

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** Treasure Hill  
**Author:** Katie Cattan  
**Application #:** PL-08-00370  
**Date:** February 10, 2010  
**Type of Item:** Administrative – Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review mass, scale, and compatibility of the Treasure Hill Conditional Use Permit (CUP) as reflected in the model and presented by the applicant, open a public hearing, and provide the applicant with clear direction. The public hearing should be continued to April 14, 2010.

## 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:** Mass, scale and compatibility

## Staff Memo

The applicant will be presenting a model of the development within the context of the surrounding community. Other than the model, no new information has been received by the Planning Staff. The previous staff report from the September 23, 2009 Planning Commission meeting was not fully discussed during the Planning Commission meeting. The applicant had asked the Planning Commission to allow them more time to respond to the staff report. No written response has been received by staff at the time of writing this memo. The staff report and minutes of the September 23, 2009 meeting are relevant to this meeting and are attached as Exhibits A and B.

The following Conditional Use Permit Criteria and the model are the topic of focus for this meeting:

8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The applicant has requested that the Planning Commission provide the applicant with clear direction regarding the design of the project. The model will also be available after the Planning Commission meeting in the Planning Department for the public to view. Appointments should be made with Planner Cattan ([kcattan@parkcity.org](mailto:kcattan@parkcity.org)) to view the model.

**Exhibits**

- Exhibit A: September 23, 2009 Staff Report
- Exhibit B: September 23, 2009 Meeting Minutes
- Exhibit C: New public comment

## Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** Treasure Hill  
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### Summary Recommendations

Staff recommends that the Planning Commission review mass, scale, and compatibility of the Treasure Hill Conditional Use Permit (CUP) as analyzed in the staff report and presented by the applicant, and discuss the project as a work session item. A public hearing shall follow the work session during the regular meeting. The public hearing should be continued to November 11, 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) previous meetings.

The focus of this staff report is on CUP criteria 8, 11, and 15. These criteria were previously discussed during Planning Commission meetings on August 11, 2004, August 25<sup>th</sup>, 2004, January 11, 2006, and January 25, 2006. The staff reports and minutes of these meetings are available at <http://www.parkcity.org/citydepartments/planning/treasurehill.html>. During these meetings the Planning Commission identified the need of additional information to complete the review the criteria. The Planning Commission requested a model representing the massing of the project (Exhibit A – computer model), more specific architectural detailing of buildings, visual analysis from key vantage points (Exhibit B), and a streetscape (Exhibit C). Another focus of the discussion was the review of criterion 11 and the possibility of setting up a design review task force to evaluate the style, design, and architectural detailing of the project.

### **Summary of Recent Previous Meetings**

#### *January 7, 2009 - Planning Commission - Overview*

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. The topics were proposed use and traffic generation, pedestrian circulation, on-site parking, and displaced parking

#### *February 26, 2009 – Housing Authority- Employee Housing*

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

#### *April 22, 2009 – Planning Commission – Traffic*

Attorney Jody Burnett, who had been retained as independent counsel to render an advisory opinion on the issue of vested rights for the Sweeney MPD presented his findings. Next, the applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting that were outlined by staff in a letter. In general, the Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed. (Note: Due to an issue with the recording device, the minutes of April 22, 2009 meeting are not currently available. A full recording has been obtained but the minutes have not been adopted.)

#### *July 22, 2009 – Planning Commission – Traffic*

Applicant presented customized approach to pedestrian mitigation. Continued concern for snow removal cost and management, location of improvements, width of streets, and onsite parking. Commission Wintzer submitted a list of suggestions for traffic mitigation.

*August 24, 2009 – Planning Commission Work Session site visit*

## **Analysis**

### **Support Commercial Incompliance**

#### **Staff calculation of maximum possible additional Support Commercial and Meeting Space**

The Treasure site is allowed 197 Unit Equivalents (UEs) of residential and 19 UEs of commercial area under the MPD. Of the 19 UEs of commercial, 15.5 were allocated to the Creole Site and 3.5 were allocated to the Mid-Station site. The MPD was approved under the 1985 Land Management Code. Any additional support commercial and meeting space areas above the 19 UEs must be in compliance with the LMC at the time of the MPD vesting. These figures are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. Any additional support commercial above the 19 UEs is not vested.

Staff utilized Section 10.12 of the 1985 LMC to quantify the maximum possible additional support commercial and meeting space. The 1985 LMC section 10.12 Unit Equivalents states:

“Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.

Staff calculated the floor area of the hotel (ONLY) and quantified the possible 5% support commercial of the total floor area of the hotel. Staff calculated total floor area of the hotel not including the additional proposed commercial area and meeting space.

(Floor area of Hotel)(.05) = possible maximum Support Commercial and Meeting Space combined.

The hotel area is located within Building 4b. The total floor area of the hotel (not including the commercial and meeting space) is 234,803 square feet. Five percent of 234,803 square feet is 11,740 square feet. The applicant currently has 49,539 of support commercial/meeting space proposed above the 19 UEs allowed under within the MPD. The current application is 37,799 square feet above the maximum possible allowance (11,740 square feet). Also, this calculation is assuming that the Planning Commission will allow all the commercial units to be located on the Creole Site. Within

the MPD, 15.5 UEs of commercial were allocated to the Creole Site and 3.5 UEs of commercial were allocated to the Mid-Station Site.

Staff finds that the proposed support commercial exceeds the 1985 LMC maximum allowance.

	Sweeney MPD	Proposed	Compliance
Residential Units	197	196.96	Complies
Commercial Units	19	18.86	Complies with total, but allocation per site does not comply
Support Commercial	5% of hotel is 11,740	49,539	Exceeds allowed amount by 37,799

The original MPD entitled 19 unit equivalents of commercial, divided into Mid-Station (3.5 UEs) and Creole (15.5 UEs). Any additional commercial area is not vested under the MPD and staff finds that such additional area will add impacts to the development which cannot be mitigated. Not only does the additional space create larger buildings and massing, but also additional traffic from deliveries and employees. These impacts are contrary to the original MPD approval and not vested density. The applicant must mitigate all impacts to additional support commercial

The applicant does not agree with staff's methodology for calculating support commercial.

**Applicant calculation of Support Commercial and Meeting Space:**

The applicant has utilized today's code to calculate the support commercial area and meeting space within the development. They have calculated the total gross floor area of all the buildings per the current LMC definition. They have added together the gross floor area of ALL the buildings within the project because the buildings are either hotels or will be recorded as nightly rental condominium. The total Gross Floor Area calculated by the applicant is 682,001 square feet. 5% of 682,001 is 34,105 square feet.

**Project Totals:**

Commercial UEs	18,863 square feet
Support Commercial	33,412 square feet
Meeting Space	16,127 square feet
Gross Floor Area	682,001 square feet

NOTE: The applicant also added the square footage of the support commercial and meeting space in the Gross Floor Area calculation. These numbers should not have been included in the calculation. These figures are

Bldg. 4A	21,100 sq. ft. support commercial
Bldg. 4A	16,127 sq. ft. meeting space
Bldg. 4B	5,626 sq. ft. support commercial

Bldg. 5C      6,686 sq. ft. support commercial

Total            49,539 sq. ft.

$682,001 - 49,539 = 632,462$

$5\% \text{ of } 632,462 = 31,623.1$

Current LMC reference:

15-6-8 (C) Within a hotel or nightly rental condominium project, up to five percent of the total Gross Floor Area may be dedicated to support commercial uses, which shall not count against any allotted commercial unit equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total gross floor area will be required to use commercial unit equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor area can be support Commercial Uses and no other commercial uses will be allowed.

15-6-8 (D) Within a hotel or condominium project, up to five percent (5%) of the total gross floor area may be dedicated for meeting room space without the use of unit equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial unit equivalents. Any square footage which is not used in the five percent support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial unit equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and uses. These accessory meeting spaces do not require the use of unit equivalents.

By the applicants calculation, the project could have up to an additional 31,623 sf of support commercial and 31,623 sf of meeting space.

