard truck width of 7’9” not including the side mirrors.

- Commission concurred with the staff analysis.
- Commissioner letter read out.
- Lengthy discussion between applicant and his consultants, Public Works Director, City Engineer, Senior Planner and the Planning Commission during the work session regarding traffic and parking mitigation.

August 26, 2009 Planning Commission

- Commission asked if there is a computer simulation tool that would help them understand the feet of excavation and final grade. It was difficult for them to understand what existing grade is today and what final grade will be once excavation occurs.
- Planning Staff stated that the applicant had updated the elevation of the buildings to show the difference between final grade and the existing grade through the building. She offered to put together a packet that better explains the grades.
- Commission felt a massing model would help demonstrate the excavation.

September 23, 2009 Planning Commission

- Staff finds that any support commercial over 5% of the total floor area within specific hotels must count towards the MPD 19 unit equivalents.
 - Even if the Planning Commission agrees with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and MPD/CUP review (if you allow the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original MPD and require re-opening the entire MPD).
 - Staff indicated that additional support commercial causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Rather than focus on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the level of mitigation. The developer has vested rights to 19,000 square feet of support commercial and 5% of the hotel area as long as impacts are mitigated within the CUP review.
- Staff discussion points:
 - Does the Planning Commission agree with Staff's analysis on support commercial? The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.
 - The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.
 - The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.
 - Staff requests discussion and direction on additional square footage.
 - Should the design be revised to become more efficient and comply with the limits of the MPD?

- Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings? Does the Planning Commission have other areas of concern not identified by staff? Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?
- Are the proposed structures appropriate to the topography of the site?
- Commission comments:
 - Conclusions from the staff report analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies.
 - The size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. They needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.
 - Open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting.
 - Regarding excavation, stated that in looking at the original MPD, found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, felt the excavation still needed to be addressed.
 - The currently proposed project has grown from what was approved under the MPD.
 - Noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential.
 - Concern with the amount of back of house circulation square footage is built into the additional support commercial and meeting space.
 - Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.
 - In doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD.
 - Felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. Commissioner asked the

applicant if they were willing to change their plan or if the Planning Commission should rule on the current proposal.

- Applicant replied that they would need time to discuss their options and to respond to the Staff report before making that decision.
 - Commissioner stated that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers other impacts caused by the additional excavation required to move the massing back. Unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria.
 - Commission encouraged the applicants to provide a massing model of the project with topos as part of the streetscape. Remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. Requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.
- Commission interested in another site visit and Planning Staff offered to schedule a visit before the October 28th meeting.

October 28, 2009 Planning Commission

- Work session: scheduled site visit
- Due to the weather, the site visit was cancelled.
- The Commissioners concurred that there was a need to visit the site and rescheduled the site visit on November 5. The public would be noticed site visit.
- Planning Staff reported that the applicants have commissioned an architect to prepare a model of the project that will be presented at the December 9th meeting. She understood that the model would show how the structure fits within the landscape. Planning Staff noted that the purpose of the site visit was to calculate the height for a better perception and she thought the model could provide that information.
- Commissioner Wintzer remarked that there were two issues; the height and the height in relationship to other buildings in close proximity.
- Commissioner Jack Thomas stated that they were also interested in the existing natural grade versus finished grade.
- Commissioner Peek pointed out that the section drawings showed existing grade but not the final grade.
- Pat Sweeney, the applicant, distributed information packets for Treasure Hill to each Commissioner.

February 10, 2010 Planning Commission

- Commission comments:
 - Commission agreed with the comments about making the development project a different color in the model.
 - Planning Commission Chair pleased with the model.
 - “The applicant will present only general development concepts that may be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review.”

