



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION AGENDA
1255 PARK AVENUE
WEDNESDAY, JANUARY 28, 2009 – 5:30 P.M.

WORK SESSION – 5:30 P.M.

Items scheduled for Work Session are for discussion purposes between the Planning Staff, the Project applicants and the Planning Commission. NO ACTION WILL BE TAKEN. The public is encouraged to attend and limited public input will be taken.

PAGE #

- 7 408, 410, and 412 Deer Valley Drive – Steep Slope Conditional Use Permit
- 23 King Development, Alice Lode – Subdivision

REGULAR MEETING – 6:30 P.M.

ROLL CALL

ADOPTION OF MINUTES OF DECEMBER 10, 2008

ADOPTION OF MINUTES OF JANUARY 7, 2009

PUBLIC COMMUNICATIONS

STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

- Work session on February 11, 2009 to start at 5:00 PM

OPEN PUBLIC HEARING AND CONTINUE TO DATE CERTAIN

- Silver Lake Drive, Lot 2B of North Silver Lake Subdivision – Conditional Use Permit (Public hearing and continue to February 11, 2009)
- King Development, Alice Lode – Subdivision (Public hearing and continue to February 25, 2009)
- Land Management Code - Amendments for; Chapter 2- Zoning Districts regarding applicable criteria for Steep Slope Conditional Use permits in the HR-1, HR-2, and HRL zoning districts (Public hearing and continue to February 11, 2009)
- Land Management Code - Amendments for; Chapter 1- General Provisions and Procedures regarding appeals and reconsideration process by the Planning Commission; review procedures by the Board of Adjustment; and review procedures for conditional use permits, administrative conditional use permits, and administrative permits. Chapter 2- Modifications to 15-2.5-10 Heber Avenue Subzone in the HRC district; ROS and CT district revisions regarding temporary uses and setback exceptions and anemometer and wind turbine towers; and revisions in various districts regarding outdoor dining, outdoor grills, outdoor events, temporary structures, and setback and building height exceptions. Chapter 3- Off-street Parking. Chapter 4- Supplemental Regulations regarding temporary structures, tents, and vendors. Chapter 6- Master Planned Developments regarding appeals of Planning Commission action. Chapter 10- Board of Adjustment procedures for appeals. Chapter 11- Historic Preservation Board regarding process and procedures. Chapter 12- Planning Commission regarding review of Steep Slope CUP and procedures. Chapter 15- Definitions regarding various terms (Public hearing and continue to February 11, 2009)
- 308 Ontario Avenue – Steep Slope Conditional Use Permit (Continue to February 11, 2009)
- 80 King Road – Steep Slope Conditional Use Permit (Continue to February 11, 2009)

CONSENT AGENDA

- 107 265 Woodside Avenue – Steep Slope Conditional Use Permit (Possible action)

REGULAR AGENDA/PUBLIC HEARINGS

- 161 Land Management Code - Amendments regarding Financial Guarantees for Chapter 1 – General Provisions, Chapter 7 – Subdivisions, Chapter 11 – Historic Preservation Board, and Chapter 15 - Definitions (Public hearing and possible recommendation to City Council)
- 187 2300 Deer Valley Drive, St. Regis – Amendment to Conditional Use Permit (Public hearing and possible action)
- 213 2001 and 2009 Lucky John Drive – Plat Amendment (Public hearing and possible recommendation to City Council)
- 219 395 Centennial Circle – Plat Amendment (Public hearing and possible recommendation to City Council)
- 227 2300 Meadows Drive – Subdivision (Public hearing and possible recommendation to City Council)

ADJOURN

The Work Session will be held at 5:30 PM in the Library and Education Center, 1255 Park Avenue (Room 205). The Regular Meeting will follow at 6:30 PM. The public is welcomed to attend. Items listed on the Regular Meeting may have been continued from a previous meeting and would not have been published on the Legal Notice for this meeting. A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair. City business will not be conducted. For further information, please call the Planning Department at 615-5060. (Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department, 615-5060 24 hours prior to the meeting.)