**Independent public advisory opinion from Attorney Jody K Burnett**

The City Council hired Attorney Jody K. Burnett to provide an independent public advisory regarding vesting of the original MPD. Attorney Burnett reviewed the support commercial in terms of vesting. The following is from the letter to the Park City Planning Commission from Attorney Jody Burnett dated April 22, 2009:

Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.

### **Sweeney Master Plan Development Parameters and Conditions**

Development parameter and condition #3 of the Sweeney Master Plan states

“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 the enclosed structures and reviewed in accordance with either the table on 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. “

### **Staff Conclusion on support commercial.**

Staff finds that any support commercial over 5% of the total floor area within specific hotels must count towards the MPD 19 unit equivalents. Even if the Planning Commission agrees with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and MPD/CUP review (if you allow the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original MPD and require re-opening the entire MPD). Addition support commercial causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Rather than focus on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the level of mitigation. The developer has vested rights to 19,000 square feet of support commercial and 5% of the hotel area as long as impacts are mitigated within the CUP review.

### Discussion Points

1. Does the Planning Commission agree with Staff’s analysis on support commercial?
2. The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the

applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.

**Difference in approved MPD and current application**

The MPD which was approved by the City Council on October 16, 1986, included exhibits showing calculations for the units within the project. Two major differences have been identified in the review by staff of the current project versus the original master plan approval.

1. The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.
2. The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.

*Evolution in Square Footage*

The original MPD exhibits did not quantify total square footage. The original MPD exhibits showed the total unit equivalents utilized within the Creole and Mid-station sites. The totals represented are 197 UEs of residential and 19 UEs of support commercial. No additional support commercial was shown on these exhibits. Parking was also shown on the original MPD exhibits with 464 total parking spaces and approximately 203,695 square feet of area.

The original CUP application in 2004 for Planning Commission review was a total of 849,007 square feet. The following is a breakdown of the project from the 2004 submittal.

Use	Square Footage
Support Commercial	22,653
Residential	483,359
Ancillary	86,037
Parking	256,958
Total	849,007

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. The revisions to the plan (that are now the current application under review) include an additional 186,010 square feet. The following is a breakdown of the current submittal.

Use	Square Footage
Support Commercial	18,863
Residential	393,911
Additional Support Commercial	33,412
Additional meeting space	16,127
Circulation, common space, accessory space	309,511
Parking	245,063
Total	1,016,887

The additional space has been added to the support commercial, meeting space, circulation, common space, and accessory space since the original 2004 submittal. This increase in area accounts for 16.5% of the current total square footage of the project.

The proposed square footage of this project does not comply with the purpose statements of the Land Management Code and the goals and actions listed within the General Plan. Within the MPD, the area was assigned a specific number of unit equivalents. The way in which these unit equivalents are designed within the project area must meet the purpose statements of the zone and the General Plan.

The project is located in the Estate zoning district of Park City. The purpose statements within the Estate zone, purpose statement 8 states “encourage comprehensive, efficient, compatible development which results in distinct and cohesive neighborhoods through application of the sensitive lands ordinance.” Although the application is not required to meet the standards of the SLO, the design should be efficient and compatible. The current application is excessive and inefficient.

Within Chapter 2 of the Park City General Plan several goals are stated that address massing and scale. Specifically,

“new development, both commercial and residential, should be modest in scale and utilize historic and natural buildings materials. New structures should blend in with the landscape.”

“Preserve an attractive, healthy environment with clean air and natural landscapes. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle and the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen structures and preserve the natural quality of the landscape.”

“Park City should manage new development to control the phasing, type, appearance, location, and quantity of community growth by adopting and enforcing growth management strategies”

“The community’s growth should be managed so that direct and indirect adverse impacts can be anticipated, identified, and mitigated to the extent possible.”

The intent of Chapter 3, the Community Character Element of the Park City General Plan, is to “sustain the character and image of the Park City community through specific policies, recommendations, and actions that will accomplish the primary goal of maintaining the community’s development patterns and way of life”. Within this section the downtown area is described as “with its historic character marked by buildings of simple design, modest scale, and modest height, is the community’s “crown jewel.” The discussion continues with “new commercial and residential development, modest in scale, and utilizing historic and natural building materials”. Staff has concerns with the

scale of the project. The amount of circulation area, lobby areas, parking circulation, etc. are not modest in scale and compatible to the surrounding area.

Discussion point

3. Staff requests discussion and direction on additional square footage.

**Conditional Use Permit Criteria Analysis**

Standard of Review for Conditional Use Permit

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.”

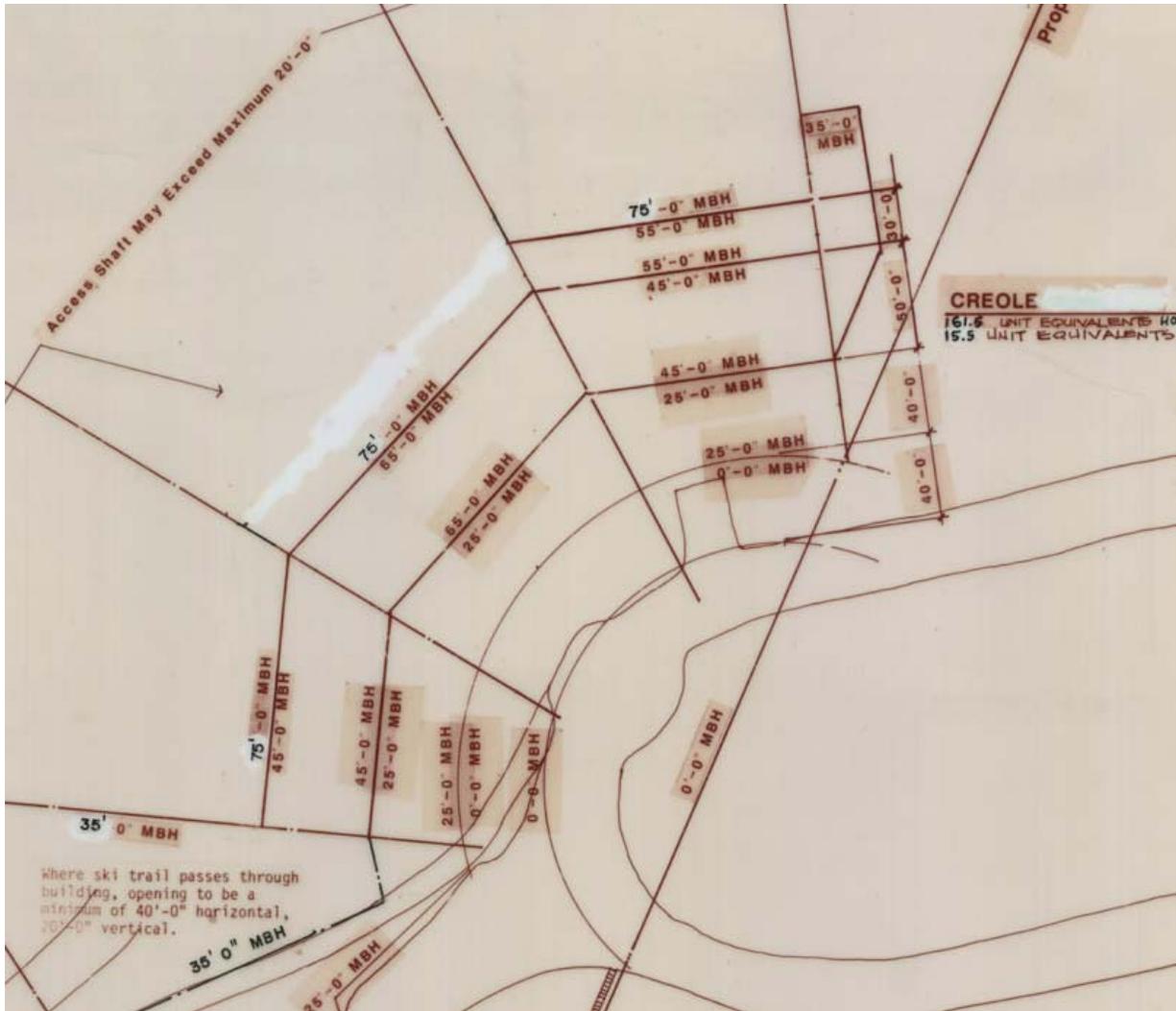
The Planning Department and Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of the following criteria related to mass, bulk, scale, compatibility, design, and site design:

- 8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
- 11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
- 15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

**Criteria 8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;**

The 1986 MPD approval set standards for increased density and increased height on the site. The MPD set height envelopes over the site which increased the allowed height from the front to the rear lot lines. The area closest to the front lot line along the Lowell Avenue/Empire Avenue switchback was set at a 0’ maximum building height. The maximum building height increases in steps from the front property line. Maximum elevations were also set within the MPD. The mid-station maximum elevation was set at 7420 feet and 7275 feet for Creole. The current application complies with the height requirements set forth in the MPD, yet the design modifies existing grade well beyond the anticipated amounts shown in the exhibits of the MPD.

