

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
SANTY AUDITORIUM
PARK CITY LIBRARY
OCTOBER, 12, 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; Jody Burnett, Outside Counsel

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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

September 28, 2016

Commissioner Joyce referred to page 4, the second item under Continuations, a changed “The appellant had request” to correctly read, “The appellant had **requested**”.

Commissioner Joyce referred to page 5, and noted that it was Chair Strachan who opened and closed the public hearing, and not Vice-Chair Joyce as reflected in the Minutes.

Commissioner Joyce referred to page 6, the paragraph beginning with Commissioner Phillips, and added the inserted the word **know** to correctly read, “Commissioner Phillips wanted to **know** what was left to do on the Comstock Mine.”

Commissioner Joyce referred to page 11, third paragraph, second sentence, and changes between1 and 1 to correctly read, **between 1 and 2**.

Commissioner Joyce referred to page 12, fourth paragraph, line 6, and changed off-site to correctly read **on-site**.

Commissioner Joyce referred to page 16, second paragraph from the bottom, and changed “View the came on TV” to correctly read, “View the **game** on TV”.

Commissioner Band noted that the Chateaux at Deer Valley is spelled C-h-a-t-e-a-u-x

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 28, 2016 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Band abstained since she was absent from the September 28th meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that due to the Thanksgiving holiday, the Planning Commission would hold their second meeting in November on November 30th at the Marsac Building. It would be a work session to discuss LMC Amendments regarding transportation and energy.

The next meeting on the Treasure Hill project would be November 9th. It would be a work session format to discuss the project and to work with Sketch-up. Public input would be taken.

Chair Strachan asked if the work session would be held at the Santy Auditorium or at their regular location in Council Chambers at City Hall. Mr. Erickson addressed the pros and cons of both locations. The Commissioners agreed that the visual equipment in Council Chambers was better for both the public and the Planning Commission and they would prefer that location if possible. Director Erickson agreed.

Chair Strachan assumed that public turnout would be higher for Treasure Hill meetings when they start discussing traffic and other major issues. At that point the meetings may move back to the Santy Auditorium.

Director Erickson clarified that the work session on Treasure Hill would be held at the Marsac Building on November 9th.

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

1. 8680 Empire Club Drive – A Conditional Use Permit for a 1,094 sf. Addition to the Talisker Tower Club restaurant and expansion of the basement locker room
(Application PL-16-03177)

Planner Astorga stated that Kirsten Whetstone was the project planner and she requested that the Planning Commission continue this item to November 9th.

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

MOTION: Commissioner Phillips moved to CONTINUE the CUP for 8680 Empire Club Drive to November 9, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station Sites – Sweeney Properties Master Plan. (Application PL-08-00370)

Planner Francisco Astorga noted that the applicant had provided additional information in addition to the packet that was provided at the site visit last month. Copies were provided for the public on the table in the hall.

Planner Astorga reported that the Staff report focused on Criteria 8, 11 and 15 related to mass, scale, volume and excavation. Regarding building mass bulk and scale, he believed the items were related and should not be discussed separately.

Planner Astorga referred to page 90 of the Staff report, which were the visualization sheets from various viewpoints that were previously submitted by the applicant. It was identified as Exhibit Y. He commented on a number of the exhibits that were important enough to be included in the Staff report rather than as a hyperlink. The second set, identified as Exhibit Z, were the S Exhibits, which were the cross sections sheets previously submitted by the applicant. Since they were discussing the excavation, mass and scale, Planner Astorga thought it was appropriate to provide that information in the Staff report.

Planner Astorga remarked that Exhibit AA on page 106 of the Staff report was not part of the submitted application. It was found on the applicant's website. It was a computer rendering produced by the applicant. Using their rendering he added a label identifying each building such as 5C, etc. He also added measurements that were taken directly from the building elevations as submitted on the application. Planner Astorga believed that was appropriate because it is difficult to look at one façade and one elevation at a time and try to understand what is there. However, he recognized that it may not be complete and he could add additional measurements if necessary.

Planner Astorga noted that the Staff report indicates the issues that the Planning Commission addressed at a meeting on September 23, 2009. He believed the Planning Commission held a follow-up meeting, which was a simple iteration of the September 23rd, 2009 Staff report. Those were the last two meetings and public hearings regarding this Conditional Use Permit. At that time the same issues were addressed that are currently being addressed in Criteria 8, 11 and 15.

