

3. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
  4. A note shall be added to this plat stating that the remnant half of Lot 12 is not rendered separately developable by this plat.
14. Treasure Hill - Conditional Use Permit

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

Director Putt stated that at the March 8<sup>th</sup> Planning Commission meeting he had committed to prepare a comprehensive Staff response to the Treasure Hill conditional use permit application and its compliance with the 1985 Sweeney Master Planned Development parameters and conditions. Director Putt reported that on December 18, 1985, the Planning Commission at that time approved a small scale master plan for the project. Ten specific findings of fact were adopted and approved as part of that master plan and ten specific conditions of approval were created to memorialize the project. He believed the findings and conditions are important because they formed the basis as to why specific things were required in 1985.

Director Putt referred to a question Commissioner Barth had raised about whether or not the 1985 MPD had expired due to inactivity. Director Putt noted that City Attorney, Mark Harrington, had prepared a memorandum addressing this question. The memo states that the City has consistently determined that the Sweeney's are in compliance with their master plan development phasing and timing. Director Putt noted that this legal opinion is consistent with that of previous City Attorneys Jodi Hoffman and Jim Carter. The determination of compliance with time frames has historically been based on the fact that the Sweeney's have carried through with the requirements for rezoning substantial portions of the property from Estate to ROS. They have dedicated water and road easements, rights-of-way for streets, adopted deed restrictions and dedications, and they have also dedicated and constructed trails throughout the overall MPD area. These represent action on the MPD. The City has not deemed this MPD to expire and it is in full effect at this time.

Director Putt read the ten master planned development findings of fact outlined in the Staff report: He noted that these findings formed the basis of the factual statements that the Planning Commission had determined in making their decision in 1985 to approve the project. In an effort to make sure that those actual statements were carried forth in the development of the project, the Planning Commission approved ten fairly lengthy and detailed conditions of approval. Director Putt read the ten conditions of approval and his response to each one as they were written in the Staff report.

Condition #1 states that the Sweeney Properties Master Plan is approved based upon the information and analysis prepared. 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 currently in effect at the time.

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The Staff's response is that determination of compliance is pending. Revised plans are currently in development and the Staff review will take place once complete, revised plans are received.

Condition #2 states that upon final approval of the proposed master plan, a recordable document shall be prepared and submitted. The Official Zoning 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 shall be rezoned to Recreation Open Space.

The Staff's response is that there is no record of a recordable document or recorded MPD document. The rezoning required per that condition of approval did occur and approximately 109 acres of Estate property was rezoned to ROS in August 1990. The Staff is awaiting revisions to the master planned documents, at which time they will be able to determine that all the building heights are within the volumetrics and that the open space requirement of 70% within the buildable areas have been met.

Condition #3 states that the approved densities are attached as an exhibit and shall be limited to the maximum identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with approved restrictions and requirements or adopted ordinances at the time of project approval. Support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to service off-site or attract customers from other areas.

The Staff is unable to confirm that the proposed densities are consistent with the approved MPD or analyze the parking requirement until the revised plans are received. No specific commercial uses, other than possible meeting room space, has been identified by the applicant. Public use of the support commercial area is not expressly prohibited, however it is intended to be limited in nature and is primarily intended to serve the patrons and owners. Given the concerns of the neighbors regarding traffic, the Staff has requested additional information on the commercial uses.

Director Putt noted that the conditions of approval drafted in 1985 did not consider the concept of a funicular that links the project to Main Street. The applicant's proposal is based on the ability to make that connection to Main Street to mitigate the number of vehicles driving through the neighborhood.

Condition #4 states that 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.

The Staff response is that the project is in compliance with those standards. Access to the Creole Gulch and the Mid-Station site is by way of Lowell and Empire Avenue and on-site circulation is via private driveways and accesses. A preliminary fire access plan has been reviewed and accepted by the Chief Building Official and Fire Marshall. Once the complete and revised MPD plans are received, the Staff will coordinate with the Fire Marshall to confirm that acceptable emergency access remains. The City Engineer has not approved a utility plan to date.

Condition #5 states that building height 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 approximately 6 specific building pads identified in the condition of approval and outlined in the Staff report.

The Staff will review the building height compliance in detail once plan revisions have been made and submitted.

Condition #6 states that 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.

The Staff response is that compliance determination is still pending. No specific architecture has been proposed to date, however there have been preliminary discussions on architectural concepts. The majority of review time has been focused on site planning, traffic, and construction mitigation issues.