The following is a portion of the Creole Height diagram from the MPD exhibits page 22.



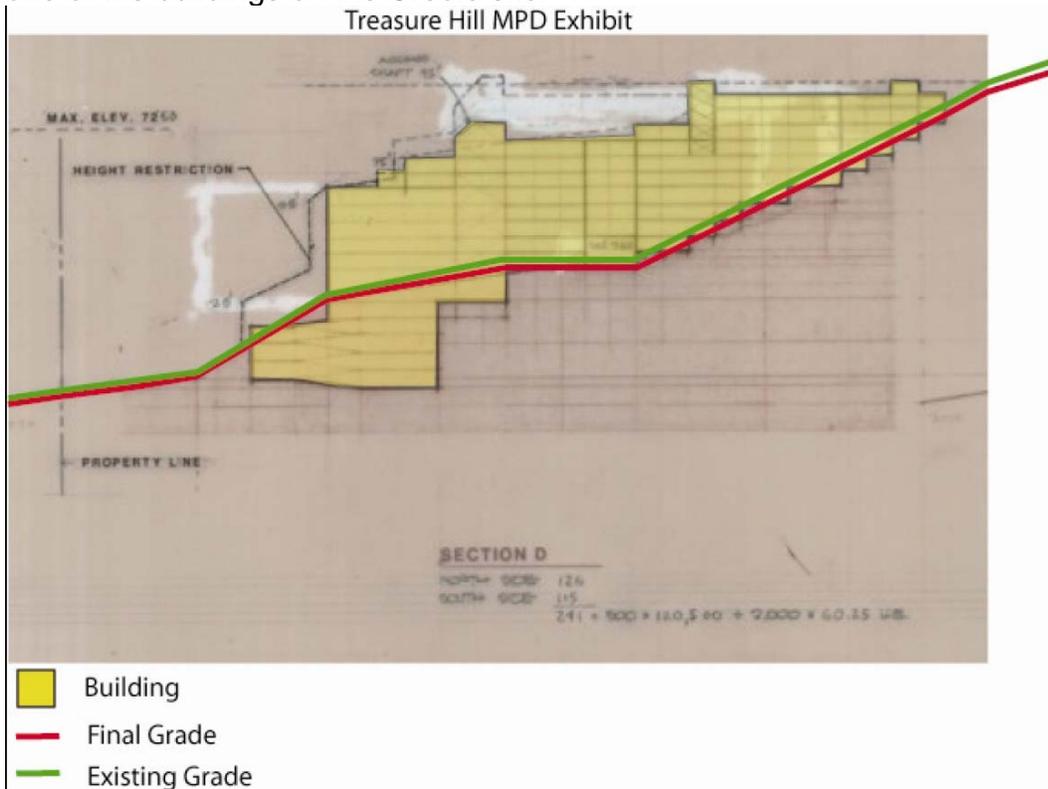
This MPD exhibits designated the areas that the buildings could be built within the development parcel. The second guiding document is the conditions of approval for the MPD in which maximum height envelopes were defined. The following is from the findings within the MPD approval.

\* Reflects City Council's 10.16.86 modifications.\*

- (d) The Town Lift Mid-Station development is restricted to a maximum height of 35' for at least 90% of the total unit equivalent volume of all above-grade buildings (exclusive of elevator shafts, mechanical equipment, and non-habitable areas) and an overall average height of less than 25' measured from natural, undisturbed grade. Additionally, no portion of any building shall exceed the elevation of 7240' above mean sea level.
- (e) The Creole Gulch site shall be limited to a maximum building height of 75' for at least 83% of the total unit equivalent volume of all above-grade buildings combined. An average overall height of less than 45' shall be provided and no portion of any building shall exceed either elevation 7250' for the eastern-most building or the elevation of 7275' for the balance of the project (above mean sea level).

The above building height restrictions are in accordance with the approved Restrictions and Requirements Exhibits submitted, and are in addition to all other codes, ordinances, and standards.

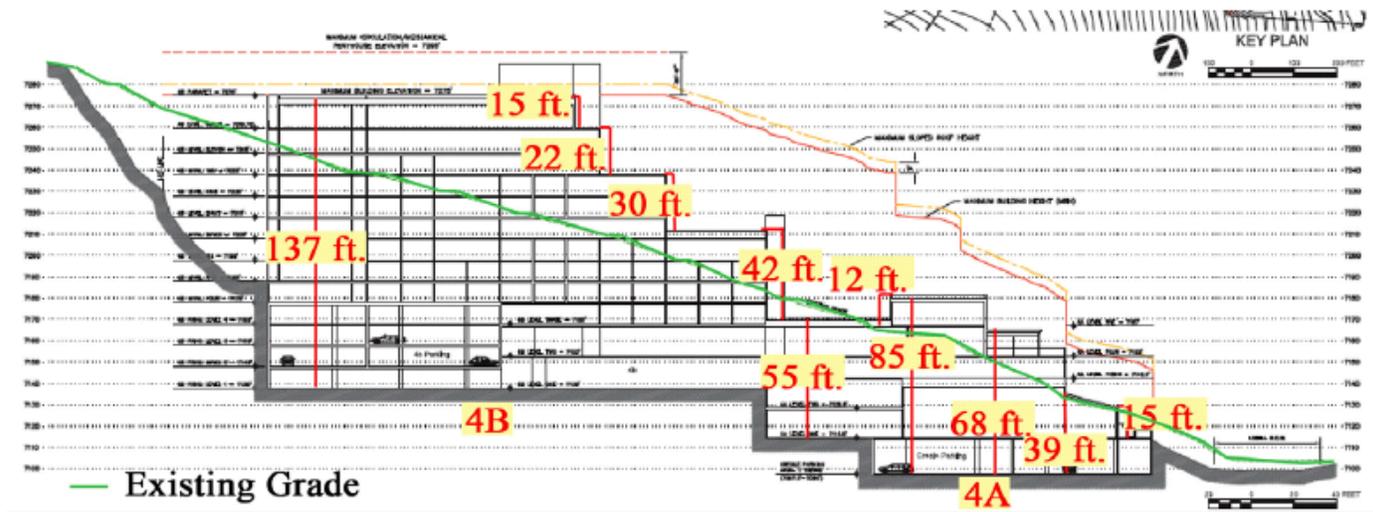
Staff finds that the excess square footage included in the project that is influencing the building massing and bulk. The building mass and bulk is also influencing the orientation of the buildings on the site. The original MPD exhibits were to be utilized as guiding documents. The following is from Exhibit 19 and is an architectural section of one of the buildings on the Creole site.



The building steps with the grade on the site and manages to keep final grade (after construction) close to existing grade (pre-construction). The majority of the area shown below grade is for the parking.

The current application places more massing and bulk below the existing grade. Not only is the massing placed below the existing grade, the grade is then altered dramatically creating taller building walls, taller retaining walls, and greater massing. The following is a section through Creole site plan of the project. The green line is existing grade. The red line is the maximum height envelope. By creating a lower final grade, the buildings appear taller and the bulk and massing becomes larger. The pedestrian walking through the project will experience higher building walls due to the change in final grade. Also, the view from other parts of town (Exhibit B) is of building with greater massing due to the change in final grade from existing.

