

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
SANTY AUDITORIUM - PARK CITY LIBRARY
1255 PARK AVENUE
PARK CITY, UTAH
JUNE 8, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

May 25, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of May 25, 2016 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce reported that he would be out of town on June 22nd and would miss the next Planning Commission meeting.

Chair Strachan outlined the format for this meeting. Planner Astorga would give a brief presentation on the background of the Treasure Hill project. The applicant would also be given the opportunity to present the project. Public comment would be taken, followed by Commissioners comments. Chair Strachan noted that comments cards were also

available for those who were uncomfortable speaking and preferred to submit their comments in writing.

Director Erickson reported that the first item on the agenda were a number of LMC changes and corrections. Planner Whetstone had requested that this item be continued to the next meeting so the Planning Commission could devote their attention to the Treasure Hill project.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5- add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code. (Application PL-16-03115)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the various administrative and substantive amendments to the Park City Land Management Code to June 22, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Parcel numbers, PC-800-1, PC-364-A - Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan. (Application PL-08-00370)

Planner Francisco Astorga requested that the Planning Commission review the history and development parameters of the Treasure Hill property, allow the applicant to re-introduce the project, provide direction to the applicant and Staff regarding the items outlined in the Staff report, conduct a public hearing and continue this item to July 13, 2016.

Planner Astorga reported that the applicant was the Sweeney Land Company and Park City II, LLC, currently represented by Pat Sweeney and Company. The site is the Creole Gulch and Mid-station sites, which are part of the Sweeney Properties Master Plan. The site is located in the Estate District with the MPD designation. Conditional Use Permits are required for development within this Master Plan, and Conditional Use Permits are reviewed and approved by the Planning Commission.

Planner Astorga noted that the Master Plan was approved by the Planning Commission in December 1985. It was called up by the City Council for review and in 1986 the Council approved the Sweeney Properties MPD with amendments to the maximum allowed building height in the Hillside Properties which consists of the Creole Gulch and Mid-station sites.

Planner Astorga remarked that the Hillside Properties are one portion of four different sites within the Sweeney Properties Master Plan. The other three sites have already been developed. The entire Master Plan approval consisted of 277 Unit Equivalents, which were allotted at 258 residential and 19 support commercial.

Planner Astorga stated that Creole Gulch is 7.75 acres with 161.5 residential Unit Equivalents and 15.5 support commercial UEs. Mid-station has 3.75 acres with 35.5 residential UEs and 3.5 support commercial UEs. He explained that a residential Unit Equivalent is 2,000 square feet. A commercial Unit Equivalent is 1,000 square feet. Planner Astorga reported that this Conditional Use Permit was submitted by the applicant on January 13th, 2004. It went through Planning Commission review from April 2004 through April 2006. It came back to the City for review and the Planning Commission reviewed it on January 7th, 2009 and the last time on February 10th, 2010.

Planner Astorga stated that from 2010 through 2014-2015, the City proactively engaged the applicant to explore additional alternatives and to negotiate as a buyer. The negotiations included several public updates, surveys and an open house; however, there was never a resolution to move forward.

Planner Astorga reported that the applicant has been meeting with the City to review and work on this application, and on April 8, 2016 the applicant submitted a specific letter requesting that the CUP come back to the Planning Commission for review.

Planner Astorga stated that the conditional use permit must be reviewed under the standards of review outlined in the Land Management Code. The standards require that the entire application complies with the LMC, that the use will be compatible, that the use will be consistent with the General Plan, and that any differences in use and scale have been properly mitigated. He noted that the 15 mitigation criteria in the LMC were outlined in the Staff report. The parameters and conditions of development were also outlined on pages 78 through 82 of the Staff report.

Planner Astorga noted that the Staff had created an outline of items to be discussed at each meeting in a specific order. This meeting addresses the history of the project, introduction of the proposal, and discussion of the review standards. The next items were broken into site specific components based on the mitigating criteria from the LMC. The Staff estimated that it would take three meetings to address those components. The third section for discussion were buildings; which could take an additional three meetings. The Staff anticipated that the discussion regarding operations and specific parameters take place in one meeting. The final meeting would be a wrap-up meeting that would be published in the newspaper and noticed to property owners within 300 feet. It would be the last meeting before the Planning Commission takes final action.

Planner Astorga reported that the Staff would like consensus from the Planning Commission regarding the anticipated review process as outlined. If the Commissioners would like the Staff to proceed with a different review process, they would welcome their comments.

Planner Astorga commented on various ways the public could provide public comment. They could attend the public hearings, they could send comments to treasure.comments@parkcity.org, they could visit the Planning Department and fill out a comment card, or they could mail a written letter to the Planning Department at City Hall.

David Bennion, an attorney with Parsons Behle and Latimer, stated that he was representing MPE, Inc., the applicant on the CUP application. Mr. Bennion introduced people involved with the project. He noted that Mike, Pat and Ed Sweeney were the MPE of MPE Inc., and they are also the owners of Sweeney Land Company. Mr. Bennion reported that Sweeney Land Company owns an undivided 50% interest in the property that is the subject of the CUP application. During the presentation he would refer to it as the Treasure Hill property. The other 50% was Park City II, LLC. Mr. Bennion introduced Steve Perkins, the land planner of the project; David Eldridge, the principle architect; and Rob McMann, the civil engineer. He stated that as appropriate during the meetings scheduled over the next several months, some or all of those individuals would be available to answer technical questions on the CUP application. Mr. Bennion also

introduced Jeff Mangum and Brandon Mark, partners in Parsons, Behle and Latimer. Sean Ferrin was another partner who was not present this evening but would be giving presentations at future meetings. Mr. Bennion clarified that he and his partners would be making the presentations on behalf of the applicant throughout the CUP process.