Director Putt pointed out that the conditional use permit chapter in the Land Management Code, Section 15-1-10-E.11, specifies that the Planning Commission must consider physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing when considering conditional use permits in order to make a finding that the project architecture, as well as the bulk and mass, fits consistently and compatibly within the neighborhood. He noted that the Land Management Code currently allows for an administrative Historic District Design review by Staff and their determination can be appealed to the Historic Preservation Board for review and action. Director Putt requested discussion this evening on specific architectural details that the Planning

Commission would like to see in order to make that finding of compliance. His suggestions for architectural detail were included in the Staff report. At the time of Planning Commission action, Director Putt recommends having a condition of approval that the final architecture be reviewed by a task force, similar to the Town Lift Design Review task force, which was created for other parts of the Sweeney master plan.

Condition #7 states that 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. It shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.

The Staff response is that all utility discussions to date are predicated on the current plan. A utility plan will be approved once a conditional use permit is approved. The final step in securing the easements would be memorialized as part of any subdivision or plat.

Condition #8 states that Master Planned Development approval only conceptually establishes the ability of local utility 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 future developers to secure easements and upsize whatever utility lines may be necessary to serve this project.

The Staff response is that technical administrative Staff review of the utility plan would occur prior to the issuance of a building permit.

Director Putt commented on the significant amount of time spent on issues related to necessary street improvements. Each concern or problem raised represents an issue associated with the project that needs to be mitigated. On March 8, the applicant's traffic consultant proposed four possible road widening scenarios that were intended to generate a discussion on opportunities to solve those problems. Director Putt requested a discussion with the Planning Commission this evening regarding ranking or prioritizing the important elements of the street that should be preserved, enhanced, or improved.

Condition #9 states that to minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Cut and fill shall be balanced and distributed on-site whenever practical, with any waste material to be hauled over any City specified routes. At the time of CUP review and approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.

Director Putt referred to a letter from Norm Anderson with Jack B. Parson Companies providing feedback on his concerns regarding neighborhood impacts related to project staging and establishing a batch plant and materials storage areas on site. Mr. Anderson

believed the potential impacts associated with noise, dust, and truck traffic in bringing materials to the site could be worse than a more strategic approach of bringing in materials through a specifically approved construction mitigation plan. The Staff agrees with Mr. Anderson and would like to refine the construction mitigation plan to a higher resolution to see if there is certain storage and stockpiling that could result in a reasonable amount of materials stored on site that would not result in a lot of noise, dust, and additional truck traffic. Staff believes the applicant is committed to looking at construction mitigation and it is still a work in progress.

Condition #10 states that 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.

The Staff response is that no specific employee/affordable housing mitigation plan has been submitted to date. Director Putt stated that based on the project square footages and types of uses in the current application, Phyllis Robinson has provided a preliminary employee housing calculation which would indicate a mitigation requirement of 47 unit equivalents. Submittal of an employee mitigation plan is required prior to a Staff recommendation on the project.

Director Putt responded to a setback issue raised by Commissioner Barth at the March 8 meeting. He noted that the Staff report of December 18, 1985 contained a statement in the Staff analysis which reads, "Setbacks - All the development sites provide sufficient setbacks. The Coalition properties conceptually show a stepped building facade with a minimum of 10 feet for the West site (in keeping with the HRC zoning) and a 20' average setback for the East sites. The Hillside properties provide substantial 100'+ setbacks from the road, with buildings sited considerably farther from the closest residence." Director Putt pointed out that the sentence regarding Hillside properties relates specifically to this project. He explained the process he used to measure the setbacks and found that there are a variation of setbacks. Director Putt reviewed a number of exhibits and their setbacks as outlined in the current Staff report. He concluded that the narrative in the analysis prepared by the Planner in December 1985 represented a general opinion that overall the above ground buildings are 100 feet or more back from the edge of the road. He felt this was a broad generalization since some exhibits show buildings as far back as 100 feet and other exhibits show them as close as 75 feet. The underground parking structure shows as close as 20 feet. Director Putt believed that in the 1985 Staff report the Planner was primarily talking about above ground buildings and not parking structures. He remarked that the setbacks shown on the current plan is within the 75' to 100' range shown on the exhibits.