Planner Astorga reported that the Staff will continue to agree with the comments made by the Planning Department in 2009 regarding the specific buildings that the Staff found were not in compliance in terms of mass, scale, and design. He noted that it was a result of the massive excavation that is currently being proposed.

Planner Astorga did not believe the issues listed under Criteria 8, 11 and 15 in the Staff report was a complete list. For example, there are other items regarding the excavation, Criteria 15, that could be added for that specific mitigation. That still needs to be addressed and the Staff is working with the applicant. He noted that the Planning Commission was currently charged with the ability to determine whether or not a proposal complies with the mitigation of the CUP criteria.

Commissioner Band asked when the Spiro Drinking Source Water Protection Zone was created. Planner Astorga did not have that information available, and offered to provide it for the next meeting.

Stephen Perkins, stated that he is a Land Planner and Landscape Architect with MPE, Inc. in connection with the application for a conditional use permit for Treasure Hill. Mr. Perkins stated that he has appeared before the Planning Commission on many occasions during earlier hearings. He stated that as in past meetings, the key members of the MPE team were present this evening and were available to answer questions throughout the evening.

Mr. Perkins stated that his presentation this evening would touch on many aspects of the CUP Criteria 8, 11 and 15. The presentation would be from his perspective as a land planner and he hoped to provide some insight into the thinking that went into the development of the plans and is part of the CUP application.

Mr. Perkins stated that in his presentation he would not be using the computer graphic Sketch-up that was described in the Staff report. However, he would present a preview of the Sketch-up slides in anticipation of the work session on November 9th. Mr. Perkins stated that in addition to his presentation, the applicant had prepared a position statement in response to issues that were raised in previous Staff reports.

Mr. Perkins intended to speak about his experience with the Treasure Hill project planning, describe the planning and development challenges they faced in creating the Treasure Hill plan, provide a planning perspective on the Woodruff drawings, explain their design approach, briefly discuss excavation and cliffscapes, and offer a preliminary review of the Sketch-up massing model.

Mr. Perkins stated that from the early 1980s to the 1990s he was working as a Senior Associate with a firm and he had the opportunity to work on number mixed-use mountain resort projects throughout North America. In the mid-1990s they were hired by a partnership headed by Harry Reed and the Sweeney Family to create a town lift mater plan for several parcels on lower Main Street, currently known as the Marriott Summit Watch, the Town Lift Base and the Caledonian.

Mr. Perkins stated that the two Sweeney Family properties, the Coalition East and West parcels were part of the 1986 MPD. In conjunction with the Sweeney's and other project members, they proposed a major change to the approved MPD, which resulted in the extension of skiing to Main Street. He noted that many current residents may not have been in Park City at that time, but the Creole Run terminated at the Mid-Station parcel above lower and Norfolk Avenue where there was a loading platform. Skiers who wanted to get back to Main Street took off their skis and walked down in ski boots. Mr. Perkins remarked that in order to allow the extension of ski runs to the town lift base, the Sweeney's and the PCMR removed existing houses, and the Sweeney's significantly reduced their approved density on the west side of the Park Avenue Coalition West Parcel in MPD. With the City's cooperation, Woodside Avenue between 7th and 8th Street was re-routed, and prior to the 2002 Olympics, PCMR purchased the Coalition West Property and with the financial assistance of the Coalition of nearby property owners that included the Sweeney's, allowed the Town Bridge across Park Avenue and all the associated improvements necessary to allow ski access.

From a Planning perspective, Mr. Perkins believed it was a big deal to connect the mountain directly to Main Street because it would benefit Main Street businesses and Park City residents. It should have been an easy approval; but proposed changes are very controversial. During the many Planning Commission hearings for the Town Lift Master Plan, opponents claimed that this change would ruin the character of the Historic District, snarl traffic, encourage crime, and endanger public safety.

Mr. Perkin noted that the project was ultimately approved. The Mountain and Main Street are connected and the Town Bridge has become a landmark in the Historic District. He believed that Park City and the Historic District, in particular, were made better by this change to the MPD.