Mr. Bennion stated that he would be talking about the same points that Planner Astorga outlined in his presentation but with more detail. He noted that the objective this evening was to introduce the project and to provide a brief history of the Treasure Hill Properties, including the Master Planned Development. He would also give a brief history of the CUP application and the standards of review applicable to that application. With respect to the history of the project, Mr. Bennion intended to focus on the development rights associated with the project and the MPD that was approved by the Planning Commission in December 1985 and by the City Council in October 1986.

Mr. Bennion remarked that the Hillside portion of the Master Plan consists of just over 123 acres of land in Park City located on Treasure Hill, the historic hill west of Old Town, which he would refer to as the Hillside. In addition is the Town Lift Base and the Town Run portions of the master plan located on approximately three acres. In total the MPD included approximately 126 acres.

Mr. Bennion stated that most of the Hillside property was acquired in the 1970s by Jack Sweeney, the father of Mike, Pat and Ed Sweeney. The property is what allows skiing into Old Town and is the basis of the continued improvements of that skiing through construction of the Treasure Hill project. Mr. Bennion remarked that because of the property's location and zoning it came with already existing density and development rights pre-MPD. He explained that prior to approval of the MPD the various parcels that make up the master plan, including the Hillside property, were zoned Historic Residential (HR-1), Estate and Historic Commercial Business (HCB). Prior to approval of the MPD the density rights associated with a property allowed for 450 unit equivalents.

Mr. Bennion presented an image slide of what Treasure Hill would look like if the Master Plan property had been developed consistent with the rights of the property owners under the Park City Municipal Code before approval of the MPD. Treasure Hill would have been dotted with residential homes and criss-crossed with roads. Neither Park City nor the public wanted that result. Mr. Bennion stated that in the 1980s MPE Inc. and the representatives of Park city engaged in an extensive series of meetings to discuss and negotiate alternatives to the complete build-out of the master planned property, including the Hillside property. Those meeting ultimately resulted in the approval of the Sweeney Master Plan.

Mr. Bennion stated that the intent this evening was to talk about the part of the plan that relates to the Treasure Hill property and the Treasure project proposed on that property. However, it is important to do so in the context of the overall master plan. Mr. Bennion remarked that the process that yielded the Sweeney Properties Master Plan is a classic example of a City and property owners working together to negotiate, compromise and ultimately agreeing on a plan that served the public interest and protected private property rights. He noted that the process included consideration of 11 different alternatives; eight of which were evaluated with respect to the hillside. The Planning Commission, the Planning Staff and the general public strongly favored a clustered solution to the development. The favored plan entailed: 1) reducing the total density from 450 to 277 UEs; 2) moving the vast majority of that reduced density off the hillside with the exception of seven residential lots; and 3) clustering the majority of the 277 UEs on 11.5 acres of land in the sites known as the Creole Gulch and the Mid-station. Mr. Bennion emphasized that the idea of clustering as opposed to a spread out development was the City's idea and not the Sweeney's.

Mr. Bennion presented a slide showing an excerpt from the December 18, 1985 Planning Staff report as revised when the City Council approved the plan in October of 1986. He noted that the language refers to the eight alternative approaches that were evaluated for development on the hillside. Mr. Bennion read from the excerpt, "The Staff, Planning Commission and General Public have all favored the clustering of development as opposed to spreading it out".

Mr. Bennion stated that through the Sweeney Master Plan Park City extracted substantial concessions from the owners to further the City's desire to have less density and a clustered development. For example, of the 123 total acres on the hillside, the owners consented to have 109 acres dedicated to open space for public use. Of the remaining 14 acres, an additional 11 acres were ultimately dedicated to open space under the MPD for a total of 120 acres of hillside open space. Mr. Bennion pointed out that over 40 of those acres were deeded outright from the Sweeney's to the City. Under the approved Sweeney Master Plan, 97% of the hillside is bona fide open space for public use. He noted that even within the 11.5 acre portion where the remaining reduced density was to be clustered, 70% of that 11.5 acres is dedicated to open space, and the CUP application meets that requirement.

Mr. Bennion stated that in addition to committing most of the physical property to open space, the owners gave up 173 unit equivalents of density for open space, which reduced the total UEs pre-MPD from 450 to 277. Of those 277 UEs, 216 were reserved for the 11.5 acre portion of the project in Creole Gulch and Mid-station. Mr. Bennion pointed out that the owners of the property gave up the right to build approximately 125 houses on the

hillside in exchange for the right to a clustered development on 11.5 acres at Creole Gulch and Mid-station with 219 UEs.

Mr. Bennion stated that other concessions that the City required of the owners under the MPD included the construction of over four miles of trails for the benefit of the public at no cost to the City or its residents. He noted that the Sweeney's, who are pioneers in the development of trails in Park City, built those trails 25 years ago after the MPD was approved. The public has had the benefit of those trails for over two decades. Mr. Bennion remarked that the City also required construction of a turnaround at the end of Upper Norfolk at no charge to the City or the residents, and required the grant of significant rights-of-way and utility easements for the benefit of Park City and its residents. He noted that one of those easements made possible the connection between Lowell Avenue and Empire, as opposed to have two dead-end streets. One of those easements provided the City with clear title to a portion of the Crescent Walkway. Mr. Bennion stated that those easements, and subsequently granted easements, again at no charge to the City and its citizens, also provide vital connection points for water pipelines that bring clean water to many residents in Park City.