WORK SESSION NOTES – JANUARY 7, 2009

**PARK CITY PLANNING COMMISSION
WORK SESSION
January 7, 2009**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan, Charlie Wintzer, Brooks Robinson, Katie Cattan, Phyllis Robinson, Polly Samuels McLean

WORK SESSION ITEM

Treasure Hill - Re-introduction and discussion

Planner Katie Cattan stated that the objective this evening was to re-introduce the Treasure Hill conditional use permit. She noted that in 1985 the discussions of the Planning Commission ranged from scattered homes across the 123 acre site to a more dense, compact and less sprawled higher story buildings. In the end, the approval was for more compact, dense development at the Creole Gulch and Mid-station sites of the original MPD.

Planner Cattan presented a rendering of one option that was presented to the Planning Commission in 1985. The rendering provided an overall picture of the actual ownership of the land. The property went all the way up Treasure Hill. Another slide showed the location of the proposed project.

Planner Cattan stated that the approval for more dense development called for 97% open space, which is 110 acres that will be dedicated to open space, more dense and taller buildings, and it allowed for greater heights. A height exception was approved by the City Council during a call-up. Planner Cattan noted that a height exception in a master planned development had to be approved by the City Council. She presented a rendering from the Aerie of the Treasure Hill development, showing Creole Gulch and the Mid-station.

Planner Cattan noted that the parcel sits above the HR-1 zone within the Estate Zone. She pointed out that the Creole Gulch site is proposed to be a resort hotel, private club area, and employee housing. The Mid-Station site is proposed to be condominiums or buildings that look more like single family home buildings.

Planner Cattan reported that the Sweeney Master Plan was approved by the City Council October 16th, 1986. It was made up of 125-1/2 acres on Treasure Hill. Within the MPD the Coalition properties were created, which included the town lift plaza on Main Street, the HR1- properties, the Hillside Properties and three single family lots. The two remaining sites to be developed are the Creole Gulch and the Town Lift Mid-station.

Planner Cattan stated that the Creole Gulch site is allowed to have 161-1/2 residential UE's under the MPD and 15.5 commercial UE's. The Town Lift Mid-Station is allowed 35-1/2 residential and 3.5 commercial. The total is 197 residential UE's and 19 commercial UE's. Planner Cattan clarified that residential is quantified by 2,000 square feet and commercial is 1,000 square feet.

Planner Cattan stated that the standards for review are handled differently if there is a master planned development. The application must comply with the original MPD as well as the conditional use parameters under the current Land Management Code. Planner Cattan reviewed

the ten findings from the original Sweeney MPD that were included in the Staff report. Those findings will be referred to during the CUP review to make sure this proposal fits within the findings of the MPD.

Planner Cattan noted that the development parameters and conditions were also included in the Staff report and they address the obligations of the MPD in terms of the densities, height limit, access, utilities, roads, easements, and affordable housing.

Planner Cattan remarked that the Land Management Code reflects the Utah Legislature standards for writing up conditional use permits. The Planning 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 conditional use shall be approved if reasonable conditions can be imposed to mitigate anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the CUP may be denied. Planner Cattan remarked that the proposal must mitigate the fifteen criteria outlined in the Land Management Code before it can be approved.

Planner Cattan requested discussion this evening on 1) the setbacks of the original MPD and the conditional use; 2) affordable housing; and 3) the process moving forward. Planner Cattan stated that this conditional use has been in review since 2004 and was reviewed by the Staff and the Planning Commission from 2004 to 2006. The applicant has come back with revisions that were made in response to direction given during those reviews.

Planner Cattan pointed out inconsistencies in the 1985 Staff report from the MPD approval. One was a statement indicating that there are 100 foot plus setbacks from the road with buildings sited considerably further from the closest residence. In looking at that statement they need to remember that many of the homes that are now built were not existing at the time of the MPD. Planner Cattan noted that an exhibit from the MPD shows a zero foot height limit for the first 40 feet from back of pavement to the first above ground building. The original MPD also shows underground parking at 20 to 25 feet. Planner Cattan stated that the current design was based on an exhibit within the master planned development where there were zero maximum building heights for the first 40 feet and higher increments as the building steps back. The current plan complies with that exhibit, but it is inconsistent with the Staff report written at the time of the MPD. Planner Cattan requested that the Planning Commission address a number of inconsistencies that resulted from so many changes throughout the MPD process. She requested that the Planning Commission provide input for determining how to interpret the setbacks. The Staff interpretation from 2006 was that the design must meet the original intent of the MPD, which was to establish a sizable setback, landscape buffer and transition area between the edge of the street, the neighboring residence and the proposed vertical construction. Planner Cattan suggested utilizing the maximum building height from the exhibit and utilize the zero foot area as the front yard setback. Anything built in that area would have to comply with the Land Management Code for a setback area.