- “The master plan development procedure attempts to deal with the general concept of a proposed development and defers or relegates the very detailed project and new elements to the conditional use stage of review”.
- On September 23, 2009 four Commissioners made specific comments that were in agreement with the Staff report. Five Commissioners wanted the applicant to prepare a rebuttal for the next meeting.
- Model attempts to address two discussion points from the last meeting; 1) providing additional streetscape; and 2) are the structures appropriate to the topography, it does not address the other significant discussion points of; a) excessive proposed support commercial; b) excess square footage; and c) efficiency of design.
- Did not find that the applicants’ proposal on points a, b or c comply with Criteria 8, 11 or 15.
- Commissioner did not find the project to be in compliance with the MPD. Commissioner felt the first step in the process was to reach agreement that the CUP application complies with the underlying MPD.
- Property lines behind the buildings that encroach on to open space. Did not believe anyone had anticipated going into open space, excavating material and taking out the trees, and then leaving it as a guide wall or cliffscape, which is not a natural open space setting.
- Efficiency of design and noted that in 2004 they received a design that was roughly 500,000 square feet. In that design 57% was residential units and he thought that was an inefficient design. Now they have a design that is over a million square feet and 39% of the area is residential units. Project was going backwards in its efficiency rather than forward. The project now is 20% larger than it was when they began talking about mass and scale.
- The 1986 plan showed the development starting with natural grade and excavating only what was needed for the buildings. The buildings appeared to step up the mountain and then it went back to existing grade. There was very little change between the existing grade and the finished grade. The proposed excavation and grade change is a major contrast to the 1986. Nothing to reduce the parking requirement, including the commercial space. This was one reason why the project was lopsided on its efficiency.
- If the plans were final, the Planning Commission needed to assess those plans and vote on them. In order to do that, the Staff needed to prepare all the documents, all the studies, and all the Staff reports so the Planning Commission could vote on the project. Applicant attorney letter saying that the further they go down this road the more the applicant detrimentally relies on what the applicant is being told by Staff. The way to stop that detrimental reliance is to stop the Staff’s analysis and vote on what appears to be the final plan.
- If the applicant intends to change their plans substantially based on comments from the Planning Commission, the April meeting may not be a

- vote. However, unless there are substantial changes to the plans provided, the Planning Commission has the obligation to vote on the plan and stop the alleged detrimental reliance by the applicant.
- Commission asked Staff to prepare the documents the Planning Commission would need to decide on this project:
 - The MPD, which includes the 1986 Staff report and the original plans.
 - Crowd, traffic and parking studies and all traffic and parking plans that have been generated by both the applicant and the City.
 - All mitigation plans in any form submitted by the applicant. All excavation plans submitted by the applicant. Any construction mitigation plans submitted by the applicant.
 - Any environmental studies by both the City and the applicant or any third party.
 - Applicable 1986 Code sections for both the LMC and the historic guidelines.
 - All legal opinion memoranda that has been submitted by both the applicant's attorney and by the outside counsel retained by the City.
 - Minutes from all the meetings since the time the DVD was given to the Planning Commission.
 - The Planning Commission responded to the eight points outlined in the Staff report as follows:
 - Support Commercial. All the Commissioners concurred with the Staff's analysis.
 - The applicant's willingness to make changes. The Commissioners had already addressed this point in their comments.
 - Staff request for discussion and direction on additional square footage. The Commissioners had addressed this point in their comments.
 - Should the design be revised to become more efficient and comply with the limits of the MPD. The Commissioners concurred that the first step is to comply with the MPD.
 - Whether the Planning Commission wanted another streetscape of the project showing full elevations of the building. Planning Commission Chair believed the model accomplished what they needed to see. The Commissioners concurred. Commissioner requested detailed photographs of the model for future reference. Commissioner thought it would be helpful to have GPS coordinates for the top parts of the buildings. He felt there needed to be an objective standard for measuring height about sea level. PC Chair requested copies of the slides that Mr. Elliott had presented this evening.
 - Whether the Planning Commission had other concerns not identified by Staff. Commissioner was interested in seeing an avalanches assessment due to the risks involved with the amount of excavation proposed and the slope retention.

- Should a separate design review task force be created to evaluate style, design, architecture detailing of the project, and the HDDR? Commissioner felt the Historic Preservation Board was qualified and the MPD identifies the HPB as the body for review. Planning Staff noted that the Historic District Design Review is usually conducted by Staff, but it could go before the HPB at the request of the Planning Commission. Commissioner believed the MPD envisioned a review by the HPB. Chair noted that the Historic Review has changed since the time of the MPD and he preferred to have the HPB involved. Commissioner commented on other projects where the City Council had designated a design review task force. He believed that the scale and impacts of this project would warrant a design review task force. The Commissioners concurred.
- Are the proposed structures appropriate to the topography of the site. Chair reiterated an earlier comment that the applicants have spent more time fitting things in to the site as opposed to fitting them on the site. He did not believe it was appropriate as proposed. Simply based on the excavation, Commissioner did not think it was appropriate to the topography. Commissioner thought the model helped demonstrate the sprawl and excessive height, which was not appropriate for the site. Commissioner pointed out the absence of any stepping.
 - In reading the minutes of the MPD, believed the intent was for the project to be hidden in the Gulch. At this point, that has not been accomplished. There is too much of the project out front and not enough in the Gulch. Buildings on the left side were appropriate, except for the cliffscape behind them that is outside of the limits of disturbance. Bckdrop is altered so much that it changes the mass of the project. Buildings on the other side do not follow the topography of the hill.
 - The mass had changed in the project, concerned that the appearance of the mass would be even greater once the project was excavated.
 - Applicant architect representative felt the Planning Commission had provided good comments and direction. The applicants would take those comments, consider their options and provide a response as soon as possible regarding the next step to move forward.