Building Elevations, 4A & 4B



Staff expects grade to be altered on the unique, steep site in order to accommodate the amount of density allowed on this site, exterior circulation, and parking. The extent to which existing grade is being altered is far beyond the anticipated amount within the MPD and is creating greater impacts to mass and scale. The MPD was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100 feet, the height envelopes do not serve the purpose for which they were created.

Staff also expects that the hotel use will necessitate storage and accessory use. Planning to have accessory space and additional storage under ground is an effective means to mitigating massing and bulk above ground. Staff finds that the current design is very excessive in the amount of accessory space, storage, and circulation which is creating impacts on the overall massing and bulk of the buildings. Within Exhibit A, staff has calculated the common space, circulation, and accessory space as a percentage of each building. The percentage is up to 41% in some buildings creating an inefficient design. Also, as discussed previously, the application exceeds the possible maximum

support commercial and meeting space. The design is excessive and beyond the limit of the MPD.

#### Discussion Point

4. Should the design be revised to become more efficient and comply with the limits of the MPD?

#### Criteria 11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;

Compatibility with the surrounding structures in mass and scale must be considered within the rights of the Sweeney master plan. The master plan created an area of greater height allowances and density next to a historic neighborhood with low height and medium density. The MPD essentially created a new zone with height envelopes and greater density adjacent to the HR-1 zone, Estate zone, and open-space. The Planning Commission must find compatibility with surrounding structures within the higher density already approved.

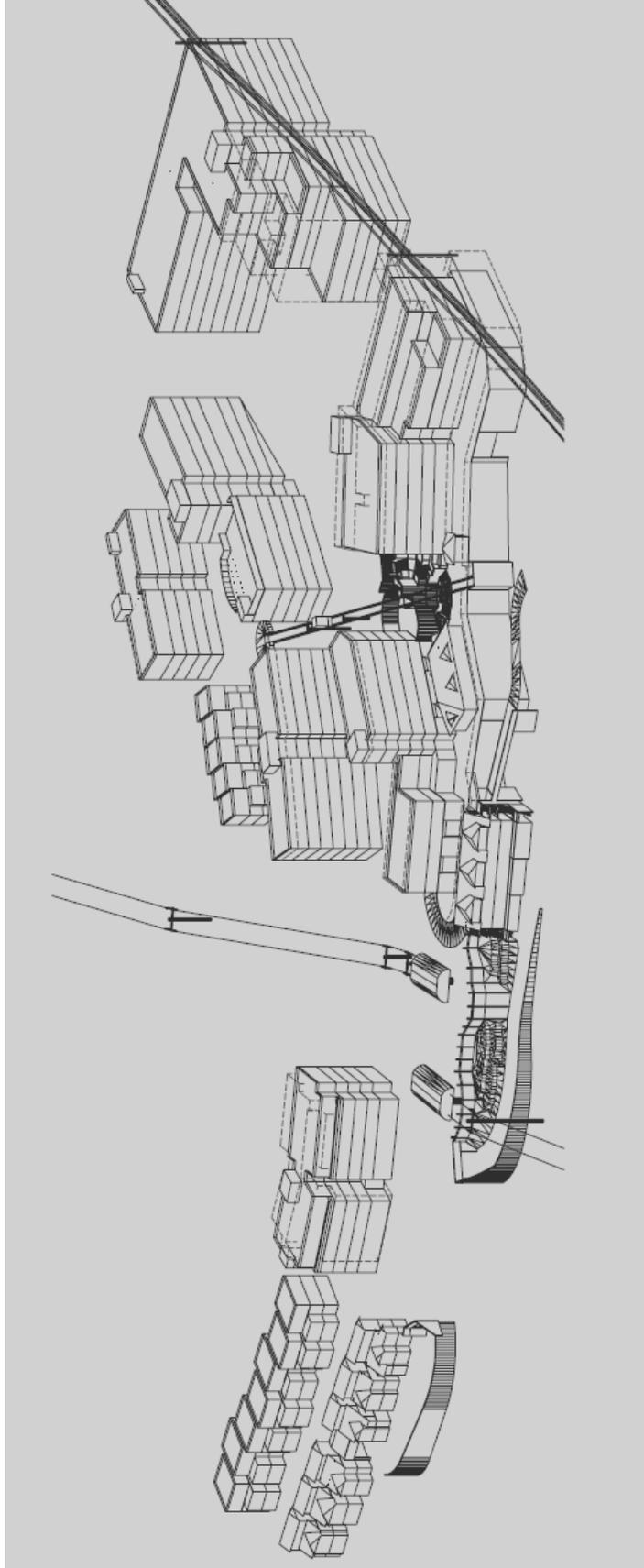
Staff acknowledges that it will be difficult to achieve a project massing that is similar to the existing neighborhood context given the previously approved density and volumetrics set forth in the MPD. The Sweeney Master Plan anticipated the difficulty of designing higher density adjacent to the historic district. The following is from the analysis section of the 1985 Master Plan staff report:

“Scale: The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations. The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach. The sites along Park Avenue have been conceptually planned to minimize scale and have provided stepped facades and smaller-scale buildings to serve as a transition.”

The objective of the administrative application of the CUP criteria is to determine whether or not the proposed project provides sufficient stepping of building masses, reasonable horizontal and vertical separation between the proposed buildings and adjacent structures, and an adequate peripheral buffer so as to limit the potential for larger building masses looming over smaller adjacent structures.

During the 2004 – 2006 review of the conditional use permit, the applicant modified the 2004 submittal once during the review. The changes to mass and scale were presented during the October 13, 2004 Planning Commission meeting. The applicant lowered the

entire project into the ground by 2-3 feet and compressed floor to floor dimensions to reduce entire heights by 5 to 10 feet. The applicant also shifted building volumetrics from the northern edge to the center and back of the project on buildings. The applicant also decreased the wall heights through out the project. The following shows the changes that were made in 2004.



Staff continues to have concerns for massing within specific buildings. The areas of largest concern from a visual massing and streetscape compatibility perspective are circled in the following site plan. The visual massing of buildings 3b and 5a are of concern due to the visible location of these buildings from Main Street and Heber as well as driving up Empire Avenue and Lowell Avenue. Staff continues to have concern with compatibility of the development along the Empire Avenue and Lowell Avenue switchback. There is a dramatic contrast between the project's streetscape and the adjacent residential streetscape. Staff would recommend that the applicant make this area more compatible with the adjacent streetscape.



The following is the streetscape provided by the applicant. Staff recommends that the applicant improve the streetscape to show the entire visual experience for a pedestrian walking by the development with all portions of the development that are visible to be shown.