Planner Cattan reviewed the original master plan exhibit. She emphasized that a decision needed to be made this evening on how to apply the setbacks to clarify the inconsistency in the document.

Planner Cattan noted that the affordable housing proposal was attached to the Staff report. Under the square footage that was provided, the Staff conducted an analysis of the affordable housing and under the 99 Resolution, 22,775 square feet would be required. She noted that the requirements of the 99 Resolution are less strict than the current Code.

The proposal is for 4,000 net square feet on-site, dorm-style seasonal employee housing. The applicants are requesting the option to pay an in-lieu fee for the remaining affordable housing obligation. The applicant proposes to utilize the '07 Resolution, which requires 24,000 square feet of affordable housing. Therefore, the in-lieu fee would be approximately \$3.5 million. Planner Cattan noted that the analysis was based on the square footage as proposed. The support commercial was not included and that would affect the final number. At the time of approval, the Planning Commission will look at the square footages and the use of the building and redefine the exact numbers.

Planner Cattan stated that the Staff and the applicant were looking for direction as to whether the Planning Commission supports the level of on-site units and the in-lieu fee, and whether the Planning Commission is willing to consider an in-lieu fee subject to the application of the Housing Resolution '07. If not, if the Planning Commission would recommend an in-lieu payment for fewer unit equivalents than what is being requested by the applicant and under what conditions. Planner Cattan noted that the Planning Commission would forward a recommendation to the Housing Authority and the Housing Authority would make the final decision.

Chair Thomas noted that this item was scheduled for work session only and not for public hearing this evening. The Staff was asking the Planning Commission to make a decision without hearing public input. Chair Thomas was uncomfortable with that process.

Phyllis Robinson explained that this matter was slightly different from the normal process of due process for affordable housing. This could have gone directly to the Housing Authority without input from the Planning Commission, but because of potential impacts of the affordable housing on a large scale project, they preferred to bring it to the Planning Commission for work session discussion. That discussion would be included as part of the Staff report to the Housing Authority.

Chair Thomas pointed out that the Staff was also requesting input on setbacks and he felt that also required public input. Chair Thomas felt these items could be discussed this evening but the decision should be made during a regular session after a public hearing.

Planner Cattan stated that the discussion would be helpful and they could schedule this for a public hearing at the next meeting with possible action. The Commissioners concurred. Ms. Robinson pointed out that there would be opportunity for additional public hearing before the Housing Authority.

Planner Cattan explained the process. Because this is a large scale project and it was reviewed in 23 previous Planning Commission meetings, she preferred to start with the affordable housing component. The next step would be to address the conditional use criteria in an organized manner, beginning with traffic. Throughout the process the Planning Commission will have the opportunity to decide what element they would like to see next.

Chair Thomas noted that the Planning Commission last saw this project in April of 2006. He wanted to revisit that last discussion with regards to the project and the input given by the previous Planning Director and Commissioners who are no longer on the Planning Commission. He thought that input would be valuable and it would help update the newer Commissioners.

Commissioner Russack suggested that the Staff provide a synopsis of the previous input as opposed to reviewing the material verbatim. Commissioner Peek suggested that a copy of the minutes from the April meeting would be helpful.

Chair Thomas commented on the magnitude of this project and requested that the applicants keep their presentation to the elements the Planning Commission was asked to address this evening.

Planner Cattan reviewed the requests the Planning Commission made to the applicant in April 2006, as outlined in the Staff report. These included 1) site plan and grading details; 2) open space calculations; 3) building setbacks for all structures; 4) building height compliance with approve building volumetrics; 5) residential unit size and configuration so as to verify the density and parking compliance; 6) architectural details illustrating size, form, mass, roof shapes and exterior details; 7) project streetscape detailing the design of the project entrances, retaining walls, landscape areas and pedestrian ways; 8) preliminary landscape plan; 9) ski lift and funicular design.

Chair Thomas reiterated an earlier request to have the minutes of the April 2006 meeting. Commissioner Wintzer suggested that the Staff try to keep the comments from previous years in context with a particular element being discussed at the time. This would help them focus on one aspect at a time rather than try to remember everything over several meetings.