Review Process

The developments of Mid-Station and Creole Gulch sites must be reviewed by the Planning Commission as a Conditional Use Permit and must comply with the development parameters and conditions of the original SPMP approval.

Conditional Use Permit Review

The application has remained active since the April 26, 2006 Planning Commission meeting. The applicant has been in communication with staff since 2006 to inform them that they have been continuing to work on the additional submittal requirements. The

City was actively working on alternatives with the applicant from 2010-2014. The applicant was actively meeting with City Staff from 2014-2016. The application is vested under the Land Management Code (LMC) CUP criteria as it existed at the time of the submittal in 2004. Within the original SPMP a timeline was established for the development of each property. The applicant has followed the timeline and has obtained CUPs for each of the developments. The Hillside Properties were identified in the timeline as the last properties to be developed. The Master Plan is still valid due to the applicant keeping within the timeline established during the approval.

As indicated on the LMC 50th Edition, revised as of July 10, 20003 (LMC 50th), a Conditional Use is defined as (LMC 50th § 15-15-1.52):

A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

LMC 50th § 15-1-10 indicates the following:

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, 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.

The Community Development Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

LMC 50th § 15-1-10(D) indicates the following:

*(D) **Standard of Review.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:*

- (1) the Application complies with all requirements of this LMC;*
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;*
- (3) the Use is consistent with the Park City General Plan, as amended; and*
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.*

LMC 50th § 15-1-10(E) states:

*(E) **Review.** The Community Development Department and/or Planning Commission must review each of the following items when considering a Conditional Use permit:*

- (1) size and scale of the location of the Site;*
- (2) traffic considerations including capacity of the existing Streets in the Area;*
- (3) utility capacity;*
- (4) emergency vehicle Access;*
- (5) location and amount of off-Street parking;*
- (6) internal vehicular and pedestrian circulation system;*
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;*
- (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;*
- (9) usable Open Space;*
- (10) signs and lighting;*
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*
- (14) expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities; and*
- (15) within and adjoining the Site impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.*

Master Plan Development Parameters and Conditions

The Planning Commission will also review conformance with the approved master plan of 1986. This include conformance with the development parameters and conditions, as well as the ten (10) findings identified in the original SPMP. The developer of the parcels is legally bound by and obligated to perform the ten (10) development parameters. These parameters outline the unique maximum height envelopes, parking requirements, construction mitigation, employee housing and the obligation of improvement and easements. The following are the master plan findings as well as the development parameters and conditions of the 1986 approval:

Sweeney Properties Master Plan Findings:

- 1. The proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning.*
- 2. The uses proposed and general design of the project is or will be compatible with the character of the development in surrounding area.*

3. *The open space preserved and conceptual site planning attributes resulting from the cluster approach to the development of the hillside is sufficient justification for the requested height variation necessary, and that the review criteria outlined in Section 10.9 (e) have been duly considered.*
4. *The commercial uses will be oriented and provide convenient service to those residing within the project.*
5. *The required parking can readily be provided on-site and in enclosed structures.*
6. *The proposed phasing plan and conditions outlined will result in the logical and economic development of the project including the extension of the requisite utility services.*
7. *The proposed setbacks will provide adequate separation and buffering.*
8. *The anticipated nightly/rental and/or transient use is appropriate and compatible with the surrounding area.*
9. *The provision of easements and rights-of-way for existing utility lines and streets is a benefit that would only be obtained without cost to the residents of Park City through such master planning efforts.*
10. *The site planning standards as set forth in Section 10.9 (g) of the Land Management Code have either been satisfied at this stage of review or practical solutions can be reasonably achieved at the time of conditional use review/approval.*

