

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Treasure Hill
Author: Katie Cattan
Date: April 22, 2009
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the traffic updates for the Treasure Hill Conditional Use Permit (CUP) as provided in the staff report and within the applicant's presentation, allow the applicant to discuss the traffic analysis, open the public hearing and provide the applicant and staff with feedback on whether or not the CUP review criteria 2, 4, 5, 6, and 13 have been mitigated. No action is scheduled. The public hearing should be continued to June 24, 2009.

Topic

Applicant: MPE, Inc.
Location: Creole Gulch and Mid-station of Sweeney Properties MPD
Zoning: Estate MPD (E-MPD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Sweeney MPD
Topic of Discussion: TRAFFIC

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The Hillside properties consist of Creole Gulch and the Mid-station. These Hillside properties are the last two parcels to be developed within the SPMP. The following is the maximum density allowed for each of the parcels:

Creole Gulch	7.75 acres
161.5 residential UEs	
15.5 commercial UEs	
Mid-station	3.75 acres
35.5 residential UEs	
3.5 commercial UEs	
Total	11.5 acres
197 residential UEs	
19 commercial UEs	

A residential UE is 2000 square feet and a commercial UE is 1000 square feet. Per the MPD, commercial UEs may only be used for support commercial use.

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

Summary of Recent Previous Meetings

January 7, 2009 - Planning Commission

Reviewed history of the original Sweeney Properties Master Plan, outlined the current review criteria for the current Conditional Use Permit, reviewed affordable housing plan (recommended on-site units), discussed review process, and setbacks.

February 11, 2009 – Planning Commission – Traffic

Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic. Staff outlined four issues raised within the previous Planning Commission review followed with specific questions, as follows:

Proposed Use and Traffic Generation

1. Does the Commission concur with Staff's finding that the proposed commercial does not meet the support commercial requirement of the MPD?
2. Does the Commission concur with Staff's finding that the existing traffic study does not take into consideration the traffic impacts of the additional 5% of support commercial as allowed by the LMC for hotels and nightly rental condominiums?

Direction of Planning Commission: Planning Commission requested additional detail of the support commercial from the applicant. The uses must be better defined in order to make a decision of whether or not the support commercial is attracting offsite visitors and creating additional traffic. Applicant asked to return with specifics of the support commercial uses.

Pedestrian Circulation

3. Does the Planning Commission find that the proposed mitigation plan provides adequately for pedestrian safety?
4. Have pedestrian traffic circulation issues been resolved through the proposed mitigation?

Direction of Planning Commission: Planning Commission requested that the exact details of the improvements be shown on a site plan. The documents provided by the applicant did not contain enough information to make a decision. All improvements including proposed parking areas, sidewalks, retaining walls, and snow storage areas must be identified on a site plan.

On-site Parking

5. Does the Commission find that the original 366 parking spaces is sufficient or should be reduced (requiring a Parking Study)?
6. Has the applicant provided sufficient information to justify the 433 parking spaces proposed?

Direction of Planning Commission: Planning Commission requested that the applicant not have any additional parking on site. The Planning Commission is in favor of reducing the onsite parking requirement and would like the applicant to explore the parking reduction requirements of the LMC, Section 15-3-7.

Displaced Parking

7. Does the Commission find that the proposed parking on the uphill side of Lowell Avenue will resolve the issue of displaced parking for the neighborhood?

Direction of Planning Commission: Planning Commission requested that the exact details be shown on an overlay of the access roads to the project. There was inadequate information provided to make findings of mitigation. The updated site plan must show how many on-street parking spaces are being created in order for staff to evaluate whether or not the existing parking is being displaced.

The following is a summary of the additional requests made by the Planning Commission at the February 11, 2009 public meeting. This list was provided to the applicant to prepare for the March 25, 2009 meeting. Exhibit A Due to inadequate time, the applicant requested an extension to the April 22, 2009 meeting.

1. More detailed design of the street improvements. Include a street plan from the Park Avenue/Deer Valley Drive intersection to the project. The street plan should include the anticipated traffic circulation pattern and improved areas including road widening, parking, snow storage, and sidewalks. Also, show the pedestrian connection to Main Street including staircases and the cabriolet. The street plans must be specific outlining exact locations and dimensions of improvements. Existing grade of the street should be included. They do not have to go to the detail level of obtaining certified surveys and engineering.
2. More details of pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions.
3. Specify/define the types of use for the commercial areas.
4. Specify/define the types of ownership within the project.
5. Provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel/nightly rental units.
6. Parking Management Plan. Provide a parking management plan. This plan must include details of where any person not parking onsite (employees/visitors) will park and be transported to the site. The Planning Commission also requested that decreased onsite parking be evaluated for the purpose of generating less traffic and creating less massing onsite.

In addition to the above requested items, staff requested a Construction Mitigation Plan. A construction mitigation plan is typically required prior to issuance of a building permit. Due to the size and scope of the project, the Building and Planning Departments are requiring the construction mitigation plan as part of the Condition Use Permit review. This will be reviewed by the Planning Commission at a later date.

February 26, 2009 – Housing Authority- Employee Housing

During this meeting, the Housing Authority directed the applicant to place the employee housing onsite.

Analysis

The analysis section of this report includes the numbered request from staff's letter to the applicant, the applicant's response (*in italics*) from their letter to staff (Exhibit A), and then staff's analysis of the response.

1. More detailed design of the street improvements. Include a street plan from the Park Avenue/Deer Valley Drive intersection to the project. The street plan should include the anticipated traffic circulation pattern and improved areas including road widening, parking, snow storage, and sidewalks. Also, show the pedestrian connection to Main Street including staircases and the cabriolet. The street plans must be specific outlining exact locations and dimensions of improvements. Existing grade of the street should be included. They do not have to go to the detail level of obtaining certified surveys and engineering.

Applicant Response in Letter dated April 2, 2009:

"More detailed design of street improvements has been completed by Rob McMahon, Alta Engineering. The materials will be provided to you today. They include eight schematic engineering drawings and an opinion letter. They address all items in detail from and including Manor Way south.

With respect to the request on the part of some Planning Commission members that we continue to design and improvement work from Manor Way north to the Intersection of Deer Valley Drive and Park Avenue, other than signage specific to our project, this is inconsistent with the Master Plan approval. In addition, we are a very minor contributor to traffic in this area. Accordingly, we do not believe it is appropriate for us to pursue this."

Staff Analysis:

The April 2, 2009 Alta Engineering letter and street improvements have been included as Exhibit B. The improvements are shown overlapping the existing conditions on Lowell and Empire Avenue. Improvements beyond the MPD requirement of repaving the road are proposed exclusively for Lowell Avenue and not Empire Avenue. The applicant's proposal is to include a five feet wide sidewalk on the down hill side and a 6.5 feet wide area alternating parking and snow storage on the uphill side of Lowell Avenue. The 2005 Fehr and Peers traffic study suggested this alternating parking/snow storage layout, however this layout was never reviewed or approved by the City. Putting the sidewalk on the downhill side of the street results in the lowest grading impact to the existing right of way.

City staff has requested that the applicant provide the City with a study of how many existing spaces will be affected by the proposed improvements. The applicant shows that there are forty existing, legal parking spaces on the downhill (East) side of Lowell

Avenue and the new proposal will provide 36 spaces on the uphill (West) side of Lowell Avenue. Currently the uphill side of Lowell Avenue is identified by the City as a “No Parking” area.

The City Engineer and the Public Works Transportation Director have met with the applicant on several occasions to discuss the impacts of the development on the adjacent street system and the intersections within close proximity. City staff has indicated to the applicant that the on-street alternating parking and snow storage area proposal will be problematic due to the parking management and snow removal burden (including associated operating expense) this alternative places on the city. Staff also believes the applicant has offered inadequate mitigation of on-street parking. To make the snow storage proposal work, the City would have to mandate that there be no on-street parking between the hours of 2 am and 6 am during the winter months. This level of parking enforcement is consistent with that currently in place on streets requiring a comparable level of snow removal service (i.e. Park Avenue and Main Street).

The City would have to mandate that both Lowell Avenue and Empire Avenue have the same regulation of no parking (2-6 am) in order to keep both streets clear of snow and operable in winter months. The reason for also regulating Empire is the estimated increase in parking on Empire due to the loss of parking on Lowell. Obviously, this regulation would also impact the other adjacent streets negatively. Therefore, staff can not support the proposed traffic mitigation in terms of alternating parking and snow storage on Lowell. The applicant has not proposed additional improvements to Empire Avenue other than the pavement improvements as required within the MPD.

