

MOTION: Commissioner Volkman moved to CONTINUE discussion of the Snow Top Subdivision Administrative Plat amendment to January 25, 2006. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

3. Treasure Hill Conditional Use Permit - review of building volumetrics and massing

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

Planner Whetstone reported on the Treasure Hill conditional use permit. She noted that in August 2004, the Planning Commission discussed the conditional use permit review criteria which included fencing, screening, building mass, bulk orientation, site planning, usable open space, signs, lighting, and physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. The minutes of previous meetings were included in the staff report. Traffic was discussed at length at those meetings and although traffic is still an issue for discussion, the objective this evening is to update the Planning Commission on their proposal for massing and some of the changes that have been made. The applicant will return on January 25 to present and discuss the roadway cross sections and how it all fits into the Lowell and Empire right-of-ways.

Planner Whetstone noted that a public hearing is scheduled this evening. The applicants were prepared to present the volumetrics. Planner Whetstone stated that she researched old files and looked at seven projects for massing comparisons. She distributed copies of her comparison analysis to the Planning Commission, noting that the comparisons were strictly residential and commercial square footage and did not include parking structures, back of house, or support commercial or meeting rooms.

Planner Whetstone noted that in addition to the volumetrics, the applicants were prepared to present a construction mitigation plan.

Pat Sweeney, representing the applicant, reviewed a computer generated presentation showing the massing and volumetrics of the building. Mr. Sweeney recalled starting the design of this project just prior to the Olympics four years ago and noted that a detailed plan was presented two and a half years ago. That plan was reviewed by the Fire District and the Chief Building Official and together they worked out a very detailed fire protection plan. That fire protection plan was kept intact for the most part.

Mr. Sweeney remarked that through design changes they were able to make some volume disappear by arbitrarily accepting a PT slab construction which allows them to plan 10-1/2

feet from floor to floor as opposed to 12 feet. This provided an opportunity to make some of the volume disappear by lowering the grade of the main plaza. In order to do this, it was necessary to lower Lowell and Empire which had the advantage of making the turn more friendly in terms of the grades. They were able to shift a lot of volume out of the northwest elevation to places where there was already volume.

Mr. Sweeney stated that the Mid-station site is approximately 28% below the average height allowed under the master plan. The height was reduced from 25 feet to 18 feet. The Creole site is approximately 30% below the average height allowed in the master plan. The height is 31-2/3 feet versus 45 feet. Mr. Sweeney believes this reduction is quite an accomplishment in terms of mitigating the volume. He reiterated that the massing has shifted from the northeast elevation and they were able to maintain 74% open space within the project versus the 70% required. Mr. Sweeney remarked that technical drawings were available for review. The drawings are based on good survey data that support the numbers presented this evening.

Mr. Sweeney presented exhibits of roof heights versus the existing grade, Another exhibit showed the height limits and open space calculations that verify 74% open space within 11-1/2 acres. He indicated areas where the project is at its highest. He felt the exhibit demonstrates that they are not taking advantage of all the height that was approved in the Master Plan.

Commissioner Wintzer asked for the tallest height above existing grade. Mr. Sweeney replied that the height goes up to 75 feet.

Mr. Sweeney presented a table that showed how they determined the two numbers mentioned for average height. Another drawing showed the proposed versus the allowable height. Mr. Sweeney felt this demonstrated how they were not using a lot of the height that was granted in the MPD and it also showed where there could be flexibility in the final design. He presented an isometric 3-D version of the proposed volume. This drawing demonstrated the shift of volume from the northwest part of the project to the existing volume. He indicated the area where the volume was reduced and identified the various heights in different areas of the project. Mr. Sweeney felt these were reasonable heights compared to the adjacent neighbors who are 165+ feet away from the project.

Mr. Sweeney summarized that the project meets the Sweeney Master Plan massing and open space requirements.