Sweeney Properties Master Plan Development Parameters and Conditions:

1. *The Sweeney Properties Master Plan is approved based upon the information and analysis prepared and made a part hereof. While most of the requirements imposed will not be imposed until individual parcels are created or submitted for conditional use approval, certain specific obligations are also identified on the approved phasing plan. At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.*
2. *Upon final approval of the proposed Master Plan, a recordable document (in accordance with the Land Management Code) shall be prepared and submitted. The Official Zone Map will be amended to clearly identify those properties included within the Master Plan and the hillside property not included within either the Town Lift Mid-Station or Creole Gulch sites (approximately 110 acres) shall be rezoned to Recreation Open Space. At the time of conditional use review, final building configurations and heights will be reviewed in accordance*

with the approved Master Plan, applicable zoning codes and related ordinances. A minimum of 70% open space shall be provided within each of the development parcels created except for the Coalition properties.

- 3. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table or the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.*
- 4. Access to the Town Lift and Creole sites shall be provided by a private roadway with acceptable emergency access and utility easements provided. No city maintenance of these streets is expected. All utility lines shall be provided underground with private maintenance required wherever located in inaccessible locations or outside approved easements.*
- 5. Building heights shall be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribed thereon, and the following:*
 - (a) The various parcels located within the Historic Residential (HR-1) zone district shall abide by the Land Management Code and no height exceptions will be considered. Maximum building height on the single family lots shall be limited to 25' in order to reduce potential visibility.*
 - (b) The Coalition East sites are limited to a maximum building height of 55', subject to compliance with the stepped façade (as shown on the applicable plans) concept submitted and the setbacks provided.*
 - (c) The Coalition West properties are limited to a 35' maximum building height adjacent to Park Avenue and a 28' height along Woodside Avenue; subject to the footprints defined, common underground parking and access, and no commercial uses allowed.*
 - (d) The Town Lift Mid-Station development is restricted to a maximum height of 45 feet. The maximum height of 35 feet is required for at least 90% of the total unit equivalent volume of all above grade buildings and an overall average height of less than 25 feet measured from natural undisturbed grade. No portion of any building shall exceed the elevation 7,240 feet above main sea level. (Per City Council amendment on October 16, 1986)*

(e) The Creole Gulch site shall be limited to a maximum height of 75 feet. An average overall height of less than 45 feet shall be provided and no portion of any building shall exceed either elevation 7,250 feet for the easternmost building or elevation 7,275 feet for the balance of the project. (Per City Council amendment on October 16, 1986)

The above building height restrictions are in accordance with the approved Restrictions and Requirements Exhibits submitted, and are in addition to all other codes, ordinances, and standards.

- 6. At the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements. No mechanical equipment or similar protuberances (i.e.: antennae, flags, etc.) shall be permitted to be visible on any building roof-tops or shall any bright or flashing lights be allowed.*
- 7. All easements, deeds, and/or rights-of-way shall be provided without cost to the City and in accordance with the Master Plan documents and phasing plan approved. Likewise, it shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.*
- 8. Master Planned Development approval only conceptually established the ability of local utility service providers to supply service to the projects. It does not constitute any formal approval per se. The applicant has been notified that substantial off-site improvements will be necessary and that the burden is on the future developer(s) to secure various easements and upsize whatever utility lines may be necessary in order to serve this project. Prior to resale of this property in which this MPD approval is carried forward, or prior to any conditional use application for any portion of the MPD, a utility plan addressing water, fire flows, and sanitary sewer, storm drainage, cable utilities, and natural gas shall be prepared for review and approval by City Staff and the Snyderville Basin Sewer Improvement District. Part of the plan shall be cost estimates for each item of utility construction as it is anticipated that major costs for these utilities will be necessary. All such costs shall be paid by the developer unless otherwise provided. If further subdivision of the MPD property occurs, the necessary utility and access improvements (see below) will need to be guaranteed in roads, and access questions which will need to be resolved or upgraded by the developers at their cost (in addition to impact fees, water development and connection fees, and all other fees required by City Ordinances are as follows:
 - (a) Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. As such, during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day. At the present time and until the Creole Gulch site develops, Empire and Lowell south of Manor Way are and will be low-volume residential streets, with a pavement quality, width, and thickness that won't support that type of truck**