During meetings with Staff, the applicants have expressed that the removal of parking between 2-6 am is consistent with management on other roads in Park City to keep the roads operable (Park Avenue and Main Street). They have directed that the displaced parking spots can find parking elsewhere within the City and that the majority of the homes on Lowell are relatively new construction and have on-site parking for two cars. The applicant submitted a list of existing parking within the City that would be available for displaced parking. (Exhibit E)

The applicant expressed disagreement with the Planning Commission request for improvements to be shown as far as the Deer Valley Drive and Park Avenue intersection. In response to the applicant’s opinion that the project is a “very minor contributor to the traffic” beyond Manor Way, staff finds that they are a “contributor” and therefore must work with the Planning Commission and the City to mitigate the contributing impacts. Incremental impacts of 197 residential units and 19 commercial units will add to the traffic at Park City Mountain Resort and the intersection at Park Avenue and Deer Valley Drive. The City Staff finds that the developer should contribute to the cost of improvements for the incremental impacts as quantified within the traffic studies.

2. More details of pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions.

Applicant Response in letter dated April 2, 2009:

“The materials in Item 1 also address pedestrian safety, in particular location and specifics with respect to sidewalk and stair improvements. Gary Horton, PEC, will provide today a revised traffic count and a walkability study which complements Alta Engineering’s work and makes specific recommendations.”

Staff Analysis:

The PEC revised traffic count and walkability study have been included as Exhibit C. The walkability study is a map overlay that identifies the location of proposed sidewalks and stairs, existing conditions that need remedy, existing sidewalks and stairs, proposed sidewalk and stairs by other developers, and the location of proposed pedestrian signing. The applicant has worked with staff to identify the best locations for pedestrian improvement. The eighth and tenth street staircase improvements were not identified within the original master plan, yet the applicant is willing to work with the City to build the additional stairs to increase pedestrian safety to and from the project. The purpose of the additional staircase at 10th street is to provide the residents on Empire Avenue a connection to the sidewalk on Lowell Avenue.

The other proposed mitigation for pedestrian safety is that signs will be introduced to direct traffic to utilize Lowell Avenue rather than Empire Avenue and Crescent. City Staff is concerned for the pedestrian safety on Empire Avenue. To this date no study has been provided quantifying pedestrians on the street. Without hard numbers, Staff can only provide analysis from experience. It has been staff’s experience that the majority of pedestrians utilize Empire. Other than the staircase connection between Empire and Lowell, no other form of mitigation has been proposed to mitigate impacts to pedestrians on Empire. Staff finds that it is unrealistic to think that the public will not utilize Empire Avenue. With the existing traffic issues at the ski area it is assumed that visitors will utilize maps and GPS to find a different route to avoid the traffic at Deer Valley Drive and Park Avenue. All other alternative would include access through Empire Avenue. Staff finds that the ski trail, ski lift, and cabriolet will be resourceful in mitigating visitors of the development from driving to the resort.

3. Specify/define the types of use for the commercial areas.

Applicant Response in letter dated April 2, 2009:

“We intend to assure that the commercial space in the project is effectively “oriented” towards the project by prohibiting parking for the general public on site. See General Notes 2 and 3 on revised Sheet P.16 and commercial locations detailed on Sheets P.1 thru P.5, a preliminary copy of which will be provided by David Eldredge, architect, today. Possible tenant uses are labeled on these drawings but we can not ensure that they will remain the actual uses over time.”

Updated Sheets P.1 – P.6 and P.16 have been included as Exhibit D.

A breakdown of commercial uses and meeting space are as follows:

P.1	No Meeting Space or Commercial Use.	
P.2	Meeting Space:	
	Ballroom	8,061 square feet
	3 Individual Meeting Rooms	754 square feet each
	1 Bd. Room.	492 square feet
P.3	Meeting Space:	
	Junior Ballroom	5,312 square feet
	Commercial:	
	Restaurant	3,746 square feet
	Bar	5,278 square feet
	Clothing	2,215 square feet
	Coffee	780 square feet
	Sporting Good	4,054 square feet
	Convenience Store	1,397 square feet
P.4	No Meeting Space	
	Commercial:	
	Spa	10,994 square feet
P.5	No Meeting Space	
	Commercial:	
	Bar	2,733 square feet
	Lounge	2,258 square feet
	Gift shop	635 square feet
	Restaurant/Bar	9,062 square feet
	Deli	1,024 square feet
	Creole Gulch Mine Exhibit	8,079 square feet

P.16 General Notes regarding commercial use are as follows:

“2. Commercial Uses: Commercial uses as depicted on use plans P1 – P15 are general in nature. They are not intended to limit or restrict commercial uses in the future. It is the intent, however, that the commercial establishments in the project shall be oriented towards project residents, guests and employees, recognizing that patronage by cabriolet, foot paths, non-motorized bicycles, and skis will occur with little impact on the project’s neighbors. Otherwise, non-resident patronage will be discouraged by not providing parking on the site for the commercial public.”

Staff Analysis:

Land Management Code Section 15-15-1.49 defines Support Commercial Use as “a commercial use oriented toward the internal circulation of a development, for the purpose of serving the needs of the residents or users of that development, and not persons drawn from off-site.”

The Master Plan was very specific in stating that the commercial use was for the convenience of those residing within the project and was not to serve off-site or attract customers from other areas.

December 18, 1985 Sweeney Master Plan Findings:

4. The commercial uses will be oriented and provide convenient service to those residing within the project.

December 18, 1985 Master Planned Development--Development Parameters and Conditions:

3. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table or the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. **All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas (emphasis added).**

Staff finds that the proposed uses as suggested within the architect plan are consistent with the definition of support commercial and the Sweeney Master Plan Findings, with two exceptions. First, staff continues to find that the Creole Mine Exhibit does not comply with the Master Plan condition that the support commercial will not attract customers from off-site. The applicant has made it clear to staff that they are willing to remove the mine exhibit from the proposal. Secondly, staff continues to have concern with the amount of meeting space proposed onsite. In conversations with the applicant, they have stated that the meeting space is not intended to only be utilized by customers staying within the hotel. The applicant has made reference to the meeting space being utilized by persons staying in other hotels and traveling to the development via the cabriolet and not cars. Staff finds that use of the meeting space by any persons not residing within the development is against development parameter and condition #3 of the Master Plan.

4. Specify/define the types of ownership within the project.

Applicant Response in letter dated April 2, 2009:

"Type of ownership is specified on Sheets P.1 thru P.16, a preliminary copy of which will be provided by David Eldredge, architect, today. The "CLUB" units, which are clearly consistent with the intent of the Master Plan finding which refers to "nightly rental and/or transient use," as "appropriate and compatible," may, having interval/fractional ownership, require a zoning change. If for whatever reason this is not possible, these units will be whole ownership along with the "RESIDENCES" shown on the drawings. The project will be legally structured as one master condominium association with sub-condominium associations governing the different types of ownership. The "HOTEL"

although a sub-condominium, is planned nonetheless as a full service hotel owned by a hotelier as opposed to a condominium hotel. The City will deal directly with one designated representative of the master condominium association as it pertains to matters in the development agreement between the City and developer which must be inked at some point in the process.”

Staff Analysis: Hotel use is consistent with the approved Master Plan for the development. Interval and/or fractional ownership were not outlined in the approved Master Plan and are not allowed in the Estate Zone. The applicant must apply for a zone change in order to have fractional ownership.

5. Provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel/nightly rental units.

Applicant Response in letter dated April 2, 2009:

“The amount of meeting space was determined by a formula provided by a reputable hotel brand: 80 square feet of meeting space for each key in the hotel. Under this formula, 80 square feet per key times 200 keys equals 16,000 square feet.”

Staff Analysis: The applicant does not provide any additional material or comparisons other than a statement that the formula was provided by a “reputable” hotel brand. There is no indication of the level of service of the hotel or comparison to existing hotels. The information provided does not create an understanding for staff or the Planning Commission whether or not 80 square feet per key is a commonly accepted practice in designing a hotel with meeting space. Also, the applicant has not stated any mitigation to satisfy the Master Plan requirement that people it will not attract customers from off-site. The statement also does not clarify whether or not 80 square feet per key includes space for off-site use as well.

6. Parking Management Plan. Provide a parking management plan. This plan must include details of where any person not parking onsite (employees/visitors) will park and be transported to the site. The Planning Commission also requested that decreased onsite parking be evaluated for the purpose of generating less traffic and creating less massing onsite.

Applicant Response in letter dated April 2, 2009:

“First, there will be no parking for the project on nearby residential streets. This will be controlled by no parking signs, residential permit only signs, and municipal parking enforcement. Residents in Treasure will not be eligible for on-street residential parking permits. Second, parking onsite will be restricted according to General Note 3 on Sheet P.16, notice provided by literature and signage, and enforcement furnished by the master condominium association according to the development agreement. Otherwise, project employees and visitors will be able to park wherever it is legal and access the project via foot, non-motorized bicycles, skis, the cabriolet, or for that matter as far away as the park and rides at Quinn’s and Kimball Junction via the City bus system and the cabriolet. To purport that we have any more control than this is simply not realistic.