Pat Sweeney, representing the applicant, introduced David Eldredge, the project architect and Jim Laroche, who is responsible for keeping the Treasure Hill website updated.

Mr. Sweeney noted that the history of this project goes back a long time. He presented a slide showing a general big picture of what they have been doing and what they are trying to accomplish.

He reiterated that the decision was made to go with open space and tall buildings. A key concept is that the buildings were sunk into the Creole Gulch location. Mr. Sweeney reviewed the drawings and documents that are posted on the Treasure Hill website.

Mr. Sweeney stated that his father acquired the property rights in 1977 and there were two versions of the plan that came off of Lowell/Empire and were clustered developments, classic vintage 1970's condominiums. He noted that those two plans struggled through the process and went nowhere. Following that they were approached by people from Chicago who had a plan to put a road up over the hill and put everything on top. That plan also struggled. Another plan was to base the funicular on Lowell/Empire and access 500 UE's. At that time, they also had the rights to the King Road Estate Lot, which is a 74 acre parcel that ended up with a large single family home.

Mr. Sweeney stated that when he approached the Planning Staff in 1984 he had a simple plan and he only wanted permitted use. Permitted use was the plan that Planner Cattan showed at the beginning. It would basically be a road from Lowell/ Empire to Upper Norfolk and a road up and over the hill. Mr. Sweeney noted that the UE's were calculated and the number was close to 200

UE's. When that proposal was presented to the Staff they were asked to look at all other alternatives. They agreed to do that and the Planning Commission and City Council were behind that concept.

Mr. Sweeney stated that initially they were willing to do a clustered development in Creole Gulch and a road from Lowell/Empire to Upper Norfolk. They looked at all the possibilities and ultimately settled on high rises in the Creole Gulch and Mid-station areas with smaller units around them. The decision to use that plan was made in 1986. The density amount was about half of the underlying density and they felt that was fair and could be reasonably achieved. He remarked that the City Council had set the parameters and they were asked to make their development fit within those parameters. They have spent the last six years proving that they are inside those parameters.

Mr. Sweeney stated that they spent the last two years addressing the nine items requested by the Planning Commission in 2006 that were outlined by Planner Cattan. It was a lot of work but he believes they addressed those items. In addition, they went back to the fifteen criteria of the CUP. Mr. Sweeney noted that all the current drawings reference the conditions in the Code that they feel were addressed.

Mr. Sweeney pointed out that the northwest edge of the project was clearly articulated, some of the mass was taken out, and the streetscape was completely redone. This was in response to previous direction given in terms of design.

Mr. Sweeney reviewed a computer model that was based on aerial surveys and field surveys.

Regarding the three items for discussion requested by the Staff this evening, Mr. Sweeney reviewed drawings on the website and indicated the zero building height zone. He noted that necessary retaining walls were added to accommodate the access to various parts of the project, but everything else was ground zero with landscape. He believed this addressed the setback issue. He noted that the drawing was generated 35 years ago and it was the basis of all the drawings for the master plan in the 1980's.

With respect to the setbacks, Mr. Sweeney presented another drawing that he felt was pertinent. It was an expression of the 100 foot setback from existing buildings at the time of MPD approval. He noted that development remained behind that line.

Mr. Sweeney stated that the previous Staff report was an interpretation of the entire process and this exhibit. He believed the absence in the Staff report was that there would be separation. Mr. Sweeney noted that a number of separation drawings were detailed.

Mr. Sweeney commented on the technicalities involved with the affording housing component. He remarked that they believe in employee housing and intend to do whatever is necessary to meet the requirements of the current Code. They are not interested in building employee housing elsewhere and prefer to pay the in-lieu fee. Mr. Sweeney explained why it makes sense to put some employee housing on the project and why it would not negatively impact the project plan. The employee housing would net somewhere between 400-550 square feet of employee living space. Mr. Sweeney pointed out that the exact amount would be determined by the final design. There is room in the project for employee housing and the question is whether the Housing Authority wants it there

or if it breaks the master plan. Mr. Sweeney provided a different view of the project showing where the employee housing would be located. He stated that it would provide daylight, access and a limited amount of parking and it would be a great place for an employee to live in Park City.

Mr. Sweeney provided a brief background on the traffic issue. He noted that years ago, his predecessor participated in a special improvement district to pay for Lowell Avenue, with the intent of accessing this property. The connection from Lowell/Empire was never condemned at that time and part of the master plan consideration was to deed that back to the City after the MPD approval.