traffic. The City will continue to maintain the streets as low-volume residential streets, including pavement overlays and/or reconstruction. None of that work will be designed for the heavy truck traffic, but in order to save money for the developer of the Creole Gulch site, he or she is encouraged to keep the City Public Works Director notified as to the timetable of construction at Creole Gulch. If the City is notified that the construction is pending such that an improved pavement section can be incorporated into normal City maintenance projects, then it is anticipated that the incremental additional cost of the additional pavement thickness (which is likely to be in the vicinity of 3 additional inches of asphalt over the entire 46,000 linear feet [25-foot asphalt width] of Lowell/Empire south of Manor Way, or approximately \$80,000 additional cost in 1986 dollars) could be paid by the developer with said amount deducted from future impact fees paid to the City as long as it did not exceed the total future impact fees. However, if the increased pavement section is not coordinated with the City by the developer such that the pavement of Lowell and Empire south of Manor Way remains inadequate at the time the Creole Gulch site is developed, then the developer shall essentially reconstruct the entire 4,600-foot length of Lowell and Empire south of Manor Way at his or her cost, which with excavation and reconstruction of an anticipated 6-inch asphalt thickness on top of 10 inches of road base, plus all other normal construction items and costs, would be in the approximately cost range of \$300,000 to \$400,000 in 1986 dollars. Further, because that reconstruction would be inconvenient to residents and the City, and because delays, impacts, and potential safety hazards would be created over and above normal City maintenance of existing streets, that action by the developer would be a new impact on City residents and the cost therefore would not be deductible from any developer impact fees.

- (b) Contribute to the Park City Village, or other water tanks, determined to be necessary by the City Engineer in order to serve the project with culinary and fire storage. Based on a Type 1 fire resistive construction, it is assumed that the contribution would be on the order of 500,000 gallons at a cost of approximately \$300,000, although the exact figures would need to be determined in a detailed study using adopted City standards.*
- (c) Construct pumped pressure system(s) with backup emergency power to provide a means of delivery of fire flows to the project. Construct a meter vault at the edge of the road adjacent to the project, beyond which all water facilities would be privately maintained. It is anticipated that in the vicinity of 2,500 feet of 12-inch water line with appurtenances may be required. Such pipe would cost about \$70,000 in 1986 dollars exclusive of the pumps and backup power, which are even more expensive.*
- (d) Provide an easement, or pay all costs related to condemnation by Park City of an easement, suitable for construction and maintenance of a storm drain from the project site to Silver Creek or McLeod Creek. All City streets and any*

public utility drainage easements normally provided in the course of other private development shall be available for utility construction related to this MPD subject to reasonable construction techniques and City standards.

- (e) Pay for downstream detention basin construction costs in accordance with the ratio of increased runoff from the project during the 50-year flood event to the total design volume of the basin. (Note: The City Engineer will require runoff to meet the current standard. The detention basin must be able to hold the difference between pre and post development based on a 100 year storm event.)*
 - (f) Construct a storm drain line to Silver Creek or McLeod Creek adequate to contain the runoff running through and off the site during the 50-year flood event. It is assumed that a minimum of 36-inch concrete storm drain line will need to be installed solely for Creole Gulch drainage. It is further assumed that special clean-out boxes and inlet boxes will need to be designed to address difficult hydraulic problems. Such boxes are expensive. (Note: the City Engineer will require that the storm drain meet the current standard. The size of the storm drain line should be able to handle the difference between pre and post development. This must be calculated and submitted to the City for review.)*
 - (g) Provide re-vegetation over all on-site and off-site areas disturbed for project-related utilities.*
 - (h) Sanitary sewer improvements are assumed to involve replacing in the vicinity of 3,000 feet of sewer line, with new manholes included. Such construction will cost in the vicinity of \$100,000, is subject to the approval of SBSID (now SBWRD), and is further subject to all District fees and agreements necessary for extension of lines.*
- 9. To minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Similarly, cut and fill shall be balanced and distributed on-site whenever practicable, with any waste material to be hauled over City specified routes. Also at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.*
- 10. As projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application.*

Review of Conditional Use Permit

In the interest of moving forward efficiently and in an orderly fashion, Planning Staff requests to outline the CUP review criteria and development parameters/conditions and

determine in which order the Planning Commission anticipates to consider the filed CUP. Currently, Planning Staff is tentatively planning for one (1) meeting per month for this application. Each meeting will have an opportunity for public input and is planned to review one or more of the CUP review criteria as the Planning Commissions directs. If items are continued for further discussion, that may affect the rate at which each CUP review criteria can be heard by the Planning Commission and for the public to comment. For these reasons, a fixed schedule is not possible to predict. The Planning Department will make all reasonable efforts to keep a dedicated website at www.parkcity.org up to date and each meeting will adhere to public noticing requirements.