With respect to reducing onsite parking, we are not willing to do this. The intent of the Master Plan parking requirement was to establish a minimum number of parking spaces not a maximum. It is advantageous for the project and the City to build more parking in order to reduce parking pressure on neighboring streets and employee parking pressure in the vicinity of the Town Lift base. Furthermore, since the parking is required to be located below finish grade, it has no effect on mass.”

General Note #3 on Sheet P.16:

- 3. **PARKING:** IT IS THE INTENT TO DEVELOP ALL THE PARKING SPACES SHOWN ON THE DRAWINGS OR PRACTICABLY ACHIEVABLE IN THE DEPICTED STRUCTURES. MOST LIKELY SOME SPACES WILL BE LOST TO MECHANICAL AND OTHER SUBSEQUENT DESIGN NECESSITIES. PARKING WILL BE RESTRICTED TO UNIT OWNERS, GUESTS OF UNIT OWNERS, HOTEL GUESTS, GUESTS OF HOTEL GUESTS, EMPLOYEES, SERVICE PROVIDERS, AND EMERGENCY VEHICLES. THERE WILL BE NO PARKING FOR THE GENERAL PUBLIC.

Staff Analysis: In larger development projects throughout Park City, it is consistent that the applicant provides a parking analysis to decrease the amount of onsite parking. By reducing onsite parking the reliance on the automobile and traffic are also reduced. Staff disagrees with the applicant’s comment that massing will not be affected by a reduction in parking. The proposed parking utilizes 241,402 square feet of area. By reducing square footage the massing would be reduced and/or less excavation would occur. The Planning Commission had asked the applicant to provide analysis for a parking reduction under Section 15-3-7 of the LMC. The applicant has not provided this analysis.

The parking for all buildings within the Sweeney Properties Master Plan Development is required to be provided on-site and in enclosed structures (Finding #5 of SPMP). The following parking requirement reflect sheet 22 of the exhibits of the MPD:

	Hotel Room Suite not to exceed 650 s. f.	Apt. not to exceed 1000 s.f.	Apt. not to exceed 1500 s.f.	Apt. not to exceed 2000 s.f.	Apt. in excess of 2000 s.f.
# of parking spaces	.66	1	1.5	2	2

The proposed project contains 424 parking spaces total. Per the MPD, 366 spaces are required for the proposed unit sizes. The applicant has designed additional spaces for the use of employees. Below is the breakdown of the parking as provided by the applicant. It must be noted that the original MPD did not require parking for the support commercial. No parking should be required for the support commercial because the support commercial is not suppose to bring additional visitors to the site, as emphasized in the MPD.

SUBTOTAL BY UNIT TYPE	TYPE	QTY.	AREA	QTY.	AREA	QTY.	AREA	QTY.	AREA	QTY.	AREA	TOTAL
	RESIDENCES	0	0	0	0	0	0	0	4	7,333	42	150,067
HOTEL	161	76,330	4	3,936	35	37,907	1	1,515	1	2,537		202
CLUB	0	0	0	0	13	15,795	11	20,311	33	83,114		57
REQUIRED PARKING SPACES	161 @ 0.66 =	106	4 @ 1.0 =	4	48 @ 1.5 =	72	16 @ 2.0 =	32	76 @ 2.0 =	152		366
PARKING STRUCTURE	CREOLE			MIDSTATION		BLDG, 2		BLDG, 4B		BLDG, 5A-D		TOTAL
	LEVEL	USER	QTY.	LEVEL	QTY.	LEVEL	QTY.	LEVEL	QTY.	LEVEL	QTY.	
	L1		96	L1	53	L1	6	L1	23	L1	70	
	L2		39					L2	51			
								L3	51			
								L4	44			
PROVIDED PARKING SPACES			135		53		6		169		70	433
	LESS 1 STALL PER REQUIRED ACCESSIBLE SPACE IN ACCORDANCE WITH I.B.C. To L 1106.1 (FOR AISLES)											(9)
	NET TOTAL PROVIDED											424

Standard of Review for Conditional Use Permit for Traffic

Land Management Code: Conditional Use Permit 15-1-10:

“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.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.”

The Planning Department and Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of the following criteria related to traffic:

2. Traffic considerations including capacity of the existing Streets in the area;
4. Emergency vehicle access;
5. Location and amount of off-street parking;
6. Internal vehicular and pedestrian circulation system;
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

Staff requests discussion and feedback on whether or not the CUP review criteria as listed above has been mitigated.

Exhibits

Exhibit A – Correspondence between Planner and Applicant

Exhibit B- Alta Engineering Update

Exhibit C – PEC Update of traffic study and walkability



Building • Engineering • Planning

Patrick Sweeney
 MPE, Incorporated
 PO Box 2429
 Park City, UT 84060

February 24, 2009

Dear Pat,

This letter is a follow-up to the Planning Commission meeting held on February 11, 2009. The following is a summary of the additional requests made by the Planning Commission.

1. More detailed design of the street improvements. Include a street plan from the Park Avenue/Deer Valley Drive intersection to the project. The street plan should include the anticipated traffic circulation pattern and improved areas including road widening, parking, snow storage, and sidewalks. Also show the pedestrian connection to Main Street including staircases and the cabriolet. These street plans must be specific outlining exact locations and dimensions of improvements. Existing grade of the street should be included. They do NOT have to go to the detail level of obtaining certified surveys and engineering.
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3. Specify/define the types of use for the commercial areas.
4. Specify/define the types of ownership within the project.
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6. Parking Management Plan. Provide a parking management plan. This plan must include details of where any person not parking onsite (employees/visitors) will park and be transported to the site. The Planning Commission also requested that decreased onsite parking be evaluated for the purpose of generating less traffic and creating less massing onsite.

Once the site plan of street improvements (#1 above) is ready for review, I would like to schedule a meeting with Matt Cassel and Kent Cashel. Please let me know when to expect these details.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
 Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
 FAX (435) 615-4906



Building • Engineering • Planning

In addition to the above requested items, staff is requesting a Construction Mitigation Plan. A construction mitigation plan is typically required prior to issuance of a building permit. Due to the size and scope of the project, the Building and Planning Departments are requiring the construction mitigation plan as part of the Condition Use Permit review. This plan will be included during the next Planning Commission review of traffic on the March 25, 2008. Attached is the Building Department Construction Mitigation form. Please follow the outline of the attached form and include all 14 points within your plan.

Also, resolution to the Residential and Support Commercial calculations must be made prior to reviewing additional CUP criteria. The current application is over on residential unit equivalents and the 5% support commercial has been quantified incorrectly. Please let me know when I should expect the modifications. Several Planning Commissioners also raised concerns that the mine ride and any excess meeting capacity/support commercial beyond direct support needs of hotel guests may be contrary to the original MPD approval.

The next Planning Commission meeting to review traffic and circulation is scheduled for March 25, 2009. I would appreciate receiving all of the above listed materials by March 6, 2009 if possible. This will allow adequate time to review the material and put together a staff report.

The suggestion was made that your application receive separate review meetings by the Planning Commission. Would you be open to an alternative meeting schedule with the Planning Commission?

Please contact me with any questions or concerns.

Regards,

A handwritten signature in cursive script, appearing to read "Katie Cattan".

Katie Cattan

Planner, Park City Municipal Corporation
435-615-5068

Katie Cattan
Planner
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

April 2, 2009

Dear Katie,

This letter and the associated materials contain the responses to your letter dated February 24, 2009. A copy of this letter is attached for your convenience.

As you know, it was decided to postpone the March 25 meeting to April 22.

Item 1. More detailed design of street improvements has been completed by Rob McMahon, Alta Engineering. The materials will be provided to you today. They include eight schematic engineering drawings and an opinion letter. They address all the requested items in detail from and including Manor Way south.

With respect to the request on the part of some Planning Commission members that we continue design and improvement work from Manor Way north to the Intersection of Deer Valley Drive and Park Avenue, other than signage specific to our project, this is inconsistent with the Master Plan approval. In addition, we are a very minor contributor to traffic in this area. Accordingly, we do not believe it is appropriate for us to pursue this.

Item 2. The materials in Item 1 also address pedestrian safety, in particular location and specifics with respect to sidewalk and stair improvements. Gary Horton, PEC, will provide today a revised traffic count and a walkability study which complements Alta Engineering's work and makes specific recommendations.

Item 3. We intend to assure that the commercial space in the project is effectively “oriented” towards the project by prohibiting parking for the general public on site. See General Notes 2 and 3 on revised Sheet P.16 and commercial locations detailed on Sheets P.1 thru P.5, a preliminary copy of which will be provided by David Eldredge, architect, today. Possible tenant uses are labeled on these drawings but we can not ensure that they will remain the actual uses over time.