Mr. Bennion stated that in exchange for the consideration that the owners gave to the City, the City agreed in the MPD to allow development of the hillside provided that the owners clustered the remaining reduced amount of density; 170 residential UEs and 19 commercial UEs on 11.5 acres. He reiterated that the Sweeney Master Plan was approved by the Planning Commission on December 18th, 1985 and by the City Council on October 16th, 1986. Mr. Bennion emphasized that this approval means that the owners have legal, vested, enforceable property rights under the Sweeney Master Plan.

Mr. Bennion stated that on November 12th, 1992, Jim Carter, the City Attorney at the time, explained the binding nature of the master plan approval. Mr. Bennion read an excerpt written by Mr. Carter, "MPDs under the City's Land Management Code are creatures of mixed parentage, being half the exercise of the City's regulatory authority, and half a contractual arrangement between the City and the applicant." Mr. Bennion noted that in 2009, Park City's outside Counsel, Jody Burnett, rendered his opinion that the owners have continuing vested rights, which are valid, and that as of 2009 the owners had already performed many of the obligations under the MPD. He read an excerpt written by Mr. Burnett, "Based on my independent review of the City's records and relevant legal authorities, for the reasons more fully set forth below, I conclude that the Sweeney Master Planned Development has continuing vested right which are valid, and therefore, advise you to continue processing the pending application for a conditional use permit under the development parameters and conditions established as part of the original Sweeney MPD approval and the conditional use permit review criteria set forth in the Park City Municipal Code". Mr. Bennion stated that Mr. Burnett went on to explain, "Although I view this

primarily as a vested rights issue, my conclusion is further supported by the partial performance on the part of the Sweeney's of what might be characterized as quasi-contractual elements of the original MPD approval in the form of the rezoning of a substantial portion of the Hillside area to recreation open space, the imposition of deed restrictions for the purpose of long term preservation of open space, the granting of easements, the dedication and construction of trails, etc. Such activities might also be characterized as establishing the elements of an equitable estoppel theory based on the notion that the applicant has substantially changed their position in good faith reliance on affirmative action by the City in the form of the original MPD approval". Mr. Bennion clarified that the City induced the owners to give Park City millions of dollars worth of property rights in exchange for the rights that the City gave the owners under the Sweeney Master Plan. He noted that the City did not take the Sweeney Master Plan lightly and it undertook the process with careful diligence and exhaustive analysis.

Mr. Bennion reiterated that the fundamental element of the MPD, which is the clustering of the reduced density of the hillside into 11.5 acres at Mid-station and Creole Gulch was the City's brain child. When the Planning Commission and the City Council approved the MPD, they did so with the Staff's express finding that the Treasure project could be achieved under the LMC in effect.

Mr. Bennion stated that in the December 1985 Staff report which was revised in 1986 for the City Council, the Staff made the following finding: "The site planning standards are 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. Mr. Bennion remarked that under the master plan, each parcel that the City agreed the owners could development were subject to a conditional use permit application. To meet that requirement the applicant submitted the current CUP that was under review this evening. Mr. Bennion noted that the current application was the subject of pre-application conferences, including a fire protection plan that was approved on January 9, 2004. The formal CUP application was filed on January 26th, 2004, and the first public hearing occurred three months later in April of the same year. Since that time there have been periods of intense public activity and periods of behind the scenes activity while the applicant performed additional work at the request of the City, and/or while the City and the owner evaluated various alternatives to development of the Treasure project at the City's request.

Mr. Bennion stated that all of the time and money spent by the applicant in refining the application and exploring various alternatives have brought them to where they are this evening. He pointed out that multiple alternatives have been explored and various ways of looking at this project have been evaluated by the owners and the City. The current CUP is the best plan for proceeding to achieve the development consistent with the approved

Master Plan. For that reason the applicant would like to present the details at future meetings, discuss it with the Planning Commission, and answer their questions.

Mr. Bennion remarked that the condition of the Master Plan approval was that the applicant comply with the MPD and Park City's adopted Codes and Ordinances with respect to site development pursuant to the CUP process. He noted that the standard of review applicable to a CUP application is set forth in Utah Code 10-9a-507, which reads, "A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use". Mr. Bennion stated that their goal over the next several meeting is to demonstrate to the Planning Commission that every condition applicable to the CUP application is satisfied, that the application avoids or reasonably mitigates any adverse impacts that the project may have on Park City and its residents. Mr. Bennion asked the Commissioners to keep in mind the Statutory Standard that he read. The applicant is required to mitigate, not eliminate, adverse impacts. He was confident that as the Planning Commission considers the details of the application and as the applicant answers their questions with respect to the substantive elements of the project that the Commissioners would reach the conclusion that the CUP application complies with the Master Plan and all applicable codes. He was also confident that given the development rights previously granted under the Sweeney Master Plan, the project as designed meets the compatibility goals of the Master Plan and will be a great addition to the economic strength of the City, and will facilitate better ski integration between the Resort and the City.

Mr. Bennion noted that the Staff and the owners have discussed a tentative plan for addressing the CUP criteria in an orderly sequenced manner over the next several months as outlined by Planner Astorga. Mr. Bennion hoped the Planning Commission would follow the proposed schedule as much as possible to avoid rehashing the same issues in different meetings.