Jim Allison, representing Big D Construction, addressed construction mitigation and the overall circulation plan for getting materials and construction personnel on to the job site. Mr. Allison commented on the importance of communicating with the neighbors because most of the problems in any circumstance come down to clear communication. He talked

about project duration and sequencing and how they intend to build out the project. Mr. Allison addressed issues of site fencing, clean-up, and keeping the roads clean. He commented on the SWPP Plan which is a Storm Water Pollution Prevention Plan, as well as safety. Mr. Allison stated that Chris Kursbowski is the Senior Project Manager and he will be heavily involved with this project and on the site nearly every day.

Mr. Allison reviewed the overall circulation and proposed one way traffic for construction vehicles and any material deliveries. Lowell and Empire would remain two-way for the public. Construction workers would park in a designated area off-site and shuttle to the site on buses. Extra area is allowed on-site for staging to keep construction vehicles from interfering with traffic on the roadway. Signage is important and they will make sure the site is well signed so everyone knows where to go when delivering materials. A traffic manager will be on-site at all times to stop traffic leaving the site if necessary to make sure pedestrians are safe. Mr. Allison commented on the "No Tolerance" policy. Any construction personnel caught parking on Lowell or Empire will be towed at their own expense. In terms of communicating with neighbors, Mr Allison stated that they are proposing to start a monthly newsletter once construction begins to keep the neighbors updated on the project. They will also have a website that will be updated every few days with construction schedules, etc. Mr. Allison noted that limited delivery hours will be established since staging will be limited on this project. Mr. Allison commented on the ten year phasing plan originally proposed for the project and noted that the Sweeney's have cut the phasing time in half which will lessen the impacts on the neighborhood.

Chris Kursbowski stated that as the Senior Project Manager, he expects to be on site four days a week. He noted that the site will be fenced with a secured gate. The gates are locked on a daily basis and the site is well lit to prohibit theft activity. Mr. Kursbowski remarked that a clean site is important and they will walk the site daily to look for debris that could blow around the neighborhood. He presented a slide showing a washing procedure that cleans dirt and debris off the construction trucks before they enter on to public streets. Water trucks will control dust. They will monitor the air and keep an eye on dust control through general observation in dry conditions. He commented on the Storm Water Pollution Prevention Plan and noted that this is a requirement for many construction sites. The difference between any other construction company and Big D Construction is that they recognized and embrace the storm water pollution protection. Mr. Kursbowski explained that SWPP means that they must have a plan in place for their site before construction can begin. This plan must be filed and it requires specific mitigation in the event of a fire or spill. It is part of Big D's protocol and it is a manual that is customized for each specific job. Mr. Kursbowski commented on safety and noted that Big D has a 100% hard hat policy. A site specific safety plan is developed in an effort to keep the construction site and the surrounding areas safe. Random inspections are conducted by safety personnel.

Mr. Sweeney noted that at the next meeting they will talk about the geometry of the existing roads and the cross sections and alternatives for handling construction traffic, pedestrians, and parking.

Commissioner Wintzer requested that the applicants address hours of construction and the days of the week they plan to work. He noted that the construction period is estimated to be five or ten years and he would like to understand what that means for the neighborhood in terms of lighting, gravel, or other things that might spill into the neighborhood. Commissioner Wintzer felt that construction mitigation is a bigger issue than traffic or fencing the project.

Commissioner Sletten asked that the construction traffic plan address the point where trucks and other vehicles will enter Lowell and the impacts it will have on the Resort and traffic in and out of the Resort.

Vice-Chair Thomas opened the public hearing.

Brian Van Hecke did not believe that anything presented showed the scope or scale of the project. Other developers show a streetscape with everything drawn to scale in relation to existing surroundings. Mr. Van Hecke requested that the applicant provide a streetscape and that it be published in the paper and other places for the public to see. With regards to construction traffic and traffic in general, Mr. Van Hecke stated that the roads are not safe and it gets worse each year. He believes the City has a legal responsibility to provide safe pedestrian access. Mr. Van Hecke noted that the meeting on January 25 is right in the middle of Sundance. He requested that Treasure Hill be re-scheduled to the following meeting since many people who would like to comment prefer to stay away from Old Town during Sundance.