Item 4. Type of ownership is specified on Sheets P.1 thru P.16, a preliminary copy of which will be provided by David Eldredge, architect, today. The “CLUB” units, which are clearly consistent with the intent of the Master Plan finding which refers to “nightly/rental and/or transient use,” as “appropriate and compatible,” may, having interval/fractional ownership, require a zoning change. If for whatever reason this is not possible, these units will be whole ownership along with the “RESIDENCES” shown on the drawings. The project will be legally structured as one master condominium association with sub-condominium associations governing the different types of ownership. The “HOTEL,” although a sub-condominium, is planned nonetheless as a full service hotel owned by a hotelier as opposed to a condominium hotel. The City will deal directly with one designated representative of the master condominium association as it pertains to matters in the development agreement between the City and developer which must be inked at some point in the process.

Item 5. The amount of meeting space was determined by a formula provided by a reputable hotel brand: 80 square feet of meeting space for each key in the hotel. Under this formula, 80 square feet per key times 200 keys equals 16,000 square feet.

Item 6. First, there will be no parking for the project on nearby residential streets. This will be controlled by no parking signs, residential permit only signs, and municipal parking enforcement. Residents in Treasure will not be eligible for on-street residential parking permits. Second, parking onsite will be restricted according to General Note 3 on Sheet P.16, notice provided by literature and signage, and enforcement furnished by the master condominium association according to the development agreement. Otherwise, project employees and visitors will be able to park wherever it is legal and access the project via foot, non-motorized bicycles, skis, the cabriolet, or for that matter as far away as the park and rides at Quinn’s and Kimball Junctions via the City bus system and the cabriolet. To purport that we have any more control than this is simply not realistic.

With respect to reducing onsite parking, we are not willing to do this. The intent of the Master Plan parking requirement was to establish a minimum number of parking spaces not a maximum. It is advantageous for the project and the City to build more parking in order to reduce parking pressure on neighboring streets and employee parking pressure in the vicinity of the Town Lift

Base. Furthermore, since the parking is required to be located below finish grade, it has no effect on mass.

Additional Item A. A construction mitigation plan, to the extent that it can be practically produced at this level of design will be provided today. It is impossible, for example, to specify the contractor at this time. The principles and related details which will eventually lead, when final design is complete, to a comprehensive and well founded construction mitigation plan are covered in the Written & Pictorial, Traffic Studies & Proposed Improvements, Soils Studies & Opinion, Mine Waste Mitigation Plan, Excavation Management Plan, Mitigators, and Lowell-Empire Improvements found in the Submittal Appendices.

Additional Item B. With respect to the opinion that our current application is “over on residential unit equivalents” and that the “support commercial” space has been quantified incorrectly, we disagree. This position on our part is supported by the code in effect at the time of Master Plan application and numerous prior staff reports upon which we have relied.

The General Note 1, on Sheet P.16, submitted today, better explains where we are realistically in design and makes our intent clearer. The previous note on Sheet P.16 was transparent and presented in good faith. It stated: “Preliminary residential unit equivalents exceed the allowable in anticipation of reductions to accommodate utility shafts, housekeeping closets, etc. which have not been located. The intent is not to exceed the allowable unit equivalents but rather to demonstrate at the current level of design that the proposed massing can practicably accommodate the allowed unit equivalents. The final design will ensure that the actual totals don’t exceed the allowable.” To carry our reasoning further, a building envelope that was slightly bigger was necessary to demonstrate that our allowed density will fit within this envelope and, at the same time, not violate the fundamental approval parameters regarding open space and height. Bottom line, we neither want to exceed our allowed usage nor fall short.

As to the matter of 5% support commercial (and 5% meeting space), we do acknowledge that our definition of “gross” as being “gross” as opposed to “less than gross” was technically incorrect. We don’t believe, however, that the “less than gross” definition was what the council had in mind when they actually implemented ordinance changes aimed at encouraging hotel and meeting space. In any case, we have illustrated the part of gross that is not technically gross (basements) on the latest drawings P.1 thru P.15 and recalculated on P.16 excluding basements. It was necessary to modify our drawings in order to come into compliance once we adopted this more strict definition. Among other things, we reclassified the ticket office (which had been included in commercial) as "ACCESSORY," reduced the size of the spa, and used some of the unused "ALLOTTED COMMERCIAL" in the mine exhibit.

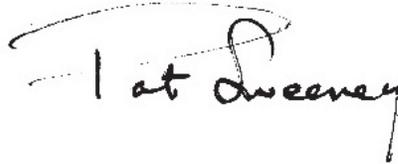
We continue to rely on Section 1.22. VESTING OF ZONING RIGHTS Park City Municipal Corporation Land Management Code, Passed and Adopted December 22, 1983, Effective January 1, 1984, which states among other things, “The project owner may take advantage of changes in zoning that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and subject to the payment of additional planning review fees.” This position on our part is consistent with numerous staff reports dating back to 2004.

Additional Item C. As for the mine exhibit, we do not intend to actively pursue it at present. We will continue to provide for the opportunity in design and possibly pursue it later as a separate conditional use in the Estate Zone.

Additional Item D. We are open to an alternative meeting schedule.

This covers all the items in your letter.

Respectfully,



Patrick Sweeney
President MPE, Inc.



Not available.

South end of Lowell and Empire Avenues.

Not available.

Subject to special hours as may be approved by the Park City Building Department from time to time.

No construction parking on City streets. See Appendix A.18, Mitigators, Page 1.

Yes. See Appendix A.18, Mitigators, Page 1.

Yes. See Appendix A.18, Mitigators, Page 1.

See Appendix A.1, Written & Pictorial, Page 35.

Yes.

Yes. See Appendix A.18, Mitigators, Page 1.

Yes. See Appendix A.18, Mitigators, Page 1. Subject to special events as may be approved by Building Department from time to time.

Limited. County land fill.
See Appendices A.6 and A.16.

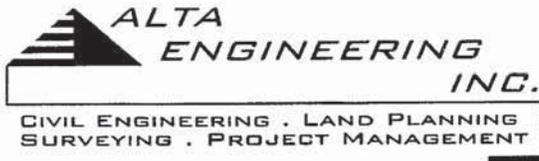
Yes.

Yes.

Yes. See Appendix A.18, Mitigators, Page 1.

Yes Storm Water Pollution Prevention Plan will be prepared in accordance with UPDES requirements when appropriate.

Yes when appropriate.



April 2, 2009

MPE, Inc.
Mr. Pat Sweeney
P.O. Box 2429
Park City, UT 84060

**RE: Treasure CUP Review
Lowell Avenue Improvements
Opinion Summary**

Mr. Sweeney;

Alta Engineering was contracted to review The Treasure Hill Traffic Impact Analysis Report dated July, 2004 and associated addendums prepared by Project Engineering Consultants (PEC) and the Traffic Review of the PEC reports contained in a Technical Memorandum dated July 20, 2005 prepared by Fehr and Peers (FP) Transportation Consultants and to respond to The Park City (PCMC) Planning staff's requests contained in a letter dated February 24, 2009 from Ms. Katie Cattan.

Attached are sheets OS 1.0 through OS 8.0 that have been submitted to the PCMC planning department for review and inclusion as presentations at the planning commission public meeting scheduled for April 22, 2009.

The above referenced reports were reviewed. Road cross sections and parking/ snow storage recommendations were studied when placed in the existing right of way of Lowell Avenue. It was found that the cross section and snow storage recommendations contained in the FP Technical Memorandum are the most practical and result in the lowest grading impact to the existing right of way. Fehr & Peers found the existing Lowell Avenue cross section with the snow storage/ parking recommendations could adequately handle the projected additional Treasure traffic volumes with an acceptable level of service and has the capacity for the anticipated winter season PM peak hour traffic volumes. Accordingly, the FP cross section and snow storage recommendations have been chosen as the proposed cross section for the Lowell Avenue improvements and are the limits that are shown on the attached submittal documents.

An existing conditions cross section survey was performed on Lowell Avenue in February of 2009. The data obtained allowed analysis of the FP roadway cross section with the addition of a five foot side walk on the downhill (east) side of Lowell Avenue. The existing back of curb on the east side of Lowell was used as the starting point of the

proposed cross section as this option will have the lowest impact on both the existing residences and existing grade.

The proposed cross section and sidewalk was placed within the existing Lowell Avenue right of way. A retaining wall was introduced on the uphill (west) side of Lowell. The retaining wall will vary in height from a minimum of two feet to an expected maximum height of 5.4 feet under this scenario. The FP cross section proposed can be accommodated within the existing Lowell Avenue right of way with a minimal impact to existing residences and a modest retaining wall on the west side Lowell Avenue. The snow storage and parking recommendations made by Fehr & Peers offer the PCMC traffic and maintenance managers the most flexibility in operating and maintaining the access roadway with the lowest impact to the existing residences. It is for these reasons the FP cross section and recommendations have been submitted.