Mr. Perkins felt this narrative was important because it sets the stage for understanding the planning process for Treasure Hill. He began working with the Sweeney's in the late 1990s on a plan for the Mid-Station and Creole sites. Mr. Perkins reiterated that he spent most of his career working on mixed-use mountain resort projects, and most of them had similar characteristics. These include warm beds in the form of hotel rooms and condominiums intended for short-term rental, maximizing ski in/ski out opportunities for guests, providing a pedestrian orientation where guests could arrive by car or other vehicular transportation, and be able to ski, shop, dine, recreate, etc., without the need of a car. Mr. Perkins stated that these projects also have a broad range of on-site guest amenities.

Mr. Perkins stated that the Sweeney's heard this as they were looking to develop a top quality hotel/condo/resort base type project with characteristics similar to the ones mentioned above.

Mr. Perkins remarked that the 1986 MPD approval also anticipated this type of project. He noted that page 12 of the revised MPD Staff report states, "The predominant land uses envisioned at the time are transient oriented residential development with some limited support commercial. Building forms and massing, as well as the location, lend themselves to hotel type development. Although future developers of the project within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these will likely be geared toward the visitor looking for more of a destination type accommodation. The property involved in the Master Plan is directly connected to the Park Ski Area as such, and provides ski to/ski from access".

Mr. Perkins stated that many at recent Planning Commission hearings have been questioning the original approval of the 1986 MPD. However, in his opinion as a land planner, it represents a very sound approach for the community because the MPD greatly reduced the original overall permitted density. It stopped the proliferation of single family homes, roads, bridge and utilities, and other structures that could likely be built in areas above and beyond. Mr. Perkin noted that the remaining density was clustered into an area that was within walking distance of the Historic District. It supported the concept of creating nightly rental accommodations. It minimized the extension and cost of public roads and other infrastructure, snow removal and public services. It created opportunities for ski in/ski out residential units. It preserved over 100 acres of valuable open space. Mr. Perkins stated that in his mind that is good planning whether the year is 1986 or 2016.

Mr. Perkins stated that land planners play the role of the problem solver. They look at the site and identify the opportunities and constraints. They understand and analyze the project zone, approvals and Codes. They work with the client to craft a vision of what is desired within those parameters, and then working with a team of other consultants to create a comprehensive plan that satisfies all those criteria in a creative and workable

manner that reasonably mitigates the impacts to the community. Mr. Perkins admitted that in all his planning experience the Treasure project has been one of the most complex and challenging projects he has worked on. Based on ongoing reviews of the Treasure project over many years he was certain that the Planning Staff, the Planning Commission and the public were well aware of those complexities.

Mr. Perkins presented a list of planning issues, and acknowledged that it was not a complete list. However, it highlights what he believes are important challenges to the planning of the Treasure project. Mr. Perkins stated that MPD established a single point of vehicular access from Lowell to Empire Avenue. All vehicles, including shuttles, taxis, service vehicles, emergency, etc., are required to access the project at this point. This was a condition of the MPD approval. He pointed out that no secondary access point was identified or approved.

Mr. Perkins commented on the steep slopes generally ranging from 20 to 50%. He stated that one has only to look at the grading and excavation that takes place in Park City for the construction of just one single-family home on a similar sloped site to realize that the significant project of Treasure will require a large amount of site disturbance, grading and excavation. Mr. Perkins remarked that the MPD approval requires a minimum of 70% of the Creole and Mid-Station parcels remain as open space. The building footprints above finished grade must fit within the remaining 30% of the parcel, or approximately 150,000 square feet. Mr. Perkins stated that this was an important planning consideration for building height, mass and volume. Building footprints could not be enlarged with this restriction in order to lower height, conversely giving a fixed building volume, and pushing building height down in one location and increasing building heights in another location.

Mr. Perkins noted that the MPD established maximum height limits that are strictly defined and are measured from existing grade. The configuration of the allowable building height limit places the greatest building height when it is measured above existing grade, along the front areas of two parcels, immediately adjacent to the Historic District. This means that in order to place taller buildings further back in the Creole Gulch, it will require more excavation. Mr. Perkins stated that early on in the process, this was identified to the Planning Commission as an inherent challenge of the MPD approval. He read from the October 13, 2004 Planning Commission Minutes, "Commissioner Bruce Erickson questioned whether the height restriction put in place by the Development Agreement might cause some difficulty, since the tallest buildings are not against the hillside. In this case the highest, tallest building is away from the mountain and more visible than it should be".