John Helton, a resident on Norfolk, felt it was logical to put all the tallest buildings towards the back and away from the small houses in the neighborhood. Mr. Helton noted that everyone, not just the neighbors, will be impacted by construction of this project. Because it is in a canyon, everyone in town will be hearing beep, beep, beep for five to ten years. Mr. Helton remarked that the roads are narrow and steep and he cannot imagine construction trucks maneuvering those roads during the winter. Once the project is completed, there will be bumper to bumper traffic on Lowell and Empire Avenues. Mr. Helton felt it was not a good gesture for the applicant to refuse to let them buy down the density. He believed that somewhere there must be a precedent set for keeping something that was approved twenty years ago from going into a town where it would never be approved today.

Bret Fox, a resident at 1226 Lowell Avenue, realized that the development rights have been granted for twenty years, but he felt a lot has been done on false premise. He noted that

throughout the 1990's the plan being promoted by the Sweeney's was a much smaller scale project. It did not include any of the large buildings and the density was less. Mr. Fox felt it was a slap in the face for the Sweeney's to hand out plans for one project in the 1990's and try to pass of this project now. He felt it put the City in a bad position because if that was what everyone was expecting, Empire and Lowell Avenues were not built to support this type of structure. Mr. Fox presented photos of traffic jams every time delivery or construction trucks try to go up the road. He stated that Big D is a great construction contractor but they are not a great neighbor. Mr. Fox noted that Big D is building a 6,000 square foot structure one house away from his and he outlined a number of impacts and issues related to constructing this building. It is a noisy dirty construction site and they will experience the same issues with the Treasure Hill project for five or ten years. Mr. Fox stated that if the Sweeney's were building what they proposed throughout the '90's it would not be a problem and they would not be attending so many meetings.

Kyra Parkhurst, a resident on Empire Avenue, stated that just this week she witnessed a pedestrian being hit by a car and it happened to be on garbage day. Ms. Parkhurst noted that no one has considered the fact that on Thursday all the garbage cans sit on the road. She wondered where the traffic will go on garbage day. She asked if Big D Construction would give hard hats to all the neighborhood kids who have to play in the streets because they do not have yards. Ms. Parkhurst wanted to see an estimate of how many dump trucks, concrete trucks, etc. are expected each day once they begin construction. She expressed concern about traffic, parking, pedestrians and all other safety issues and suggested that the project be re-considered.

Peter Barnes agreed that everyone could benefit by seeing the project from a streetscape perspective. They might find that the large buildings towards the ridge disappear because they are blocked from the street level by the smaller buildings in front. Mr. Barnes stated that he is building a house for a client who will be the nearest neighbor. He was concerned about their ideas for the first 20 feet of height and how it relates to the pedestrians and the neighborhood. He felt it should be treated as the front of the building and he wanted to see an illustration that addresses their intention for that portion. Mr. Barnes believes they intend to make it the front, however it would help if the neighbors could be reassured with evidence to that fact. Regarding construction mitigation, Mr. Barnes stated that information contained in the Staff report and on the website indicate a red dot marked employee drop-off. They have always been concerned that the crescent shaped property on the opposite side of the road would become a bus stop and he will do everything possible to make sure that does not happen. Mr. Barnes remarked that in addition to hearing beep, beep, beep, they will also be hearing bang, bang, bang when they begin blasting through solid rock. He asked the applicant to acknowledge that this would happen and to explain whether or not it will an issue. Mr. Barnes stated that while he was looking at the excavation, he was sure that the drawings showing the excavation of the tallest

building showed grading off-site and crossing over the property lines. He was curious as to whether or not that was the case.

