

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
FEBRUARY 11, 2009**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Katie Cattan, Polly Samuels McLean, Mark Cassel, City Engineer, Kent Cashel, Transportation Director

WORK SESSION ITEMS

Treasure Hill - CUP Discussion

Chair Thomas explained the format for the work session this evening. He asked that the comments and discussion focus on the objective criteria presented and not personal attacks on any party. The Planning Commission was interested in hearing aggressive discussion about the issues.

Chair Thomas noted that traffic was the issue for discussion this evening and he encouraged everyone to keep their comments related to traffic. Separate components of the Treasure Hill project will be discussed at future meetings and the public will be given an opportunity to comments on those elements.

Chair Thomas suggested that people submit their comments in writing if they were uncomfortable speaking in public. Index cards were available for written comment.

Based on the number of people in attendance for both the Treasure Hill project and the Steep Slope CUP amendments, Chair Thomas stated that the public would have the opportunity to speak on the Steep Slopes this evening, but the public hearing and any presentation or discussion would be continued to a separate meeting.

Chair Thomas asked for disclosures from the Planning Commission on any ex parte communication they may have had with the public that was different from the public comments contained in the packet. He asked Mr. Sweeney if it was okay not to acknowledge those communications if they were consistent with the packet of information. Mr. Sweeney was comfortable with that. Chair Thomas stated that the Planning Commission should disclose any communication that was inconsistent with the comments in the packet.

Commissioner Murphy disclosed that he lives on Empire Avenue and has had dozens of conversations regarding this project over the years. He had spoken with the City Attorney and was told that proximity to the project was not a conflict. Commissioner Murphy stated that he intends to participate in the discussions and if he reaches a point where he cannot be impartial, he would recuse himself.

Commissioner Wintzer stated that two years ago Linda McReynolds sent a letter to all the Planning Commissioners asking that they go up and look at the road conditions on that particular day. He went up and took countless pictures. Commissioner Wintzer wanted it on record that he had recently given those pictures to the Planning Department.

Commissioner Pettit disclosed that a colleague and friend who works at the same firm she does lives on Lowell Avenue. He had called her to talk about procedural matters and nothing in their discussion was substantive.

Planner Katie Cattan provided the Planning Commissioners with additional letters and comments she received after the packet was prepared.

Planner Cattan reported that the discussion this evening focused on traffic for development of the Treasure Hill project for the conditional use permit. She provided a brief history of the project. The original master planned development was approved by the City Council on October 16th, 1986. The property owned by the applicant was 125.6 acres. She presented a list showing the different parcels that were created for development throughout the town within this MPD.

Planner Cattan stated that the two remaining parcels are the Creole Gulch Lot and the Town Lift Mid-station. In total between the two lots there is 197 residential UE's for development. She noted that residential UE's are measured at 2,000 square feet per unit equivalent. In addition, there are 19 commercial UE's at 1,000 square feet per UE. Planner Cattan noted that 5% additional support commercial is allowed.

Planner Cattan reiterated that traffic was the focus and she presented a list of pertinent criteria for a CUP that relates to traffic. Traffic considerations include capacity of the existing streets, emergency vehicle access, location and amount of off street parking, internal vehicular and pedestrian circulation systems, control of delivery and service vehicles and loading, unloading and screening of trash pick up areas.

Planner Cattan reviewed different traffic studies that were done in previous years, the results of each study and the specific reason why the study was requested.

Planner Cattan stated that in reviewing this project and all the previous minutes, four issues were raised and outlined in the Staff report. The first was the proposed use and traffic mitigation. The 1985 MPD was very clear by stating, "The commercial uses will be oriented and provide convenient services to those residing within the project. All support commercial uses shall be oriented and provide convenience services to those residing within the project and not designed to serve off-site or attract customers from other areas." Based on those statements, the Staff has not yet found an explanation of how this project would not attract people off site. The plans show convention space, a ballroom and a mine exhibit. The Staff has questioned how they intend to regulate those uses so it does not attract people to come up and down Empire and Lowell.

Planner Cattan noted that the applicant is entitled to 19 UE's and an additional 5% support commercial meeting space, as allowed under the 1985 LMC. The Staff suggests that the Planning Commission consider not allowing the 5% additional support commercial if mitigation measures cannot be found for the increased traffic it would generate. Planner Cattan requested that the Planning Commission have that discussion this evening.

Planner Cattan commented on the pedestrian circulation on Lowell and Empire. The mitigation proposed is to widen Lowell to 37-1/2 feet, have sidewalks up Lowell, and add staircases between Lowell and Empire. Planner Cattan noted that the previous traffic studies did not quantify pedestrian safety. Fehr and Peers suggested sidewalks, staircase, human traffic controls. The Staff requested discussion on whether or not the proposal for a sidewalk going up Lowell is

adequate mitigation for pedestrian safety and what the Commissioners think about additional staircases between Lowell and Empire.

Planner Cattan stated that on-site parking was the third issue raised by Staff. The master plan states that the parking shall be provided on site in enclosed structures and reviewed in accordance with either the table or the approved restrictions and requirements, exhibits or the adopted ordinance of the time. Planner Cattan reported that the net proposed for the project is 424 spaces and the required per the MPD is 368 spaces. Parking for the master planned development is only required for the residential units. No on-site parking is required for the commercial because it is not supposed to attract people to the site.

Planner Cattan stated that within the Land Management Code for a conditional use permit, the amount of required parking can be decreased if it meets three qualifications; 1) parking uses will overlap; 2) commercial spaces within the project will serve those residing within the project rather than the general public; 3) other factors that support the conclusion of the project will generate less parking than the Code would otherwise require. The question is whether the Planning Commission finds that the original 368 parking spaces is sufficient or if it should be reduced, and whether the applicant has provided sufficient information to justify 424 spaces.

Planner Cattan stated that based on minutes from previous meetings, there was a lot of public comment about the proposed mitigation and where the cars would go that currently park along Empire, and whether it would further impact other streets in Old Town.

Planner Cattan stated that in meetings with Kent Cashel of Public Works and Matt Cassel, the City Engineer, they concluded that approximately 50 feet of width would be required, in addition to the parking and sidewalks on Lowell Avenue, to maintain the snow removal and to have adequate snow storage. The proposed plan shows 37-1/2 feet going across Lowell Avenue. Planner Cattan suggested that the Planning Commission discuss displaced parking and whether or not the new alignment within the street would be sufficient to accommodate parking on one side of the street without displacing parking.

Planner Cattan stated that two issues from Staff would be the lack of snow storage mitigation in the current plan and the necessity to widen the road even further.

Planner Cattan noted that a lot of mitigation has been proposed for Lowell Avenue but they have heard very little on solutions for Empire.

Planner Cattan pointed out that traffic issues this evening related to when the project is built. The Staff would conduct another review on construction mitigation for discussion at a later date. She requested that the comments and discussion focus on the roads and traffic for the built project.

Planner Cattan presented several of the photos from Commissioner Wintzer. Commissioner Wintzer stated that the photos were taken two years ago, two days after a snow storm.