Mr. Perkins stated that while the MPD approval imposes no specific requirements or conditions for ski runs or lifts, as previously stated the site by location has good potential

for ski in/ski out access. The Sweeney's and the project planners concluded that good skiing for all skier buildings, expansion and improvements of the ski runs on the resort, and lift improvements were essential. Mr. Perking stated that to that end the Sweeney's entered into an agreement with PCMR related to ski improvements, and that agreement continues today with Vail Resorts. In concert with the agreement the Sweeney's undertook preliminary lift engineering work for a new high speed lifts from the Mid-Station on top of Pay Day; and for a cabriolet from the Town Lift base to the Mid-Station. Both the development of ski runs and the engineering required for the lifts have significant implications for grading and excavation.

Mr. Perkins commented on the fire protection plan. He explained that this agreement was developed and signed immediately prior to the CUP application. He stated that the Planning Staff and some Commissioners have implied that the fire protection plan is not relevant to review of the current application; however, from a planning and design standpoint the opposite is true. Mr. Perkins remarked that this was not a typical project. It consists of high rise buildings that are sited on steep slopes with a single point of vehicular access. Any project with these characteristics will face fire protection issues. As a result of the fire protection discussion, the pre-application plans were modified to suit the agreed upon fire protection plan. Mr. Perkins noted that the site plan attached to the final page of the Fire Protection Plan is the same site plan that was submitted for the CUP application. Mr. Perkins stated that the fire protection parameters have a significant impact on not only building design, but also on building site and ground floor elevations; and in turn, on the amount of grading and excavation.

Mr. Perkins noted that there has been significant public comment regarding neighborhood concerns related to traffic, proximity, height and scale throughout the CUP process. Mr. Perkins agreed that the concern is real and justified. The MPD approval is for a large project located above the Historic District. Building height, massing and arrangement are of vital importance to the neighbors. Lowell and Empire as the single access point raises traffic concerns related to pedestrian safety and snow removal issues. Mr. Perkins stated that efforts to reasonably mitigate these impacts is a critical challenge for a project.

Mr. Perkins stated that when they began working with the Sweeney's on the Treasure project they reviewed the drawings prepared by Architect Gene Woodruff, which were attached as part of the MPD. Mr. Perkins reminded everyone that the Woodruff drawings were preliminary in nature, and simply used to develop a volumetric approved in the MPD. He thought it was clear in the discussions with the Planning Staff prior to the submittal of the CUP application, that the Woodruff plans were neither approved nor preferred. In addition, the 1986 MPD revised Staff report was very clear on this as well. It states, "The applicant requested that only general development concept and density be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time

of the Conditional Use Permit review. Also, future developers of projects within the master plan has the flexibility to build a variety of unit types in different combinations or configurations". Mr. Perkins stated that within that context there were several issues with the Woodruff plan that they felt needed to be addressed from a planning design standpoint. The buildings depicted in the Woodruff plan had five very large footprints and were very tall from nine to 13 floors. They were generally positioned so that the greatest height was located adjacent to the neighboring areas of the Historic District. When viewed from the lowest exposed level to the top of the highest level, most reach heights well over 100 feet. Mr. Perkins noted that the buildings depicted in the Woodruff drawings also had no architectural diversity. There was a limited variety of building size, scale, and mass, that is in contrast to the eclectic mix of architectural scale and architecture found in the Historic District.

Mr. Perkins remarked that many of the building arrangements in the Woodruff plan create difficult and inefficient circulation and service issues. The Woodruff drawings were never tested to see if they would satisfy fire and safety parameters. Mr. Perkins did not believe they would.

Mr. Perkins stated that the ski run pattern and resulting ski experience shown on the Woodruff drawings was unacceptable. It consists of a very narrow ski trail leading from 10+ story buildings with no provision for skier pullouts, no ski in/ski out access for guests, and no ski access from nearby neighborhoods. Mr. Perkins noted that the Woodruff plan shows no guest amenity areas. From a competitive and market standpoint, a project of this type must offer amenities on a level similar to other resort properties. Mr. Perkins pointed out that the Woodruff drawings did not show pedestrian connections to Main Street. In an effort to be fair to Mr. Woodruff, Mr. Perkins reiterated that these drawings were not intended to address many of the issues. They were simply intended to illustrate a volumetric for the MPD.