Mr. Sweeney noted that his family helped make that road possible and it has always been the staging area or access to this property. He pointed out that alternative options to connect Lowell/Empire to King Road were frowned upon and never occurred.

Mr. Sweeney noted that all the traffic studies were posted on their website, along with all the associated reports and graphs. He noted that both the independent study and their study indicated that in general the traffic service to that part of town is Level A or B and it would remain at that level.

This project would have little impact on the capacity of those roads. Mr. Sweeney noted that the results of the traffic study are predicated on the road being plowed and everyone in Park City knows that there are times when that does not happen anywhere in town.

Mr. Sweeney stated that another issue that became apparent is a potential conflict with pedestrians walking on the roads. As a solution, they propose to build a sidewalk on the upside of Lowell/Empire. There is adequate right-of-way for a sidewalk and two travel lanes and one parking lane on the downhill side. Mr. Sweeney noted that the former City Engineer was not convinced that was the right approach and they have not heard an opinion from the current City Engineer. This involves more people beyond the developer but they believe it is the right thing to do. Mr. Sweeney commented on timing and felt the sidewalk should be in place and the road rebuilt before construction trucks start using that road. He also encouraged a pro-active plowing plan.

Planner Cattan reiterated her request for discussion on affordable housing, setbacks and process. She was willing to postpone the setbacks discussion until they schedule a public hearing.

Commissioner Strachan stated that he and Commissioner Pettit were never given a complete MPD document and he did not think it was available on the website. Mr. Sweeney stated that at the time of the MPD approval, there was only a Staff report and the exhibits, and those are all on the website under History. Planner Cattan noted that there are two large folders of MPD documents that reflect everything that was done throughout the process. The actual document is the Staff report and the exhibits.

Commissioner Wintzer noted that several of the documents reference other documents and he wondered where they could find those referenced documents. Mr. Sweeney replied that some of the documents are 40 or 50 pages and involve several different versions. He was willing to put those documents on the website if the Planning Commission wanted.

Mr. Sweeney explained that after the 1987 amendment, which took away three houses and brought the ski run down to Woodside, they went back and updated all the drawings at the request of Nora Seltenrich. He presented the drawings posted on the website and noted that those drawings are

the essence of the approval.

Commissioner Wintzer stated that the Planning Commission could not go through documents on a website. They need to have an actual report from the Staff and documents in a book that can be reviewed and referenced. Planner Cattan stated that she had worked off the Staff report and offered to provide a full copy of all the exhibits to the MPD for each Commissioner. Commissioner Wintzer felt that would be adequate. The Commissioners concurred. Chair Thomas wanted MPD drawings from the approval and not interpreted drawings after that date.

The Commissioners discussed employee housing. Recognizing that the decisions for affordable housing are made by the Housing Authority and not the Planning Commission, Commissioner Pettit preferred to have all the affordable housing on-site. However, she understood the discussion in the Staff report with regards to how adding all of the affordable housing would impact the mass and scale and size of the project. Commissioner Pettit pointed out that there is nothing that shows what the impacts would be if all the affordable housing was placed on site. She stated that they struggle in town to find sites to locate affordable housing units and yet this land is already in town and within walking distance of Main Street and access to public transportation. Commissioner Pettit felt this was the ideal location and she would like to see the bulk of affordable housing on site.

Commissioner Murphy reiterated Commissioner Pettit's position for putting the affordable housing on-site. Commissioner Murphy did not support an in-lieu fee. He felt this was the perfect site for affordable housing and the perfect application for it, particularly in terms of a hotel use. Commissioner Murphy stated that it is imperative that all the affordable housing be on-site and that they find room for it without unduly impacting the surrounding neighborhoods.

Commissioner Wintzer agreed. He noted that every time they deal with employee housing at the Planning Commission level it has always been an argument and they never get it where people want it. If the City has the money but no place to put it, they do not have employee housing.

Commissioner Russack agreed that all the affordable housing needs to be part of the project; however he was concerned about the impacts on the mass and scale.

Commissioner Peek agreed with his fellow Commissioners that putting all the affordable housing on-site was best, understanding that there would be impacts.

