



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure Hill  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Date:** 8 June 2016  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission review the history and development parameters of the Treasure Hill Conditional Use Permit as provided in the staff report, allow the applicant to re-introduce the project, and provide the applicant and Staff with direction on the outlined items. Staff recommends that the Planning Commission hold a public hearing and continue the item to the July 13, 2016 Planning Commission meeting. This meeting is also informational/introductory for the Planning Commission and the Public. No action is requested at this time.

### Description

**Applicant:** Sweeney Land Company and Park City II, LLC  
represented by Pat Sweeney  
**Location:** Creole Gulch and Mid-station Sites  
Sweeney Properties Master Plan  
**Zoning:** Estate District –Master Planned Development  
**Adjacent Land Use:** Ski resort area and residential  
**Reason for Review:** Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

### Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval consisted of 277 unit equivalents (UE), including 258 residential and 19 UEs worth of support commercial space on 123.59 acres. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was amended once again on November 7, 1996 to provide for the Town Bridge. The

Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
  - 161.5 residential UEs
  - 15.5 support commercial UEs
- Mid-station, 3.75 acres
  - 35.5 residential UEs
  - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP. During the original master plan review many development options were reviewed. The Planning Commission and later City Council decided on the most dense option which resulted in the greatest amount of open space.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP 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.

During the April 26, 2006 Planning Commission meeting, staff outlined additional application requirements which were required to be submitted by the applicant as part of the revised plans in order to continue the full analysis of the proposed development. A complete set of revised plans were received by staff by October 1, 2008. Staff requested additional details, and also requested a description of the affordable housing plan. These additional materials were received by staff on December 18, 2008.

The CUP was reviewed by the Planning Commission from January 7, 2009 until February 10, 2010 in a series of eleven (11) separate meetings, including a meeting with the Park City Housing Authority. Some sheets were revised in January 2009 and others were updated in March 2009.

The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration.

## **Proposal**

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

*"The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial."*

According to the applicants' calculations, the current proposal consists of the following:

Residential (net):	393,911 square feet
Commons space & circulation (gross)	145,655 square feet
Allotted Commercial (MPD UE's, gross)	18,863 square feet
Support Commercial (gross)	33,412 square feet
Meeting Space (gross)	16,127 square feet
Accessory Space (gross)	70,372 square feet
Parking (gross)	3,661 square feet
<b>Subtotal</b>	<b>682,001 square feet</b>
<i>Underground/basement areas:</i>	
Parking (gross)	241,402 square feet
Common Space & Circulation (gross)	27,555 square feet
Accessory Space (gross)	65,929 square feet
<b>Subtotal</b>	<b>334,886 square feet</b>
<b>Grand Total</b>	<b>1,016,887 square feet</b>

The proposal consists of 424 parking spaces.

## **Meeting Summaries**

The following outline consists of summaries made over the years compiled by various City Planners assigned to work on this CUP application taken directly from staff reports and meeting minutes. The actual record, published Planning Commission staff reports and adopted meeting minutes can be found at the [City's website](#). Comments and/or questions were often made by individual Planning Commission members and a vote was not taken.

### **April 14, 2004 Planning Commission**

- Introduction to Project/review History.
- Break down of Creole Gulch and Mid-station allowance under MPD.
- Commission concerns:
  - emergency and fire protection

- circulation throughout the project ,utility service, maintenance, and public improvements,
- interface with the resort,
- site plan and location of various land uses within and adjacent to the project,
- general building design, architecture, and massing,
- cliff-scape design, and
- construction mitigation and phasing.

#### April 28, 2004 Planning Commission

- Website established by applicant. Applicant prepared visual analysis for PCMR bus stop, intersection of Heber and Main, and the Park City golf course.
- Commission comments:
  - key issues traffic studies, traffic mitigation, construction mitigation, and phasing in a way that amenities used for the public and the bed base will be incorporated in the early phases of the project.
  - Which viewpoints will be required?
  - Need to discuss technical issues before getting into visual analysis
  - Approval of volumetric first then an architect is hired to design specifics. Both require approval of CUP. Issue of CUP expiring after 1 year.
  - Use transition is important factor.
  - Phased build-out must be bonded or set so they will be finished and can stand alone.
  - Request for water conservation plan.
  - Review the service and utility access of property.
  - Traffic study assumption of 41% occupancy should consider effect of events and festival operation.
  - More control mechanism for outdoor operations on the plazas to control events and minimize impacts to the neighborhood.
  - Program to encourage tourists not to rent cars.
  - Preservation of the residential historic district important.

#### May 26, 2004 Planning Commission

- Review and discuss CUP criteria 1-6.
  1. Size and location of the site – discussion of subdivision plat and visual analysis to be shown during meeting by applicant.
  2. Traffic considerations including capacity of the existing streets – discussion of traffic study by Project Engineering Consultant.
  3. Utility capacity – Water, Sewer, and Storm – Additional coordination of these items with the City Engineer, City Public Works Director, and Snyderville Basin Water Reclamation District will be necessary before staff can provide a complete analysis and return with meaningful findings. Electric power, natural gas, phone, TV, internet, etc. – need to have a utility coordination meeting to discuss in greater detail. More analysis at a later date.

4. Emergency vehicle access – fire protection plan and technical documents are complete to the extent that the Fire Marshall and Chief Building Official are in agreement that the site plan, circulation, building locations, access, etc. are acceptable and defensible as proposed.
  5. Location and amount of off street parking – Amount of parking proposed complies with MPD requirements. Staff suggests that the applicant submit a preliminary phasing and construction mitigation plan for broader neighborhood input and planning commission review.
  6. Internal vehicular and pedestrian circulation system. Discussion of access to town lift, PCMR, and adjacent neighborhood.
- Commission comments:
    - Traffic Circulation – recommendation of comprehensive traffic study for the area. Need to review the four-way intersection study.
    - Service vehicle plan needed and they pertain to health, safety, and welfare. Need plan to control when service vehicles come and go.

#### June 23, 2004 Planning Commission

- Focus on CUP criteria 7 – 10.
  - 7) Fencing, screening, and landscaping to separate use: internal separation of multi-level plazas, commercial on lower levels and oriented towards internal site, ski runs, and plazas. Residential use on multi-levels. Landscape using cliff-scape schematic. Screening and buffering separation for the single family homes in North Star subdivision. Staff recommended the applicant provide additional details in the form of a preliminary landscape plan for the Planning Commission to review.
  - 8) Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots: no analysis.
  - 9) Usable open space. No definite numbers at the time of report
  - 10) Signs and lighting. Master sign plan and lighting plan will be reviewed separately unless the Planning Commission would like to add conditions of approval to address lighting and signs.
  - 11) Physical design and compatibility with surrounding structures in mass, scale and style, design and architectural detailing. No analysis.

#### July 14, 2004 Planning Commission

- Focus on CUP criteria 2, 12 - 15.
  - 12) Noise vibration, odors, steam, or other mechanical factors that might affect people and property off-site. Reviewed during building permit process and to be a condition of approval. (Did not address impacts during construction)
  - 13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas. All delivery is through the underground parking garage. Trash pick-up area must be identified. Control of delivery and service vehicles – plan not made yet.
  - 14) Expected ownership and management of the property. “It is expected that individuals will own the condominium units and the condo-hotel units

will be operated primarily as a traditional hotel (with various units in a rental pool). Timeshare units or club ownership units are not allowed per LMC in the estate zone. Nightly rental of residential units is permitted by the LMC” Anticipate the entire project will be subject to a Master Owner’s association.

- 15) Within and adjoining the site, impacts on Sensitive lands, slope retention, and appropriateness of the proposed structures to the topography of the site. Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis.
- 2) Traffic considerations including capacity of the existing streets in the area. Applicants have updated traffic analysis “Treasure Hill Traffic Impact Analysis, July 2004 prepared by Project Engineering Consultants. Studies the proposed development and potential traffic impacts on Lowell and Empire Avenues, as well as on 6 associated intersections. Access through PCMR area equals gridlock on peak skier days. “final staff position regarding traffic.. it’s not yet complete”
- Commission discussion:
  - Conclusions drawn from traffic study are based on cabriolet. Need closer look at cabriolet (operates, maintained, hours of use, costs)
  - City engineer memo commending the traffic work.
  - Service vehicle and construction vehicle plans must be memorialized in the approval documents.
  - What is backup plan if Cabriolet is down for length of time?