Rather than debate the 1985 Staff report narrative versus the appropriate MPD exhibit, Director Putt recommended that they spend their time discussing the street edge of the

project and whether or not the buildings shown at 75 feet are appropriate. He stated that from a Staff perspective, a setback of 75 feet could be appropriate. A setback of certain elements at 35 or 40 feet might also be appropriate. It all depends on what happens between the back of pavement and the vertical construction, including retaining walls, and how it looks. He noted that one of the ten findings states that, "the proposed setbacks provide an adequate separation and buffering." He believed the intent was to have a space between the existing residential neighborhood and the street that was large enough and included improvements such as roads, walls, and buildings, that were of a height and scale pedestrian enough to create a sense of transition and separation between the existing neighborhood and this project. He felt this was a place to begin their discussion and to look at the street edge and talk about retaining walls, project access, and relationship to surrounding structures, and then determine whether or not it is appropriate to have the buildings at 75 feet or 100 feet and whether the parking garage is fine 40 feet away.

Director Putt outlined five points for discussion and requested that the Planning Commission provide feedback this evening following a public hearing.

In the interest of time, Pat Sweeney recommended that the Planning Commission listen to the public and discuss the points outlined by Director Putt, and table further discussion until the next meeting.

Vice-Chair Thomas opened the public hearing.

Peter Barnes referred to previous comments that the nearest neighbor was 165 feet away. He noted that the bedroom window from his clients house to the garage wall as designed is 105 feet, which is two-thirds of the distance. Mr. Barnes stated that he is not fond of compulsory setbacks or arbitrary height limits and believes these should be open to discussion. He was willing to discuss these with the applicants if given the opportunity. Mr. Barnes reiterate his earlier comment about the applicant's poor PR. He had approached their designer with what he believed was a helpful comment and was told that these things are very technical, that section drawings are not meant to be realistic, and you people do not understand. If this is the response to the public, he would rather speak directly with the applicants. Mr. Barnes stated that his client still believes in this project and looks forward to a world class project.

Bill Truxes wanted to know the setback to height ratio of Peter Barnes' project and whether that ratio will be applied to the Sweeney project.

Director Putt was unprepared to provide the exact number in that ratio. He offered to review the 1985 exhibits with Mr. Truxes to compare the 1985 approval to the current

proposal. He noted that the 1985 MPD process for Treasure Hill allows for increased heights under specific conditions with certain criteria being met.

Mr. Truxes remarked that from a pedestrian level most Old Town buildings are 25 to 30 feet tall and 10 to 20 feet back. He noted that the Treasure Hill buildings would look taller at 75 feet back than at 100 feet back and he wanted to know if they were trying to make this project look smaller than it is.

Director Putt replied that there is no way to fool anyone with a project that has this much density and large building volumetrics. The challenge will be to look at each building individually and make sure that the larger buildings are placed in appropriate areas. Director Putt offered to meet with Mr. Truxes outside of this meeting to more precisely answer his questions.

Commissioner Sletten understood that there is no specific ratio of building heights to setbacks in the Land Management Code. It can be mathematically calculated, but you do not have to build to the maximum height allowed.

Ron Ivie, Chief Building Official, clarified one point of construction mitigation. He was here in 1985 and the idea at that time was to deal with dirt on-site and not to create a concrete batch plant or lumber mill. One possibility currently being negotiated relates to dirt on site. He felt the language in 1985 was poorly drafted and the intent was not clear. Vice-Chair Thomas closed the public hearing.

Commissioner O'Hara commented on Peter Barnes' presentation during the work session. While he would like to thank Mr. Barnes for a thorough, insightful, and helpful presentation, he felt it was an inappropriate forum outside of public hearing. Commissioner O'Hara was unsure why they took work session time for that type of presentation and believed that doing so sets a precedent for anyone else who wants to redesign the project. Commissioner O'Hara encouraged Mr. Barnes to discuss some of his suggestions with the applicants and he wanted it clear that the Planning Commission would not re-design the project.

Commissioner O'Hara commented on the five items for discussion. On the first item regarding the type of resort support commercial, he noted that in the past the Planning Commission has placed constraints through conditions of approval. Director Putt agreed that uses could be restricted in a condition of approval but he preferred to discuss their ideas earlier in the process. Commissioner O'Hara felt they should discourage short term or drop off uses that increase the parking requirement. Director Putt suggested that the applicants be given the opportunity to provide more detail on their ideas. Mr. Sweeney was willing to provide that detail at the next meeting.

Commissioner Sletten believed the market will regulate the uses and some uses can be mitigated by imposing specific parking requirements. Commissioner Sletten felt the people mover would be moving guest down the hill rather than bringing people up from Main Street.

Commissioner Volkman agreed with the Staff finding and he believed the Planning Commission needs more information from the applicants. He preferred to control uses by square footage and parking.