In conclusion, Mr. Bennion reiterated that the owners have legally vested property rights and they gave up millions of dollars of property in exchange for the promises that the city made in the MPD, that they could build this project on the 11.5 acres and cluster the reduced amount of density from the hillside into those, into that particular site. Mr. Bennion stated that the owners were asking the Planning Commission to honor that agreement. They understood that this current Planning Commission did not create the MPD in 1985 and that the winds have changed and politics circumstances have made the times different. However, a deal is a deal and the Sweeney's and the other owners of the property have met their part of the deal. They ask that the Planning Commission honor the deal that the City made when the Master Plan was approved. He asked them to keep in mind that if the City chooses not to honor that deal there will be consequences to all parties involved. Mr. Bennion asked them to remember that when the City became the beneficiary

of all the concessions that the owners gave in connection with the Master Plan, the City stated unequivocally in the Finding from the Planners that practical solutions could be reasonably achieved and found so the CUP application could be granted.

Mr. Bennion believed that the best solution for Treasure Hill is to allow the project to go forward as envisioned in the CUP application, and they looked forward to working with the Planning Commission over the next several months.

Planner Astorga reported that the Planning Department received four written public comments as of 5:00 p.m. on Thursday, June 2nd. Since then they had received another ten or more email comments. Since this item would be continued, the Staff decided not to send the comments to the Planning Commission; however, they would all be placed in the next Staff report. Planner Astorga stated that the Planning Department would create a folder for all of the public comments and put it on the City website @parkcity.org. The Commissioners could access those comments at any time and the Staff would not have to include them in every packet.

Chair Strachan opened the public hearing.

Frank Janger, a local resident, stated that during the presentation it was mentioned that seven units would not be clustered. He wanted to know the acreage involved for those seven units. Secondly, Mr. Janger understood that the problem was not so much with the actual units but rather the traffic that would result from the additional units. Lastly, Mr. Janger wanted to know the projected selling price of the units.

Brian Van Hecke stated that he was with THINK, Treasure Hill Impact Neighborhood Coalition, which consists of 500 members who are concerned about the future of Treasure Hill. Mr. Van Hecke commented on the time span since this project came before the Planning Commission and the fact that many of the Commissioners were new. He pointed out that they were starting again with the exact same Treasure Hill proposal that was previously presented to the Planning Commission. It is the same basic monstrosity that had some many issues and seemed destined for denial. Mr. Van Hecke was disappointed to be back here under these circumstances after previous meetings were halted. He noted that the City agreed to stop the ongoing Planning Commission process in 2009 when those meetings and the Sweeney CUP seemed to be going nowhere. The City agreed to negotiate in good faith essentially rendering the City Council powerless in any future reviews of this proposed development. However, the citizens had faith that the Sweeney's and the City would do the right thing and find a compromise in the best interest of the owners, the City, and the citizens of Park City. Mr. Van thought it was clear that the Sweeney's have no interest to do what is best for the City, and their sole focus is about the development of Treasure Hill and the overall return on investment. Mr. Van Hecke stated

that their initial concerns were validated when the Sweeney's asked for nearly \$100 million dollars in the total buyout. That amount was well above any reasonable appraisal at that time. Mr. Van Hecke remarked that the Sweeney's have not presented a reasonable recent proposal and certainly do not have Park City's best interest in mind. The applicant and their outside investors have returned with the exact same proposal. There have been no changes, no compromises, and it appears they paid no attention to the issues that were raised during the previous Planning Commission meetings. Mr. Van Hecke stated that their proposal did not work then and it certainly does not work now. He believed the Sweeney's were holding the City hostage based on an agreement that was done in the mid-1980s. He pointed out that much has changed since then and he believed the City Council and the Planning Commission probably had something like the Yarrow in mind when they issued their ruling in the mid-1980s. He was certain they never envisioned anything close to the 1.2 million monstrosity being presented today. Mr. Van Hecke stated that the back of house space calculations allocated for a conference center, retail spaces, restaurants, etc., were likely never envisioned as part of the original agreement and should not be allowed. He believed there were many significant issues with this project per the 15 CUP criteria. The ones that were discussed last time were documented and need to be revisited. Major issues such as traffic, safety, massing, density and the overall fit within the Historic District were never fully resolved. Mr. Van Hecke stated that the first issue is size and scale. He questioned how this project could ever meet the strict Historic District Codes and the compatibility guidelines of the LMC and the General Plan. Environmental issues were never discussed and definitely need to be discussed this time. He thought a soil and EPA study needs to be commissioned to fully evaluate the toxic materials and potential water issues. Mr. Van Hecke stated that they should not rush the process because it is important to make sure they get all the facts and conduct all of the necessary studies. He thought a new traffic study should also be commissioned because many things have changed since the last study and Park City continues to grow. He suggested that the traffic study should also factor in any future development that might be proposed at the base of Park City. Mr. Van Hecke noted that road safety was another issue that needs to be addressed in conjunction with this project.

Mr. Van Hecke stated that the Sweeney's may have property rights, but the citizens of Park City also have rights. If approved, the proposed Treasure Hill Development would significantly change Park City forever and have a detrimental impact on the quality of life and the historical integrity of their town. He asked the Planning Commission to closely look at the pictures that show this development and the massing scarring in the hillside. Mr. Van Hecke remarked that the Planning Commission has the power to do the right thing. In the interest of the long-term vision of Park City, he hopes they will protect their rights and the historical integrity of Park City. Mr. Van Hecke stated that the goal of THINK is to protect and preserve what makes Park City a truly great place and a special place to live. If this project is approved, Park City will no longer be that historic place that they all love.

Treasure Hill will likely ruin Park City and the fabric that is Old Town. He asked that the City not let this proposed monstrosity be their legacy. The legacy should be that they did the right thing by finding a way to protect and preserve Treasure Hill from development forever.