Other options contained within the PEC report as well as variations on the FP cross section placement and geometry could also be accommodated within the Lowell right of way and could be considered during the final design of the Lowell Avenue improvements.

Sincerely,



Robert J. McMahon, P.E.; P.L.S.

DATE: APRIL 19 2009
PROJECT NO: 08-01-08B
FILE: 08010108B

MPE
INCORPORATED

treasure
PARK CITY, UTAH

ALTA
ENGINEERING
INC.
Civil, Engineering, Land Planning,
Surveying, Planning, Architecture

FOR: MPE INC.

TREASURE
LOWELL AVENUE IMPROVEMENTS
ON STREET PARKING ANALYSIS

SHEET NO:
081.0



DATE: APRIL 16, 2009
PROJECT NO: 01-08-02
FILE: 01-08-02-001

MPE
INCORPORATED

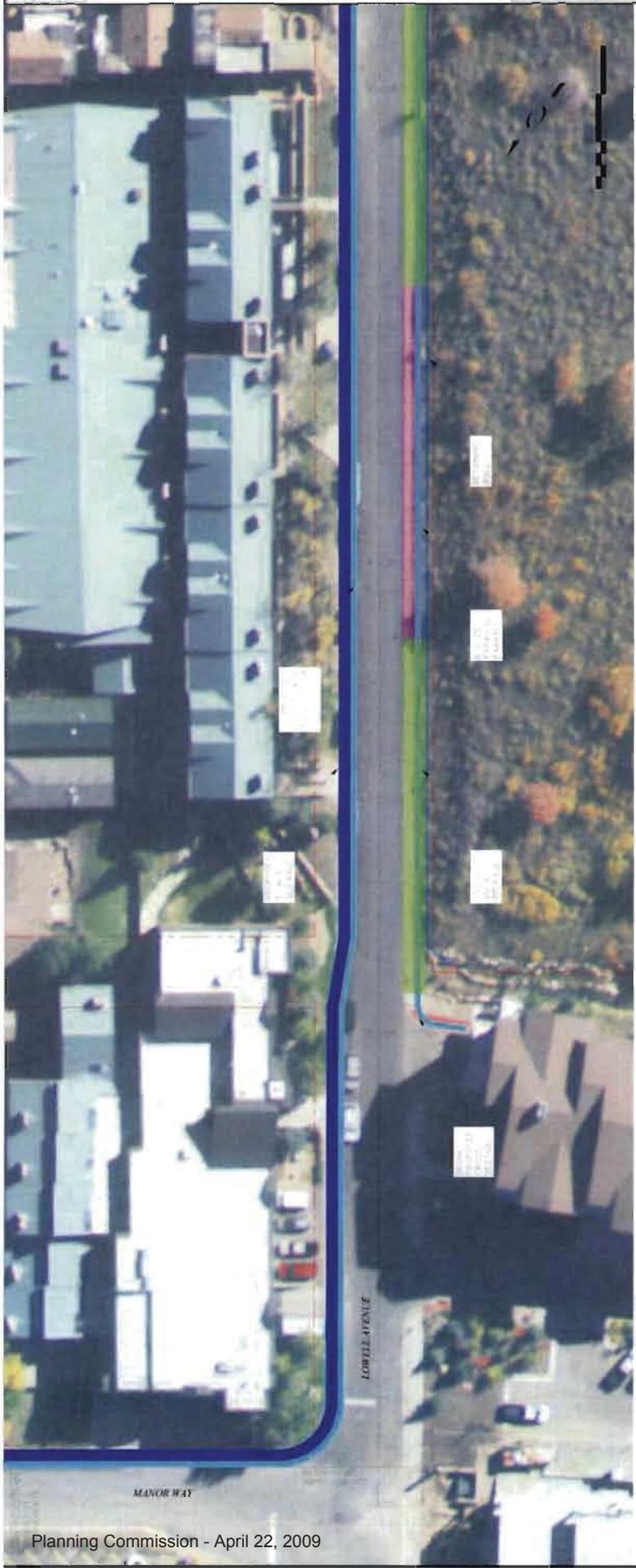
treasure
PARK CITY, UTAH

ALTA ENGINEERING INC.
CIVIL ENGINEERING LAND PLANNING
SURVEYING PROJECT MANAGEMENT

TREASURE
LOWELL AVENUE IMPROVEMENTS
STA 0+00 - 6+40

SHEET NO:
052.0

FOR: MPE INC.



DATE: APRIL 19 2009
PROJECT NO.: 01-08-09
FILE: 0001-0010-00000

MPE
INCORPORATED

treasure
PARK CITY, UTAH

ALTA
ENGINEERING
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Civil, Engineering, Land Planning
Surveying, Planning, Management
PO BOX 20027 PARK CITY, UTAH 84302-0027

FDR: MPE INC.

TREASURE
LOWELL AVENUE IMPROVEMENTS
STA 6+40-12+80

SHEET NO.:
093.0



DATE: APRIL 19, 2009
PROJECT NO.: 01-08-02
FILE: 01-08-02
MPE/ALTA ENGINEERING

MPE
INCORPORATED

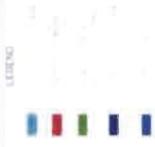
treasure
PARK CITY, UTAH

ALTA ENGINEERING INC.
Civil, Environmental, Land Use, Planning,
Survey & Title, Project Management
1000 West Park Drive, Suite 200, Park City, UT 84302

FOR: MPE INC.

TREASURE
LOWELL AVENUE IMPROVEMENTS
STA 12+80-19+20

SHEET NO.:
054.0



DATE: APRIL 19, 2009
PROJECT NO.: B1-08-02
FILE: *(illegible)*

MPE
INCORPORATED

treasure
PARK CITY, UTAH

ALTA
ENGINEERING
INC.
(illegible)

FDR: MPE INC.

TREASURE
LOWELL AVENUE IMPROVEMENTS
STA 19+20-25+70

SHEET NO.: **055.0**



LEGEND



DATE: APRIL 19, 2009
PROJECT NO.: 01.08.03
FILE: 01.08.03

MPE
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Surveying, Project Management
100 East 200 West, Suite 100, Park City, Utah 84302

FOR: MPE INC.