Mike Allred, a resident on Empire Avenue, echoed his support for all the previous comments. Mr. Allred referred to an isometric of the project that the applicant presented this evening. Projects he has built in Old Town were critically reviewed by Staff and it took months to achieve the appropriate height, architecture, colors, etc. to make everything consistent with the feeling of Old Town. Mr. Allred did not believe this project could be approved without reviewing a significant amount of architectural work way beyond the showing of the volumetrics. He felt it was critical for the Sweeney's to present the actual architecture of the structure prior to approval to show how this enormous development will keep with the feeling and the texture of historic Old Town. Mr. Allred noted that construction traffic was shown coming up Lowell Avenue and leaving on Empire Avenue. The reality is that Lowell Avenue in front of the Park City Mountain Resort is unavailable. This means that all the traffic entering this construction site has to enter initially on Empire Avenue and turn on tiny Manor Way before going up Lowell Avenue. Mr. Allred felt that Park City Mountain Resort needs to put Lowell Avenue back on the table so it can be used as an access to this project. He has the greatest respect for Big D Construction and he has watched their projects throughout his years as a general contractor. He believes the safety issues are not on-site. Their concern for safety and everyone's liability should be on the street. Mr. Allred referred to a previous comment from Commissioner Thomas and agreed that no one has yet shown how they intend to separate the vehicles from the pedestrians. He felt that Big D Construction's major concern should be what happens to the pedestrians when construction vehicles leave the site.

Mary Whitesides, a resident at 812 Empire Avenue, stated that she is within 125 feet of this project and it will be right behind her house. She echoed Mr. Van Hecke's comment about seeing schematics that show the scale of the project to the neighborhood and to Old Town. She felt it was important for these drawings to be made public and published. Ms. Whitesides addressed a comment made by the developers in an article by Ann Bloom. In that article they called the neighbors selfish and said they were jumping on the traffic issue and preventing the Sweeney's from enjoying their property. She believes it is much more than traffic. The concerns are about density, environment, compatible architecture, view sheds, light pollution, noise pollution, safety, traffic, and inconvenience. Ms. Whitesides stated that this commercial project is not being built in downtown Old Town or at the Resort where commercial projects exist. It is being built in a neighborhood where people live and work everyday. She works at home and is very concerned about the noise and dirt in her backyard that will go on from five to ten years. In addition, without a plan to make the streets wider, she was unsure how they could handle the increased traffic.

Vice-Chair Thomas closed the public hearing.

Planner Whetstone remarked that the applicant has requested a separate architectural review of this project as a conditional use to be considered by the Planning Commission. The applicant has valid concerns that if they do a detailed architectural design of this project and there is an appeal process, the process could be lengthy and by the end the hotel operator could change and the plans may be outdated. They have had this experience with Deer Crest and the Staff has reviewed the architecture four times. Planner Whetstone named a number of projects that were given an approval on volumetrics, site planning, and general massing and bulk. She noted that the architecture is usually specific to a hotel operator. Planner Whetstone suggested that language could be drafted to guide the architecture for compatibility surrounding structures. The Staff recommended that the Planning Commission consider this as a separate conditional use permit to address architecture, materials, landscaping, retaining walls, and other details. Planner Whetstone agreed with Mr. Barnes that it would be good to see the streetscapes from the perspective of massing and volumetrics.

Planner Whetstone requested that the Planning Commission provide input on separating the architectural component, as well as massing, the heights, and the volumetrics based on the presentation. After reviewing the revised plans presented, the Staff is confident that the plans are in compliance with the master plan in terms of height and massing.

In response to comments about making the plans available to the public, Planner Whetstone recommended having a notebook with all the plans and various information available at a general location such as the library. Plans are always available at the Planning Department, but construction around the Marsac Building makes it difficult to get there.

Commissioner O'Hara felt that conceptually it is a good idea to separate the architectural review but he was having a hard time understanding how this could be done. Mass and scale by themselves are out of context and architecture brings them into context. Commissioner O'Hara did not want to establish mass and height in a way that would prohibit the architect from coming in with a better architectural design. He believed that architecture will drive this project more than anything else. He did not oppose having the architectural review as a separate CUP as long as they can find a way to give the architectural review some leeway with height and mass to achieve the best design possible.

As a part of discussing the mass and height issues, Commissioner O'Hara felt they should set new vantage points in town to judge this project. It is the largest project they have ever looked at and it deserves the same kind of review that smaller projects have undergone.