#### August 11, 2004 Planning Commission

- Request discussion on criteria 7- 10.
  - Fencing, screening, and landscaping to separate uses. Staff requests discussion of criterion and direction as to whether the information to date is adequate to formulate a decision regarding compliance.
  - Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots. Building locations and heights in conformance with the 1985 Sweeney Properties Master Plan. Massing and footprints discussed. Setbacks from the perimeter property line are generally greater than the required MPD setback of 25’. Setbacks off the Lowell/Empire Avenue switchback range from 30’ to 60’ for the wall of the parking structure and 70’ to 80’ for the buildings. Plaza and landscaped areas are located between the buildings and Lowell/empire. Setbacks from the east property line, above old town range from approximately 50’ to 90’ with the driveway retaining wall setback about 35’. Request discussion of location of building 4A in terms of setback and stepping. Should the Planning Commission require additional building stepping for bldgs. 4a and 4b? Additional horizontal and vertical stepping may be needed for compliance with criterion. Staff concerned with massing of bldg 1B. Waiting on complete visual analysis and architectural modeling are complete.

- Usable Open Space – 75% of developed areas are open space. (Staff found compliance with criteria).
- Discussion on setting 9 viewpoints.
- Concern for building 4b and break of façade lines both in plane and elevation.
- Concern for building mass and relationship with the adjacent community. Need to be satisfied in terms of the relationship of the massive structures with the height of the community

#### August 25, 2004 Planning Commission

- Concern that the buildings appear to be coming out of what appears to be the SL Avenues District rather than PC concept.
- Did not understand why they used Chicago, San Francisco, and Salt Lake City as comparative architectural styles to Park City. They do not match the character and style.
- Struggle with criteria # 11 in terms of scale in relationship with the adjacent neighborhood fabric, because Park City is not an urban fabric. Park City is a townscape with a different scale and quality.
- Not enough information to be able to provide input on criterion 11 and architectural detail, design, style, and scale. Did not believe there was transition from a neighborhood to this kind of scale.

#### September 22, 2004 Planning Commission

- Felt they were going in the right the direction and appreciated the reduction in height of the buildings closest to the residential neighborhoods. Need additional articulation.
- Why is all verticality placed in one location during the MPD process?
- Is the massing fixed by zoning that was done years ago or could the look for a better solution. Is it set due to MPD or could they look for a better solution?
- Going in right direction transferring some density into other locations within the project, to hide height in Creole Gulch.
- North wall needed stepping and a reduction in height.
- Would like to provide applicant with more flexibility to provide the best product he can achieve.

#### October 13, 2004 Planning Commission

- Time to evaluate the proposal for the site and compliance with the CUP and development
- Progress had been made in the massing and asked about the wall.
- Concern for the 25' wall off Lowell/Empire.
- Agreed that it was time to move forward with the evaluation of the project.
- Questioned whether the height restrictions put in place by the development agreement might cause difficulty since the tallest buildings are not against the hillside.
- Concern for height of building 4b and development agreement parameters being incorrect when assigned during MPD.

- Planning Director clearly explained the steps in possibly amending the MPD. “Number of steps. First would be to address in what area the project square footage could be relocated on the site that would be different from the volumetric allowed in the MPD, which could be done in work session discussions...Nothing would have to be amended to accomplish that. Once it can be determined whether positive changes can be achieved that will work for the applicant and the City, the next step will be to craft the language and what the volumetrics should be. If that is acceptable to the PC and the applicant, the last step will be to formally amend the MPD exhibit related to the specific areas of the plan... Amendments would be made only to those specific components of the MPD. If a decision is made to not approve the amendment, the PC would go back to the heights of the 1985 MPD.”
- Suggested that the evaluation discussion be held with a subcommittee to move the process along faster. Two commissioners volunteered to sit on the subcommittee.
- Applicant concerned of reopening MPD.

#### December 08, 2004 Planning Commission

- Could not look at massing without considering the impacts on grading. Noted that a 105-foot cut is shown in that location against the building site. Unsure about the soil conditions or the ramifications of excavation. Normally a 1-to-1 cut is considered for the angle proposed, and the diagram shows a substantially higher cut.
- Noted that the cut line goes beyond the lot line. Stated that wants to be clear about the ramifications of a mass this substantial and a cut this low against the hillside as the ramifications of protecting the hillside are great.
- Concerned about the immensity of the project and the impacts on the City.
- Further reduce the severity of the edge as it meets the surrounding neighborhood.

#### January 12, 2005 Planning Commission

- Traffic Study: look at traffic study that applicant submitted with application.
  - Potential traffic impacts on Lowell and Empire Avenue as well as on 6 associated intersections. Staff report goes into depth on existing conditions and projected conditions.
  - Condition of approval suggested by staff for annual review of traffic and parking to determine whether changes need to be implemented.
  - City does not recommend changing existing patterns.
  - Additional way finding signs may be necessary to direct traffic safely and efficiently.
  - Service and Delivery (Criteria #12) – Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas.
- Work Session Public Hearing
  - Applicant listed the mitigators on the project for traffic: Pedestrian connections, cabriolet to town lift base, foot paths and stairs to town lift

base, heber and park, main and 6<sup>th</sup> / Service – centralized, off street and covered / Ski to and ski from / Onsite amenities / Cabriolet bus connection / No new public roads

- Applicant's traffic consultant discussed formal traffic study. Recalled two traffic studies previously completed:
  - 1980 for the Silver Mountain Development
  - 1996 for the Park City Village
- New study done in by July 2004. Based on study info gathered on June 16, 2004
- Commission comments:
  - Health and safety related to traffic is concern.
  - Questioned traffic engineer if proposal could cause additional traffic demand due to mitigators. No answer until built. Study based on vehicles per hour based on square footage of restaurant.
  - Suggestion that no nightly rentals be allowed to protect health, safety, and welfare issues for neighborhood.
  - Idea of city buying down density from the developer at the suggestion of the mayor.
  - Asked Planning Staff to put together a decision matrix of the consequences of various decisions and the potential next steps.

#### January 26, 2005 Planning Commission

- Staff Report
  - Focus on traffic study. Applicants to provide presentation on traffic for public benefit. Presentation outlining construction mitigation plan and construction traffic impacts and mitigation.
  - Matrix outlining general consequences of various decisions and potential next steps attached under separate cover.
  - Purpose of meeting is to focus on traffic and service and delivery, including construction-related traffic, Staff requested additional info regarding more accurate winter counts, more documentation and information regarding trip reductions, and information and ideas about the ability to further reduce trips with the centralization of certain activities.
- Work Session Meeting minutes/Commissioner comments:
  - On road today barely wide enough for two cars on Lowell.
  - Consensus of Commissioners for additional traffic study including winter months, pedestrian traffic, parking and snow storage. Concern for safety must be addressed in next study. More definitive numbers on construction workers impact on road.
  - City Engineer clarified that the development agreement did not require improvements of widen Empire and Lowell but rather to reconstruct them the same dimensions so the pavement can withstand the construction impacts.
- Meeting minutes/Commissioner Comments:
  - Concern with human health and safety

- would like to have Ron Ivie (Chief Building Official), Kerry Gee (Park City Mines), Eric DeHaan (City Engineer), and Jerry Gibbs (Public Works Director) involved at a PC meeting.
- Traffic study to include winter traffic counts.
- Traffic study to include proposed direction of traffic flow or mitigation of traffic flow to assist in mitigating impacts.
- Pedestrian safety.
- Do not agree with approach noted in study that states that a project of this complexity must be reviewed annually to re-examine conclusions and determine whether changes need to be implemented. Do not agree with band-aid approach.
- Disappointed that applicant not willing to enter into negotiations with the city
- Recommend that the city pay for a study
  - look at bottlenecks on Manor Way.
  - impact to crescent tramway from project.
  - analysis should indicate how many times Lowell and empire could or would fail.
- Need to look at impact on bottleneck at the end of ski day. Will people staying at the lodges add to this or is this an assumption?
- Hotel traffic may not peak, construction traffic will peak.

#### March 9, 2005 Planning Commission

- Staff Report
  - Provide community with better understanding of the history of the Sweeney Master Plan and details of the proposed Treasure Hill CUP.
  - Outline a review of the proposed CUP for compliance with the Master Plan.
  - Exhibit: Included a CUP review of the criteria to date.
- Meeting Minutes
  - City Engineer has draft scope of work for independent traffic analysis.
  - Applicant discussion on family history and how property was acquired.
  - Applicant provides a visual presentation.
- Commissioner comments:
  - Planning looking for direction on what additional information the Planning Commission may need in order to make a determination if the application meets the Sweeney MPD.
  - Need to be clear with public that the Sweeney Master Plan is a contract already in place between the municipality and the Sweeneys. A denial of this permit would leave all the density in place and allow the applicant to return with another plan. Denying the project based on traffic will not make Master Plan disappear.