Pat Sweeney, the applicant, was firmly convinced that they have the right to use public roads. He also acknowledged that they have agreed to certain responsibilities that they intend to fulfill. Mr.

Sweeney stated that they are providing additional mitigators beyond what was originally anticipated by the master plan approval.

Mr. Sweeney felt there were key mitigators that come with this project and are unique in Park City. With respect to the improvement of Lowell Avenue, they recently switched their perspective based on input from the City Engineer and Rob McMahon, their civil engineer, in terms of placement of the parking. Mr. Sweeney explained that their proposal is to widen the road section so there would be 2-foot gutters, two 10-foot travel lanes, an area to park and a five foot sidewalk. They placed parking on the uphill side of the street because putting parking on the downhill side reduces parking due to the number of driveways. Mr. Sweeney noted that currently there is 20 feet of pavement on Lowell and 2-1/2 foot gutters. There is not an actual parking lane or a sidewalk. Mr. Sweeney indicated the right-of-way on the plan and he believed there was room to make the improvements possible.

Mr. Sweeney stated that putting the parking on the uphill side gives the City a number of options on what to do in terms of how to treat the current driveways and areas for snow storage and parking. Mr. Sweeney noted that there was no way to get around the reality of the problems they would encounter during a big snow storm, but that is true of other roads in Park City. He realized the need for snow haulage in a typical year and that is inherent particularly in Old Town. Mr. Sweeney felt the unique part of this project is that there are no additional roads and the project would not create additional public maintenance. Therefore, the City can dedicate their tax base to keeping some of the improvements functional; particularly the sidewalk and parking. Mr. Sweeney pointed out that they would pay for all these improvements.

Mr. Sweeney remarked that in the original master plan they agreed to reconstruct the current existing road section and they are proposing to expand that responsibility as an additional mitigator. Mr. Sweeney gave a visual presentation to better explain their plans for improving the road and mitigating the impacts. Mr. Sweeney stated that they chose to improve Lowell because it has the right-of-way, it is modern street and everything built on that street was based on modern Code. Mr. Sweeney noted that they participated in the Special Improvement District and as part of the consideration of the master plan, they gave the Lowell/Empire turn to the City. Mr. Sweeney stated that they would make reasonable efforts to direct all their construction traffic and routine traffic on Lowell as opposed to Empire. He felt that answered the question from Planner Cattan regarding Empire. Mr. Sweeney noted that they would rebuild the road section of Empire as required by the original approval, but they would not propose a sidewalk or widening the road.

Mr. Sweeney stated that mass transit was introduced into their project as another mitigator that was not present when they were initially approved. The mass transit consists of a stand up Cabriolet that would provide connection from the project to the Town Lift Base. The Cabriolet would be convenient and easily accessed by the project occupants. It would also be available for anyone outside of the project who wants to walk up the hill and take the Cabriolet to Main Street.

Chair Thomas clarified that the Cabriolet would run from the Treasure Hill project to the downtown area and is not an actual mass transit system. Mr. Sweeney replied that this was correct. Mr. Sweeney stated that it is a vehicle that does not rely on the roads and has a small carbon footprint. It would also serve for the purpose of ski access for the entire Old Town area. The Cabriolet would

connect to the Main Street trolley on one side of the base and the current Park Avenue bus line on the other side. Mr. Sweeney believed the Cabriolet would reduce both pedestrian traffic and automobile traffic.

Mr. Sweeney remarked that another unique element with respect to Old Town is skiing to Old Town. Without this master plan and the foresight of the previous Staff, Planning Commission, City Council and PCMR, they would have a scenario that would be more typical of the rest of the hillsides in Park City. This is a totally different concept and this master plan makes that happen. In addition to the existing ski system, they plan to put a beginners ski system into the project. They also plan to improve the out run from the project to the Town Lift Base to make that as beginning friendly as possible.

Mr. Sweeney reported on plans to put in a new detachable quad that goes from this project to the top of Pay Day. They also plan to put in new ski runs and a new snow maker. These new facilities provide an option for people who come to Park City and want to be in Old Town and ski.

Mr. Sweeney stated that the another mitigator is pedestrian connections. In the project they have provided a number of connections, but in particular through Crescent walk, via a stairway to the bottom of the Crescent walkway, which is Heber and Park Avenue. In addition all the trails on the property would be for pedestrian use.

Mr. Sweeney commented on onsite amenities and he agreed with the Staff on the definition of support commercial. Support commercial is necessary to make the project work in a reasonable way and to keep people from having to go somewhere else to get what they need. Mr. Sweeney stated that this project is intended to be a bed base for Main Street and not meant to compete with Main Street. The onsite amenities are important and must be balanced.

Mr. Sweeney stated that the final and most important mitigator is the open space.

Chair Thomas asked how open space would mitigate traffic. Mr. Sweeney replied that the bike trails, pedestrian trails and the ski system directly mitigates traffic.

Mr. Sweeney felt it was important to understand that originally they had proposed a road that came across from Lowell Empire and connected to Upper Norfolk. If that was not acceptable to the City, they proposed another road that circled back to the top and hooked back on to King Road. Because it was a permitted use, Mr. Sweeney believed that would have happened if there had not been conversations with the Staff, Planning Commission and City Council at that time.

Gary Horton with PEC provided a general overview of the original traffic study and explained how they reached the recommendations, conclusions and mitigation measures that resulted from that study. Mr. Horton noted that when considering a typical ski day they do not look at worse case scenarios. They generally pick a time that reflects an 85-90% day. Mr. Horton stated that they contacted the Utah Governor's Office to obtain habitation rates and hotel usage rates on a typical ski date in Park City. That was how they determined the winter numbers based on the summer number. He noted that Fehr and Peers had reviewed their study and concurred with the methodologies and concepts.

Mr. Horton explained how they had determined the project trip generation numbers. They used a book that bases the number of trips on a historical natural dot data base. Mr. Horton stated that numbers can change in any project as it is fine tuned. However, it generally does not change the recommendations and conclusions. If necessary, they can include an addendum to calculate those trips again to either concur or make changes.

Based on the type of development, they wanted trip reduction and tried to evaluate that number. Mr. Horton noted that a 30% reduction was applied to this development. They considered other facilities in the area that similar to the Treasure Hill development. The Marriott Mountainside produces 70% reduced trips, the Marriott Summit Watch produces 60% reduced trips and Deer Valley Ski Resort produces 50%. Mr. Horton stated that they were intentionally conservative and stayed at 30% to make sure their recommendations were fair to the streets and roadways and that adequate improvements are made when the project is developed.

Mr. Horton stated that they distributed the traffic based on how the existing traffic flows within that area, as well as the type of development and where people would be going. They also did an analysis of the intersections and roadways and determined how they will function before. It was calculated on a ski day and a non-ski day so they could compare the differences. Mr. Horton noted that most of their recommendations and conclusions concurred with the study by Fehr and Peers.