Owen Weinman stated that the proposed Treasure Hill project did not comply with the Land Management Code criteria for many reasons; primarily size and location. He noted that the Planning Commission's 1985 SPMP approval consisted of 277 unit equivalents, including 258 residential and 19 unit equivalents worth of support commercial space on 123.59 acres. Mr. Weinman pointed out that the 277 unit equivalents equal just over 400,000 square feet. The current proposal is over 1 million square feet, which is a clear violation of the approval. This is in addition to the long list of harmful impacts that comes with this proposal because of its location on the mountainside in Historic Old Town, and they all violate the Land Management Code criteria. Mr. Weinman stated that his family has lived in Park City for over 25 years and they have been active members of the community. His parents were married in Park City and he and his brother were raised in Park City. Over the last 25 years they have fought for the things they believed would make the town better and fought against anything that would have a negative impact. Mr. Weinman stated that the Treasure Hill project as proposed is a monstrosity and something he was fighting against because it would forever irreparably change this unique and amazing community for the worst. Over the years the citizens have seen development spread around them like a disease and constantly assaulting the historic integrity of Park City and chipping away at their view sheds, natural surroundings and their quality of life. Mr. Weinman remarked that it is impossible to be so vigilant to attend every meeting and to speak out on every proposed development or application that comes to City Hall. However, they do have a duty as citizens to stay as informed and engaged as possible. They also have the duty to speak out and tell the City officials when they see something wrong. He stated that Treasure Hill as proposed is such a vast size, scope and potential destructive impact that this monstrosity demands the community's full attention and full opposition before it is too late. Mr. Weinman stated that he and many of his neighbors are very concerned about the Treasure Hill project as proposed. What was envisioned and approved in the 1986 Master Plan was not the project being proposed today. The cuts in the hillsides are grossly in excess of what anyone visualized would take place on this site. He noted that the MPD also contemplated stepping buildings in to the hillside. The average height was to be 40 feet or less. Some of the proposed buildings in the current application appear to be at least 100 feet tall. Grading, erosion control, and site disturbance are all referenced in the 1986 Master Plan. Mr. Weinman remarked that the sheer volume of material is staggering, much of which would dangerously rumble down Empire and Lowell Avenues.

Mr. Weinman also had concerns with the commercial development component of the project, which in the past was planned to be only for the residents of Treasure Hill development. He noted that the commercial and convention portion of this project has grown way behind what anyone had planned for. The project was not supposed to generate additional traffic on Empire and Lowell Avenues and increase commercial activity. He could not see how convention space and large amounts of commercial space located next to Empire and Lowell fulfill that aspect of the MPD. Mr. Weinman stated that the Sweeney family was bringing back the same proposal again. This is the third time they have come back to the City with the same proposal with no reductions or attempts to meet the original approval, which he believed was excessive to begin with. The applicants keep returning to City Hall always wanting more. He asked if the Sweeney's care enough about this community to come together and to work together to come up with a solution that is good for the future, and guarantees a Park City that retains its incredible and unique character and identity for its children and the future of this great community. Mr. Weinman pointed out the words used in the applicant's presentation such as "a deal is a deal", "there will be consequences". Mr. Weinman stated that his father was in the very first Leadership Park City class and they went to Lake Tahoe. Both of the State Legislators of California and Nevada worked together to protect and preserve the most precious thing that they shared which is the health, clarity and vitality of the waters of Lake Tahoe. When they left Lake Tahoe they all agreed that Historic Old Town was so precious, unique, and irreplaceable that it must be diligently cared for and protected. It was handed down to them and they need to make sure that this cherished legacy will be handed down to future generations. Mr. Weinman stated that he is one of those future generations and the Planning Commission has the power, the authority and the right to deny this application and they must.

Bill Humbert, a Park City resident, had a different perspective. He noted that the Sweeney family has rights to that land up there. He was not prepared to make judgments of what those right may end up being; however, they have made concessions to the City. Mr. Humbert referred to a previous comment about the winds of change and he believed it was an important fact to consider. He stated that times have changed since the agreement was made in the 1980s and times have even changed since 2004. The building were not built in any of those years and the applicant was asking for approval. Mr. Humbert believed that 1 million square feet was way too much. He hoped that the Sweeney family and the City would be able to come to some consensus as to what is the right amount. Mr. Humbert stated that since he moved to Park City in 2009 there was a very important meeting on Save Our Snow. He wanted to know what kind of impact a 1 million square feet under roof would have on the ambient temperature on the lower part of those mountains. He wanted to know about the carbon footprint and whether the buildings would be solar powered. He asked about the EPA impact. Mr. Humbert favored the idea of clustering. However, too much clustering takes over what was there before. Mr. Humbert thought the presentation

by the applicant was going well until he heard the words, “there’s going to be consequences”, and that bothered him. Everyone knows there will be consequences and they do not need to be reminded. He cautioned the applicant not make threats because it makes it difficult to build consensus with people. Mr. Humbert believed that eventually there would be some consensus and they would do what was right. He also thought Sweeney family wanted to do what was right and this was their opportunity to live up to the community’s expectations.