#### May 25, 2005 Planning Commission

- Request the Commission provide direction to staff on the CUP criteria.
- Planning Staff provided overview.

- Staff still waiting on the peer review traffic study and the study has not yet gone to a consultant.
- Staff looking for direction on the 15 CUP criteria.
- Applicant provided project history, 6 months for city to do a peer review of proposed traffic study.
- Commissioner response:
  - Bulk and mass has previously been addressed. Need architectural rendering.
  - Waiting on traffic study.
  - Compliance with Sweeney master plan but not CUP: bulk and height, need architectural rendering, height does not belong along property edge,
  - Staff look into mine waste: PCMC Environmental Coordinator working on report.
  - City cannot keep building and adding more traffic.
  - Impact of grading on neighboring project.
  - Massing on north side of development.

#### August 10, 2005 Planning Commission Staff and Commissioner's Communications

- Copy of traffic study was provided to each Commissioner. The Study will be reviewed at Planning Commission on September 14, 2005. Engineers will be in attendance.

#### September 14, 2005 Planning Commission

- Traffic:
  - Fehr and Peers contracted by City to do Traffic Study. Fehr and Peers findings:
    - i. Background and forecast traffic volumes prepared in TIA by PEC were adequate
    - ii. Confirmed trip generation assumptions and calculation reported by PEC.
    - iii. The Fehr and Peers Treasure Hill Traffic Review includes the following recommendations:
      1. Lack of adequate non-ski pedestrian connections between Treasure Hill and PCMR
      2. Forecasting for existing plus project traffic may not have accounted for background growth unrelated to TH CUP that is likely to occur in the interim until construction (2012 design year).
      3. Assumed no use on Crescent Tram from Treasure Hill. Expect increase of 10% worst case scenario.
      4. TIA underestimate of delay at Deer Valley Drive and Park Avenue.
      5. Also looked at potential capacity limitations resulting from snow storage and on-street parking.
      6. Intersections are impacted by "friction created by pedestrians, pick-up/drop-off traffic, and transit traffic"

- Consolidating and channeling pedestrian crossings and improving the circulation of pick-up and drop-off traffic.
    - 7. Mitigation recommended at Deer Valley/Park Avenue and Empire Avenue/Silver King Drive intersections.
  - iv. Fehr and Peers also assessed:
    1. public safety (emergency access)
    2. roadway capacity of Lowell Avenue and Empire Avenue
    3. intersection capacity and queuing
    4. pedestrian connectivity
  - v. Recommends conditioning CUP to mitigate impacts on criteria #2 and #4.
- Planning staff request specific direction from the Planning Commission as to any of the recommendations contained in the traffic study.
  - Traffic study presentation.
  - Commission comments:
    - Utah very liberal state in terms of vesting laws. Entitlements and density are vested and no choice but to address the project.
    - Good study and good mitigation but does not fit the reality.
    - Liability of City raised. Would like to know the City's liability before moving forward.
    - How can parking mitigation be handled without penalizing the existing residents?
    - Pedestrian component must be resolved.
    - Health, safety, and welfare on public and pedestrian safety and the degradation of the quality of life that would result from the increase traffic. Proposed plan will not work.

#### October 12, 2005 Planning Commission

- Staff report:
  - List of 13 questions raised during the September 14<sup>th</sup> meeting that have not been addressed by the consultants, staff or Planning Commission.
  - Also went through a list of possible conditions of approval to mitigate traffic, 11 total.
  - Liability was clarified "Any new road or pedestrian improvement will meet applicable standards and are unlikely to increase City liability. The City's liability for the existing condition is minimal. The City is allowed to prioritize on-going maintenance and upgrades to its historic roads in the CIP in accordance with legal standards.
- Staff asked commissioners to look at list of issues and identify the primary issues.
- Staff will take them to consultants and allow them enough time to prepare a formal response or explanation of their finding.
- Planning Director reiterates the LMC CUP: "There are certain uses that, because of their unique characteristics or potential impacts on the municipality, surrounding neighborhoods, 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."

- Planning Director suggests that the Planning Commission have a discussion with consultant focus on how suggested mitigation measures make the traffic, circulation, and the pedestrian issues better.
- Commission comments:
  - First identify and define the incremental impacts.
  - Real issues are incremental increase in traffic, pedestrian, delivery vehicles, and construction vehicles.
  - Applicant must return with plans that address the issues caused by development.
  - Crescent Road will be utilized more than forecast.
  - General Plan: maintaining the quality of life in Old Town. Must find a way to maintain quality of life.
  - Tourist cause less traffic than residents or employees.
  - City partnership in project needs to be defined.
    - Enforcing parking on Lowell.
  - Applicant and PCMR work on future of Lowell.
  - Issues to be addressed concerning traffic:
    - incremental impacts
    - construction traffic
    - pedestrian/vehicular conflict exploration and definition
    - feasibility of mitigation attempts
    - City's role in mitigation
    - study of Crescent Tram
    - employee traffic plan
    - input from City: Public Works, City Engineer,
    - General Plan application
    - protect quality of life
    - PCMR involvement short and long term
    - existing entitlements
- Planning Director clarifies that first 3 issues to be addressed are pedestrian/vehicular, feasibility of plan, construction traffic.

#### December 14, 2005 Planning Commission

- Staff Report:
  - Resume traffic review discussion requesting traffic consultants provide info on three specific issues.
  - Staff conducted a parking analysis of existing off-street parking on Lowell and Empire Avenue and will present study during PC meeting.
- City Engineer requested questions be directed towards himself or consultants to provide answers.
- Planning Staff restates three specific issues being addressed and goes over findings of parking, 173 units in area, 345 off-street parking spaces in garage or driveways.
- Fehr and Peers Engineer
  - Reviewed PEC study and found it provided adequate assessment of the traffic characteristics and impacts.

- i. Adequate means they have met the professional standards and their methodologies and analysis are consistent with the state of the practice within the traffic engineering industry.
- ii. Recommendation of PEC. Residents park with permits on one side of street along Lowell and Empire. Fehr and Peers concurred.
- iii. Roads could be reconstructed to 25'.
- iv. Discussion on accuracy of PEC Study. Finding that the survey was conservative in the methods used.
- v. Pedestrian connection.
- vi. Construction mitigation.
- vii. Intersection mitigation
- Commissioner comments:
  - Why up Lowell and down Empire?
    - answer: maximize right hand turns
  - Do industry standards take into consideration annual snow fall and cold temps?
    - Yes. This study took these coefficients into consideration.
  - If parking is limited to one size how many of the existing 300 spaces will be lost?
    - 300 spaces were in garages or driveways. None will be eliminated.
  - Can intersection be widened to have two left turn lanes?
    - Yes.
  - Have they looked at widening Manor Way or adding a sidewalk? Can it handle large construction vehicles?
    - Four Seasons was going to improve pedestrian and traffic improvements on Manor Way. City Engineer states that Manor Way does need additional attention. There is not enough right-of-way.
  - Applicant must be responsible for mitigating the incremental impacts generated by project.
  - Construction impacts must be shown better.

#### January 11, 2006 Planning Commission

- Mass and scale by themselves are out of context and architecture brings it into context. If architecture is separate CUP then there must be room with height and mass to achieve best design. Need to look at vantage points from town.
- Planning Staff “recalled that during the Town Lift project, the City Council formed the Town Lift Design Review Task Force consisting of representatives from the HPB, PC, and architects. The task force drafted design guidelines specific to the project. Same could be done for TH.
- Consensus reached that separating design review in a separate CUP ok.
- Still uncomfortable with the NW corner where the largest massing occurs adjacent to the residential neighborhood. Very vertical and contrasting form next to the scale of the residences.

- Concerned with setting the volumetric and massing in stone when the hotel operator will probably want to do something different. Can they recognize density, height, and volume to buildings without being too specific?
- They have to specify the volumetric, keeping in mind that they represent the maximum extent that a building can be built. There is certain wisdom in coming back for final details once they have a known hotelier who will be building a known product.
- Did not believe that the massing and volumetrics presented was the best for the site.
- Hard to make decisions without having the drawings in scale with the surrounding community.
- Summarized that PC will separate architecture review but not yet satisfied with building mass, particularly the N and W side adjacent to homes, key vantage points at the street level to be reviewed.