Mr. Horton commented on the pedestrian effect. This is challenging because it is hard to determine how traffic will interact with pedestrians. Pedestrians are unpredictable and not everyone functions or reacts the same way. He noted that pedestrian issues are generally concluded in a walkability study. They did look at it from a safety standpoint and whether there were crosswalks and places for pedestrians to cross at the intersections. Mr. Horton stated that pedestrians do not come into the function of a level of service of how an intersection operates. Pedestrian crossing is included in the analysis but it is generally reflected in a walkability study.

Regarding the walkability, Mr. Horton noted that a third addendum to their study was sent to the former City Engineer on January 7, 2008. That addendum recommended that the traffic travel up and down Lowell because of the proposed improvements. In addition, pedestrian accommodations along that route from the project down to the existing conditions would be better accommodated. Mr. Horton offered to send that addendum to the Staff if it is not on file.

Rob McMahon, the civil engineer, spoke about the improvements to Lowell and the options being proposed. He noted that currently Lowell Avenue does not sit in the right-of-way. It is approximately two feet off the existing center line of the asphalt. He pointed out that the downhill side of Lowell is developed most of the way down. He used the existing curb and gutter as the baseline. Mr. McMahon believed that Fehr and Peers had suggested widening the road. Mr. McMahon explained how they would accomplish the improvements being proposed for Lowell Avenue.

Commissioner Wintzer asked Mr. Sweeney to elaborate more on their plans for Empire. Mr. Sweeney stated that the proposal would be to rebuild Empire to the extent that the City Engineer feels it needs to be rebuilt. He noted that Empire was recently substantially improved by the Sewer District when a sewer line was installed. Mr. Sweeney proposed minor modifications to Empire that

would benefit everyone. They had an obligation to provide pedestrian solutions and Lowell Avenue could accommodate those solutions better than Empire. Mr. Sweeney commented on the number of historic homes on Empire that did not consider parking when they were built. Mr. Sweeney re-emphasized that to the extent they can control it, they would encourage people through signage and literature to use Lowell instead of Empire.

Planner Cattan asked Mr. Sweeney how they would mitigate the uses and direct them to those who are onsite and not attract people offsite. She also wanted to know how they would manage the traffic for the mine exhibit. Mr. Sweeney stated that when the MPD was approved, the City had resort residential in mind. It was not considered to be full-time residents. Therefore, they felt the development needed support commercial to make sure that people staying there had what they would typically need to minimize car trips. Mr. Sweeney noted that they would need to come up with a definition as part of the approval that makes this very clear. He stated that they have no interest in doing anything different.

Mr. Sweeney envisioned a convenience store on site, a ski shop, restaurants and bars.

He stated that ten years ago the City Council, working with the Staff and Planning Commission decided to track full service hotels to the resort residential bed base. In order to do that, they needed to provide additional support for a hotel. That was the reason for the additional 5%. Mr. Sweeney remarked that the intent is to allow facilities at a first class quality hotel that would attract people to rent the rooms. That is why additional support commercial is needed for hotel function and meeting space.

Mike Sweeney, the applicant, stated that they are trying to provide activities that would be off season for Main Street. The goal is to get as many people on Main Street during the off season to generate more income. If they do have conference space, they hope people will spend \$100 to \$150 a day on Main Street. He noted that Marriott Mountainside, Marriott Summit Watch, the Sky Lodge and Silver Queen are very close and connected to the Town Lift Base today. No parking will be provided for the mine tour on site. People will come from Main Street and take the Cabriolet up to the site and back down. Their goal is to create more foot traffic on Main Street. Mr. Sweeney stated that they are trying to create Main Street and make it its own destination by helping to augment the Marriott and other hotels he previously mentioned. Mr. Sweeney remarked that the Cabriolet is a transportation mode that takes away the use and need for cars from their project.

Chair Thomas asked if the restaurant and bar at Treasure Hill would not advertise its business to the rest of the community. Mr. Sweeney stated that restaurants and bars in hotels do not make a lot of money. What they like about the location is that they can sell 52 restaurants and all the bars on Main Street. He did not expect to see a lot of restaurants or fancy bars on the project because they are not needed. Mr. Sweeney reiterated that this project would be the bed base for Main Street.

Commissioner Wintzer agreed with the comments about creating a bed base for Main Street and sharing off season uses. He thought that would lead to a lot of restrictions on their project as it goes through the approvals. Commissioner Wintzer wanted the applicants to be aware that everything they said they want to do will be spelled out as a restriction. Commissioner Wintzer noted that restrictions were spelled out on other projects and as the applicants eventually find that

they cannot live with those restrictions. Therefore, applicants keep coming back to request modifications to those restrictions. Commissioner Wintzer believed the intent was sincere but he did not know if the applicants could actually live with what they say.

Mr. Sweeney stated that they would work with the City on a development agreement document. He did not think people understood how anal the Sweeney brothers are with respect to Main Street. They have interests on Main Street and they want to make sure that what they have on the hill stays exactly what it is. He noted that they deeded 40 acres to the City and they are the ones protecting those property rights.

Commissioner Wintzer pointed out that the Sweeney's would probably not be the ones building the hotel and that was his concern. Mr. Sweeney agreed that they would not be the one building the hotel, which is why they are trying to develop an iron clad development agreement that would not allow someone else to do something they did not agree to do.

Commissioner Pettit stated that they have talked about this project supporting Main Street but it is right in the middle of a neighborhood. The impacts on the neighborhood and the people that live there is a major concern. As she looks at the preamble to the conditional use review process and looks specifically at language that says, "There are certain uses that because of unique characteristics or potential impacts on the municipality and surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts". She agrees with their idea to support Main Street but this project abuts neighborhoods and people want to live there and raise kids there and they want to be able to walk the streets safely. With the current use proposed, the convention space and the type of traffic and volume being added, this project does not work from a traffic perspective and it is unclear whether or not the traffic impacts have been adequately mitigated for the surrounding neighborhoods.

Commissioner Pettit commented on the proposed mitigation for Lowell Avenue. She was concerned about expanding the street and whether it was historically compatible with Old Town. Commissioner Pettit believed that the sidewalk is destined to fail in the winter. She was unsure how they could keep it cleared from snow to make it pedestrian friendly. She was concerned that the current traffic studies do not address mitigating impacts on Empire Avenue. Commissioner Pettit requested further input from Staff on what was done with other projects in terms of reducing parking. She could not support the currently proposed parking for the project and preferred to reduce the 366 spaces that was approved in the original MPD. Limiting parking spaces is one way to control traffic to the project.

Commissioner Russack did not think the applicants had clearly demonstrated how they would mitigate additional traffic related to the commercial space. Without knowing the specific uses for the commercial space, he could not determine whether or not it would draw additional traffic and whether the mitigation is adequate. He wanted to know if the traffic study had taken the commercial spaces into consideration and if so, what were the results and mitigation measures. Commissioner Russack agreed with the theory of using the Cabriolet to transfer people back and forth, but that would not be enough if they add amenities into the project that would attract others via the automobile.

Pat Sweeney stated that there was no way to know the exact commercial uses at this point, but he believed they could come up with definitions that clearly state the intent and establish limits. Mr. Sweeney remarked that the uses would be the same as what you would expect at any large hotel and would include a coffee shop, restaurant, bar, limited soft goods and limited food. Commissioner Russack wanted an explanation of uncategorized commercial space, as stated in the Staff report. Mr. Sweeney believed that language came from the Staff, since uncategorized was not a definition in their proposal.