Scott Carr, a full-time resident, stated that he moved to Park City four years ago from Europe. He had been coming in and out of Park City for a long time before that. He understands its history and has an affection for the City and its heritage. Mr. Carr thought the previous speakers made excellent points, and he had his own comments and questions for the Planning Commission and the applicant. He understood that an agreement was made to develop that area. What is proposed today may not be the best solution, but there was an agreement and they all need to work together to achieve the right development for the applicant and the City so everyone benefits. He believed the project would be worse if people are unwilling to compromise or find solutions. Mr. Carr noted that it was mentioned during the presentation that several alternatives were looked at and he was curious to know what the alternatives were and why they were discounted. He also wanted to know who had reviewed the alternatives and who made the decision to discard them. Mr. Carr remarked that during the presentation the applicant had said that the current proposal was considered to be the best. He asked if it was considered to be the best by the applicant or because of the compromise that was made between the City and the applicant. He requested that the next presentation include those details; otherwise it is left to interpretation. Mr. Carr pointed out that during the presentation the applicant indicated that the clustering was requested by the City. He asked if the Sweeney family agreed at the time that clustering was the best solution, or whether they were pushed into something they preferred not to do. Mr. Carr noted that people talk about this being a monstrosity, but when everything is clustered together it forces buildings to go up and creates mass on the mountain. In his opinion, if the development was spread out and the buildings were lower and hidden more into the hillside, the project would look less obtrusive. Mr. Carr asked if there was a possible solution for less clustering and to spread the development out a little more. He remarked that it costs millions of dollars every time the applicant has to redesign something because the City wants it another way. He thought there needed to be some consideration from the public and the Planning Commission to give a clear path forward so the applicant could put together a proposal that meets the demands of the City without it being shifting sands. Mr. Carr thought it was unfair for the City to agree on something one day and then ask the applicant to invest more money to change it. Mr. Carr asked what the current Planning Commission and the applicant believed was the best solution for this project today.

John Plunkett, a 25 year resident of the Historic District, commented on the presentation given this evening. The point was made that the open space was a gift to the City. Mr. Plunkett agreed that while that may be true, it was also a necessary economic investment to create the ski resort that would give value to this development. He believed it was a self-serving gift and a key part of the real estate investment strategy. Mr. Plunkett referred to the comment that the master plan was approved 30 years ago and the applicant only wanted to build the master plan. He noted that the original master plan was about following the grade of that mountain and there were various heights above natural grade. The biggest change from 30 years ago to now is cutting the mountain open 100 feet down to create a very large flat building pad for a Miami Beach style hotel development. Mr. Plunkett pointed out that if they come down 100 feet or more down the mountain they are able to build up 75 feet below natural grade and then another 30 feet above natural grade, creating absurd 10 story buildings. It was a way to get around the natural grade requirement and he hoped the Planning Commission would not support it. Mr. Plunkett referred to the four review principles outlined in the Staff report to look at the history, the site, the buildings and the operations of this project. Mr. Plunkett proposed a fifth review principle, which was to look at this project through the lens of Park City's General Plan. He referred to an excerpt from the Introduction of the General Plan. The General Plan is the guiding document for Park City. It is the blueprint for the future of the City. The Park City General Plan is composed of four sections: Small town, Sense of Community, Natural Setting, Historic Character. The Introduction concludes with language, "If we build according to the plan the town of today will be recognizable to those who live and visit here in 25 years. They will say that Parkites of 2013 held their ground and protected their local historic heritage and architectural resources in a manner that is still relevant to the future. Park City will be a town with resorts and not just a resort town." Mr. Plunkett concluded with language from the second volume of the General Plan, which was divided into the various neighborhoods of town. Old Town is neighborhood six. He read from 6.1 in the General Plan, "Infill and new additions should be compatible in the neighborhood context and subordinate to existing historic structures. New development must fit within the historic context while meeting the needs of the residents. The City must define the basic framework of our neighbors, looking to historic development to determine the traditional configuration of blocks and streets, building orientation and siding, mass and scale". Mr. Plunkett read from 6.2 - Old Town. "To maintain local, state and national historic district designations the City must prevent incompatible infill. The roads through Old Town tend to be very narrow and should be maintained as such. That is part of the character of this district. The impact of cars should be reduced in this district."

Bart Bodell, a resident on Norfolk Avenue, wanted to go on record to ditto the comments that have been made. He stated that living on Norfolk and having to endure all of the surrounding construction it is impossible to get around. He could not imagine the construction impacts that would be created by this development. Mr. Bodell stated that he

was interested in seeing how the Planning Commission plans to address that issue to maintain safety on the streets where he rides his bike and the neighborhood kids and pets run around. Mr. Bodel warned the Planning Commission that the citizens would keep coming to these meetings, and as the process evolves he anticipated that they would see more and more people attend. Mr. Bodel found it ironic that he is not allowed to extend his deck five feet but the City would allow this development to occur.

Lisa Wilson asked if back of house is a vested right. She understood that the Sweeney family has a vested right for approximately 400,000 square feet, but she wanted to know if the 600,000 square feet for back of house was a vested right. Ms. Wilson asked the Staff to address that question in the next Staff report.

Dana Williams, the former Mayor of Park City stated that he was involved in this project for a very long time. He was pleased that Commissioner Strachan was still on the Planning Commission because he was the only Commissioner who was here for most of the previous discussions and his institutional memory will be helpful. Mr. Williams stated that when the City entered into discussions with the applicant and pulled the project from the Planning Commission, they entered into the negotiations with all good faith and always assumed they could come to terms. He clarified that the City did not want to see the developer walk away from the process again, and they definitely did not want to see Treasure Hill come back to the Planning Commission in front of new Commissioners to repeat the process. Mr. Williams stated that they entered negotiations very confident that they would be able to work out a deal. Unfortunately, that was not the result. Mr. Williams remarked that one of the things that he and others regretted in their tenure in service was that they did not get the project finished. He pointed out that one reason for trying to come to some agreement with the developer was to avoid having to get attorneys involved. He believed as time goes on the Planning Commission would learn more about the process that occurred between the City Council and the developer.