#### January 25, 2006 Planning Commission

- Staff remarked that prior to doing any modeling, the applicant wanted input from the Planning Commission.
- Planning Commissioners had several questions raised from the computer generated drawing presented by the applicant.
- The Planning Commission discussed specific areas they would each like to use as viewpoints:
  - Must provide viewpoints from eye-level
  - Street façade important
  - Pedestrian connection with regards to mass and how they can enhance pedestrian connectivity through community
  - Need to see existing building surrounding project
  - What are impacts on lowering Lowell and Empire on existing residents?
    - approx. 5 feet elevation change
    - will allow massing shifts
    - benefit improving the grade
  - Visual analysis
    - previously: the aerie, city park, deck of the town lift base, the Garda deck, the golf course, Heber/main intersection, Marsac building, PCMR
    - New suggestions: from homes on East side of Lowell looking towards PCMR, top of the stairs near Woodside, coming down the ski trail, animation up Lowell and down Empire, panorama from the Larson deck and Garda deck, Heber/main, roundabout, Aerie, PCMR, City Park, Radisson,
    - compare with existing structures
    - provide cross sections

#### February 8, 2006 Planning Commission

- Construction mitigation continued from January 11, 2006 meeting:

- Could the applicant provide more information regarding specific trip generation numbers for specific construction related activities?
- Has the applicant addressed seasonality and large events?
- Are there other impacts that haven't been considered?
- Turning radii for trucks, can they make the turns from Park Avenue to site?
- Access issues with PCMR need to be addressed in more detail? Timing to avoid peaks?
- More information needed regarding environmental impacts during excavation, remediation, and soil removal.
- Outline vantage points identified at last meeting
  - Top of stairs near Woodside
  - Heber/Main intersection
  - Round-about
  - City Park (along Deer Valley Drive)
  - Aerie Drive
  - In front of the project at Lowell/Empire (animation along Lowell/Empire)
  - Marsac Building (near south entrance)
  - Park Avenue and Holiday Ranch Loop intersection
  - Golf Course (18<sup>th</sup> Fairway)
  - Park City Mountain Resort looking up Lowell
  - Panorama from Larson deck without new trees and looking up the hill
  - Panorama from Garda deck without new trees and looking up the hill
- PC Chairman read 10 items submitted by another Commissioner regarding traffic study.
- Need to extend the hauling delivery dates to include Christmas, President's day, and other peak days.
- Next meeting answers to public and commission questions from applicant.
- Also, clarification from City Engineer on the plan to widen the road. Traffic study is based on this improvement.
- Snow removal must be addressed.

#### March 8, 2006 Planning Commission

- Many plans of street: which one is being proposed?
- City Engineer commented that no one cross section will be applied. There are areas where parking is needed, areas where pedestrian safety is needed. It is a mix, not one pattern will solely work.
- Health/safety/welfare is priority. Streets must be safe in order to approve cup.
- City needs to show that they can maintain the snow off that road in a timely manner.
- MPD: support commercial is to be onsite use and not designed to attract off-site customers.
- MPD: all buildings should be reviewed for conformance with HDDG and related architectural requirements at the time of CUP.
- MPD: Utility plans must include water, fire flow, sewer, storm drain, gas, and utilities in detail analysis at time of CUP.
- Employee housing to be reviewed at the time of the CUP submittal.

- Exhibit referred to in MPD defining the business envelope limitation.

#### April 12 2006 Planning Commission

- Planning Commission provide comments to the five items:
  - Type of resort support commercial
  - Lowell & Empire Avenues protection
  - Architectural information for compatibility (see bullets below)
  - Task force creation
  - On-site material storage and staging
- Architectural information for compatibility:
  - How can you evaluate scale and massing, relationship, character, and compatibility without some degree of architecture?
  - Did not recall that they had agreed to separate the architecture. Open to the idea, but unsure how it could be done.
  - Architecture consistent with the neighborhood.

#### April 26, 2006 Planning Commission

- Would like the opportunity for the applicants to complete the drawings.
- Be the only item on the agenda when the information is presented.
- Item continued to a date uncertain.
- Staff recommended that applicant provide a complete set of revised project plans including:
  1. all site plan and grading details (including vegetation protection and excavated material relocated on site)
  2. open space calculations;
  3. building setbacks for all structures
  4. building height compliance with approved building volumetrics
  5. residential unit size and configuration so as to verify density and parking compliance
  6. architectural details illustrating size, building form and massing, roof shapes, exterior details including materials, window to wall ratios, decks, plaza/outdoor spaces, retaining walls, etc.
  6. project streetscape detailing the design of project entrances, retaining walls, landscape areas, pedestrian ways.
  7. preliminary landscape plan
  8. ski lift and funicular design

#### January 7, 2009 Planning Commission

- Staff provided brief history of the original SPMP and outlined the review criteria for the current CUP.
- Staff requested that Planning Commission review the proposed Affordable Housing plan and provide staff with a recommendation.
- The Planning Commission unanimously recommended that the applicant have all the required Affordable Housing on-site, rather than have partial on-site in conjunction with payment an in lieu fee for the remainder as proposed by the Applicant.

- The Planning Commission agreed with concentrating on one aspect of the CUP review at a time and in the order outlined by staff (affordable housing, traffic, mass and scale, etc.)
- The Planning Commission requested that staff provide a recap of each previous meeting within each newly prepared staff report.

#### February 11, 2009 Planning Commission

- 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
  - Pedestrian Circulation
  - On-site Parking
  - Displaced Parking
- Planning Commission request:
  - 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.
  - 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.
  - No 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.
  - 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.
- List provided to the applicant to prepare for the March 25, 2009 meeting. Due to inadequate time, the applicant requested an extension to the April 22, 2009 meeting.
- Staff requested a Construction Mitigation Plan.
- Planning Commission suggested to continue the transportation component to give the applicants the opportunity to respond.
- Planner 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. Staff was to do an analysis on the parking situation. Empire, Manor Way, and the intersection of Empire and Park Avenue to be included in the staff analysis.

- Commission needs to see the life safety aspect of pedestrian circulation, and how they plan to address and mitigate the impacts during storm conditions.
- Commission requested a walkability study. Could it be expanded to include the cross streets from 15th to 8th. The northbound numbers in the traffic study of the Park Avenue/Deer Valley Drive light indicate a profound number of cars. Interested in knowing how many of those are coming down from the Empire/Woodside neighborhoods.

#### February 26, 2009 Housing Authority (City Council)

- Employee Housing: Housing Authority directed the applicant to place the employee housing onsite. Chairman Williams confirmed consensus to be 22,000 square feet, mixed housing on site and no in-lieu fees. A formal plan will return to the Housing Authority for consideration and approval.

#### April 22, 2009 Planning Commission Meeting

- Independent attorney was retained as independent counsel to render an advisory opinion on the issue of vested rights presented his findings.
- Applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting outlined by staff in a letter.
- 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.
- The City/Planning Commission to review each of the following:
  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.
- 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.
- Exhibit B updated from the December 2008 Packet.
- Applicant responded to the following topics:
  - More details of pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions.

- Specify/define the types of use for the commercial areas.
- Specify/define the types of ownership within the project.
- Provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel/nightly rental units.
- Parking Management Plan.
- The parking for all buildings within the Sweeney Properties Master Plan Development is required to be provided on-site and in enclosed structures.
- 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.
- Commissioner comments:
  - Commission agreed with the issues raised in the Staff report.
  - Disappointed with the mitigation measures presented by the applicant.
  - Concerned that there had been no analysis or discussion on mitigation plans for Empire. Did not think that the lack of parking should be a burden that is passed on to the residents. Alternative transportation should be explored. As proposed, did not think the use was consistent with the MPD.
  - Parking reductions must be supported by valid studies. Commented on the maximum road width and whether it would be sufficient to accommodate construction vehicles, such as large cement trucks. With parking and snow, Lowell Avenue would not be able to accommodate two trucks passing. Suggested that the support commercial should be reviewed at the time of business license renewal to assure that the business is a compatible use for the development.
  - Understood that the applicants have vested rights; however those rights were vested in the 1980's. Felt they needed to do a better job of making the project work with the issues and situations they face today. Thought it was unrealistic for the applicant to think that people would not use Empire Avenue as access to and from the project. Encouraged the applicants to realistically address parking and traffic issues. Believed the hotel would encourage off-site visitors and that is inconsistent with the MPD. Interested in knowing what specific commercial uses would be considered. He did not favor interval ownership of units such as timeshare and he did not favor parking exceptions.
  - Matter of "reasonable detrimental effect" addressed in LMC 15-1-10 and stated that to not mitigate would be grounds for denial. Expecting people to park a quarter-mile away is too far and people would park illegally. Pointed out that the street plan prepared by Alta Engineering did not address traffic circulation. Did not believe signs would be sufficient to help direct traffic.
  - Concerns could be resolved but the applicants need to think outside the box. Applicants had sufficient direction from the Planning Commission regarding traffic issues to come back with better solutions.