Commissioner Russack thought the mine exhibit would be a detractor from the exhibit on Main Street. Mr. Sweeney deferred comments on the mine exhibit to his brother, Mike.

Continuing with their discussion on the commercial uses, Mr. Sweeney felt the various terms that were being used all have different meanings. He stated that a meeting room is needed for a first class hotel with 200 keys, and that is what they are proposing. He agreed that it might attract some people staying in other facilities. The answer to mitigating that impact is use of the Cabriolet and good skiing onsite. He envisioned the commercial uses to be a ski shop, ski rentals, ski facilities associated with the beginning experience, and other ski related uses.

Mike Sweeney stated that they lost the only mine tour they had in Park City and having a mine tour on Main Street is an attraction for all of Main Street. Young kids can do something different by going to an underground mine tour. When they start to do the excavation they will have the opportunity to see what they can do with the Old Creole Adit. This would provide space underground that creates more of an attraction and gives people a reason to spend more time on Main Street.

Chair Thomas clarified that when Mr. Sweeney says Main Street he is actually talking about the Treasure Hill site. Chair Thomas pointed out that by saying "attract more people" indicates that more people would be coming to the site and that would generate more traffic. Mr. Sweeney answered no and pointed out that turning on the Town Lift during the summer attracted more people to Main Street. This is the same concept. They are trying to attract people to the street. The portal to the mine tour is on the project, but getting to the portal is via the Cabriolet.

Commissioner Russack did not agree that the purpose was Main Street. Main Street and this project are two separate things. Commissioner Russack could not see this project as an attractor to Main Street. This project supports Main Street because it adds beds. Therefore, a mine tour on the project would not necessarily bring more people to Main Street but it would bring more people to the project. He noted that some will take the Cabriolet but others will drive. With the amount of parking proposed, more would drive because it would be easier to park at the project and ride the Cabriolet down. Commissioner Russack agreed that convention space, food opportunities and ski rentals would make sense for the project and he was comfortable with those uses.

Mr. Sweeney clarified that not everyone could park at the project because parking attendants would control the parking.

Pat Sweeney noted that Planner Cattan had used the word net parking, but they were actually showing the gross parking. Some of that parking would be lost to ADA and mechanical considerations. Mr. Sweeney stated that they need a certain amount of parking to sell top cabin units on the site. The public would not be allowed to come up and park in those spaces. The

parking is designed to support whole ownership or interval ownership and the hotel. Mr. Sweeney remarked that some parking would be provided for the employees. There would be no parking designated for the public. That could be an issue and it would be necessary to enforce that, particularly during ski season.

Commissioner Peek concurred with the Staff that some of the proposed commercial uses are not compatible with the MPD. Convention uses are acceptable for those staying at the hotel; but unless they can force people staying in other locations to use the Cabriolet, more traffic would be generated. Commissioner Peek believed mine tours are a great amenity; however, if the bed base is on the hill, the demand for amenities needs to be on Main Street.

Commissioner Murphy wanted to know the steepest portion of Lowell down by Sweetwater. No one was prepared to answer. Commissioner Murphy asked that someone provide an answer for the next meeting.

Commissioner Murphy did not support conference space on this site. He agreed that a mine tour would be cool, but he was not in favor of adding any uses to the site that were not defined and approved in the MPD. Commissioner Murphy believed that anything they add would increase building mass and impacts on the City. Commissioner Murphy stated that because they were at the CUP level, the Planning Commission needed to know exactly what commercial uses were being proposed. He needed to know square footage for each use and specific details before he could support moving forward. Commissioner Murphy agreed with previous comments that this was not the location for a conference area or for a mine exhibit.

Commissioner Strachan understood that they would have to excavate the hill and put in retaining walls in order to widen Lowell. He asked if they had an estimate on the excavation amount. Mr. McMahon replied that this is usually done through detailed engineering studies. He explained that when a retaining wall goes beyond four feet it becomes an engineered structure. The goal would be to keep the retaining wall at four feet. However, at this time he was unsure of the exact height or quantity of excavation.

Commissioner Strachan agreed with Commissioner Murphy that the CUP stage is the time to know the specifics and he needed those specifics before he could move forward. Mr. McMahon stated that people talk about maintaining the neighborhood and village feel. He used Park Avenue as an example of compromises to accommodate travel lanes and parking to maintain a village feel for the roadway. Mr. McMahon stated that the best approach is to tailor the road to the existing topography and soften the impacts as much as possible.

Commissioner Strachan remarked that if a strip is dedicated to both parking and snow storage, he wanted to know how snow could be stored if cars were parked there. Mr. McMahon stated that they would adhere to the Fehr and Peers and the PEC recommendation for winter time restrictions on parking.

Commissioner Peek asked if Sweetwater would lose its parking during the winter. Commissioner Strachan believed it was a zero sum gain because there would either be snow or parked cars, but not both.

Mr. Horton noted that the Fehr and Peers study suggested blocks where snow storage would be permitted and other blocks that allow for parking. They could also limit the time when parking is permitted. Pat Sweeney did not think this would be any different from what Sweetwater experiences now in terms of parking and snow removal in the winter.

Commissioner Strachan noted that onsite amenities was listed as one of the mitigators. He asked if that was just open space or something else. Mr. Sweeney replied that it was the support commercial that would not provide what people frequently need and would generate car trips. Mr. Sweeney pointed out that they would not have total control. As an example, he patrons some of the restaurants in Deer Valley that are support commercial and do not provide parking. Clearly, the goal is to provide an appropriate amount of commercial for that location based on the uses in order to create a good experience for the guests and not compete with Main Street. Mr. Sweeney was sure that was the intent of the City Council when they implemented that language into the approval.

Commissioner Strachan clarified that onsite amenities related to trip reduction. Mr. Sweeney replied that it was trip reduction, but the bigger issue with the City Council was that this project not compete with Main Street. Commissioner Strachan noted that trip reduction was a factor but at this point they did not know those onsite amenities. Mr. Sweeney felt they could be fairly specific on the uses. Commissioner Strachan stated that in order to have a nexus between the mitigation proposed and the reduced trips, the commercial needs to be identified. Commissioner Strachan clarified that a walkability study has not been done to address pedestrian safety. Mr. Sweeney stated that this was true with respect to Lowell and Empire

Commissioner Strachan did not believe the focus was whether they were mitigating the traffic on Lowell and Empire. He thought it was more about mitigating the traffic in town. He noted that the LMC in general speaks to that issue. The mitigation efforts go beyond the immediately adjacent area and must be citywide. Commissioner Strachan did not consider ski runs as a mitigation because those would go in anyway. Ski in/ski out property is the largest selling point in Park City. Mr. Sweeney clarified that the point he had tried to make was that if the previous City Council had not taken that direction, there would not be ski runs there or the Town Lift. He felt that direction justified the type of project proposed. Mr. Sweeney wanted it clear that there would not be a Quad or a beginner run if that is not financed through this project.