Mr. Williams did not disagree with the applicant's presentation; except that the vesting was the UEs and it only applies to the 400,000 square feet. He thought it would be incumbent upon the Planning Commission to review the LMC from 1985 when the MPD was approved. He agreed that there were gray areas, but if it does not give the right answers as to the size and scope envisioned by the people who made the agreement, they could look around at what was developed around 1985. One project was the Yarrow where the back of house square footage was ancillary and it was not the predominant feature. As evident with the Montage and the St. Regis, back of house has become a large part of these projects. Mr. Williams did not believe that was intended when this master plan was approved in 1985.

Mr. Williams stated that the LMC also talks about reasonable conditions of approval. He believed the Planning Commission was one meeting away from realizing that there were not reasonable conditions of approval when the City Council stepped in and began negotiations with the applicant. Mr. Williams thought they could agree that the vesting rights are there and could not be argued. However, they could discuss placement and the back of house square footage associated with this project. He thought it was time to get creative and to look at available options. Mr. Williams stated that in reviewing this project again, he noticed that there was no mention of environmental reports. There are piles that need to be tested and a mitigation plan could potentially be another conditional use permit.

Mr. Williams stated that during his tenure, anytime someone issued a threat all conversations stopped and he would suggest that they go see the City Attorney. He remarked that opening the dialogue this evening with a veiled threat and a quoted threat in the newspaper this morning was very disingenuous and he was quite upset by it. Mr. Williams believed there was a lot to look at and consider over the next year, but he also believed there was a solution that is based on trying to determine what was intended when this project was originally approved.

Alex Stoy, a Park City resident, thanked the Planning Commission for their services. He stated that he is a landscaper and he has to work in Old Town. It is a process and he feels the pain of developer. He thanked the Sweeney's for the open space and the money they donate to the Park City community. Mr. Stoy dittoed all the comments from other speakers. He was they could reach an agreement and something appeasing, functional and something that benefits why they all live in Park City. He found it disconcerting that out of a community of 7,000 people only 100 people came this evening. He hoped they could get more people involved and to express how they feel about this community.

Ed Parigien, an Old Town resident, stated that he could not cite chapter and verse about the LMC and the General Plan, but he understood capitalism. What he sees is treating all of the locals like dollar bills. The locals would not be using Treasure Hill and it would only be for visitors. Mr. Parigien remarked that the Planning Commission has the power to stop this development and to keep from ruining the land. He remarked that these people are not locals and they do not care about the locals who live there. He urged the Planning Commission to do everything within their power to stop this monstrosity.

Gary Knudson stated that he moved to Park City in 1961 and he lives on Empire and Manor Way where Empire comes down. He noted that people cannot drive through the resort parking lot during the ski season and everything comes down and converges where he lives. Mr. Knudson asked if it was possible to widen the road or to find other routes besides Lowell and Empire. Since the Resort would benefit the most from this development and he suggested that the Resort give up some land for a road or another

route. Mr. Knudson believed there were alternatives for taking the impact off Lowell and Empire. He was unsure how the businesses would be affected, but it was clear that the residents on Lowell and Empire would definitely be affected the most. Mr. Knudsen hoped they could find a plan that is beneficial to both parties. He was not interested in seeing a fight because in that case nobody wins.

Jim Tedford stated that he initially arrived in Park City in 1963. He lived in Park City for 13 years and has been in and out since then. Six years ago they decided to make Park City their home. Mr. Tedford remarked that for the last four years he has been involved with a group called Preserve Historic Main. For four years they fought to get an appropriate building added to the Kimball Arts Center. They saw several renditions over the years, all of which did not fit on Main Street. Yesterday he attended a meeting where the latest developer presented a plan that represented real compromise. It has come a long ways in four years and after a number of developers. Mr. Tedford believed this shows what can be done if a developer really cares about Park City, and that they can come up with a plan that is feasible to build. He encouraged the developers of the Treasure Hill parcel to come up with a project that really fits in Historic Park City, because the current proposal does not fit. Mr. Tedford thought the previous speakers made good comments and he ditto's all of them. He encouraged everyone to work together because it can be done. The plan he saw for the Kimball corner has come a long and it looks very good.

Chair Strachan closed the public hearing.

Chair Strachan noted that this would be a long process before the Planning Commission would be ready to vote for an approval or denial. He appreciated the comments and he urged the public in the future to watch the agendas for specific issues that would be discussed at that particular meeting. Public comments should be tailored to those agenda items. Chair Strachan stated that it is not helpful to the Planning Commission when a group of people express dislike for a project and ask for denial without giving evidentiary or Code based reasons. As the process moves forward he encouraged everyone to stay involved and to continue to attend meetings because the Commissioners look to their input for guidance and evidence.

Chair Strachan stated that a primary issue is the schedule and agenda items for each meeting. He asked Planner Astorga to point out any differences between the applicant's schedule and what the Staff has proposed.

Planner Astorga referred to the scheduled on pages 83 and 84 of the Staff report and asked the Planning Commission for their thoughts. He noted that the Staff chose to discuss specific items for each meeting in the proposed order because many of the sections and mitigators of the conditional use permit are related. Planner Astorga stated

that for purposes of this meeting the Staff left the order as listed in the conditional use permit. He was not concerned about the grouping because it would come naturally. For example they will have to look at traffic, circulation and parking at the same time. Planner Astorga asked if there was consensus from the Planning Commission regarding the proposed grouping. He noted that the time frames were anticipated and some items may take longer than expected and other items might take less time.

Planner Astorga noted that the applicant had presented their own list of items in a different order than the Staff list. The Staff had looked at their approach and did not find any major issues with the order. This is a complex application it is important to be organized.