Planner Whetstone recalled that during the Town Lift project, the City Council formed the Town Lift Design Review Task Force consisting of representatives from the Historic District Commission, the Planning Commission, and architects. The task force drafted design

guidelines specific to the project and she suggested that the same could be done for the Treasure Hill project.

Commissioner Sletten favored bifurcating the architectural review but he did not want it distanced so far that they could not take into account the relationship of the architecture to the volumetrics when the final plan is submitted. Commissioner Sletten remarked that ultimately it may not be the same hotel operator or the same general contractor who builds this project. Therefore, they need to make sure that construction mitigation issues and other things are absolutely tied down so whoever builds this project is tied to the same requirements.

Commissioner Volkman was not opposed to architectural separation and believed it deserves that kind of attention. He was still not satisfied with the volumetrics and intended to address those later in the discussion.

Vice-Chair Thomas was comfortable with separating the architectural review.

Commissioner Wintzer agreed that separating the architecture is a good idea. However his pet peeve with most of these large projects is that as they get further along the developers find that they cannot always deliver on their promises. He felt this issue needs to be addressed to make sure the promises made are realistic.

Commissioner Wintzer commented on volumetric and massing. He felt it was hard to get an idea of the massing without having the existing buildings drawn to scale. He assumed that based on the Staff report, the applicant is within the guidelines of what has already been approved. Commissioner Wintzer appreciated the fact that the Sweeney's tried to move the massing around and step back the buildings. He wanted to see a more accurate relationship of the project to the existing height of the trees or the surrounding buildings. Vice-Chair Thomas stated that he was still uncomfortable with the northwest corner where the largest massing occurs adjacent to the residential neighborhood. This is a very brutal edge and he was uncomfortable with the impact it has on the quality and scale of the adjacent neighborhood. Vice-Chair Thomas felt the applicant had made positive steps towards mitigating the mass, however it is still a very vertical and contrasting form next to the scale of the residences. He requested that massing be looked at from massing above grade and below grade because it has ramifications to the excavation. That same corner has ten stories of underground structure below grade which is a substantial cut into the earth. Chasing that cut up the mountainside was a grave concern to him. Vice-Chair Thomas understood that the master planned development supports pushing the massing into the corner, however he thinks they need to look at the conditional use permit and how it impacts the neighborhood. He is still looking at the criteria in the conditional use permit that suggests doing a comparative analysis to the immediate neighborhood. Vice-Chair Thomas felt that massing throughout the rest of the project works well. If he could re-wind

the MPD he would put more of the massing towards the center and step the building up from the sides.

Commissioner Volkman felt they could run into the same issue with volumetrics and massing that Commissioner O'Hara worried about with architecture. He hated to set the volumetrics and massing in stone when the hotel operator will probably want to do something different. Commissioner Volkman wondered if there is a way to recognize a certain amount of density, height, and volume to buildings without being too specific.

Director Putt stated that because they are in a conditional use permit process, which is based on identifying whether or not the particular aspects of a project work, they have to specify the volumetrics, keeping in mind that volumetrics and the building envelopes represent the maximum extent that a building can be built. Director Putt felt there was a certain wisdom in coming back for final details once they have a known hotelier who will be building a known product. Director Putt asked the Planning Commission if there are other ways that the Staff and the applicant could convey the necessary information to help them address the context question.

Commissioner Volkman did not believe that the massing and volumetrics presented was the best for the site. He was also concerned about the height on the upper north side. It is too tall for being so close to single family residences in the Old Town neighborhood. Commissioner Volkman wanted to see pedestrian vantage points that could provide a better idea of how this will fit into the context of the neighborhood.

Commissioner Sletten agreed that it is hard to make decisions without having the drawings in scale with the surrounding community. He stated that without having the volumetrics set in stone, it is impossible to judge the relationship of the proposed buildings and its impacts on the neighborhood. Commissioner Sletten concurred that the volumetrics needs to be specific and he encouraged the applicant to come up with models that show to scale the impacts of those buildings to the streetscape and the surrounding neighborhood.