Commissioner Strachan believed that widening the road and excavating the hill was an additional impact and not a mitigation. The applicants need to identify something else to mitigate the traffic because widening the road exacerbates the problem. Commissioner Strachan felt the only true mitigation identified was the pedestrian stairs. This would be a wonderful addition to Old Town and the stairs should be done. However, he does not think it does anything to mitigate the thousands of people who would come to this development. It is a good start but they need to identify other mitigators since traffic means cars and not pedestrians.

Chair Thomas asked Planner Cattin to reiterate other concerns the Staff had requested for discussion. Planner Cattin replied that in addition to the proposed use, which was just discussed, a second issue included pedestrian circulation on Lowell and Empire and whether the impact are mitigated with the sidewalk and staircases. A third issue was onsite parking. The net proposed is

424 spaces and the required was 368 spaces. The fourth issue was displaced parking and the concern as to where cars would park if the proposed parking plan is implemented.

Commissioner Russack felt that the mitigation proposed on Lowell Avenue of having parking on the uphill side along with a sidewalk, does not seem to work. They are putting in staircases to bring people down, but a sidewalk on the uphill side behind a row of cars would be lost. Commissioner Russack felt the sidewalk was in the wrong place and it was not proper mitigation. Commissioner Russack noted that the applicants had not talked about anything further down, such as the intersections of Jan's/Cole. This project would generate a significant amount of traffic that would impact that intersection. He agreed with Commissioner Strachan about mitigating impacts around the entire community. Commissioner Russack felt the onsite parking should be significantly reduced. He did not favor displacing any of the residential parking on either Lowell or Empire.

Commissioner Wintzer stated that the map shown this evening was a great start. However, it needs to continue all the way down Empire and all the way down to Jan's and Cole Sport so they could see the total width of the roads and the impacts to the neighborhood. Commissioner Wintzer agreed with the comment about reducing parking as mentioned in the traffic report under Item 10 in the recommendations, and the possibilities to limit people coming into the project. Commissioner Wintzer supported another recommendation in the traffic report that talks about periodically updating the traffic study. Commissioner Wintzer did not think it was fair for the applicant to say that they would improve the road but not maintain it. He pointed out that the photos he submitted showed that the road fails for a day or two after every snow storm. He needed to be convinced that the City and the applicant together can make sure that road does not fail.

Commissioner Pettit stated that in looking at the original MPD approval and the section that relates to land uses, she had a hard time linking the current concept to the original intent. They have gone from a hotel-type development to a first class hotel with convention space and that is a disconnect from the original plan.

Commissioner Peek did not believe the plan mitigates pedestrian safety issues. While the stairs, the Crescent Tram walkway and the Cabriolet mitigate everything heading east towards Main Street and Park Avenue, the sidewalk on Lowell would not mitigate pedestrian safety during the winter. Commissioner Peek felt that permit parking on Empire and Lowell would create a burden on the local neighborhood. Regarding the Lowell right-of-way, Commissioner Peek was curious to know how many driveways were at their limit for Code compliance. He wondered how many existing on street parking spaces would be lost by moving beyond the curb line to achieve the road width.

Commissioner Murphy agreed with Commissioner Pettit that the sidewalk would become snow storage. He favored a reduction in the parking requirements on the project to reduce the overall mass. From personal experience with Silver Star during the holidays, approximately 40% of their underground parking was occupied at peak occupancy. People tend to use shuttles and the amount of parking that was contemplated in the earlier LMC is not being used. Commissioner Murphy reiterated that he lives on Empire Avenue and parking on Lowell and Empire is very site specific. He did not believe the plan addresses pedestrian safety on Empire. He noted that Empire Avenue has four times more pedestrian activity than Lowell. Commissioner Murphy felt there was a large gap in what needs to be presented. He felt that the suggestions for parking restrictions and snow plow priority was too simplistic and did not make sense. Commissioner Murphy guaranteed

that they would be trucking snow because there is no where else to put it. Commissioner Murphy believes that Crescent Tram should be a one-way road. He believes that now and would definitely believe it for the future if this project is approved.

Chair Thomas agreed with his fellow Commissioners with regard to the issues and he stood behind their input. Chair Thomas stated that Park City is a ski resort all winter and he has seen and experienced the impact of snow in these neighborhoods. He has never seen mitigation that resolves the issues. Chair Thomas stated that he has listened to public testimony for years from concerned neighbors, he has seen their photos, and he has heard their 365 day a year experience and observations and that weighs heavily with regard to his opinion and understanding of this project. Chair Thomas did not think either of the traffic engineers have adequately addressed the pedestrian considerations. Those issues need to be resolved and defined before they could move forward.

Chair Thomas noted that a public hearing was scheduled for the regular meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 11, 2009

COMMISSIONERS IN ATTENDANCE:

Chair Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Kirsten Whetstone, Planner; Katie Cattan, Planner; Jeff Davis, Planner; Matt Cassel, City Engineer, Kent Cashel, Transportation ; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 7:20 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES

Commissioner Rory Murphy moved to APPROVE the minutes of January 28, 2009. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

III PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Commissioner Murphy reiterated his two earlier disclosures during work session regarding the Treasure Hill project and the proximity of his home to the project at 1195 Empire.

Planner Katie Cattan reported that the public hearing for the Steep Slope CUP amendments to Chapter 2 of the LMC would be opened for public comment and continued to March 6th. There would be no Staff or Planning Commission discussion on the matter this evening.

V. PUBLIC HEARINGS AND CONTINUED

1. Treasure Hill - Conditional Use Permit

Planning Commission Meeting
Minutes of February 11, 2009
Page 2

Chair Thomas requested that the public comments focus on traffic issues this evening. Future meetings will be scheduled on other issues related to the project and that would be the appropriate time to comment on those issues. He also requested that the comments relate to the objective criteria and not become personal.

Chair Thomas opened the public hearing.

Pat Sweeney, the applicant, requested that speakers identify where they live so he could better understand their concern.

Kyra Parkhurst, a resident on Empire Avenue, stated that Harvard University did a study on information and data gathering and determined that information and data gathered for any subject would become obsolete after ten years. The Sweeney's stated that their approval for this project was based on sound information 25 years ago. Ms. Parkhurst thinks they missed the window of opportunity to make this work because too much time has passed and the area has changed too much. Ms. Parkhurst provided a visual presentation to show the impacts the Treasure Hill project would have on the area. She stated that the conditional use permit and the LMC indicate that safety should be the first consideration. Based on what she presented, traffic on this street is not safe for pedestrians.

Brian Van Hecke stated that he had compiled all the pictures everyone sent him to submit to the City. He believed those pictures depict what it is like to live in Old Town.

Planner Cattan noted that each Commissioner received a disc containing all those pictures.