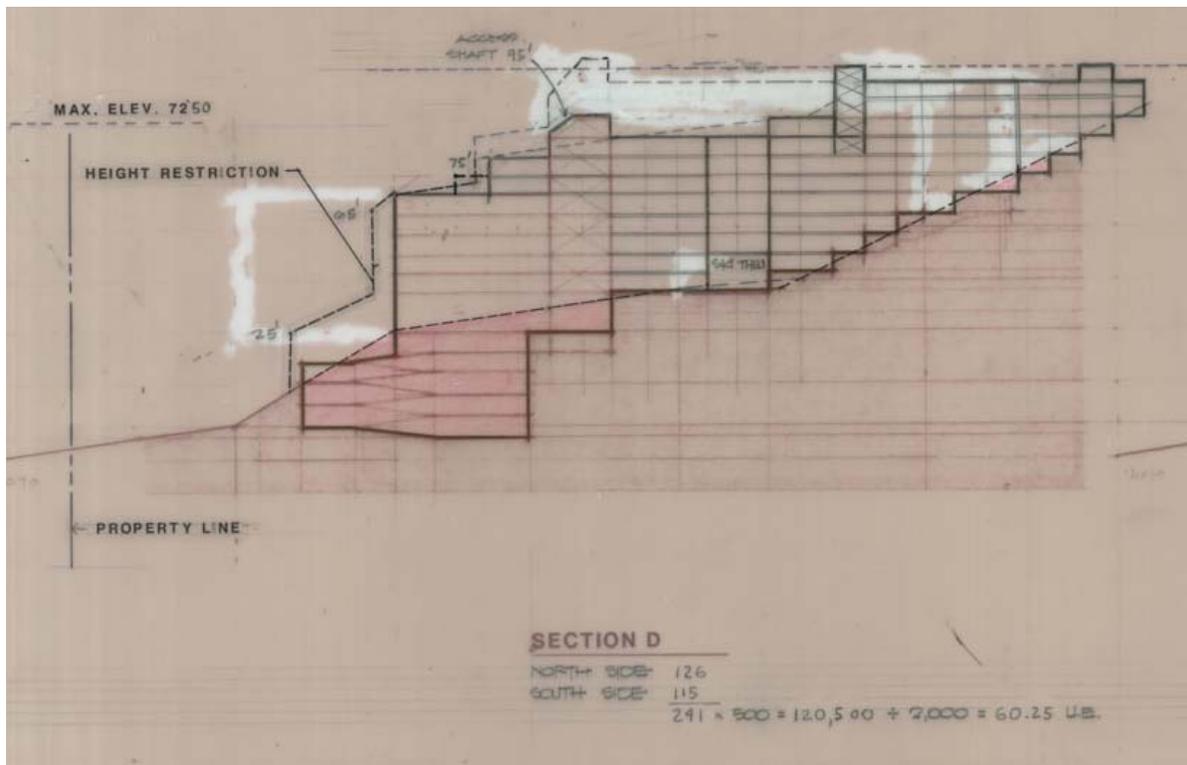
The applicant has also submitted animations of driving along Empire and Lowell Avenue. These are available online at [http://www.treasureparkcity.com/subdocs\\_d.html](http://www.treasureparkcity.com/subdocs_d.html) within file A.8.1A, file A.8.1B, and file A.8.1C.

### Discussion Points

5. Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings?
6. Does the Planning Commission have other areas of concern not identified by staff?
7. Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?

### Criteria 15. Within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The proposed design requires a very large excavation and re-grading of the entire site. The project is located on the mountain side on steep topography. The impacts to the slope and existing topography are substantial and unmitigated. The project as designed will create a very large hole on the site. The project does not step with the natural topography of the site. As discussed previously, staff finds the project as designed is not in compliance with the concept approved by the City Council during the 1986 Master Plan approval. The exhibits within the master plan showed the building volumes stepping with the existing grade with the exception on the underground garage.



By stepping with the natural grade, there is less excavation. The exhibits within the master plan are guiding documents. The exhibits show minimal impacts on excavation.

The applicant has an excavation management plan. (Exhibit D) The excavation management plans estimates a total of 960,000 cubic yards of excavation to be

relocated from the site. The plan includes moving excavate material up the mountain on a conveyor system to re-grade portions of the ski runs. The excavation management plan includes the areas on the mountain which will be re-graded. This methodology creates less construction traffic on the adjacent streets. The overall impact of excavating 960,000 cubic yards of existing earth will be a great impact to the site and the existing topography.

There is significant mine waste on the development site. The Park City Environmental Coordinator is not in agreement with the applicant's environmental proposal. The development is within the Spiro Drinking Water protection zone. All contaminated materials must be handled to meet local, state, and federal regulations. The letters written between the Environmental Coordinator and the applicant are attached as Exhibit C. The primary focus of this report is mass, scale, and compatibility. Because topography is being drastically altered due to design, it is appropriate to bring the environmental issues into the discussion during this review. The Park City Environmental Coordinator will be attending the Planning Commission meeting.

#### Discussion Point

8. Are the proposed structures appropriate to the topography of the site?

#### **Summary Recommendations**

Staff recommends that the Planning Commission discuss the Conditional Use Criteria 8, 11, and 15 and provide the applicant clear direction on whether or not the plan will need to be amended in order to receive approval. If the Planning Commission seeks further mitigation, staff asks that specific issues be identified which must be mitigation. Staff also requests that the Planning Commission discuss the idea of creating a separate design review task force.

#### **Summary Discussion Points**

1. Does the Planning Commission agree with Staff's analysis on support commercial?
2. The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.
3. Staff requests discussion and direction on additional square footage.
4. Should the design be revised to become more efficient and comply with the limits of the MPD?
5. Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings?
6. Does the Planning Commission have other areas of concern not identified by staff?

7. Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?

8. Are the proposed structures appropriate to the topography of the site?

**Exhibits**

Exhibit A – Computer Model and Sections

Exhibit B – Viewpoint Analysis

Exhibit C – Environmental Correspondences

Exhibit D – Excavation Plan

VOTE: The motion passed unanimously. Commissioner Strachan abstained.

3. Treasure Hill - Conditional Use Permit  
(Application #PL-08-00370)

Kyra Parkhurst, a resident on Empire Avenue, had prepared a model of Lowell and Empire using Legos to address issues regarding Criteria 11, physical design and compatibility with the surrounding structures in mass, scale and design. Ms. Parkhurst was concerned that the development was located in the middle of the historic district surrounded by homes and structures that were built in line with the Historic District Building Codes. She had used the Summit County tax records to find addresses and to determine the square footage of each home. Ms. Parkhurst reviewed the model to show the size and scale of various structures in the area. She felt it demonstrated what Treasure Hill would look like in comparison and what people would visually see as they travel up and down Lowell and Empire to reach Treasure Hill.

Ms. Parkhurst stated that when she did the model she had forgotten the North Star homes, and they would be the most impacted. The model did not include vacant lots and homes that were not found in the tax records. Ms. Parkhurst noted that the average home size in the area was 1700 square feet. She explained that she had used the visuals contained in the Staff report to create models for each building in Treasure Hill and what it would look like standing in front of the structure looking up. She had labeled every building of the project indicating the use and the square footage.

Ms. Parkhurst provided a disclaimer stating that the model was not true to scale and that anyone should refer to all legal documents and the Treasure Hill website for accurate renderings. Ms. Parkhurst did not believe the Treasure Hill project was compatible with the mass and scale of the existing structures.

Rich Wyman stated that more than ten years ago he, Dana Williams, and others started CARG, Citizens Allied for Responsible Growth, to fight the Flagstaff Development. That project exceeded the MPD and for five years the City and the public hashed out the issues. Flagstaff was eventually approved, but the end result was less than half of what the applicants originally proposed. Mr. Wyman remarked that just like the Sweeney's, the United Park City Mining Company told everyone that they had a right to their proposal and everyone needed that development. Just like the Sweeney's, UPCMC tried to tell everyone how much better Park City would be with their development. Mr. Wyman stated that it did not work then and it will not work now.

Mr. Wyman explained that in addition to being approved for less than what was approved, UPCMC ended up putting huge pieces of prime property under permanent open space protection. The project was later sold two or three times before it was purchased by Talisker. With each sell, the new owners came back to the City requesting more than what was originally approved. They now have Talisker's development up Empire Pass, to the objection of many people. Mr. Wyman believed that the Sweeney's hope to do the same. In his opinion, they only care about getting their money rather than what it would do to Park City. Mr. Wyman stated that Park City's historic district would be dwarfed and crushed by this proposal. He noted that the General Plan states that development should not have a negative impact on Park City's

historic district and character. He believes that everything about this development has a negative impact on Park City's historic district and character. The proposed development violates traffic and safety guidelines. It violates zoning guidelines with its massive excavation and excessive height and square footage. Mr. Wyman stated that the proposed development was reviewed in 2004 and 2006 and sent back to the developers for review and revision. The applicant came back with an even larger proposal. Mr. Wyman urged the Planning Commission to require that the applicants scale down the size, lower the heights and reduce the excavation and to be in line with the existing grade. They should be made to address traffic and safety issues. The Planning Commission should send the applicants back to make the project fit within the MPD and to fit with the character and charm of Historic Old Town. He suggested that the applicants establish a price and give the City a chance to purchase it for open space. Mr. Wyman believed the applicants should either comply with MPD, sell the land for open space, or just go away.