Mr. Perkins stated that he wanted to clear the air on an issue that had upset him at the last Planning Commission meeting. He felt obligated to point out that the Woodruff drawings were used to utilize a very serious misconception contained in Staff reports dating back to 2009, regarding the amount of excavation and grading that was anticipated in the MPD approval. He presented an exhibit created by then project planner, Katie Cattan, and shown on page 27 of the September 23rd, 2009 Staff report. The exhibit showed a section from Building D from Sheet 18 of the Woodruff drawings with two heavy colored lines that were added to represent the existing grade in green and final grade in red. Mr. Perkins stated that the implication of this exhibit is that the Woodruff plans anticipated minimal excavation and grading, except for the underground parking. He believed this conclusion and the exhibit itself were both inaccurate and misleading. Mr. Perkins presented sheet 24 of the Woodruff drawings, and noted that

the elevation of the same Building D clearly shows a dashed line labeled “existing grade”. He pointed out that the existing grade line is clearly located well above the re-established final grade of the building, and shows that significant excavation and grading was anticipated for Building D. He had added a green line to show the existing grade and a red line to show the final grade.

Mr. Perkins remarked that the excavation required to achieve finished grade for Building D extends the entire length of the building and reaches to almost 55’ feet in depth. In addition, Sheet 24 shows excavation of Building C to a depth of approximately 38 feet, and the elevation of Building E to approximately 40’ below existing grade. Mr. Perkins pointed out that the numbers did not include the additional excavation that would be required for building foundations, utilities, etc.

Mr. Perkins stated that the inaccurate representation shown on the 2009 exhibit was extremely frustrating because he and Pat Sweeney had personally approached Katie Cattan after the September 23rd, 2009 meeting and provided her with the same building elevation he was presenting this evening, showing the correct location of the existing grade. Mr. Perkins pointed out that neither the Staff report nor the public record have been corrected. The exhibit was often cited in comments by former Planning Commissioners regarding excavation. He stated that this misrepresentation has been perpetuated. This same exhibit and supporting text were copied verbatim and were included in the last Staff report. Mr. Perkins did not believe it was realistic to believe that there would be minimal excavation and grading during construction of a project of this type on steep slopes. Significant site disturbance, removal of vegetation, grading and excavation should be anticipated for much of the project area, and possibly into some adjacent areas of the MPD. Mr. Perkins noted that this is typically followed by regrading and landscaping as in most construction projects.

Mr. Perkins stated that the Treasure plan that was submitted as part of the CUP in January 2004 took several years to define and develop. They were mindful of the difficulty of the site itself and the adverse conditions imposed by the MPD. Their approach to the land design of the plans submitted for CUP review in 2004 included several key plan objectives. One objective was to reduce the general size of the large building footprints and volumes shown on the Woodruff plan, and create a greater number of building footprints of varying sizes that are consistent with the footprint sizes found in the Historic District.

Mr. Perkins noted that a member of THINC presented a photo at the July Planning Commission meeting that showed a view from Lower Main Street circa 1985-1986 and looking up towards the Treasure Hill project site. In that presentation, much was said about the fact that the photo showed nothing in this area. Mr. Perkins presented a

photograph of the same scene dated five years earlier showing the Silver King Coalition Building that was built in 1901 and stood along Park Avenue approximately in the location of the current Town Lift. The building was a terminus of the aerial tramway and its towers are still in existence today. It was operated until the early 1950s and burned down in 1981. The building was located on a railroad spur that ran along Park Avenue; one of two railroad lines that came to this location. It functioned as the rail transfer station for coal and ore used in the mining operations. Mr. Perkins remarked that the Coalition building stood long after it had ceased operation, and was an iconic architectural landmark in the historic district. It has a footprint area of approximately 6500 square feet and it rose to a height of almost 85 feet at its peak. Mr. Perkins stated that the proportion of this tall building volume is not unlike several of the buildings that have been proposed for the Treasure Hill project. He remarked that if the Coalition building were still standing today, it would be significantly taller than either the Summit Watch or the Sky Lodge Buildings.