Commissioner Wintzer agreed that limiting the number of seats in a restaurant would discourage outside use.

Vice-Chair Thomas agreed with all comments. It is hard to predict what function and activity would be an appropriate business ten years from now, but they do need to think in terms of minimizing the interactions of those businesses to the local community.

Director Putt noted that the Sweeney's are interested in conducting Mine Tours on site. People visiting the Park City Museum on Main Street would be able to go up to the project site for the Mine Tour. He asked the Planning Commission to think about this concept for discussion at a later meeting.

The second discussion item related to important aspects of Lower and Empire Avenues which need to be protected. Commissioner O'Hara remarked that health and safety for pedestrians and vehicles is a priority. He stated that the burden for mitigating health and safety issues was on the applicants.

Commissioner Sletten agreed. He recommended that they look at the west side of Lowell Avenue since it appears to be the only place large enough to accommodate pedestrian traffic.

Commissioner Wintzer recalled that the traffic plan talked about a pedestrian link from this project to the resort and he wanted to know how that could be done. Commissioner Volkman understood that the pedestrian link was the funicular.

Commissioner Volkman agreed that pedestrian circulation and accessibility are a priority. He agreed with Commissioner Sletten that to the extent possible they should try to create a pedestrian walkway.

Commissioner Wintzer agreed that safety and pedestrian access is important but he also felt it was important to keep the character of the street when making any changes.



Vice-Chair Thomas was interested in seeing how a service truck, an automobile, and a pedestrian can move up and down the street without collision or bodily damage. Mike Sweeney stated that he has taken pictures of traffic on the street over the past two years to include with his documentation and he will provide those photos during a future presentation.

The third item for discussion relates to architectural information necessary to determine architectural compatibility.

Vice-Chair Thomas stated that in a previous meeting the Planning Commission decided to look at the architectural component of this project as a separate issue. He has had reservations about that decision because he does not know how you can evaluate scale and massing, relationship, character, and compatibility without some degree of architecture.

After examining the 1985 guidelines, he thinks they should pay more attention to the architecture. Commissioner Volkman agreed.

Commissioner O'Hara did not recall that the Planning Commission had agreed to separate the architecture. He recalled being open to the idea but they were unsure how it could be done. Commissioner O'Hara felt the Planning Commission should require a considerable amount of architectural information because architecture will drive this project.

Commissioner Sletten concurred noting that the architecture should be consistent with the neighborhood. He believed the Sweeney's already had a good track record based on what they have built to date. Commissioner Wintzer agreed.

The fourth item for discussion relates to the creation of a task force. Vice-Chair Thomas asked about task force members. Director Putt replied that the task force would consist of the existing Planning Commission and two members of the Historic Preservation Board. He noted that the Town Lift Design Review Task Force meetings were generally held on Planning Commission dates and it was scheduled on the agenda. The meeting would take place after the work session and before the regular meeting. Vice-Chair Thomas agreed with the principle of a task force because it will help them move through the material faster.

Commissioners Sletten and Volkman agreed.

Commissioner O'Hara felt that a task force at this point was premature. Commissioner Volkman was under the impression that the task force would only come on board at the final stage of the architectural review. After further discussion, Director Putt summarized that the Planning Commission would defer a final decision on the task force until they have the opportunity to review the level of architectural information requested this evening.

The fifth item for discussion related to consideration of on-site material storage and staging to reduce neighborhood impacts. The Commissioners were open to revising or reducing these requirements to mitigate the impacts.

Director Putt requested that the Planning Commission continue the public hearing and further discussion until the April 26 meeting.

Vice-Chair Thomas thanked Commissioner O'Hara for his comment with regard to the appropriateness of Mr. Barnes' work session presentation. He also thanked Mr. Barnes for the work he did because it helps identify some of the concerns and issues. Director Putt remarked that in the future when he has a question on protocol he will copy the rest of the Commissioners on that communication. He explained that when Mr. Barnes had requested additional time during the public hearing, it was Chair Barth who made the decision to allow him time during work session. Chair Barth was concerned that a long presentation would take time away from the public hearing and affect others who wanted to make comment. He apologized for not informing the other Commissioners.

Commissioner O'Hara clarified that his comment about the presentation being inappropriate during work session had more to do with the fact that it was valuable information that would carry more weight on the record.

MOTION: Commissioner O'Hara moved to CONTINUE the public hearing to April 26, 2006. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:20 p.m.

Approved by Planning Commission\_\_\_\_\_