John Stafsholt, a resident at 633 Woodside, reiterated his previous sentiment that he has the highest respect for the Sweeney family and that his comments are directed to the project itself and not the Sweeney's personally. He thanked Planner Cattan for a fabulous Staff report. Mr. Stafsholt directed his comments to CUP Criteria 15, impacts on environmentally sensitive lands, slope retention and appropriateness of the proposed structure to the topography of the site. Mr. Stafsholt stated that the topography of the site should be respected by the proposed development; however, he did not believe that was the case in the current version of the Treasure Hill project. He remarked that every tree, bush and blade of grass would be removed from the entire 11-1/2 acre site and not just the building locations. Mr. Stafsholt felt that would destabilize the soils in the project, which is directly above Old Town. Mud slides and snow slides have occurred on that site in the past. Through research, he found a 1926 law titled Protection of Standing Timber on Treasure Hill - Dangerous Excavation. Mr. Stafsholt noted that tree cutting on Treasure Hill at that time and moving forward, was punishable by a \$100 fine and/or up to 90 days of hard labor. Going back in history, Mr. Stafsholt stated that there was a deadly slide in Daly Canyon in 1948 and another large slide on the other side of Daly in the late 1960's.

Mr. Stafsholt believed the unexpected consequence of giving the MPD approval with maximum elevations for buildings has turned into a request for unlimited excavation. He stated that the site plan from the developer's engineer, Alta Engineering, calls for an estimated 960,000 cubic yards of excavation. He noted that an average dump truck carries approximately 12 cubic yards of dirt. Mr. Stafsholt remarked that another example for the scale of this excavation is the Montage development in Empire Pass. That project is only slightly smaller than the Treasure Hill development; however, the expected excavation for the Montage was 50,000 cubic yards. Treasure Hill plans to removed 20 times as much dirt as the Montage. Mr. Stafsholt commented on statements from the developer that no dirt would be removed from the site and would instead be relocated on the mountain. He found that hard to be guaranteed when the site includes four mining sites within close proximity to the development and three mining sites have elevated levels of lead and arsenic. Mr. Stafsholt noted that the developer has not provided full geo-technical data. He pointed out that extensive geo-technical work was done for the Montage project prior to building and only four mine operations were found to exist at the Montage site. After excavation was started, an additional four mining operations were found at the site, which

required the Montage developers to remove another unexpected 40,000 cubic yards of dirt. Mr. Stafsholt noted that there is not yet an approved soil remediation plan for Treasure Hill. The plan originally proposed was to take contaminated soil from the Creole Aided up to the Creole Mine Shaft and then dumped down into the mine shaft, which is also contaminated. He noted that the City rejected that plan in a letter dated August 28, 2006. Mr. Stafsholt read from that letter to explain that the Creole Mine Shaft is within the Spiro Drinking Water Source Protection Zone and it has to be protected.

Due to unprecedented excavation and the potential for additional excavation, Mr. Stafsholt believed this version of the development was not appropriate for the topography of the site and slope retention cannot be guaranteed. In addition, it is an environmentally sensitive site that could potentially harm the Spiro drinking water source.

Richard Hughes, a resident of Thaynes Canyon, agreed with the comments regarding the amount of excavation and the de-stabilization of the mountain above Old Town. He provided a number of examples where an entire hill slid down and destroyed multiple homes. Mr. Hughes was sure the Sweeney's have looked into these things, but experts do not always have the right answers. He was very concerned about the destabilization of the hill with the deep excavation proposed. Mr. Hughes also expressed concern with water runoff. A million square feet in a footprint the size of Treasure Hill sitting on top of Old Town could be disastrous in the event of a 100 year storm. The water would run down on top of the people who live on that hill. He has not heard that point discussed and felt it was an important concern.

Vice-Chair Russack continued the public hearing.

Planner Cattan stated that the Staff report had been reviewed by the City Legal Staff and outside Counsel had reviewed the calculations. She offered to provide additional background information if requested, but wanted the Planning Commission to know that her report was supported by the Legal Staff.

Commissioner Wintzer applauded Planner Cattan for a great Staff report and he agreed with all of her conclusions. He was interested in seeing the Sweeney rebuttal in writing for comparison. Commissioner Wintzer stated that the size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. He felt they needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.

Commissioner Peek agreed with the Staff report. He was open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting. Commissioner Peek deferred to the Legal Staff in terms of which era of the Code applies to this project. Regarding excavation, Commissioner Peek stated that in looking at the original MPD, he found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, Commissioner Peek felt the excavation still needed to be

addressed.

Commissioner Pettit concurred with the comments of her fellow Commissioners. She thought the conclusions from the analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies. Commissioner Pettit commented on how the currently proposed project has grown from what was approved under the MPD. She referred to the tables provided on Page 23 of the Staff report, which showed the differences between the MPD and the current proposal in support commercial and residential. She noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential. As she looks through the plans and flips through each level, she is surprised at how much the back of house circulation square footage is built into the additional support commercial and meeting space. Commissioner Pettit clarified that her concerns regarding the increase are less about the support commercial and residential and more about the other additional uses. Commissioner Pettit stated that parking was still a major issue. She believed that in today's world not everyone needs a car, and in some cases should not be allowed to have a car when they come to visit Park City. Commissioner Pettit favored a parking reduction for this project and felt they needed to think proactively about gaining access to Treasure Hill.

Commissioner Pettit understood that the Planning Commission would discuss environmental concerns at a later meeting. She stated that the Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Commissioner Pettit referred to a drawing submitted by the applicant showing the correlation between the MPD approval and the excavation of pushing the massing back. She stated that in doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD. She felt there was a significant disconnect between what was approved and what was being proposed.

Commissioner Strachan felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. If the answer is no, he felt the Planning Commission needed to take a different path. Commissioner Strachan asked Pat Sweeney if they were willing to change their plan or if the Planning Commission should rule on the current proposal.

Mr. Sweeney replied that they would need time to discuss their options and to respond to the Staff report before making that decision.

Commissioner Strachan stated that his comments would be subject to the answer Mr. Sweeney provides at the next meeting. Commissioner Strachan remarked that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers other impacts caused by the additional excavation required to move the massing back. He was unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria. Commissioner Strachan felt that Commissioner Pettit raised a good point regarding the tables on Page 23 of the Staff report. The MPD limits the amount of commercial space to what is needed for residents and guests on-site. He found it hard to believe that nearly

60,000 square feet of meeting space and support commercial was necessary for on-site users. He was concerned that it would draw people off-site to the project. This was not the intent of the MPD and it was not permissible.

Commissioner Strachan felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.

Commissioner Hontz felt it was important for the Planning Commission to address the discussion points raised in the Staff report at the next meeting. She came prepared to have that discussion this evening, but she was willing to wait until the applicants respond to the Staff report. Commissioner Hontz requested that the City's environmental specialist, Jeff Schoenbacher, give a presentation at a future Planning Commission meeting. She also needed additional materials beyond what was provided in the Staff report.

Vice-Chair Russack reiterated Commissioner Pettit regarding the need for automobiles. He noted that the comment has been made several times, yet nothing has been done to address it. Vice-Chair Russack agreed with Commissioner Strachan about shifting the massing into the hill. He did not believe that was in compliance with the original MPD. He echoed Commissioner Peek's comments about the excavation. He stated that the original illustrations in the MPD show the grade coming back and the building stepping up, and that is clearly not being proposed in the current plan. Vice-Chair Russack agreed with all comments regarding the additional square footage. He also requested an additional streetscape.

Commissioner Peek noted that Page 29 of the MPD document shows the Creole area and the Town Lift area. At the border of those areas is the Town Lift Mid-station development boundary. He noted that the excavation is substantially within the development boundary of the Town Lift portion of the MPD. However, the Creole portion is significantly outside the development boundary. Commissioner Peek asked if significant excavation was allowed outside of the development boundary, since that area borders open space. He suggested that the Staff and the applicant research that question for the next meeting.

Commissioner Wintzer encouraged the applicants to provide a massing model of the project with topography as part of the streetscape. Commissioner Pettit remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. She requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.

The Commissioners were interested in another site visit and Planner Cattano offered to schedule a visit before the October 28<sup>th</sup> meeting.