TREASURE
MANDR WAY - EMPIRE AVENUE
PROJECT ACCESS

SHEET NO.
097.0



DATE: APRIL 19 2009
PROJECT NO.: 01 08 08
FILE: PROJECT 1000000

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INCORPORATED

treasure
PARK CITY, UTAH

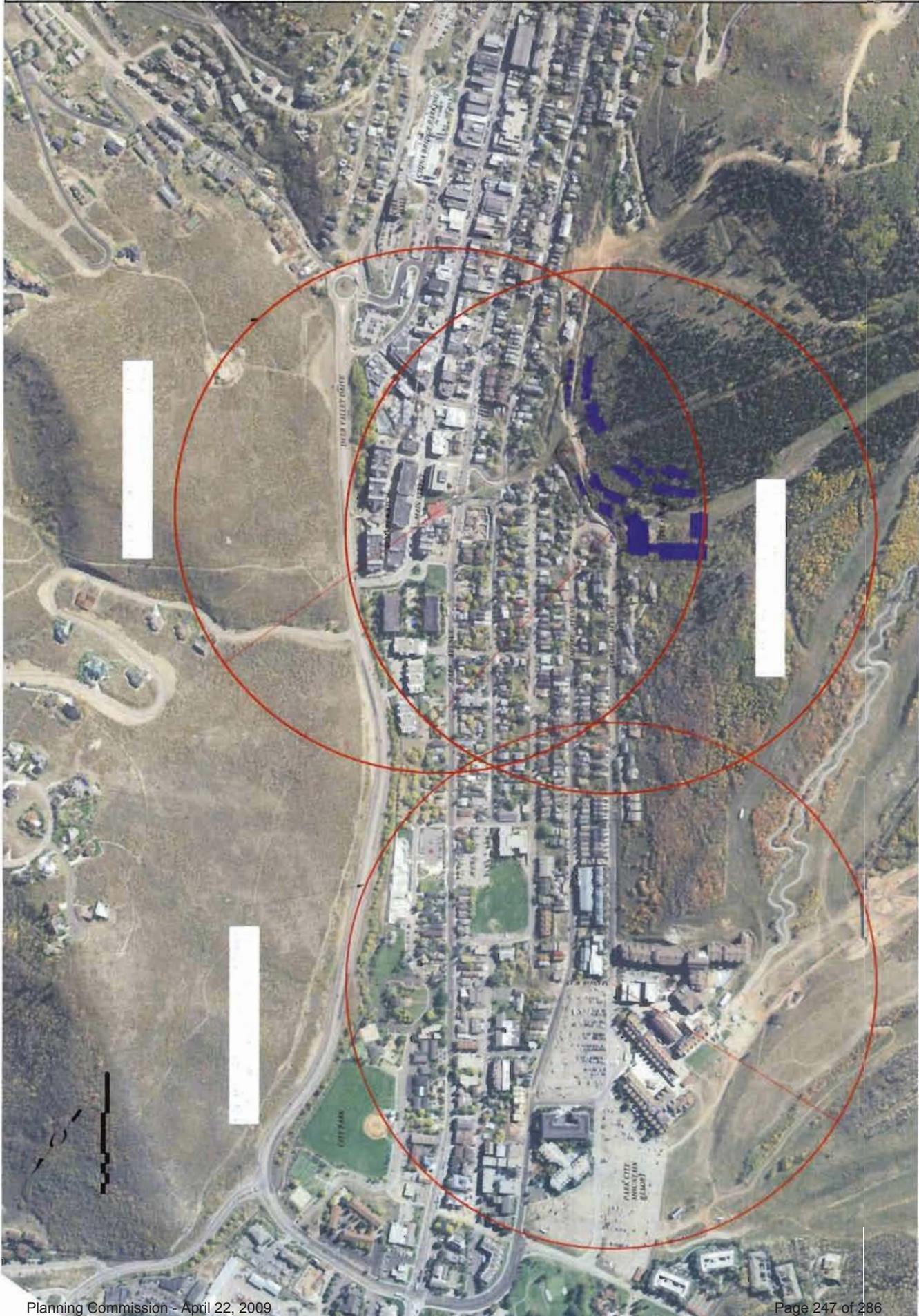
ALTA
ENGINEERING
INC.
2000 ENGINEERING, LAND PLANNING,
SURVEYING, PROJECT MANAGEMENT
400 WEST 2000 WEST SUITE 1000 PARK CITY, UTAH 84302

FOR: MPE INC.

TREASURE
EMPIRE AVENUE - DEER VALLEY DRIVE
PROJECT ACCESS

SHEET NO.
058.0







April 2, 2009

Mr. Pat Sweeney
425 Norfolk Ave
P.O. Box 2429
Park City, UT 84060

RE: Treasure Hill – Traffic Impact Analysis Addendum Four

Dear Mr. Sweeney,

PEC has completed a modification of the trip generation rates based on refined land use information supplied on David Eldredge Drawings P.1 thru P. 16, as revised. These rates were modified to include more current information at the request of the Park City Municipal Planning Commission. The Land Use values are similar to those used in the original Traffic Impact Analysis, the Institute of Transportation Engineers (ITE) land use (L.U.) cited was: L.U. 230 for Condominium/Townhouse, L.U. 221 for Employee Housing, L.U. 310 for Hotel and L.U. 814 for Specialty Retail. The commercial L.U. applies to only 19,000 square feet because 34,000 square feet of the commercial space is already included in the hotel L.U. trip generation. The ITE Trip Generation Manual states, "Hotels have supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities and /or other retail and service shops." Therefore, the 34,000 square feet of commercial land use is included in the hotel trip generation numbers. It was assumed approximately 400 square feet per employee for housing accommodations. The modified trip generation values are shown in Table One below.

Table One

<i>Type of Facility</i>	<i># of Units</i>	<i>AM Trip Generation</i>	<i>PM Trip Generation</i>	<i>AM Peak Hour</i>		<i>PM Peak Hour</i>	
				<i># Entering</i>	<i># Exiting</i>	<i># Entering</i>	<i># Exiting</i>
<i>Hotel</i>	200	126	122	73	53	60	62
<i>Condominium/Townhouse</i>	105	54	63	9	45	42	21
<i>Employee Housing</i>	58	35	42	7	28	27	15
<i>Commercial</i>	19	0	67	0	0	30	38
<i>TOTAL</i>		215	294	90	125	159	135

Note: Number of Units for Hotel is defined as the number of rooms, Condominium/Townhouse is defined as the number of condos, Employee Housing is defined as number of rooms and Commercial is defined as 1000 square feet of floor space.

Table Two below reflects the difference between the trips generated from the original Traffic Impact Analysis completed in July 2004 versus the modified trip generation rates supplied in Table One.

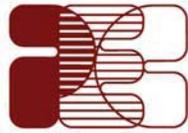


Table Two

Type of Facility	# of Units	AM Trip	PM Trip	AM Peak Hour		PM Peak Hour	
		Generation	Generation	# Entering	# Exiting	# Entering	# Exiting
<i>Hotel</i>	-64	-50	-49	-29	-21	-24	-25
<i>Condominium/Townhouse</i>	39	40	51	7	34	34	17
<i>Employee Housing</i>	19	35	42	7	28	27	15
<i>Commercial</i>	0	0	18	0	0	9	10
TOTAL		25	62	-14	40	46	16

With the changes for the proposed land use there are two factors that will have a significant impact on the traffic generation. First, that there is an increase in housing to provide employee housing onsite and second that there is not additional parking provided for the commercial land use. It is important to note that employee trips are included as part of the L.U. trip generation rates. Therefore, any employee housing located on site would have an additional decrease in the projected trips. With these two factors it is anticipated that the internal capture rate could range from 50% to 70%. These numbers are based on the rates found during the original study from Marriot Mountain Side, Marriot Summit Watch, and Deer Valley Ski Resort. For the purpose of this addendum we will assume a rate of 50% to remain conservative. Table Three below reflects the modified trip generation with the 50% trip reduction.

Table Three

Type of Facility	# of Units	AM Trip	PM Trip	AM Peak Hour		PM Peak Hour	
		Generation	Generation	# Entering	# Exiting	# Entering	# Exiting
<i>Hotel</i>	200	63	61	37	27	30	31
<i>Condominium/Townhouse</i>	105	27	31	5	22	21	10
<i>Employee Housing</i>	58	18	21	4	14	14	7
<i>Commercial</i>	19	0	34	0	0	15	19
TOTAL		108	147	45	63	79	68

These are the trips that could be expected with occupancy on a typical peak hour during the AM and PM respectively. Table Four below reflects the total difference between the modified trip generation from the original Traffic Impact Analysis completed in July 2004 versus the modified trip generation rates supplied in Table Two.

Table Four

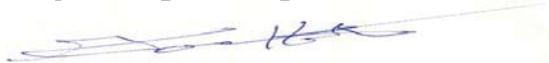
Type of Facility	AM Trip	PM Trip	AM Peak Hour		PM Peak Hour	
	Generation	Generation	# Entering	# Exiting	# Entering	# Exiting
ORIGINAL STUDY TOTAL	133	162	73	60	79	83
MODIFIED PER ADDENDUM	108	147	45	63	79	68
NET CHANGE	-25	-15	-28	+3	0	-15

As reflected in Table Four, by providing employee housing on site and not providing additional parking for commercial use, there will be a net decrease of trips generated by the proposed development in comparison with the original study. Therefore modified trip generation rates will improve the level of service previously reported and support the previous study conclusions.

Another point that needs to be addressed at the request of the Park City Planning Commission is what efforts will be made to reduce traffic on Empire Avenue and encourage primary use of Lowell Avenue. The following will encourage the use of Lowell Avenue:

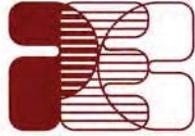
- Maps and information for the project will direct traffic to enter and exit the project from Lowell Avenue,
- Roughly 80% of the proposed parking stalls will be accessed via the western entrance which further encourages use of Lowell Avenue instead of Empire Avenue,
- Signage leaving and entering the site will direct traffic to Lowell Avenue,
- Improvements on Lowell Avenue and enhanced snow removal will continue to encourage traffic along Lowell Avenue,
- Access locations will be designed to channelize traffic to and from Lowell Avenue, and
- The greatest assistance in reducing traffic volumes on Empire Avenue are the other mitigation measures that will decrease traffic volumes entering and exiting the site (cabriolet, pedestrian accommodations, parking restrictions etc.).

Respectfully,
Project Engineering Consultants



Gary Horton, P.E.
Principal

Cc: Project File



March 31, 2009

Mr. Pat Sweeney
MPE, Inc.
P.O. Box 2429
Park City, UT 84060

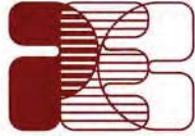
RE: Treasure Hill – Walkability Study / Recommended Improvements

Dear Mr. Sweeney,

PEC has concluded the walkability study for the Treasure Hill development and surrounding Park City Resort area. The results from this study indicate that improvements need to be made in order to provide safer pedestrian accommodations, with or without the proposed project. A couple weeks ago, we performed a pedestrian volume count. Due to the lack of channelization, it proved impracticable to determine exact volumes of pedestrian movements in and around the area.