Commissioner Russack recalled an earlier comment from Mr. Sweeney that there was plenty of volume to put affordable housing into this project. Mr. Sweeney stated that if they go back and put mass on the northwest edge and other places, they would be below the height envelope. However, there are important issues to consider. One is that it flies in the face of their efforts to drop that edge to a more neighborhood scale. A second issue is whether it is legally allowed under the master plan or if the obligation is to put the affordable housing off-site because the master plan is already limited to certain unit equivalents. He had not received a firm answer from the Legal Staff and it is important to know that before they move forward. A third question is whether the employee housing would be for this project or for all of Old Town. Mr. Sweeney reiterated that the first step is to get a legal opinion as to whether this could even be done. If it is legal, a separate question

would be cost and trade-offs.

Chair Thomas stated that the affordable housing component of a project is part of the community and they need to stop treating it like an ugly stepchild and pushing it out of town. Chair Thomas favored a solution for keeping all the affordable housing on site.

Chair Thomas referred to a letter from former Planning Director, Patrick Putt, in 2006, as well as a comparative analysis of Mr. Putt's interpretation, that was included in the Staff report. He wanted to know who had prepared the interpretation. Ms. Robinson stated that she had prepared the interpretation and the table, which was part of the housing proposal. Ms. Robinson explained that when a proposal comes in that triggers an affordable housing requirement, it is vested under the ordinance in effect at the time of the application. In this case, it would have been Housing Resolution 17-99. She noted that Resolution 17-99 still has specific requirements in terms of how to calculate the affordable housing obligation of that project. Recognizing that times have changed significantly from 1999 to 2007, the applicant has expressed a willingness to be bound by the 2007 ordinance as opposed to Housing Resolution 17-99. Ms. Robinson stated that this is particularly significant in regard to any potential in-lieu fee because the in-lieu fee in the 17-99 Resolution had not been updated until 2006. The in-lieu fee changed from \$59,000 to approximately \$160,000 per unit. As part of the concession for requesting an in-lieu fee, the applicant has offered to pay the 2007 fee. Ms. Robinson pointed out that another difference is that the affordable unit equivalent is 900 square foot as the base under the current resolution as opposed to 800 square feet. Even though more square footage is required under the 2007 Resolution, the number of affordable unit equivalents square footage would be divided by 900. The 2007 Resolution does not require fewer units, it only requires that they be larger.

Commissioner Strachan asked if the square footage of affordable housing is greater under the 99 ordinance. Ms. Robinson replied that it is greater under the 2007 ordinance. With the exception of dorm style housing, it is the actual indoor wall to wall measure of the unit. The dorm space is 150 net square feet livable per person.

Chair Thomas clarified that there was not much difference between the two tables. Ms. Robinson agreed and noted that the most significant difference was the in-lieu obligation between the two resolutions.

Commissioner Strachan echoed the other Commissioners. He believed there could be more affordable housing on site without increasing the bulk and mass. Chair Thomas agreed. He was not convinced it would have to impact the bulk and mass.

Ms. Robinson noted that the City Attorney had sent a text message with his response regarding the legal ability to provide affordable units on site without affecting the base number of allocated UE's. According to his text message, it is permissible that affordable units are not counted towards the base density. Ms. Robinson offered to obtain an official opinion from the City Attorney.

Planner Cattan stated that she would relay the comments from the Planning Commission to the Housing Authority.

Planner Cattan noted that another topic for discussion is whether to move forward with the conditional use permit and the process. She requested that the Planning Commission discuss traffic as the first item. She noted that traffic was the primary concern expressed by the public and the Planning Commission during those first meetings.

Chair Thomas requested a site visit and a walking tour of Lowell Avenue and he preferred that it be on a heavy snow day.

Mr. Sweeney stated that if the Planning Commission would like to spend an hour or two reviewing all the materials, he would be happy to give them a CD of all the materials. Planner Cattan stated that she would provide the Planning Commission with the traffic studies and she had created a disk with all the past information. Any communication would have to occur in a public forum.

Commissioner Wintzer felt it would be helpful to have a CD of all the information on the Treasure Hill website and have Mr. Sweeney attend a work session to explain how to use it.

Commissioner Pettit believed the engineering and excavating for the parking being proposed is inter-related to traffic issues and she suggested that those be discussed together. She thought the parking issue also ties in with mass and scale and size of the project. Commissioner Pettit noted that this project has not tried to be creative in minimizing the use of the car. The parking exceeds what the MPD requires and she felt there could be creative solutions that would mitigate the traffic impacts if the number of cars to and from the project could be reduced.