**MOTION:** Commissioner Peek moved to CONTINUE the Treasure Hill CUP to October 28, 2009. Commissioner Wintzer seconded the motion.

**VOTE:** The motion passed unanimously.

Work Session Notes  
September 23, 2009  
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density and height for a project. He felt those two purpose statements were polar opposites.

The Commissioners agreed with the second point for discussion, "Are MPDs, per Chapter 6 requirements, appropriate as a potential redevelopment tool in the HR-2 zone for properties that are also bifurcated by the HCB zone".

The third point, "Consider that there are many properties between Third and Sixth Street that currently, or could in the future, meet the requirements." Commissioner Strachan remarked that Commissioner Pettit's comments particularly relate to the property owners between Third and Sixth Street.

There were no comments on the fourth and fifth points for discussion.

Vice-Chair Russack thought the proposed amendments were a good idea, but he thought it should be looked at from a more global view and focus on the HR-2 neighborhood.

Director Eddington offered to schedule a charette to involve the public.

### **Treasure Hill - Conditional Use Permit** **(Application #PL08-00370)**

Planner Katie Cattan stated that the objective this evening was to begin the discussion on the design of Treasure Hill and the mass, scale, compatibility and how the project works with the existing slope.

Planner Cattan reported that under the Sweeney MPD, 197 residential unit equivalents are allowed and 19 unit equivalent of commercial. That equates to 394,000 square feet of residential and 19,000 square feet of commercial. Planner Cattan noted that it was 2,000 square feet for each unit of residential and 1,000 square feet for commercial. Under the 1985 Code, there is an additional allowance of up to 5% of the hotel area which, under this plan, would equal approximately 11,000 square feet.

The Staff report contained the analysis of the calculations for additional support commercial. Planner Cattan stated that when the Staff compared the proposed project versus what is allowed, they found that the existing project exceeds the additional 5% of hotel area by 37,599 square feet. The Staff report outlined a list of discussion points for the Planning Commission. Planner Cattan noted that the impacts from additional support commercial must be mitigated. Those impacts would include mass, size, traffic, water use, etc.

Planner Cattan remarked that the square footage of the project has changed since the original CUP was submitted. The numbers in the top table of the Staff report were the original numbers from the 2004 application. In 2006 the Planning Commission requested that the applicant provide greater detail. When the plan came back in 2008 it was revised and included an additional 186,010 square feet. The bottom table in the Staff report was the breakdown of the current submittal.

In addition to the increased square footage, the Staff had questions regarding the efficiency of the

design and how the circulation areas are included in the mass and scale. Planner Cattan requested that the Planning Commission focus their review this evening on Criteria 8, 11 and 15 as outlined in the Staff report. The issues for discussion are compatibility, massing and scale. She requested that they avoid talking about mining and environmental issues this evening, since those would be addressed at a later meeting.

Vice-Chair Russack pointed out that this was a work session discussion only, but the public would have the opportunity to make comments during the regular meeting.

Commissioner Strachan wanted to know where the Code or the MPD indicate that circulation and parking do not count against the UE's. Planner Cattan stated that the MPD section in the Land Management Code breaks down the way UE's are calculated.

Pat Sweeney, the applicant, introduced himself and Steve Perkins, the land planner for the project. He noted that Mr. Perkins had also been the land planner for the Town Lift Base. Mr. Sweeney stated that he received the Staff report a few days prior and there were several issues he did not understand. He needed additional time to respond to the Staff report, and did not intend to cover all the issues this evening. Mr. Sweeney felt there had been a wholesale change by this Staff, with respect to items that are key to the success of this project, different from previous Staffs dating back seven years. This is a grave concern because they relied on those previous positions and spent seven years and over \$2 million on that reliance. Mr. Sweeney stated that they could have built a new detachable lift to the top of Pay Day into town with the money spent on the plans for Treasure Hill.

Mr. Sweeney remarked that they came to the City in 2002 with a plat amendment and preliminary design. During a meeting, Kelly Gee, the Fire Chief, stated that he did not think they could make the project safe. Ron Ivie thought they should be given a chance. Mr. Sweeney stated that they spent two years working with the Chief Building Official and the Fire Department to reach a point where both were comfortable with the plan and believed it was one of the safest projects designed in Park City. Mr. Sweeney remarked that they proceeded with that fundamental design concept.

Mr. Sweeney reiterated that he needed additional time to fully understand the impact of the wholesale changes suggested by Staff. He intended to move forward with the work session agenda and focus his presentation on mass; explaining to the Planning Commission and the public why they designed the project the way they did.

Mr. Sweeney noted that the idea for this project occurred in 2002 prior to the Olympics. He believed that the master plan approved certain parameters, and that process took nine years from 1977-1986. Their agreement with the City came down to parking requirements, height zones, density, the requirement for 70% open space and an average height. They were confident that those parameters have been met. Mr. Sweeney pointed out that two subsequent changes were made in response to Planning Commission feedback. Considerable mass was moved away from the frontage on Lowell and from the border to the northeast.

Steve Perkins remarked that the presentation this evening was a follow-up to the site visit last month. During that site visit, Mr. Sweeney commented several times on the attempt to move the

massing on the site from where it was anticipated in the original master plan. Mr. Perkins stated that one of the initial measures to mitigate mass was the removal of all the massing that would have occurred on the 97% of the property that is now proposed to be dedicated open space. The massing was moved to parcels that represent only 3% of the total parcel. He believed everyone understood that this was a challenging massing problem. There is a significant amount of density on a difficult site and the options are limited.

Mr. Perkins stated that when he and Mr. Sweeney first looked at the site they came up with three principles that guided how they would address mitigating the mass and height on site. The first one was to shift the mass away from Lowell and the Old Town area, and to shift as much mass as possible to the back portions of the site, furthest from public visibility. In order to do that, they were required to excavate some of the higher back portions of the site to accommodate that density. Mr. Perkins noted that doing that lessened the density in the areas closer to Lowell and the neighbors. He believed the section drawings would show the advantages to that approach.

Mr. Perkins stated that at the direction of the Planning Commission and Staff, the mass was further reduced and additional density was pushed further back into the site. A second principle used was to express the mass in multiple building footprints. The idea was to break up the mass in a collection of buildings, as opposed to a single monolithic building, and the let the smallest footprint be connected by parking structures for circulation. Mr. Perkins used the Montage building currently under construction as a comparison of a single building equivalent to the Treasure Hill project being proposed. He stated that if they could imagine that building sitting 60-80 feet away from Lowell and Empire, they would see the impact of having that mass forward. Mr. Sweeney clarified that the Montage is a great building for its location and he did not want the comparison to be misunderstood. The location of the Treasure Hill project is very different and the mass was broken into smaller building footprints. The original plan used for the Master Plan was a monolithic building.

Mr. Perkins noted that breaking the mass into smaller building footprints also provides better opportunity for views both in and out of the project. It is also more consistent with the existing pattern in Old Town of mixed and varied sizes of buildings and structures.

Mr. Perkins stated that the third principle was to orient the mass to be more consistent with the existing town grid. The major mass is more parallel to the existing street grid as opposed to the earlier proposal in the 1985 master plan, which placed the building at a 45 degree angle to the existing street grid.

Mr. Perkins presented exhibits and section drawings. One drawing identified in yellow the sample building that was done to test the density in the 1985 master plan. Identified in white was the massing currently being proposed, which showed a substantial amount of building mass being moved back into the site. Mr. Sweeney identified the Garda home on the plan. He noted that based on the revisions made over the years, the Garda residence is slightly above the connection. A green line identified the natural grade. Mr. Sweeney pointed out that there is a large difference between where the Garda homes sits in conjunction with the old plan versus the new plan.

Mr. Perkins noted that the height on 4A had been reduced in the area directly in front of the neighbors, and he compared the old plan with the new plan to show the reduction. At the request of the Staff and the Planning Commission the height was reduced and the mass was pushed into the site. Mr. Perkins presented a drawing showing the most sensitive cross canyon view. He reiterated that additional grading would be necessary in order to make the massing work. Although it would be more expensive, it appears to be a logical approach for mitigating the mass approved for this site.