Mr. Van Hecke, a resident on Empire Avenue, stated that he has lived in Park City for over fifteen years. He reviewed some of the photos showing what happens in that area during the winter. He noted that groups of tourists walk the streets to get to the resort and he wondered where they would go if this project is developed. Mr. Van Hecke encouraged the Planning Commission to look at all the photos after this meeting because they are important. Regardless of what the traffic study shows, the photos show real world in Old Town. Mr. Van Hecke stated that he represents a group called THINK, which he and several other Park City residents started several years ago. THINK stands for Treasure Hill Impact Neighborhood Coalition. The group consists of hundreds of Park City residents, business owners and homeowners who are very concerned about this proposed development. Mr. Van Hecke stated that THINK members are not just from Old Town. Some come from Park Meadows, Pinebrook, Thaynes Canyon and everywhere else in Park City. Their collective mission is to raise public awareness to help initiate action in order to preserve and protect Park City's historic Old Town. Mr. Van Hecke remarked that the main objection as it relates to traffic and safety issues is that the project is too large in scale and scope. The existing infrastructure cannot support it. It would make Old Town a dangerous place to live and visit. It would do irreparable damage to the character and integrity of Old Town. Mr. Van Hecke wondered if environmental issues could be discussed this evening in terms of safety.

Chair Thomas replied that environmental issues would be addressed in a separate meeting. The topic this evening was focused on traffic safety.

Mr. Van Hecke believed the City has the responsibility to provide safe streets for pedestrians. Old Town streets are already dangerous and he wondered if the City is prepared for possible litigation should an accident happen. He had letters to submit for the record that he would provide to Staff. Mr. Van Hecke thought it was easy to see how dangerous the streets are without a traffic study. A sidewalk is great in the summer but would do no good in the winter. He also thought that Empire Avenue had not been properly addressed. He understood that the applicants have property rights, but those date back to 1986 when circumstances were very different. Mr. Van Hecke commented on the jobs created by this project and he wanted to know how the employees would get to and from work. He felt that the function space mentioned in the project would also generate increased traffic and that should also be considered.

John Stafsholt, a resident at 633 Woodside, stated that his home is approximately 50 feet from the edge of the Mid-station site of this project. Mr. Stafsholt remarked that the Sweeney's have always been respectful and honorable people but he is on the opposite side this time. He noted that 1,936,000,000 is the amount of permitted construction within the City limits since the original approval in 1985. At that time, it was a locked vote that was passed because the Chair broke the time. In 1986 it was passed by 3-2 vote in the City Council. Ms. Shafsholt felt this was important history because it shows that this has always been a controversial issue. He understood that the 1986 MPD that was approved is set in stone, but 23 years ago the City leaders thought ahead and required a CUP. The CUP is not set in stone and it was set up to be reviewed under current conditions in the City. Without CUP approval, the MPD cannot be built. Mr. Stafsholt stated that he had spent nine hours writing a letter on two out of six traffic issues. He requested that the Planning Commission read his letter because it addresses technicalities to support non-mitigated impacts. He read Criteria #14 of the CUP and pointed out that if they do not know the ownership of the units, how could they possibly know what the traffic would be. Mr. Stafsholt read Criteria #2, which addresses mitigating the capacity on the existing streets. Using a reasonable person standard, he did not believe anyone could grant a CUP based on traffic alone, particularly based on traffic considerations as addressed in Criteria #2. He felt the key word was "existing" streets; not new streets or traffic lights as proposed by the applicant.

Michael Kelly stated that he owns a home at 939 Lowell Avenue, which is the second lot north from the Treasure Hill Development. He built this house four years ago and he intends to retire there next year. He started coming to Park City in 1981 and he has been visiting the Lowell/Empire area since that time. Every winter and every summer he sees what has happened on that road over time. Mr. Kelly stated that he is also a Trustee of the North Star Homeowners Association, which is one of the primary subdivisions on the side of the road next to the Sweeney development. Mr. Kelly admired the Commissioners for the questions and the issues they raised; but he found the answers greatly lacking in the detail and information required to approve a project of this magnitude. He did not believe there was sufficient level of detail to address the concerns and issues raised by the Planning Commission and the public. Someone who wants to develop a multi-million dollar project needs to spend a lot of money to address the details before they can expect approval. Mr. Kelly stated that over time the Planning Commission may get enough information to approve this project in some form; but in his opinion, they have not reached that point. Mr. Kelly did not think the traffic discussion addressed construction traffic and that issue should be considered. He noted that construction is estimated to occur between five to fifteen years in various parts of the proposal. Mr. Kelly commented on discrepancies in detail between the Staff's concept and the actual proposal.

He wanted to know who would bear the cost of the retaining walls and who would be responsible for making the interface between the existing driveways and the roadway. He reiterated that many details and questions need to be answered before they could seriously consider allowing this project.

Jane Toly, a resident at 1017 Empire Avenue, expressed concern as a resident of Empire Avenue. She was not against property development as long as the property is developable. In her opinion, the Sweeney project is not developable in the size and scope of what was proposed nearly three decades ago. It is out of alignment with Old Town, as well as the guidelines and restrictions that have been imposed on other landowners who want to develop their property. She and her husband own three consecutive lots from 1013 to 1017 Empire Avenue. A small one-bedroom home was built on that property in 1930. They were unable to build a home for their family of five because the 1930's home was deemed historic. Ms. Toly found that she could not develop her property to build a single family home to meet their needs on the same property that their family had occupied for four generations. After many trips to the architect, the Planning Commission and the Historic Commission, many thousands of dollars and four years later, they were approved for a home that is only 19 feet wide. This was the only project the City would approve and their home was finally finished in 1998. The home does not meet their needs, but they love living on Empire. Their history is there and they plan to stay. Ms. Toly respects the efforts to preserve Old Town's history. Her family has sacrificed much to help preserve Old Town and she is concerned when she sees it slipping away. Larger homes are built around them and the guidelines and restrictions have all but disappeared. There is so much construction she can no longer sit on her deck. Construction occurs seven days a week 365 days a year. It starts at 6:30 a.m. and lasts until 10:00 p.m. Sometimes she is unable to drive down the street due to construction equipment for the current projects on Empire. She could not imagine the volume of construction related traffic and incidents that a project of this size would entail. Ms. Toly stated that when she spoke with Mr. Sweeney about this project on the Park City Leadership Tour, he told her that the project would take ten years to complete. She thought it showed good judgement to overturn uneducated decisions made by others in the past. Ms. Toly pointed out that last winter it would have been impossible for an emergency vehicle to get up that street and that problem would only increase as the mass increases.

Don Bloxom loved the idea of a cabriolet down to Main Street, but he wondered where they would park the cars. A large parking structure could be built to mitigate the parking on Swede Alley. They could also build another large parking structure at the base of the Park City Mountain Resort that the cabriolet could reach. These two parking structures would end the traffic going to Lowell and Empire. Mr. Bloxom believed there were creative solutions but none were brought to the table this evening. Mr. Bloxom stated that the traffic study did not take into account the number of employee cars trips that would be added. This is significant and could be mitigated by housing the employees on site. Mr. Bloxom felt that the applications for smaller projects proposed in Park City should be given some priority so they can preserve jobs and get people working. He suggested that the City create a separate process with separate meetings for Treasure Hill to avoid setting aside the smaller building projects in town.