July 22, 2009 Planning Commission

- 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 submitted a list of suggestions for traffic mitigation.
- The City/Planning Commission to review each of the following:
  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
- Since the April 22, 2009 meeting the applicant has changed the proposed mitigation which includes:
  - Empire Avenue
    - All sections 31 feet wide including curb.
    - Anticipate future public process involving all impacted properties to arrive at detailed design customizing sections to meet individual neighbor needs based on the three sections provided (Options A - C).
    - Accommodate snow storage equivalent to present conditions.
    - Suggest permit parking for residents and guests.
    - All current right-of-way parallel, perpendicular, and driveway parking maintained and located outside of the two travel lanes.
    - Suggest 15 mph speed limit.
    - Signs to limit truck traffic on Empire (subject to fine) and direct traffic to Lowell.
    - Encourage traffic from Treasure project to utilize Lowell Avenue with left turn only sign.
  - Lowell Avenue and Manor Way
    - Four foot sidewalk from Manor up Empire on downhill (east) side. The sidewalk will continue in front of Treasure and around to Lowell Avenue. In this section it will be 5 feet wide. The sidewalk will continue down Lowell on the uphill (west) side at 4 feet wide down to Manor Way.
    - Removed previous proposal to construct 10th street stair between Lowell and Empire.
    - Removed snow storage location on the project site.
    - Cross walks added at Empire and Lowell.
    - Do not support prohibiting parking between 2 – 6 am for snow removal. Suggest occasional snow emergencies where residents are noticed to move their cars for a period of time for snow removal as happens in the rest of Old Town.
    - Additional cost of maintenance will be covered by project tax base.
    - Agree to participate in cost of improvements north of Manor
- The revisions also include changes to Lowell Avenue. Previously the sidewalk was proposed on the downhill side of the street. The City supported this location

because it would result in greater utilization. By moving the sidewalk between the parking/snow storage and the retaining wall it will be very difficult to keep clear and will be utilized less.

- The applicant's engineer has stated that the two reasons for this modification:
  - By putting the sidewalk on the downhill side of Empire Ave and on the uphill side of Lowell, it make for a continuous pedestrian path from the lower end of Empire all the way up and around the Treasure project and then down Lowell all the way to the Park City Mountain Resort without having to cross the street. The sidewalk was put on the downhill side of Empire because it creates the least impact to existing structures/driveways.
  - By putting the sidewalk on the uphill side of Lowell it allows for tailoring the grading to fit the existing conditions and approaches and is the option that creates the least impact to the existing conditions.
- The three options proposed for Empire Avenue address the issues of pedestrian safety (introduction of sidewalk) and traffic calming (narrower streets). The customized approach to accommodate existing conditions is an improvement over the sole mitigation of signs to deter traffic. Each of the options decreases the width of travel lanes and would be customized toward the existing conditions on the street.
  - Option 1. Existing Conditions with Downhill Sidewalk on Empire. Two 9 feet wide travel lanes with a 2 ½ foot curb and gutter. Parking, landscaping, and a 4 feet wide sidewalk is also included.
  - Option 2: Landscape Islands with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands, and a 4 feet wide sidewalk is also included.
  - Option 3: Landscape Islands Both Sides with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands on both sides of the street and a 4 feet wide sidewalk are also included.
- The applicant provided mitigation to decrease trips from the project once guest/residents have arrived:
  - Cabriolet
  - 8<sup>th</sup> Street Improvements
  - Bike and ski trail
  - Ticket Sales
  - Connectivity to public transportation
  - Onsite amenities
  - Storage
- The applicant submitted a proposal to decrease the demand to the site.
- The applicant provided staff with an updated traffic study which places the through traffic to the site on Lowell Avenue. The previous study distributed the traffic between the two streets.
- The original traffic study assumed road widths to be 25 feet.
- The City Engineer and the Public Works Transportation Manager determined that in order to provide the level of service that will accommodate the projected traffic the roads must be maintained to a width of 25 feet as the PEC traffic study suggest.

- In order to maintain the 25 feet width, the City must impose the management practice of no parking between the hours of 2 am and 6 am.
- The parking on the street is not a problem due to the existing traffic levels. With increased traffic levels from the project, the road must be kept clear and therefore the additional demand requires that additional impact is mitigated.
- The applicant has stated that “We no longer support the winter prohibition of parallel street parking from 2 AM to 6 AM.”
- The applicant suggests “occasional snow emergencies where residents are noticed by the placement of temporary signs over existing to move their cars for a period of time to the designated snow storage areas having been previously cleared.”
- City staff cannot support the newly proposed snow management plan.
- The City utilizes the management practice of emergency snow removal in order to haul snow from tight residential streets. This management practice does not occur on a regular basis due to the impacts to the residents, the difficulty in logistics, and the expense.
- City staff asked the applicant to answer the questions in response to the need to remove cars from Lowell and Empire between the hours of 2 – 6 am:
  - How many cars will be displaced due to the snow removal management plan?
  - Where will the displaced cars park?
- Not all residents have off-street parking.
- City staff has requested a number associated with the number of residents actually impacted to determine if mitigation is achieved.
- If a number is known, then the Planning Commission can make a determination of an acceptable level where mitigation is achieved.
- City staff finds that the sidewalk will not sufficiently mitigate the pedestrian safety issues due to inadequate snow removal. The previous snow removal cost did not include the maintenance of the sidewalk. The sidewalk plow mentioned in the bid is only slated for use for hauling, not for regular plow service. Public Works use the small sidewalk plow to get snow from around obstacles and out of the gutter during hauling events.
- City Staff does not support the location of the sidewalk on the uphill side of Lowell Avenue. It is expected that the sidewalk will be utilized by the local residents more than the visitors of the development. By placing the sidewalk closer to the majority of the existing neighbors on the downhill side it will be easier access for the residents and snow will melt more quickly. The challenges of locating the sidewalk on the uphill side include grade issues due to the steeper existing conditions and keeping a sidewalk cleared adjacent to the proposed snow storage areas.
- Another concern of City Staff is the proposed improvements to Empire Avenue. The proposed landscape islands on Empire Avenue will necessitate ongoing planting, watering and maintenance, again creating another financial and labor burden on the City for years to come.
- The City Engineer has concern for the proposed travel lane width of 8 feet. A standard truck width of 7’9” not including the side mirrors.

- Commission concurred with the staff analysis.
- Commissioner letter read out.
- Lengthy discussion between applicant and his consultants, Public Works Director, City Engineer, Senior Planner and the Planning Commission during the work session regarding traffic and parking mitigation.

#### August 26, 2009 Planning Commission

- Commission asked if there is a computer simulation tool that would help them understand the feet of excavation and final grade. It was difficult for them to understand what existing grade is today and what final grade will be once excavation occurs.
- Planning Staff stated that the applicant had updated the elevation of the buildings to show the difference between final grade and the existing grade through the building. She offered to put together a packet that better explains the grades.
- Commission felt a massing model would help demonstrate the excavation.

#### September 23, 2009 Planning Commission

- 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).
  - Staff indicated that additional 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.
- Staff discussion points:
  - Does the Planning Commission agree with Staff's analysis on support commercial? 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.
  - The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.
  - The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.
  - Staff requests discussion and direction on additional square footage.
  - Should the design be revised to become more efficient and comply with the limits of the MPD?

- Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings? Does the Planning Commission have other areas of concern not identified by staff? Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?
- Are the proposed structures appropriate to the topography of the site?
- Commission comments:
  - Conclusions from the staff report analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies.
  - 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. 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.
  - Open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting.
  - Regarding excavation, stated that in looking at the original MPD, 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, felt the excavation still needed to be addressed.
  - The currently proposed project has grown from what was approved under the MPD.
    - 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.
    - Concern with the amount of back of house circulation square footage is built into the additional support commercial and meeting space.
  - 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. Felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.
  - 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.
  - Felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. Commissioner asked the

applicant if they were willing to change their plan or if the Planning Commission should rule on the current proposal.

- Applicant replied that they would need time to discuss their options and to respond to the Staff report before making that decision.
  - Commissioner stated 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. Unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria.
  - Commission encouraged the applicants to provide a massing model of the project with topos as part of the streetscape. Remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. Requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.
- Commission interested in another site visit and Planning Staff offered to schedule a visit before the October 28th meeting.