Mr. Perkins commented on grading issues and presented a drawing showing that the earlier plan proposed had substantial grading in order to make the building fit on the site. Mr. Sweeney pointed out that in the earlier samples that were on the table years ago, there was a significant amount of mass below natural existing grade. One reason was to accommodate the ski runs. Mr. Sweeney stated that the excavation below natural grade and the building mass was anticipated by the Sweeney Master Plan.

Mr. Sweeney remarked that he has been talking to the Planning Department since the 1980's, and it was hard to accept what was written in the Staff report this evening. Mr. Sweeney read the vesting of zoning rights from the 1984 Code, Section 1.22, "The project owner may take advantage of changes and zoning that would bring greater density or more intense use of the land, provided, however, that these changes may be deemed as a modification of the plan and subject to the payment of additional plan review fee".

Commissioner Peek clarified that the vesting of zoning rights refers to and all the MPD rights. Mr. Sweeney stated that the language basically says that when the applicant applies for a conditional use, they can take advantage of the changes in place at that time, as long as they do not clearly violate the master plan. He noted that it was also the reason why they need to honor the employee housing requirement.

Commissioner Strachan asked Mr. Sweeney if he was taking the position that invoking Section 1.22 would be a modification of the plan because that would re-open the MPD. Mr. Sweeney felt it was the exact opposite. Language in another section says that the MPD would be re-opened if the plan is modified. He believed the Code would simply use that language and not have the language he read if the intention was to re-open the MPD.

Mr. Sweeney read language previously written by the City Attorney and felt it pertained to the current discussion. "Subject to the time of submission of the pre-application for a conditional use approval, which is prepared with the development parameters and additions of the Sweeney MPD, the Sweeney's or their successors can develop the Mid-station site up to a density of 39 Unit Equivalents...." He further read, "Under applicable codes and ordinances, square footage and floor areas for unit equivalents are calculated as provided in the Land Management Code and Uniform Building Code adopted by Park City at the time of the application". Mr. Sweeney believed that to mean the time of the conditional use application, which was 2004. He stated that using the 2004 Code, they were asking for 7% additional space. Five percent is support commercial and three percent is meeting space. Mr. Sweeney remarked that the application has been on the table since 2004 and several Staff reports were written by seasoned Staff members. Until recently, none of the Staff saw it as an issue because it was standard practice. He felt that the practice had flipped 180

degrees and it caused him great concern.

Mr. Perkins stated that the Staff report implies that reducing the support commercial would reduce the mass of the project. He disagreed based on the location of the support commercial and how the project is massed. Most of the support commercial occurs in areas below what would be visible from outside the project. Therefore, if the support commercial was reduced, it would come out of the bottom and not the top and the mass would not be affected.

Mr. Sweeney stated that in response to direction from the Planning Commission that they needed to do more, they changed the mass adjacent to Lowell and to the Garda side of the property. He presented a view of the project and explained how they shifted a significant amount of mass and height. In order to affect that shift and still be able to sell to someone who wanted to enjoy their property, the parking was placed under the building with a long ramp. It was very expensive but it was the only way to make it a first-grade experience. Mr. Sweeney noted that the mechanical space, storage space and service space were added below, which created additional square footage. It was done to create a city underneath the buildings that would not operate on the surface and disturb the neighbors. Mr. Sweeney emphasized that the plan was not an attempt to gain additional space for underground bars or other uses, and it does not affect the mass.

Vice-Chair Russack suggested that the Planning Commission hold their comments until the regular meeting and after the public hearing. Planner Cattan noted that the applicant intended to have a dialogue with the Planning Commission since this was a work session. Mr. Sweeney stated that since he was not completely prepared to respond to the Staff report, he was willing to wait until the next meeting to have that dialogue with the Planning Commission.

Commissioner Pettit noted that in his presentation, Mr. Sweeney had offered rebuttals to some of the points raised in the Staff report. She thought it would be helpful if the Commissioners could have his comments in writing to help fully evaluate which position to take. Mr. Sweeney agreed.

**Katie Cattan**

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**From:** Terri Loriaux [loriauxfamily@earthlink.net]  
**Sent:** Tuesday, February 02, 2010 1:32 PM  
**To:** Katie Cattan  
**Cc:** 'Lynn Loriaux'; loriauxt@earthlink.net  
**Subject:** The Treasure

To Ms. K. Cattan, Senior Planner, Park City:

We are very concerned about the proposed development, The Treasure. As property owners since 1988, we purchased our property because we fell in love with Park City as a quaint mining town. The historical nature and the way the town revolves around Main Street is enchanting. This is what makes Park City different from all other ski towns. If Park City Planning permits The Treasure to be developed, you will be changing the face of Park City. To allow one developer the opportunity to change the mountain will appease one and displease all of the current owners who appreciate the quaint charm Park City has to offer.

We need our City Planners to represent current residents and taxpayers. How can it be fair to make such drastic alterations while facing such strong opposition from those who will be affected? Residents purchased property in Park City for many reasons and they should not be forced to accept a change that would significantly alter their enjoyment of the mountain and their current lifestyle in the town where they reside. We hope you will fairly represent those who have paid taxes for so many years and those who have contributed to the successful controlled growth of the Park City area. There are many ways to develop Park City, but it should be done in a way that complements the appeal of Main Street and the mining history of Park City. Large hotels and condominium complexes on the mountain side will permanently alter the natural beauty of our mountains, and this can never be retrieved. We will all be forced to look at The Treasure whether we like it or not. Development in this manner will be a shot in the foot when the charm of our town is destroyed. Development should complement what already exists or we will all suffer. It will be just another ski resort.

We are vehemently opposed to permitting the construction of The Treasure. Please do your best to represent the citizens of Park City.

Sincerely,

Dr. D. Lynn Loriaux  
Teresa C. Loriaux  
PO Box 181  
245 Norfolk Ave  
Park City, UT 84040  
[loriauxfamily@earthlink.net](mailto:loriauxfamily@earthlink.net)  
503-638-3311

Information from ESET NOD32 Antivirus, version of virus signature database 4829  
(20100202)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

## Katie Cattan

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**From:** mthealix@cox.net  
**Sent:** Saturday, January 30, 2010 10:31 AM  
**To:** Dana Williams  
**Cc:** Katie Cattan; Alex Butwinski; Candy Erickson; Cindy Matsumoto; Joe Kernan; Liza Simpson; thincpc@gmail.com; mthealix@cox.net  
**Subject:** Treasure Project

Dear Mayor, Council and Planning Department Representatives, I am writing today to once again voice my opposition to the out-of scale, out of character proposed project that is ironically named "Treasure". My wife and I have a condo on Lowell Ave just below the proposed project location and to say we would be impacted is an understatement. The increased traffic, where snow removal is currently a challenge, would result in gridlock and put pedestrians at risk. When we remodeled our kitchen a few years back we had to delay the delivery until the company could transfer the boxes to a smaller truck because they could not deliver to our place in a standard tractor trailer - and this was in summer! Adding in ten times the vehicle traffic to this small road plus endless delivery trucks would be a nightmare, not to mention the potential for delayed emergency vehicle response. What becomes of the businesses near the Town Lift when the lift is replaced by a Cabriolet to the new retail hotel plaza with its own ski lift? What becomes of "Historic Main St" when no matter where you stand you have a view of this giant sore thumb sticking out in the midst of colorful quaint historic miner's homes? I have never questioned the right that the Sweeney's have to develop on their own land, however, I do not believe this 1 million square foot behemoth with ten story high rise "boxes" was ever a part of the original vision - if it was - please produce the schematic drawings that back that "vision". I hope that the architect who created the "3D" representation includes a representative slice of the existing homes in the display to see the difference in scale-I'm guessing they won't. I also hope the engineering takes into consideration the load that this huge complex will put on this slope (above our property) in the middle of a relatively unknown labyrinth of mine tunnels that travel up to a mile below the surface. My advice is to re-bury this "Treasure" deep in one of those abandoned mine tunnels and replace it with a tasteful, scaled down resort that reflects the character of the community we all care about so much.

Sincerely,  
Paul Sirois and Belinda Bencomo 907 Lowell Ave