Staff requests that the review of the CUP be guided into four (4) basic review principles including: history/basic parameters, site, buildings, and operations. The following outline has been prepared to allow the Planning Department and the Commission to focus on specific items while at the same time being able to recognize specific items that are inter-related. Staff estimates that the full review would be able to be handled in a minimum of nine (9) meetings as follows:

I. History/Basic Parameters (1 meeting anticipated)

- Introduction
- History of Project
- Proposal
- Review Standards

II. Site (3 meetings anticipated)

- (1) Size and scale of the location of the Site.
- (2) Traffic considerations including capacity of the existing Streets in the Area.
- (3) Utility capacity.
- (4) Emergency vehicle Access.
- (5) Location and amount of off-Street parking.
- (6) Internal vehicular and pedestrian circulation system.
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
- (9) Usable Open Space.
- (10) Signs and lighting.
- (15) Within and adjoining the Site impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

III. Buildings (3 meetings anticipated)

- (1) Size and scale of the location of the Site.
- (5) Location and amount of off-Street parking.
- (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots.
- (10) Signs and lighting.

- (11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.
- (15) Within and adjoining the Site impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.
 - o Employee housing.

IV. Operations (1 meeting anticipated)

- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
- (13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas.
- (14) Expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities.
 - o Construction Management.
 - o Shuttles/taxis/night lift operations.
 - o Snow removal/storage.

V. Wrap-up (1 meeting anticipated)

Discussion Requested. Staff would like consensus from the Planning Commission that the anticipated outlined review process is favored. If Planning Commission would like the staff to proceed with the review differently, comments regarding process would be appreciated. The CUP criteria have been divided into three (3) major sections. The order of CUP criteria is to be determined, e.g. mass (8) and compatibility (11) would be reviewed together.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code.

Public Input

Public input has been received by the time of this report. See Exhibit A – Public Comments.

All public comments are forwarded to the Planning Commission and kept on file at the Planning Office. The planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for input to the Planning Commission:

- Attending the Planning Commission meeting and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to treasure.comments@parkcity.org.
- Visiting the Planning office and filling out a Comment Card.

- Preparing a letter and mailing/delivering it to the Planning Office.

Exhibits/Links

[Exhibit A – Public Comments](#)

[Approved MPD Narrative](#)

[Approved MPD Plans](#)

[Proposed Plans – Visualization Drawings1](#)

[Proposed Plans – Visualization Drawings2](#)

[Proposed Plans – Architectural/Engineering Drawings 1a](#)

[Proposed Plans – Architectural/Engineering Drawings 1b](#)

[Proposed Plans – Architectural/Engineering Drawings 2](#)

[Applicant's Written & Pictorial Explanation](#)

Additional Exhibits/Links

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

Francisco Astorga

From: Stuart Shaffer <stubio@earthlink.net>
Sent: Saturday, April 30, 2016 10:03 AM
To: planning
Subject: Treasure Hill (Again)

Why the Treasure Hill project continues to resurface makes little sense. All the arguments have been made over and over during the past thirty years. The reasons why Treasure Hill would be an irrevocable mistake are as clear today as they have always been, and the town's growth has made it even more impossible. Isn't it obvious that Treasure Hill would be destructive to Park City? Isn't it obvious that the project is not feasible?

The citizens of Park City have brought up unsolvable problems with the development: access through narrow streets, snow removal, reduced parking, the impact on the environment and the landscape, overcrowding, a compromised water supply, pollutants, and disruption of old mines. Construction will go on for years bringing noisy dump trucks, construction equipment, and dust through neighborhoods where children play and access to skiing is interrupted. Nevertheless, the Sweeney funded studies show there will be no such problems.

Overcrowded conditions in Historic Old Town will be worse. There are times when local property owners find it almost impossible to find a place to park. During construction and forever after, parking will be even worse. Sidewalks, sometimes crowded, especially during Sundance, will be even more crowded. Nevertheless, the Sweeney funded studies show there will be no such problems.