Existing conditions on Lowell Avenue do not include an area for pedestrians to be accommodated separate from the vehicle traffic. This is especially critical during the winter months as snow banks limit the room for vehicle travel and reduce the space for pedestrian traffic. This situation is not ideal for either vehicle or pedestrian traffic. Conditions along Empire Avenue compel sidewalk/stair improvements involving connecting to the proposed new sidewalk on Lowell. There is also an immediate need for established crosswalks around the Park City Mountain Resort area. The recommendations listed below should be considered. The attached figure provides a graphical representation of the suggested improvements described as follows:

- Install new sidewalk on the east side of Lowell Avenue from the Park City Mountain Resort area to the Treasure Development. Current conditions warrant this improvement without the Treasure Development. It would also be the in the best interest of pedestrian safety to provide for the sidewalks to remain reasonably clear of snow during the winter season to allow for continued pedestrian use. It is PEC's experience that the adjacent property owners can not be relied on to complete this in a timely fashion. Accordingly, we recommend that the City take on this responsibility.
- Install new sidewalk/stair connections. This includes connections from Woodside to Crescent on 8th Street, Empire to Lowell on 10th Street, and Empire to Lowell on Manor.
- Install signs and paint crosswalks in eight (8) locations in the Park City Mountain Resort Area. These installations will help increase the safety of pedestrians using



the area and their locations have the least amount of impact on vehicle traffic. Because of the current pedestrian habits of walking these roads freely, once the crosswalks are established it may be necessary for the City to enforce the crossing restrictions in order to realize safer traffic and pedestrian interaction.

- There are currently two (2) locations where sidewalk/stair improvements are warranted in order to provide adequate access for future growth. These improvements are understood to be scheduled for completion by others sometime in 2009. They are from Woodside to Treasure on 6th Street and Park to Woodside on 8th Street.

Pursuit of these recommendations will contribute to safe pedestrian access around the Park City Resort area and the Treasure Development.

Respectfully,
Project Engineering Consultants

Gary Horton, P.E.
Principal

Cc: Project File



Walkability Study

- PROPOSED SIDEWALK / STAIR
- EXISTING CONDITIONS - NEEDS REMEDY
- EXISTING SIDEWALK / STAIR
- PROPOSED SIDEWALK / STAIR BY OTHERS
- ◆ PROPOSED PEDESTRIAN SIGNING

PROJECT ENGINEERING CONSULTANTS
 8819 SOUTH REDWOOD RD. UNIT C WEST JORDAN, UT 84088
 PHONE: (801) 495-4240 FAX: (801) 495-4244 EMAIL: PEG@PECUTAH.COM

REVIEWS:
March 20, 2009

LODGE & NICHOLSON ARCHITECTS
1487 SECOND AVENUE
SALT LAKE CITY, UTAH 84103
PHONE: 801.588.1218
EMAIL: cna@lodgenicholson.com

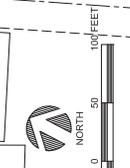
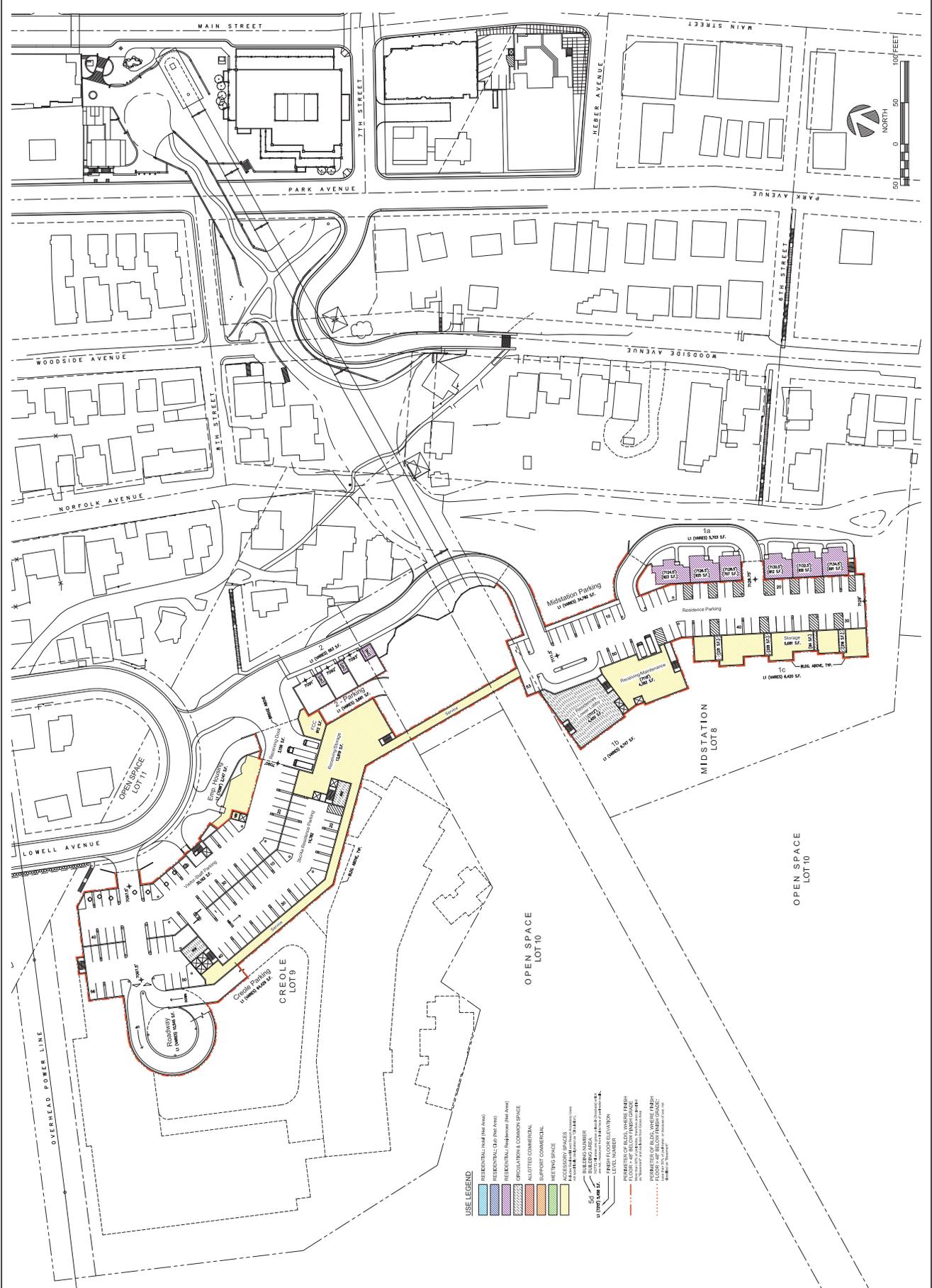
MPE INCORPORATED

Developed by
MPE, INC., PO Box 2429, Park City, UT 84060
eMail: info@treasureparkcity.com

treasure
PARK CITY, UTAH

SHEET NUMBER
P.1
6/17/2008

Level 1 Use Plan



- USE LEGEND**
- RESIDENTIAL HIGH (NET AREA)
 - RESIDENTIAL MID (NET AREA)
 - RESIDENTIAL LOW (NET AREA)
 - CIRCULATING & COMMON SPACE
 - ALLOTTED COMMERCIAL
 - SUPPORT COMMERCIAL
 - MEETING SPACE
 - ACCESSORY SPACES
 - FRESH FOOD/RECREATION
- SYMBOLS**
- BUILDING NUMBER
 - LEVEL NUMBER
 - PERIMETER OF BUILDING/OUTLINE
 - FLOOR TO BE BUILT/INDICATED
 - PERIMETER OF LOT/OUTLINE
 - PERIMETER OF PARKING/OUTLINE