#### October 28, 2009 Planning Commission

- Work session: scheduled site visit
- Due to the weather, the site visit was cancelled.
- The Commissioners concurred that there was a need to visit the site and rescheduled the site visit on November 5. The public would be noticed site visit.
- Planning Staff reported that the applicants have commissioned an architect to prepare a model of the project that will be presented at the December 9th meeting. She understood that the model would show how the structure fits within the landscape. Planning Staff noted that the purpose of the site visit was to calculate the height for a better perception and she thought the model could provide that information.
- Commissioner Wintzer remarked that there were two issues; the height and the height in relationship to other buildings in close proximity.
- Commissioner Jack Thomas stated that they were also interested in the existing natural grade versus finished grade.
- Commissioner Peek pointed out that the section drawings showed existing grade but not the final grade.
- Pat Sweeney, the applicant, distributed information packets for Treasure Hill to each Commissioner.

#### February 10, 2010 Planning Commission

- Commission comments:
  - Commission agreed with the comments about making the development project a different color in the model.
  - Planning Commission Chair pleased with the model.
  - “The applicant will present only general development concepts that may be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review.”

- “The master plan development procedure attempts to deal with the general concept of a proposed development and defers or relegates the very detailed project and new elements to the conditional use stage of review”.
- On September 23, 2009 four Commissioners made specific comments that were in agreement with the Staff report. Five Commissioners wanted the applicant to prepare a rebuttal for the next meeting.
- Model attempts to address two discussion points from the last meeting; 1) providing additional streetscape; and 2) are the structures appropriate to the topography, it does not address the other significant discussion points of; a) excessive proposed support commercial; b) excess square footage; and c) efficiency of design.
- Did not find that the applicants’ proposal on points a, b or c comply with Criteria 8, 11 or 15.
- Commissioner did not find the project to be in compliance with the MPD. Commissioner felt the first step in the process was to reach agreement that the CUP application complies with the underlying MPD.
- Property lines behind the buildings that encroach on to open space. Did not believe anyone had anticipated going into open space, excavating material and taking out the trees, and then leaving it as a guide wall or cliffscape, which is not a natural open space setting.
- Efficiency of design and noted that in 2004 they received a design that was roughly 500,000 square feet. In that design 57% was residential units and he thought that was an inefficient design. Now they have a design that is over a million square feet and 39% of the area is residential units. Project was going backwards in its efficiency rather than forward. The project now is 20% larger than it was when they began talking about mass and scale.
- The 1986 plan showed the development starting with natural grade and excavating only what was needed for the buildings. The buildings appeared to step up the mountain and then it went back to existing grade. There was very little change between the existing grade and the finished grade. The proposed excavation and grade change is a major contrast to the 1986. Nothing to reduce the parking requirement, including the commercial space. This was one reason why the project was lopsided on its efficiency.
- If the plans were final, the Planning Commission needed to assess those plans and vote on them. In order to do that, the Staff needed to prepare all the documents, all the studies, and all the Staff reports so the Planning Commission could vote on the project. Applicant attorney letter saying that the further they go down this road the more the applicant detrimentally relies on what the applicant is being told by Staff. The way to stop that detrimental reliance is to stop the Staff’s analysis and vote on what appears to be the final plan.
- If the applicant intends to change their plans substantially based on comments from the Planning Commission, the April meeting may not be a

- vote. However, unless there are substantial changes to the plans provided, the Planning Commission has the obligation to vote on the plan and stop the alleged detrimental reliance by the applicant.
- Commission asked Staff to prepare the documents the Planning Commission would need to decide on this project:
    - The MPD, which includes the 1986 Staff report and the original plans.
    - Crowd, traffic and parking studies and all traffic and parking plans that have been generated by both the applicant and the City.
    - All mitigation plans in any form submitted by the applicant. All excavation plans submitted by the applicant. Any construction mitigation plans submitted by the applicant.
    - Any environmental studies by both the City and the applicant or any third party.
    - Applicable 1986 Code sections for both the LMC and the historic guidelines.
    - All legal opinion memoranda that has been submitted by both the applicant's attorney and by the outside counsel retained by the City.
    - Minutes from all the meetings since the time the DVD was given to the Planning Commission.
  - The Planning Commission responded to the eight points outlined in the Staff report as follows:
    - Support Commercial. All the Commissioners concurred with the Staff's analysis.
    - The applicant's willingness to make changes. The Commissioners had already addressed this point in their comments.
    - Staff request for discussion and direction on additional square footage. The Commissioners had addressed this point in their comments.
    - Should the design be revised to become more efficient and comply with the limits of the MPD. The Commissioners concurred that the first step is to comply with the MPD.
    - Whether the Planning Commission wanted another streetscape of the project showing full elevations of the building. Planning Commission Chair believed the model accomplished what they needed to see. The Commissioners concurred. Commissioner requested detailed photographs of the model for future reference. Commissioner thought it would be helpful to have GPS coordinates for the top parts of the buildings. He felt there needed to be an objective standard for measuring height about sea level. PC Chair requested copies of the slides that Mr. Elliott had presented this evening.
    - Whether the Planning Commission had other concerns not identified by Staff. Commissioner was interested in seeing an avalanches assessment due to the risks involved with the amount of excavation proposed and the slope retention.



City was actively working on alternatives with the applicant from 2010-2014. The applicant was actively meeting with City Staff from 2014-2016. The application is vested under the Land Management Code (LMC) CUP criteria as it existed at the time of the submittal in 2004. Within the original SPMP a timeline was established for the development of each property. The applicant has followed the timeline and has obtained CUPs for each of the developments. The Hillside Properties were identified in the timeline as the last properties to be developed. The Master Plan is still valid due to the applicant keeping within the timeline established during the approval.

As indicated on the LMC 50<sup>th</sup> Edition, revised as of July 10, 20003 (LMC 50<sup>th</sup>), a Conditional Use is defined as (LMC 50<sup>th</sup> § 15-15-1.52):

*A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.*

LMC 50<sup>th</sup> § 15-1-10 indicates the following:

*There are certain Uses that, because of unique characteristics or potential impacts on the municipality, 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.*

*The Community Development Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.*

*The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:*

LMC 50<sup>th</sup> § 15-1-10(D) indicates the following:

*(D) **Standard of Review.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:*

- (1) the Application complies with all requirements of this LMC;*
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;*
- (3) the Use is consistent with the Park City General Plan, as amended; and*
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.*

LMC 50<sup>th</sup> § 15-1-10(E) states:

*(E) **Review.** The Community Development Department and/or Planning Commission must review each of the following items when considering a Conditional Use permit:*

- (1) size and scale of the location of the Site;*
- (2) traffic considerations including capacity of the existing Streets in the Area;*
- (3) utility capacity;*
- (4) emergency vehicle Access;*
- (5) location and amount of off-Street parking;*
- (6) internal vehicular and pedestrian circulation system;*
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;*
- (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;*
- (9) usable Open Space;*
- (10) signs and lighting;*
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;*
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;*
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;*
- (14) expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities; and*
- (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.*

#### Master Plan Development Parameters and Conditions

The Planning Commission will also review conformance with the approved master plan of 1986. This include conformance with the development parameters and conditions, as well as the ten (10) findings identified in the original SPMP. The developer of the parcels is legally bound by and obligated to perform the ten (10) development parameters. These parameters outline the unique maximum height envelopes, parking requirements, construction mitigation, employee housing and the obligation of improvement and easements. The following are the master plan findings as well as the development parameters and conditions of the 1986 approval:

#### Sweeney Properties Master Plan Findings:

- 1. The proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning.*
- 2. The uses proposed and general design of the project is or will be compatible with the character of the development in surrounding area.*

3. *The open space preserved and conceptual site planning attributes resulting from the cluster approach to the development of the hillside is sufficient justification for the requested height variation necessary, and that the review criteria outlined in Section 10.9 (e) have been duly considered.*
4. *The commercial uses will be oriented and provide convenient service to those residing within the project.*
5. *The required parking can readily be provided on-site and in enclosed structures.*
6. *The proposed phasing plan and conditions outlined will result in the logical and economic development of the project including the extension of the requisite utility services.*
7. *The proposed setbacks will provide adequate separation and buffering.*
8. *The anticipated nightly/rental and/or transient use is appropriate and compatible with the surrounding area.*
9. *The provision of easements and rights-of-way for existing utility lines and streets is a benefit that would only be obtained without cost to the residents of Park City through such master planning efforts.*
10. *The site planning standards as set forth in Section 10.9 (g) of the Land Management Code have either been satisfied at this stage of review or practical solutions can be reasonably achieved at the time of conditional use review/approval.*