Chris Garda Weitzner stated that her family owns a home on North Star Drive at the Upper end of Lowell adjacent to the Sweeney property. Since every traffic consultant has said that safety on

Lowell and Empire is dependent on the streets being kept clear to a width of at least 25 feet, and upon strict enforcement of parking regulations, Ms. Weitzner strongly urged that the City undertake a trial to meet these requirements for one winter month. Such a trial would determine whether the City can accomplish those requirements. Empire and Lowell are already priority one snow removal streets, yet they are never cleared to 25 feet. Secondly, it would also give the City the opportunity to determine the cost for the required snow removal and parking enforcement. Once these costs are determined, the City needs to figure out how they will pay the cost for the five to fifteen years of construction before realizing any revenue from the project. Third, enforcing regulations for a trial period would give those affected by parking enforcement the opportunity to see how they would be impacted and determine solutions. Ms. Weitzner commented on a number of problems the residents would encounter if parking is reduced or enforced. Ms. Weitzner stated that approval for this project could not be given without first determining that the assumptions of the traffic study are valid. A trial run is the only way to determine if they are valid. Ms. Weitzner pointed out that the City is taking seriously the obligation it was given by the 1986 approval of the Sweeney MPD. She hoped the City would be equally as serious about the obligation it was given much earlier by the Land Management Code, which is to promote the general health, safety and welfare of the present and future inhabitants, businesses and visitors to the City.

Helen Alvarez, a resident at 350 McHenry, asked to make a historical comment. She recalled that when the first house to the west of this project was built on the side of the hill, they all watched as it started to move down the hill. She was sure the house was stabilized but she was unsure how it was done. Ms. Alvarez requested that the Planning Commission ask the applicants how they propose to hold the hillside with a four-foot retaining wall.

John Helton stated that he has owned a house on the 900 block of Norfolk for twenty years. Mr. Helton noted that all the talk has been focused on Empire and Lowell; however, it is inevitable that traffic will spread to other parts of Old Town to get around construction traffic. All the efforts to preserve Main Street, historic Old Town, and the walkability concept will be lost. Mr. Helton understood the issue of property rights, but not at the expense of everyone else's property rights.

Tom Fey stated that he lives in Park Meadows but he owns a couple of houses in Old Town. Mr. Fey remarked that they cannot understand the traffic issues until they know what the project will be; and this can only be done by going back to a baseline. He recommended that the City hire expert outside counsel to look at all the data to determine exactly what was approved, when it was approved, and whether or not it was modified. Once they have that baseline, they should be able to better understand the traffic issues. Mr. Fey submitted a more detailed written recommendation for the Planning Commission to consider at a later date.

Mike Allred, a homeowner on Empire Avenue, felt that many important issues were raised this evening and he especially appreciated Commissioner Pettit's comments during the work session. Mr. Allred noted that the preamble to the CUP states that the purpose of the conditional use process is to show that a project is compatible with the area where it is proposed to be built. He commented on the number of times the word "mitigate" had been used. He pointed out that "mitigate" keeps coming up because this project is not compatible with the existing neighborhoods. As previously pointed out, the CUP says you have to mitigate a project within the existing conditions. Mr. Allred thought Commissioner Strachan had made another great point in that the

applicants keep talking about impact and not mitigation. They are talking about completely reshaping, re-engineering and rebuilding the roads in Old Town in order to accommodate their project. That is not mitigation. It is a huge impact that will change the face of every home on Empire and Lowell Avenue. Mr. Allred commented on the lack of discussion about Empire Avenue.

As an engineer, he believes the things proposed for Lowell Avenue are inconceivable for Empire Avenue. There is no possibility for widening Empire Avenue the way they have suggested widening Lowell Avenue. Mr. Allred pointed out that construction impacts were not discussed this evening. They were discussed at previous meetings and were extremely onerous. Mr. Allred stated that you have to engineer a project to the maximum capacity; otherwise it will fail at some point. The roads are already failing under the current conditions, which is why they cannot engineer the Treasure Hill project to the maximum capacity. Based on this concept, he believed that many fundamentals statements made by the engineer during work session were either false or just wrong assumptions.

Diana Turner, the owner of Deep Powder Transportation, stated that she had a completely different view of the impacts from this project. If she were to go to Main Street she would not be able to find one parking space. She lives on Main Street and she cannot get a parking pass. During Sundance, the City took all of the parking and she had to sleep in her car. There was a fifteen minute limit to go to her apartment for essential needs. She could not sleep there because she is a taxi. Ms. Turner pointed out that if the City cannot provided parking now for the residents of Park City, how would they ever provide for them if they allow this project to move forward. Ms. Turner commented on the problems she encounters as a cab driver in Park City and the issues related to the current traffic on the roads. She believes this project is completely unworkable.

Steve Joyce, a resident at 1507 April Mountain Drive, stated that he works once a week in Park City. He noted that most of the focus has been on Lowell and Empire and agreed that you have to consider the impact to all the streets in Old Town. He noted that Park City tries to minimize the amount of traffic during the holiday season and Sundance by running shuttle buses. It took the shuttle buses twenty minutes to go a half mile every day and it was not the fault of Empire or Lowell. The problem was with Deer Valley Drive, Park Avenue, Bonanza and other roads. Those roads are already under capacity and adding that much more traffic would only exacerbate the situation. Mr. Joyce was frustrated that none of this was mentioned during the work session presentation.

Elaine Stevens, a resident on Lowell Avenue, stated that she lives in the center of the block on the downhill side and there is just enough room in her driveway for her car. If they try to widen Lowell Avenue on her side she would have nowhere to park. On the other side of Lowell Avenue is North Side Drive and a Y-shaped piece of ground, which have steep grades. If they take 8 or 10 feet from those properties, they would need an elevator to get their cars up. Mr. Stevens remarked that widening Lowell would definitely not work. Mr. Stevens noted that employees from Park City Mountain Resort come out of the building and walk across the street without looking to see if there are cars. These traffic safety issues need to be addressed if the Planning Commission decides to approve this project.

Gary Knudsen appreciated the comments this evening and he understood the problems on Lowell and Empire. However, he pointed out that large trucks or semis cannot go up and turn around. Mr.

Knudsen noted that traffic coming down Lowell or Empire bottlenecks at the Resort parking lot. In addition, when the parking lot is full, the skiers park by the Town Lift, which creates another problem. Mr. Knudsen was unsure how the applicants could get another access or put in another road and he believes this is a major problem.

Christopher Gray, a resident in the 800 Block on Norfolk, stated that his back door exits on to Crescent. Mr. Gray told about situations he had encountered that backed up traffic while residents shoveled snow to get their cars into their driveways. As he moved further along, he was unable to go ahead because of the amount of snow on the road and had to back down Norfolk Avenue to 12th Street. It took him three tries on different roads to finally reach his home on Norfolk. Mr. Gray stated that Old Town has serious snow removal issues and there would be much larger issues with traffic and density increases.