Mr. Perkins stated that along with the footprint size, another objective was building proportions, architectural styles and roof forms. Lower buildings were generally to have pitched roofs like adjacent residential structures, and taller buildings were to have flat roofs similar to the larger commercial buildings found on Main Street. The flat roofs on the taller buildings comply with fire protection requirements, snow management issues, and are less tall without the addition of the pitched roof. Mr. Perkins noted that building proportions were to be varied as well, with some buildings having vertical proportions and others having a horizontal orientation. Rather than following a singular architectural style or theme, they set out to create a varied collection of different building type, sizes and architectural influences that range from historic mining to contemporary and variations in between. Mr. Perkins stated that this random pattern of eclectic building types is characteristic of the Historic District. He hoped that a later meeting, the project architect, David Eldridge could speak to the architectural diversity and variation, and provide example of similar buildings within the Historic District, as well as proposed variations in the choice of exterior colors and materials.

Mr. Perkins stated that they also sought to arrange buildings so as to layer the height and mass within the project by placing lower smaller buildings along the front of the project in an effort to mitigate the transition the scale from existing nearby residences. Larger buildings were to be placed back into the site. The lower buildings were intended to create a visual foil to the taller building behind them, particularly when viewed from below along lower Main Street. Mr. Perkins pointed out that this was in contrast to the Woodruff drawings that placed five tall buildings front and center on the site, with a few smaller, lower buildings at the peak. He noted that pushing the building height and mass back into Creole Gulch, along with the improvement of skiing through

the project and fire safety considerations, have implications for the amount of excavation and grading necessary to make the pieces work together.

Mr. Perkins remarked that another key objective was to create a first class ski experience throughout the project, which included developing a large ski trail network that would serve all levels of skiers and broaden the ski experience for the town side of the Resort. They also wanted to facilitate the convenience of ski in/ski out access.

Mr. Perkins commented on the need to ensure that they could provide for fire protection and safety. An internal fire access route up Lowell Avenue was incorporated, which satisfied their requirements and conformed with the fire Protection plan. Mr. Perkins outlined the requirements that were met. Mr. Perkins stated the vehicle access criteria was important because it drove finished grade and building floor elevations within the center of the project. He presented a photo and pointed to the fire truck turnaround and access to all the buildings on the interior of the project. He indicated the second fire access and the exterior location for fire-fighting access. Mr. Perkins remarked that those two routes function as cul-de-sacs for fire protection.

Mr. Perkins stated that another objective was to place all service areas in underground structures in a thoughtful manner, as required by the MPD. He noted that service access and activities were located to best mitigate noise, odor, and initial impacts on the neighborhood.

Mr. Perkins remarked that the last objective was to create a great experience for guests. He noted that very little of the discussion at Planning Commission hearings over the years has focused on the guest experience. It is a critical element to ensure the long-term success of the project. To this end they wanted to create a vibrant and animated experience that includes guest oriented support commercial and resort services that would be located on an internal pedestrian street that connects via a walkway to the new lifts.

Mr. Perkins pointed to Building 4 and stated that the desire was to develop a signature high-end hotel facility that would be the center of the guest experience with meeting, accessory and guest services that are competitive with similar projects in Park City and other resorts. They also wanted to create an outdoor amenities area for all guests adjacent to the main hotel building and similar in size and scope to other competing hotel resort properties in Park City. Mr. Perkins indicated how they linked all the uses together with a network of pedestrian walks, stairs, elevators and a connection to units located on the opposite of the ski run, and to link the entire project to Main Street with the pedestrian oriented cabriolet.

Mr. Perkins stated that the planning objectives he mentioned guided the development of the existing CUP submittal plans. During Planning Commission reviews that occurred from 2004 to 2009, numerous revisions were made to the at the suggestion of the Planning Staff, Planning Commissioners and the public, as well as from the project team and a hotel operator. Mr. Perkins noted that the planning objectives outlined have remained consistent to this day.