*Sweeney Properties Master Plan Development Parameters and Conditions:*

1. *The Sweeney Properties Master Plan is approved based upon the information and analysis prepared and made a part hereof. While most of the requirements imposed will not be imposed until individual parcels are created or submitted for conditional use approval, certain specific obligations are also identified on the approved phasing plan. At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.*
2. *Upon final approval of the proposed Master Plan, a recordable document (in accordance with the Land Management Code) shall be prepared and submitted. The Official Zone Map will be amended to clearly identify those properties included within the Master Plan and the hillside property not included within either the Town Lift Mid-Station or Creole Gulch sites (approximately 110 acres) shall be rezoned to Recreation Open Space. At the time of conditional use review, final building configurations and heights will be reviewed in accordance*

*with the approved Master Plan, applicable zoning codes and related ordinances. A minimum of 70% open space shall be provided within each of the development parcels created except for the Coalition properties.*

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.*
4. *Access to the Town Lift and Creole sites shall be provided by a private roadway with acceptable emergency access and utility easements provided. No city maintenance of these streets is expected. All utility lines shall be provided underground with private maintenance required wherever located in inaccessible locations or outside approved easements.*
5. *Building heights shall be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribed thereon, and the following:*
  - (a) *The various parcels located within the Historic Residential (HR-1) zone district shall abide by the Land Management Code and no height exceptions will be considered. Maximum building height on the single family lots shall be limited to 25' in order to reduce potential visibility.*
  - (b) *The Coalition East sites are limited to a maximum building height of 55', subject to compliance with the stepped façade (as shown on the applicable plans) concept submitted and the setbacks provided.*
  - (c) *The Coalition West properties are limited to a 35' maximum building height adjacent to Park Avenue and a 28' height along Woodside Avenue; subject to the footprints defined, common underground parking and access, and no commercial uses allowed.*
  - (d) *The Town Lift Mid-Station development is restricted to a maximum height of 45 feet. The maximum height of 35 feet is required for at least 90% of the total unit equivalent volume of all above grade buildings and an overall average height of less than 25 feet measured from natural undisturbed grade. No portion of any building shall exceed the elevation 7,240 feet above main sea level. (Per City Council amendment on October 16, 1986)*

*(e) The Creole Gulch site shall be limited to a maximum height of 75 feet. An average overall height of less than 45 feet shall be provided and no portion of any building shall exceed either elevation 7,250 feet for the easternmost building or elevation 7,275 feet for the balance of the project. (Per City Council amendment on October 16, 1986)*

*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.*

- 6. At the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements. No mechanical equipment or similar protuberances (i.e.: antennae, flags, etc.) shall be permitted to be visible on any building roof-tops or shall any bright or flashing lights be allowed.*
- 7. All easements, deeds, and/or rights-of-way shall be provided without cost to the City and in accordance with the Master Plan documents and phasing plan approved. Likewise, it shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.*
- 8. Master Planned Development approval only conceptually established the ability of local utility service providers to supply service to the projects. It does not constitute any formal approval per se. The applicant has been notified that substantial off-site improvements will be necessary and that the burden is on the future developer(s) to secure various easements and upsize whatever utility lines may be necessary in order to serve this project. Prior to resale of this property in which this MPD approval is carried forward, or prior to any conditional use application for any portion of the MPD, a utility plan addressing water, fire flows, and sanitary sewer, storm drainage, cable utilities, and natural gas shall be prepared for review and approval by City Staff and the Snyderville Basin Sewer Improvement District. Part of the plan shall be cost estimates for each item of utility construction as it is anticipated that major costs for these utilities will be necessary. All such costs shall be paid by the developer unless otherwise provided. If further subdivision of the MPD property occurs, the necessary utility and access improvements (see below) will need to be guaranteed in roads, and access questions which will need to be resolved or upgraded by the developers at their cost (in addition to impact fees, water development and connection fees, and all other fees required by City Ordinances are as follows:
  - (a) Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. As such, during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day. At the present time and until the Creole Gulch site develops, Empire and Lowell south of Manor Way are and will be low-volume residential streets, with a pavement quality, width, and thickness that won't support that type of truck**

*traffic. The City will continue to maintain the streets as low-volume residential streets, including pavement overlays and/or reconstruction. None of that work will be designed for the heavy truck traffic, but in order to save money for the developer of the Creole Gulch site, he or she is encouraged to keep the City Public Works Director notified as to the timetable of construction at Creole Gulch. If the City is notified that the construction is pending such that an improved pavement section can be incorporated into normal City maintenance projects, then it is anticipated that the incremental additional cost of the additional pavement thickness (which is likely to be in the vicinity of 3 additional inches of asphalt over the entire 46,000 linear feet [25-foot asphalt width] of Lowell/Empire south of Manor Way, or approximately \$80,000 additional cost in 1986 dollars) could be paid by the developer with said amount deducted from future impact fees paid to the City as long as it did not exceed the total future impact fees. However, if the increased pavement section is not coordinated with the City by the developer such that the pavement of Lowell and Empire south of Manor Way remains inadequate at the time the Creole Gulch site is developed, then the developer shall essentially reconstruct the entire 4,600-foot length of Lowell and Empire south of Manor Way at his or her cost, which with excavation and reconstruction of an anticipated 6-inch asphalt thickness on top of 10 inches of road base, plus all other normal construction items and costs, would be in the approximately cost range of \$300,000 to \$400,000 in 1986 dollars. Further, because that reconstruction would be inconvenient to residents and the City, and because delays, impacts, and potential safety hazards would be created over and above normal City maintenance of existing streets, that action by the developer would be a new impact on City residents and the cost therefore would not be deductible from any developer impact fees.*

- (b) Contribute to the Park City Village, or other water tanks, determined to be necessary by the City Engineer in order to serve the project with culinary and fire storage. Based on a Type 1 fire resistive construction, it is assumed that the contribution would be on the order of 500,000 gallons at a cost of approximately \$300,000, although the exact figures would need to be determined in a detailed study using adopted City standards.*
- (c) Construct pumped pressure system(s) with backup emergency power to provide a means of delivery of fire flows to the project. Construct a meter vault at the edge of the road adjacent to the project, beyond which all water facilities would be privately maintained. It is anticipated that in the vicinity of 2,500 feet of 12-inch water line with appurtenances may be required. Such pipe would cost about \$70,000 in 1986 dollars exclusive of the pumps and backup power, which are even more expensive.*
- (d) Provide an easement, or pay all costs related to condemnation by Park City of an easement, suitable for construction and maintenance of a storm drain from the project site to Silver Creek or McLeod Creek. All City streets and any*

*public utility drainage easements normally provided in the course of other private development shall be available for utility construction related to this MPD subject to reasonable construction techniques and City standards.*

- (e) Pay for downstream detention basin construction costs in accordance with the ratio of increased runoff from the project during the 50-year flood event to the total design volume of the basin. (Note: The City Engineer will require runoff to meet the current standard. The detention basin must be able to hold the difference between pre and post development based on a 100 year storm event.)*
  - (f) Construct a storm drain line to Silver Creek or McLeod Creek adequate to contain the runoff running through and off the site during the 50-year flood event. It is assumed that a minimum of 36-inch concrete storm drain line will need to be installed solely for Creole Gulch drainage. It is further assumed that special clean-out boxes and inlet boxes will need to be designed to address difficult hydraulic problems. Such boxes are expensive. (Note: the City Engineer will require that the storm drain meet the current standard. The size of the storm drain line should be able to handle the difference between pre and post development. This must be calculated and submitted to the City for review.)*
  - (g) Provide re-vegetation over all on-site and off-site areas disturbed for project-related utilities.*
  - (h) Sanitary sewer improvements are assumed to involve replacing in the vicinity of 3,000 feet of sewer line, with new manholes included. Such construction will cost in the vicinity of \$100,000, is subject to the approval of SBSID (now SBWRD), and is further subject to all District fees and agreements necessary for extension of lines.*
- 9. To minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Similarly, cut and fill shall be balanced and distributed on-site whenever practicable, with any waste material to be hauled over City specified routes. Also at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.*
- 10. As projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application.*

### **Review of Conditional Use Permit**

In the interest of moving forward efficiently and in an orderly fashion, Planning Staff requests to outline the CUP review criteria and development parameters/conditions and

determine in which order the Planning Commission anticipates to consider the filed CUP. Currently, Planning Staff is tentatively planning for one (1) meeting per month for this application. Each meeting will have an opportunity for public input and is planned to review one or more of the CUP review criteria as the Planning Commissions directs. If items are continued for further discussion, that may affect the rate at which each CUP review criteria can be heard by the Planning Commission and for the public to comment. For these reasons, a fixed schedule is not possible to predict. The Planning Department will make all reasonable efforts to keep a dedicated website at [www.parkcity.org](http://www.parkcity.org) up to date and each meeting will adhere to public noticing requirements.