Why is it that "the little guy" must fit within the architectural guidelines for size, style, and roof lines while the proposed Treasure Hill project is a concrete and glass behemoth far out of character with Historic Old Town? Why are we even considering a million square feet when original proposal was for a development one-third the size? Treasure Hill would loom over Park City destroying its personality and disrupting neighborhoods while the Sweeneys sit conveniently on the other side of the hill they donated, never to be developed, their monstrosity comfortably out of their sight lines.

This has gone on for nearly thirty years. It's all been said before. Nothing has changed. Given the impossibility of the project and its negative impact, why can't we just put it to rest for good?

Stu Shaffer
613 Main St. #403

Treasure Comments

From: Bruce Erickson
Sent: Thursday, May 19, 2016 8:44 AM
To: John Plunkett
Cc: Francisco Astorga; Treasure Comments
Subject: RE: Confidential: The upcoming Treasure Hill Discussion

Thank you for your comments. Comments on this project are public. I will copy the file to the City comment site at Treasure.comments@parkcity.org where they will be part to the project record. Regards, Bruce

Bruce M. Erickson, AICP

Planning Director
Park City Municipal Corporation
Park City, Utah

-----Original Message-----

From: John Plunkett [mailto:john@plunkettkuhr.com]
Sent: Wednesday, May 18, 2016 9:52 PM
To: Bruce Erickson
Subject: Confidential: The upcoming Treasure Hill Discussion

Hi Bruce,

In thinking about the return of this project, I wonder if the trade-off between 'open space' and a massive development should (or could) be looked at anew in 2016.

Instead of too many sq ft, in too small an area and way too tall, and cut off from the town's street grid, I wonder if a lot of smaller, shorter buildings spread out over a much larger area, that follow the existing street grid, might be a better solution for 2018 vs 1988.

In other words disperse and diffuse the impacts of a giant tower — by following the existing forms of Old Town, with two-story buildings on narrow lots, with parking dispersed throughout, rather than a Miami Beach mega project with one centralized parking garage...

Any possibilities here, from your point of view? Hope so

All best,

— John

Niels P. Vernegaard

822 Lowell Ave. Park City UT 84060. NielsPV@yahoo.com

May 25, 2016

To whom it may concern:

Re: Treasure Hill Convention Center

My wife and I will be out of town when the first planning meeting on Treasure Hill is discussed. I did not want our absence to signal our indifference to this project.

We are full time residents of Old Town and as you can see from our address live directly across from the proposed convention center. While THINC has done an excellent job of detailing why this project should not be approved, I thought you might be interested in our personal thoughts given our proximity to the development.

1. Much has been written about traffic. Studies have been completed. The reality is that Lowell Ave is effectively a one-way street in the winter. It will be narrowed further as part of the sewer renovation this summer. When you have a chance, drive up 8th street and continue on to where it turns into Crescent Tram. When you get to the top attempt to make a left onto Empire. It is difficult in the summer. Nearly impossible during the winter. Now envision traffic descending from a convention center just up the hill. Remember, navigation software will direct visitors down Crescent Tram and 8th when they want to get into Park City or over to Deer Valley.
2. The United States Postal Service will not deliver mail into this neighborhood due to the conditions of the roads. Yet the developers want to put a convention center here.
3. It is my understanding that the developer believes that they have a legal right to develop this land due to an agreement dating back to the 80's. I don't believe that development rights last into perpetuity. 30 years is a long time. No investment of mine ever came with rights or guarantees. Some of them did well, others were a bust. Why should the developer expect to have no risk to their investment?
4. Park City competes with other resorts for tourist dollars. Many of our competitors have superior scenery. Their snow is often better. What we have is an authentic western town with a rich history. Visitors often speak of the charm of Park City and Old Town. Do we really want to put that competitive advantage at risk by approving a Las Vegas style convention center that will loom over Old Town and give us big city traffic? I don't think so.
5. The entrance to the Creole mine is 50 yards up the hill. This convention center will disturb the entrance and I assume the mine as well. Has the EPA been involved? I think of the catastrophic damage done last year in Colorado when an old mine was breached.

Lastly I'd like to discuss fairness. The investors in Treasure Hill want to secure development rights. They have said that they will then sell those rights to a company that has the resources to build the convention center. The investors will walk away with millions leaving those of us in Old Town to deal with a multi-year construction project, traffic jams and the general headaches of having a convention center in the middle of our neighborhood. In my book that is not very neighborly.

Sincerely,



Niels P. Vernegaard.