Chair Thomas commented on the number of visual aids, photographs and testimony that was submitted to the previous Planning Commission in the earlier application. He thought it was important for the current Planning Commission to review that material.

Commissioner Pettit stated that the minutes never give the full flavor of people's comments and the experiences they share that could be relevant on the traffic issue. She wanted to make sure that they allow and encourage public comment so the Planning Commission can hear full comments rather than a synopsis from the minutes. Chair Thomas agreed. They are looking at a project that will have a staggering impact on the community and they should shake the community and get people interested.

Commissioner Wintzer referred to what was called Big Picture 01 and asked someone to identify the dotted lines. He was not interested in hearing an explanation this evening but suggested a colored drawing that spells out what the different lines mean.

Planner Cattan clarified that setback issues would be postponed to the next meeting. Commissioner Murphy asked for a brief explanation of the setback inconsistencies. Planner Cattan stated that the inconsistencies are between the exhibits at the time of the master planned development versus the Staff report. She noted that Mr. Sweeney had shed light this evening when he indicated the portion where Lowell becomes Empire that used to be part of the Sweeney project. Taking into consideration that the lot line needs to be further away from the property, those numbers may work. She remarked that there may have been 100 feet between the previous lot line

before it was dedicated to the City for the turnaround between Lowell and Empire. She noted that the Staff report referred to 100 feet plus setbacks, but the exhibits of the MPD showed that it was clearly not 100 feet. She would need to look at that again after hearing Mr. Sweeney's explanation this evening.

Commissioner Pettit pointed out that a conceptual plan was submitted during the MPD stage and the CUP level is when they look at the impacts of the project and the proposed mitigation. She wanted to know if anything prevented them from looking at certain conditions that might include increasing the setbacks to create more of a buffer and space between the neighbors.

Planner Cattan stated that if the conditional use as proposed is not mitigating the impacts of the actual use, the Planning Commission can increase the setbacks as a way to mitigate the impacts. In terms of setbacks, Planner Cattan noted that they typically go off the zone setbacks. At the time of the MPD approval, a lot of the exhibits were just trying to figure out volumetrics and what would work in terms of height from existing grade. They put certain conditions on certain height and the Sweeney's worked with their architect to make sure they could make the volumetrics work in terms of units. It was always the understanding that the architecture was not final and it would change. One of the findings within the MPD is that the architecture must be compatible with the historic district. With all the projects within this MPD, the architecture is changed at the time of CUP review. Planner Cattan clarified that the exhibits for buildings is not what has to be built for this MPD.

Mr. Sweeney stated that there are a number of ways to demonstrate setbacks and separation and he was willing to present those to the Planning Commission at a later date.

Chair Thomas requested blown up copies of the schematic elevations and grade. He also requested that the building cross sections be changed to existing natural grade. He wanted larger versions of each one instead of four on one sheet. Mr. Sweeney stated that he would meet with Planner Cattan to see which drawings she wants to include in the package. He would then make copies and prepare full scale sets.

Chair Thomas referred to the small scale section. He assumed that the drawing was done to some kind of scale but the scale was not represented. Mr. Sweeney stated that the drawings were very accurate and there was scales. He pointed out they have not yet physically nailed down all the details of the houses outside of the Sweeney property. The information was taken from aerials. Chair Thomas stated that throughout the process he would try to give Mr. Sweeney advanced notice on what the Planning Commission would need to see at future meetings.

Chair Thomas and the Commissioners pointed out exhibits and drawings that they felt needed to be better clarified.

Planner Cattan stated that this item would be scheduled for discussion and public hearing the first meeting in February. Chair Thomas commented on the importance of this project and he requested that the agenda allocate a substantial amount of time for public input. He requested that this be scheduled as one of the first items on the agenda. Commissioner Wintzer expressed his desire for a one item meeting to give ample time for discussion and public input. Chair Thomas suggested that they schedule this item for the next meeting on the regular agenda and see how that goes before talking about a special meeting.

Planner Cattan summarized that Treasure Hill will be scheduled for a public hearing on the February 11th agenda and traffic would be the main topic for discussion. A request was made to hold the meeting in the auditorium to accommodate more people. Planner Cattan would check to see if the auditorium is available that evening.