Wendy Lavitt, a resident at 630 Mellow Mountain Road, stated that in previous years she lived at 439 Woodside. She was sure many people remember the fire last summer that destroyed a home on Park Avenue and partially destroyed the house next door. Even though the fire trucks responded immediately, they could not prevent the damage from spreading. Ms. Lavitt wondered what would happen if the same type of electrical fire occurred on Lowell, Woodside, Empire or Norfolk and the fire trucks could not get through. Ms. Lavitt commented on the problem they had in 1898 and asked if they really wanted to take a chance of that happening again. Ms. Lavitt encouraged the Planning Commission to carefully consider their decision.

Julie Ann Warel commented on a picture showing a larger FedEx truck going up Empire Avenue that got caught on the overhead electrical lines. The street had to be shut down and it created electrical spark fires. She noted that the electrical lines hang down low on Empire Avenue and large construction truck could encounter the same problem.

Dick Balin, a resident on 8th and Norfolk, was surprised that 8th and Crescent Tram were ignored in the traffic study. He had not heard any comments about making 8th Street one way. Living in that area, it is not uncommon for cars to slide up and down 8th Street when it snows. Mr. Balin disagreed with the applicants on how much the cabriolet would be used during bad weather. In his opinion, 8th Street is a critical issue with this proposal.

Cindy Matsumoto stated that she lives in Park Meadows but hopes to someday have grandchildren who run up and down Norfolk. Ms. Matsumoto remarked that the biggest issue is that this project is not right for the area. Every time it comes before the Planning Commission the project gets larger. She agreed with a previous comment that the traffic cannot be mitigated unless they ask the Sweeney's to think about Park City and the community as a whole. Ms. Matsumoto knows the Sweeney family loves Park City; but she was glad to see the number of people in varying ages who came this evening to comment on this project. She asked the Planning Commission to request that the applicants look at this project in terms of how it will affect all of Park City.

Rob Anderson, a resident on Woodside Avenue, stated that this past weekend a bus was trying to navigate 8th Street and turned sideways in the road. He thought this was a perfect example of problems that would only get worse with increased traffic. Mr. Anderson noted that hours of operation for the cabriolet had not been addressed. Tourists will be going in and out of restaurants

and bars at all hours during the night and he wondered if the cabriolet would be operating during all those hours. If not, people will be taking buses, cabs and cars to and from Main Street.

Jim Stevens, a resident on Lowell Avenue, noted that most of the comments have concentrated on traffic issues. As he watched the presentation, he heard several “fuzzy” words such as “wobble room”, which means there is no definitive plan. In terms of Lowell Avenue, he wanted to know what would be the exact design. The applicants talk about a concept but no one has seen a hard design. Mr. Stevens believes there are issues with sight distance, both vertical and horizontal. There are also issues with percent grade at the bottom of Lowell Avenue. They are talking about a residential street and he wondered if it would remain residential or if Lowell would be designed as a collector street. Mr. Stevens asked if changing Lowell from residential to a collector road would be allowed by Code. Mr. Stevens wanted to see design details to know how the driveways would work. He would also like to see the plans for the retaining walls. Mr. Stevens felt that construction traffic was a major issue. Lowell and Empire are residential streets and there is no solution for adequately handling construction traffic. When this MPD was approved in 1986, it was approved without foresight on how to finish this project. They built what they could with what they could afford, but no infrastructure was put in for the later phases of this project. The applicants are now boxed in with no viable solution. He was unsure how they could build this project at this size or magnitude.

Kevin King, a resident at 314 Norfolk, stated that he was neutral about this project. He believed there were solutions that would make this a win/win situation for everyone. It involves a community and no one can be a NIMBY or close the back door or say that the Sweeney's do not have the right to do this. The City made a deal with the Sweeney family for the open space above Woodside Avenue. That deal was struck to put density there. If everyone wants this project smaller and if the impacts cannot be mitigated, Mr. King proposed finding a way to buy down the project. Mr. King felt it was inevitable that something would be built there and it is only a question of what based on the compromises that can be worked out. He suggested looking into the possibility for construction traffic to go up through PCMR and permanently realign the road through the parking lots at the bottom of the Super Pipe. He thought PCMR could work with the applicant and the City to master plan a way to get people to the ski resort and up to Treasure Hill. Mr. King felt there was the ability to make the driveways work on Lowell Avenue through good and creative engineering. Mr. King agreed that the project will impact the town, but the deal was made and he believes it is a good project. It is a matter of working together and working out the details.

Chair Thomas continued the public hearing.

Chair Thomas suggested that the Planning Commission continue the transportation component of this project to give the applicants the opportunity to respond to some of the comments heard from the Planning Commission and the public.

Planner Cattan summarized that the applicants needs to come back with a better definition of uses for commercial spaces in the building. They need a hard design for exactly where parking will be on Lowell Avenue and the number of spaces. The applicant needs to better clarify plans for the retaining wall. Using that information, Planner Cattan will do an analysis on the parking situation. She would also include Empire, Manor Way, and the intersection of Empire and Park Avenue in her analysis.

Commissioner Wintzer stated that the Planning Commission needs a plan before they can consider approving something. Words in a document are not enough. Chair Thomas agreed that the Planning Commission needs to see the detail and solutions articulated to the satisfaction of the traffic engineer. They need to see the life safety aspect of pedestrian circulation, and how they plan to address and mitigate the impacts during storm conditions. Chair Thomas remarked that the Planning Commission heard those concerns repetitively during the public hearing and photos were presented that demonstrated the existing conditions that they have all experienced.

Commissioner Peek requested a walkability study. He asked if the traffic study could be expanded to include the cross streets from 15th to 8th. He noted that the northbound numbers in the traffic study of the Park Avenue/Deer Valley Drive light indicate a profound number of cars. He was interested in knowing how many of those are coming down from the Empire/Woodside neighborhoods.

Commissioner Murphy thought Tom Fey raised a good point about hiring a special counsel. He does not have the legal background to depend on what was approved in the MPD. Before they make a decision of this magnitude, they need to be sure of the intent of the previous approval. Chair Thomas noted that the other Commissioners appeared to agree and he recommended that the City hire outside counsel to do a comparative analysis with regard to the existing MPD. Commissioner Murphy also wanted to know the foundation in terms of their discretion.

Commissioner Murphy included grades in the additional studies being requested. He suggested no more than 1500 foot segments to help them understand Lowell, 8th Street, and other streets with particularly challenging grades. Commissioner Murphy was interested in knowing the long-term maintenance scenario. He had not seen an economic impact analysis and believed the City would like to know the costs involved for servicing and operation and maintenance. Commissioner Murphy recommended that the applicants prepare an economic impact analysis.

Commissioner Strachan noted that the Staff report posed a number of questions and he requested that similar questions be numbered in future Staff reports for referencing in their discussions.

Planner Cattan noted that the affordable housing component for this project is scheduled before the City Council on February 26th. She suggested that the Planning Commission continue this item to March 25th.

MOTION: Commissioner Russack moved to CONTINUE the Treasure Hill conditional use permit to March 25, 2009. Commissioner Pettit seconded the motion.

Commissioner Wintzer asked if the March 25th discussion would be on traffic or a new topic. Chair Thomas replied that it would be a continuation of the traffic discussion.

MOTION: The motion passed unanimously.