Chair Strachan was comfortable with the groupings; however, he thought the number of meetings allotted to each of the groups was ambitious and it was not enough. Having been through this process before, he was certain that the new Commissioners would need the additional meetings. Chair Strachan wanted it clear that the applicant should not expect the Planning Commission to get there that quickly. The applicant could have the expectation that they would eventual get there, but they need all the information and all the evidence in order to make an informed decision. Chair Strachan did not want it construed as a promise that there will be eight meetings and then a decision. The Planning Commission will go through the process slowly and methodically and if there is consensus among the Commissioners for more meetings they will have them.

Commissioner Joyce agreed that it would take longer than eight meetings. Looking through the history there is an incredible amount of consideration about where things go, how things flow and the amount of traffic. Commissioner Joyce stated that if they determine that the traffic study needs to be updated to reflect the changes that have occurred, it would take considerable time to do a new traffic study and include peak days and times. Commissioner Joyce commented on the issues regarding back of house and the use of the commercial space. He was unsure whether they could have the other discussions without resolving those issues first, as well as trying to figure out the total size of the project.

Commissioner Thimm agreed that the number of meetings proposed was too aggressive. Based on the comments this evening and the events that have taken place since the 1980's to present day, the Planning Commission would not take this lightly. He believed it was important to give it their attention and consideration. Commissioner Thimm appreciated the organized format but he thought some of the discussions would be organic. Building massing and height will necessitate looking at the site plan and the site organization. He also anticipated reaching back to understand the impacts. However, at the same time they need to be responsive to the applicant and provide good input. Commissioner Thimm thought the organized format generally looked good. He agreed

with Commissioner Joyce that some groundwork may need to be laid with regard to the traffic analysis. He also suggested a parking analysis. He noted that in terms of parking less is more because it tends to reduce congestion. Commissioner Thimm would like to address that issue early in the process. He remarked that a million square feet is a lot of area and they need to understand the UEs, what they mean, and how it relates to back of house. He thought it was important to have that discussion very early.

Director Erickson pointed out that the UE discussion was one of the first items on the list under site, bulk, mass, scale. Chair Strachan clarified that it was what the Staff considered size and scale of the location of the site. Director Erickson stated that the Staff would lay out the issues and make a recommendation. He believed the logic was to deal with the external factors first and the building factors. The total number of UEs is the basis for determining the external factors of traffic, transportation, parking, size, scale and mass. He reiterated that UEs and back of house would be the first discussion. Chair Strachan clarified that the question was the total square footage rather than the number of UEs. Director Erickson explained that the groupings were structured to be completely in alignment with the LMC criteria, but not necessarily what they would be reviewing under the criteria. He stated that back of house was also a big issue for the Staff and that would be the first item when dealing with the total square footage.

Commissioner Suesser agreed with the other Commissioners and she had nothing further to add with respect to scheduling.

Commissioner Phillips agreed with the Commissioners comments. He asked if there were no affordable housing requirements at the time of the MPD. Planner Astorga noted that it was listed under employee housing in section three of the schedule. Commissioner Phillips was comfortable with the schedule but he agreed that it would probably require more than eight meetings.

Commissioner Band was curious why the Staff proposed 3 anticipated meetings for each section of discussion items. Director Erickson stated that the intent was to lay out the issues and the number of meetings they believed it would take to get through the discussion. It would also give the public the opportunity to manage their expectations by looking at the agenda. Commissioner Band stated that in looking at the history of the project it appears that traffic, UEs, back of house, bulk and the topography were the major issues for the previous Planning Commissions. Given the amount of public comment this evening, she thought they could expect a lengthy process.

Commissioner Campbell agreed with all the comments. He would like the Staff to provide as much background as possible. He pointed out that the Treasure website had a better way to navigate and find minutes of the previous meetings. Commissioner Campbell would

like to have as much summary as possible to help them understand what they were thinking in 1985 and any work product that is discoverable. Commissioner Campbell proposed to take the applicants at their word when they say a deal is a deal, but he would like to know exactly what the deal was and then move forward from there.

Commissioner Band stated that the term “comprehensive plan” is noted several times in the Staff report. She understood that was the previous term for the General Plan in the 1980s and she would like to see a copy of that comprehensive plan from when the MPD was approved.

Planner Astorga clarified that the conditional use permit was filed in 2004. Therefore, the General Plan that applies is the General Plan that was adopted in 1999, and not the recent General Plan. He explained that Commissioner Band was referring to the comprehensive plan that applied to the Master Planned Development. Commissioner Band stated that since they were going back to the history and trying to understand the original intent of the MPD, she believed the comprehensive plan would be very helpful. Planner Astorga thought that would be possible to look at the comprehensive plan as long as it was understood that they were not contesting the original MPD and they were only reviewing the CUP. Chair Strachan assumed the Planning Commission would ask the Staff to add various items of information to the website throughout the process and he preferred to have that information digitally available.

Director Erickson stated that for the next meeting they will have information from the Legal Department in terms of what new information could be requested under the terms of the Conditional Use Permit process. Because of the dates of the approval and the way the master plan is configured, he and Assistant City Attorney McLean would have that conversation and come back with a recommendation.

Planner Astorga stated that on July 13, 2016 the Staff would prepare a Staff report to discuss size and scale of the location of the site and the total square footage; and the Staff would provide a recommendation.

Commissioner Thimm stated that he would be out of town on July 13th.

MOTION: Commissioner Joyce moved to CONTINUE the public hearing and discussion for the Treasure Hill Conditional Use Permit to July 13, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Planning Commission Meeting
June 8, 2016
Page 22

The Park City Planning Commission Meeting adjourned at 7:25 p.m.

Approved by Planning Commission: _____