Commissioner O'Hara believed that the height and massing conforms to the MPD. Given the constraints of the MPD, he felt that most of the layout is as good as they can get with the exception of the northwest corner where they have a shear wall. Commissioner O'Hara hoped to see another iteration that demonstrates some kind of scale to the neighborhood. Based on his reading of the Land Management Code, he interprets "neighborhood" to mean the neighborhood of Old Town and the incorporated zones rather than the homes.

Director Putt summarized that the Planning Commission is willing to separate the specific project architecture to come back for own its review for approval. The Planning Commission still has lingering concerns about the building massing, particularly those

areas on the north and west side adjacent to the existing homes. Director Putt clarified that the Planning Commission would like the Staff to work with the design team and the applicant to look at other possibilities to convey the modeling of the project. This should include key vantage points to show what the project will look like at the street level. Director Putt agreed that the parking situation on January 25 could present a problem for the public and it may not be the ideal meeting to continue discussion of the Treasure Hill project. Commissioner Volkman suggested that the Commissioners email their ideas for key vantage points to Director Putt.

Commissioner Wintzer remarked that if they choose to separate the architecture from the volumetrics, they should include language that addresses architectural guidelines. Director Putt agreed and explained how this was done for other projects that separated the architectural review.

Vice-Chair Thomas called for discussion on construction mitigation. Commissioner Volkman felt that the public who spoke this evening offered great ideas. The applicant showed an example of what Big D Construction does during construction, but he wanted more specific details in terms of anticipated trip generation each day from large delivery vehicles and whether there is any seasonality to their plan. Commissioner Volkman needed a better idea of how constructing this project will impact the neighborhood.

Commissioner Sletten reiterated his earlier comment that access issues with the Resort need to be resolved before this could work.

Commissioner Wintzer stated that the construction mitigation plan needs to start on Park Avenue and work all the way up. It is a safety issue that goes way outside of the construction area and it needs to be addressed with the City. Commissioner Wintzer remarked that he would also like to know the number of trucks per day, the size of the trucks, whether they can make the turns, etc.

**MOTION:** Commissioner Volkman moved to CONTINUE this item to the first meeting in February. Commissioner O'Hara seconded the motion.

**VOTE:** The motion passed unanimously. Commissioner Zimney abstained from the vote.

Mr. Sweeney asked if it would be possible to discuss traffic issues and construction mitigation at the January 25 meeting. After further consideration, the majority of the Commissioners stated their willingness to discuss construction mitigation on January 25. Mr. Sweeney offered to post information on the website in advance of the meeting so the public can review it and comment in writing if they cannot attend the meeting that evening. Mr. Sletten requested that Mr. Sweeney obtain a statement from the Resort on how they intend to deal with construction traffic and skiers at the same time. Vice-Chair Thomas

avored the idea of making drawings and information available at the library for public review.

4. 201 Heber Avenue, Union Square Sky Lodge-Condominium conversion

Director Patrick Putt stated that the applicant, Cloud Nine Resorts, have submitted a plat amendment and a condominium plat for the Union Square Sky Lodge Hotel project at 201 Heber Avenue. The property is located in the HRC and a small portion of the HCB zone. In January of last year, the City Council approved the master planned development and conditional use permit for the project which consists of 22 residential units and 25,495 square feet gross area of support commercial. The support commercial area, as identified in the plat, also includes three existing historic buildings on the property; the old Utah Coal and Lumber building, the old Union Pacific Depot, and the Tack Shop building which is now Salon Rouge.

Director Putt reported that this particular plat amendment and condominium plat divides and defines all of the proposed area within the property and it designates all private common, limited common, commercial limited common area, public easements, and public utility easements. Approval of this plat amendment and condominium plat would allow the property owner to begin to sell individual units and divide interest in the property.

The Staff had reviewed this application and found it consistent with the Master Planned Development approved by the City Council and ratified under a development agreement that was approved on May 12, 2005. The Staff had prepared findings of fact, conclusions of law, and conditions of approval for a positive recommendation to the City Council following a public hearing.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council for the condominium plat at 201 Heber Avenue, The Union Square, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 201 Heber Avenue