Staff requests that the review of the CUP be guided into four (4) basic review principles including: history/basic parameters, site, buildings, and operations. The following outline has been prepared to allow the Planning Department and the Commission to focus on specific items while at the same time being able to recognize specific items that are inter-related. Staff estimates that the full review would be able to be handled in a minimum of nine (9) meetings as follows:

I. History/Basic Parameters (1 meeting anticipated)

- Introduction
- History of Project
- Proposal
- Review Standards

II. Site (3 meetings anticipated)

- (1) Size and scale of the location of the Site.
- (2) Traffic considerations including capacity of the existing Streets in the Area.
- (3) Utility capacity.
- (4) Emergency vehicle Access.
- (5) Location and amount of off-Street parking.
- (6) Internal vehicular and pedestrian circulation system.
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
- (9) Usable Open Space.
- (10) Signs and lighting.
- (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.

III. Buildings (3 meetings anticipated)

- (1) Size and scale of the location of the Site.
- (5) Location and amount of off-Street parking.
- (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots.
- (10) Signs and lighting.

- (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.
  - o Employee housing.

IV. Operations (1 meeting anticipated)

- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
- (13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas.
- (14) Expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities.
  - o Construction Management.
  - o Shuttles/taxis/night lift operations.
  - o Snow removal/storage.

V. Wrap-up (1 meeting anticipated)

**Discussion Requested. Staff would like consensus from the Planning Commission that the anticipated outlined review process is favored. If Planning Commission would like the staff to proceed with the review differently, comments regarding process would be appreciated. The CUP criteria have been divided into three (3) major sections. The order of CUP criteria is to be determined, e.g. mass (8) and compatibility (11) would be reviewed together.**

**Notice**

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code.

**Public Input**

Public input has been received by the time of this report. See Exhibit A – Public Comments.

All public comments are forwarded to the Planning Commission and kept on file at the Planning Office. The planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for input to the Planning Commission:

- Attending the Planning Commission meeting and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to [treasure.comments@parkcity.org](mailto:treasure.comments@parkcity.org).
- Visiting the Planning office and filling out a Comment Card.

- Preparing a letter and mailing/delivering it to the Planning Office.

### **Exhibits/Links**

[Exhibit A – Public Comments](#)

[Approved MPD Narrative](#)

[Approved MPD Plans](#)

[Proposed Plans – Visualization Drawings1](#)

[Proposed Plans – Visualization Drawings2](#)

[Proposed Plans – Architectural/Engineering Drawings 1a](#)

[Proposed Plans – Architectural/Engineering Drawings 1b](#)

[Proposed Plans – Architectural/Engineering Drawings 2](#)

[Applicant's Written & Pictorial Explanation](#)

### **Additional Exhibits/Links**

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50<sup>th</sup> Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

**Francisco Astorga**

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**From:** Stuart Shaffer <stubio@earthlink.net>  
**Sent:** Saturday, April 30, 2016 10:03 AM  
**To:** planning  
**Subject:** Treasure Hill (Again)

Why the Treasure Hill project continues to resurface makes little sense. All the arguments have been made over and over during the past thirty years. The reasons why Treasure Hill would be an irrevocable mistake are as clear today as they have always been, and the town's growth has made it even more impossible. Isn't it obvious that Treasure Hill would be destructive to Park City? Isn't it obvious that the project is not feasible?

The citizens of Park City have brought up unsolvable problems with the development: access through narrow streets, snow removal, reduced parking, the impact on the environment and the landscape, overcrowding, a compromised water supply, pollutants, and disruption of old mines. Construction will go on for years bringing noisy dump trucks, construction equipment, and dust through neighborhoods where children play and access to skiing is interrupted. Nevertheless, the Sweeney funded studies show there will be no such problems.

Overcrowded conditions in Historic Old Town will be worse. There are times when local property owners find it almost impossible to find a place to park. During construction and forever after, parking will be even worse. Sidewalks, sometimes crowded, especially during Sundance, will be even more crowded. Nevertheless, the Sweeney funded studies show there will be no such problems.

Why is it that "the little guy" must fit within the architectural guidelines for size, style, and roof lines while the proposed Treasure Hill project is a concrete and glass behemoth far out of character with Historic Old Town? Why are we even considering a million square feet when original proposal was for a development one-third the size? Treasure Hill would loom over Park City destroying its personality and disrupting neighborhoods while the Sweeneys sit conveniently on the other side of the hill they donated, never to be developed, their monstrosity comfortably out of their sight lines.

This has gone on for nearly thirty years. It's all been said before. Nothing has changed. Given the impossibility of the project and its negative impact, why can't we just put it to rest for good?

Stu Shaffer  
613 Main St. #403

## Treasure Comments

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**From:** Bruce Erickson  
**Sent:** Thursday, May 19, 2016 8:44 AM  
**To:** John Plunkett  
**Cc:** Francisco Astorga; Treasure Comments  
**Subject:** RE: Confidential: The upcoming Treasure Hill Discussion

Thank you for your comments. Comments on this project are public. I will copy the file to the City comment site at [Treasure.comments@parkcity.org](mailto:Treasure.comments@parkcity.org) where they will be part to the project record. Regards, Bruce

Bruce M. Erickson, AICP

Planning Director  
Park City Municipal Corporation  
Park City, Utah

-----Original Message-----

From: John Plunkett [mailto:john@plunkettkuhr.com]  
Sent: Wednesday, May 18, 2016 9:52 PM  
To: Bruce Erickson  
Subject: Confidential: The upcoming Treasure Hill Discussion

Hi Bruce,

In thinking about the return of this project, I wonder if the trade-off between 'open space' and a massive development should (or could) be looked at anew in 2016.

Instead of too many sq ft, in too small an area and way too tall, and cut off from the town's street grid, I wonder if a lot of smaller, shorter buildings spread out over a much larger area, that follow the existing street grid, might be a better solution for 2018 vs 1988.

In other words disperse and diffuse the impacts of a giant tower — by following the existing forms of Old Town, with two-story buildings on narrow lots, with parking dispersed throughout, rather than a Miami Beach mega project with one centralized parking garage...

Any possibilities here, from your point of view? Hope so

All best,

— John

# Niels P. Vernegaard

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822 Lowell Ave. Park City UT 84060. NielsPV@yahoo.com

May 25, 2016

## To whom it may concern:

Re: Treasure Hill Convention Center

My wife and I will be out of town when the first planning meeting on Treasure Hill is discussed. I did not want our absence to signal our indifference to this project.

We are full time residents of Old Town and as you can see from our address live directly across from the proposed convention center. While THINC has done an excellent job of detailing why this project should not be approved, I thought you might be interested in our personal thoughts given our proximity to the development.

1. Much has been written about traffic. Studies have been completed. The reality is that Lowell Ave is effectively a one-way street in the winter. It will be narrowed further as part of the sewer renovation this summer. When you have a chance, drive up 8<sup>th</sup> street and continue on to where it turns into Crescent Tram. When you get to the top attempt to make a left onto Empire. It is difficult in the summer. Nearly impossible during the winter. Now envision traffic descending from a convention center just up the hill. Remember, navigation software will direct visitors down Crescent Tram and 8<sup>th</sup> when they want to get into Park City or over to Deer Valley.
2. The United States Postal Service will not deliver mail into this neighborhood due to the conditions of the roads. Yet the developers want to put a convention center here.
3. It is my understanding that the developer believes that they have a legal right to develop this land due to an agreement dating back to the 80's. I don't believe that development rights last into perpetuity. 30 years is a long time. No investment of mine ever came with rights or guarantees. Some of them did well, others were a bust. Why should the developer expect to have no risk to their investment?
4. Park City competes with other resorts for tourist dollars. Many of our competitors have superior scenery. Their snow is often better. What we have is an authentic western town with a rich history. Visitors often speak of the charm of Park City and Old Town. Do we really want to put that competitive advantage at risk by approving a Las Vegas style convention center that will loom over Old Town and give us big city traffic? I don't think so.
5. The entrance to the Creole mine is 50 yards up the hill. This convention center will disturb the entrance and I assume the mine as well. Has the EPA been involved? I think of the catastrophic damage done last year in Colorado when an old mine was breached.

Lastly I'd like to discuss fairness. The investors in Treasure Hill want to secure development rights. They have said that they will then sell those rights to a company that has the resources to build the convention center. The investors will walk away with millions leaving those of us in Old Town to deal with a multi-year construction project, traffic jams and the general headaches of having a convention center in the middle of our neighborhood. In my book that is not very neighborly.

Sincerely,



Niels P. Vernegaard.