REVISIONS:
March 20, 2009

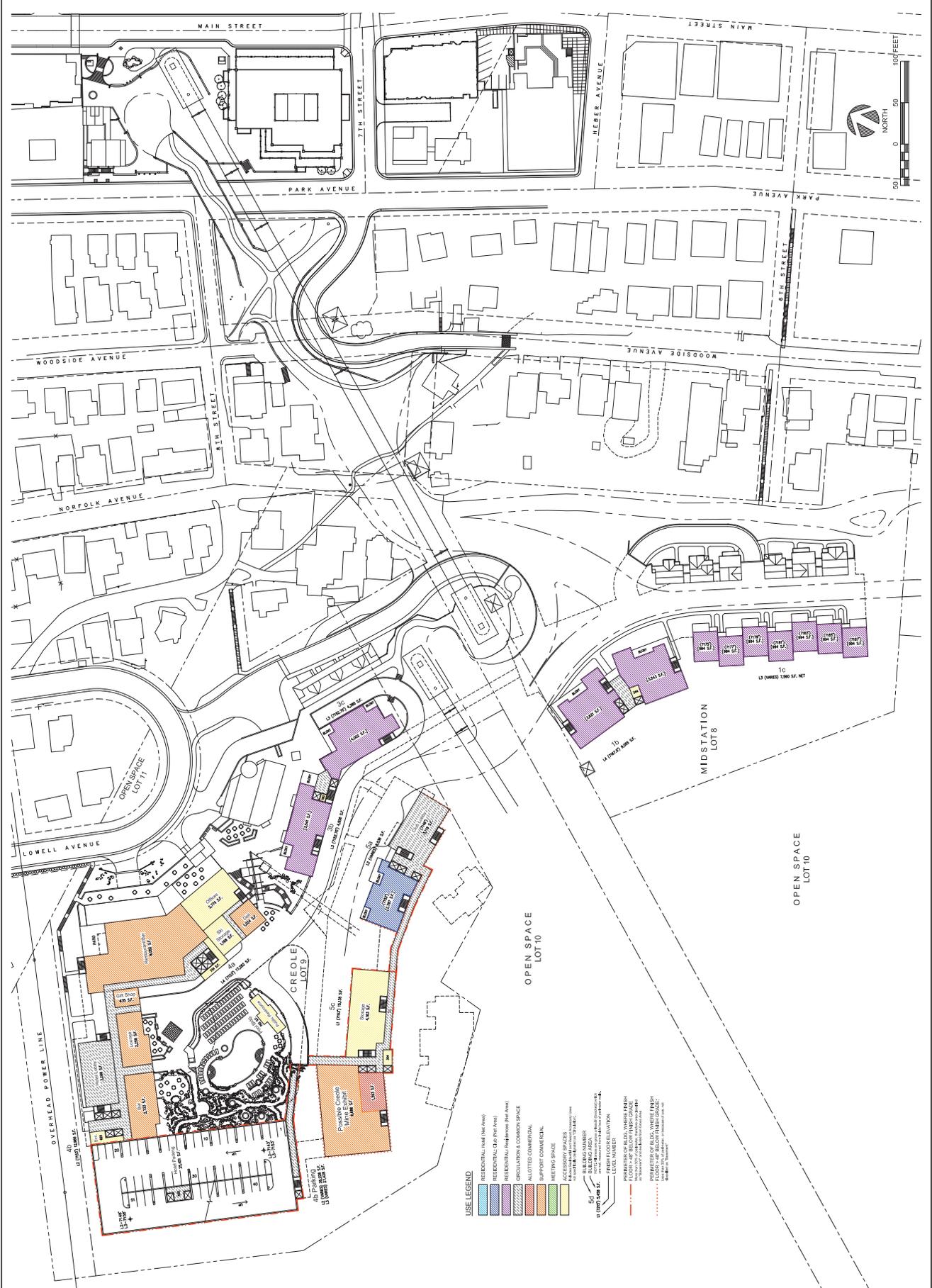


Developed by
MPE, INC., PO Box 2429, Park City, UT 84060
Email: info@treasureparkcity.com



SHEET NUMBER
P.5
6/12/2008

Level 5 Use Plan



Bldg. No.	Level	Floor Plate	GROSS AREA (SQ. FT.)			ALLOWABLE AREA (SQ. FT.)			PARKING SPACES			TOTAL		
			Net	Impervious	Roof	Net	Impervious	Roof	Permitted	Motorcycle	Subtotal	Permitted	Motorcycle	Subtotal
1A	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1B	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1C	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1D	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1E	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1F	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1G	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1H	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1I	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1J	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1K	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1L	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1M	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1N	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1O	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1P	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1Q	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1R	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1S	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1T	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1U	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1V	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1W	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1X	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1Y	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
1Z	1	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
2	2	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
3	3	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
4	4	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
5	5	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
6	6	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
7	7	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
8	8	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
9	9	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
10	10	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
11	11	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
12	12	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
13	13	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
14	14	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
15	15	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
16	16	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
17	17	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
18	18	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
19	19	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
20	20	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
21	21	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
22	22	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
23	23	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
24	24	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
25	25	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
26	26	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
27	27	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
28	28	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
29	29	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
30	30	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
31	31	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
32	32	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
33	33	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
34	34	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
35	35	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
36	36	7192P	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217	17,217
37	37	7192P	17,217	17,217	17,217									

Parking Count Numbers 04/15/2009						
	On Street	Off Street	Garages	Surface	Underground	Total
Lowell	40	81	55			176
Empire	40	184	82			306
Sweetwater				26	46	72
Mountain Side				15	172	187
PCMR				4	72	76
						817
Commercial	Residential	Street	Surface			
Town Lift Base	115	49				164
Town Lift Condos	27	18				45
Summit Watch	177	135				312
Kimball Arts				7		7
Main			39			39
Park			37			37
Heber			5			5
						609
<p>Note: The numbers for Lowell and Empire Avenues include Manor Way south. The parking numbers for the Town Lift Base area include Heber Avenue and 9th Street between Main and Park and Main Street and Park Avenue between Heber and 9th. They also include the Summit Watch, Town Lift Base, and Town Lift Condominiums covered parking facilities. Finally, they include the offstreet parking for Kimball Arts Center. They do not include the vacant lot on the corner of 9th and Park since the fait of this parking is uncertain.</p>						

ADDRESS	DRIVEWAY	GARAGE
LOWELL AVENUE		
906/920	Y	N
934	Y	Y
944	Y	Y
948	Y (1 spot)	N
950	N	N
948	N	N
10th Street	N	N
Vacant Lot	N	N
1010	Y	Y
Vacant Lot	N	N
1018	Y	Y
1022	Y	Y
1030	Y	Y
1038	Y	Y
1044	Y	N
1048	Y	Y
1058	Y	Y
1096	N	N
11th Street		
1104	Y	Y
1108	Y	Y
1114	Y	Y
1118	Y	Y
1130	Y	Y
Vacant Lot		
1172	Y	Y
1178	Y	Y
1184	Y	Y
1190	Y	Y
1196	Y	Y
1197/-1061	Y	Y
12th Street		
1202	Y	Y
1206	Y	Y
1212	Y	Y
1218	Y	Y
1226	Y	Y
1232	Y	Y
1238	Y	Y

EIVIPIRE AVENUE		
new construction?	y	y
835	N	
841	y	y
908/912	y	y
911	N	N
917	y	y
920	y	N
923	y	y
930	y	N
939	N	N
Vacant Lot	N	N
950	y	N
953	y	y
954	y	y
958	Y	Y
963	y	y
964	y	y
10th Street		
1003	y	Y
1007	Y	Y
Home	N	N
1011	y	y
1010/1008	Y	Y
1012	Y	Y
10121/2	Y	Y
1013	Y	Y
1014	Y	Y
1015	y	y
1016	Y	Y
1017	Y	Y
1019	N	N
1024	Y	Y
1027	Y	Y
1033	Y	Y
1039	Y	Y
1048	Y	Y
1058	Y	Y
1063	N	N
1101	y	y

1102	y	y
1106	y	y
1109	y	y
Vacant Lot	N	N
1120	y	N
1121	y	y
1159	y	y
1165	y	y
Victorian Village	Y	N
Empty Lot	N	N
1183	y	N
1194	y	y
1196	y	y
1197	y	y
1199	y	y
1198	y	y
1203	y	y
Innsbruck	Y	N
1207	Y	y
1210	y	y
1212	y	y
1213	Y	Y
1219	Y	Y
1221	Y	Y
1227	y	y
1233	Y	Y
1243	y	y
1260	Y	Y
1268	Y	Y
Sweetwater	y	y
1279	Y	Y
1283	y	y
1287	Y	Y
1302	y	y
1306	y	y
1308	y	y
Acorn	Y	N

**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 Cattan to reiterate other concerns the Staff had requested for discussion. Planner Cattan 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

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.

Exhibit D – Update of Proposed Use on Plans
Exhibit E – Existing Parking from Applicant
Exhibit F – Parking on Lowell and Empire calculated by staff
Exhibit G – February 11, 2009 meeting minutes

Summary Recommendations

Staff recommends that the Planning Commission review the traffic updates for the Treasure Hill Conditional Use Permit (CUP) as provided in the staff report and within the applicant's presentation, allow the applicant to discuss the traffic analysis, open the public hearing and provide the applicant and staff with feedback on whether or not the CUP review criteria 2, 4, 5, 6, and 13 have been mitigated. No action is scheduled. The public hearing should be continued to June 24, 2009.