Mr. Perkins commented on the amount of excavation required to create the proposed Treasure projects on this steep. He agreed that that the amount of excavation proposed is significant; however, it is necessary to achieve the fundamental project goals of great skiing, fire protection and safety, outdoor amenity space, pedestrian accessibility, and underground parking and service. More importantly, the excavation allows building volumes to be set further back in Creole Gulch. Mr. Perkins stated that the proposed excavation would result in ski slopes adjacent to the project, which they have termed "cliffscapes". In some cases, they will be over 100 feet tall. A number of geo-technical reports have been prepared for the project site. Based on those studies, they believe that the quality of underlying rock and the direction of the different strides within the rock formation will allow for stable, steep cut slopes in many locations. In some cases, they may need to build retaining wall structures at the toe of the slopes to reduce heights and to create less steep areas for tree planting. In addition, they intend to literally sculpt the cuts to make them appear natural. They also intend to plant them with grasses, perennials, shrubs, and trees. Mr. Perkins stated that the project team will be working the geo-technical engineer. They are very concerned about the appearance of the cliffscape areas. They will be most visible from the units in the Treasure Hill project; however, portions of the cliffscapes will be visible from vantage points in the Historic District. Mr. Perkins disagreed with the public comments about the cliffscapes being ugly scars because they will sculpt these spaces working with the natural characteristics and revegetate them with appropriate plant materials. He believed the proposed cliffscapes will be part of the Treasure experience.

Mr. Perkins stated that a primary consideration of this large excavation is the disposal of the excavated material. If hauled off site, the disposal of excavated material would create traffic impacts on local roads. However, it is the applicant's intent to place the majority of this material on-site within the MPD boundaries, and without transporting the material on public roads. He explained that excavated material with high levels of potentially hazardous minerals will be deposited and capped in strict accordance with State and Federal Laws. They propose to use the excavated material to build new ski runs and improve existing runs. The material will be put in place and compacted at the direction of the geo-technical engineer. This approach will mitigate off-site traffic impacts and concerns regarding hazardous materials; and at the same time improve skiing.

Mr. Perkins provided a preview of the Sketch-up computer model that will be utilized at the Planning Commission work session on November 9th. He pointed out that these were simple volumetric studies. There are no building details or exterior material color contrasts between individual buildings. And because there is no grading plan for the Woodruff buildings, some portions of those buildings appear below existing grade and are partially obscured.

Mr. Perkins presented Sketch-up views of the proposed project from 9th Street, the Aerie, the Marsac Building, North Star, Ontario Ridge, looking down the ski run from the proposed project, and the ski run entrance under the building on the Woodruff drawings.

Mr. Perkins reiterated that the project team was prepared to answer any questions.

Planner Astorga stated that he would have a prepared rebuttal to Mr. Perkin's presentation at the next meeting. However, he wanted to clarify that in looking at the comparisons between the 2009 plan and the Woodruff plan, everything in red on the Woodruff drawing was shown in the site plan and the cross sections without any mitigation. He explained that this was the conditional use permit process and the purpose of the process is to mitigate impacts. Planner Astorga offered to relook at the sample elevations that were included in the packet for the Sweeney Property MPD, as well as the cross sections. In addition to the green line and the red line, he could add a blue line to show the excavation proposed by the applicant. He would have that illustration the next meeting.

Chair Strachan opened the public hearing.

Charles Stormont, legal counsel representing THINC, re-emphasized a few points from previous meetings. He understood that the focus was on Criteria 8, 11 and 15, but he thought many of the issues within those criteria were driven by issues of size and density. Mr. Stormont noted that there have been numerous comments from the Planning Commission and the applicant with respect to what square footage is justified, what square footage was approved, and what might be approved. Mr. Stormont returned to the basics of the MPD, which is 197 unit equivalents of residential and 19 commercial unit equivalents. He thought Commissioner Joyce had made an interesting comment at the last meeting about whether those 19 commercial unit equivalents might be an absolute maximum. Mr. Stormont remarked that THINC found that comment to be interesting and persuasive. However, they also recognize that Jodi Burnett had drawn conclusions about additional space provided for by Section 10.12 of the 1985 Land Management Code.

Keeping the conclusions of Mr. Burnett in mind, Mr. Stormont emphasized that the additional space allowed is 5% of hotel floor area for specific uses, support commercial and meeting rooms. It also provides for circulation spaces. Those are the limits on the types of spaces that are allowed without counting toward unit equivalents. Mr. Stormont stated that the MPD approval included 203,695 square feet of parking with acknowledgements that there could be some minor variations in the parking square footage. Mr. Stormont pointed out that when combining the 5% of hotel floor area, the unit equivalents approved, and the parking provided for, the total is 628,435 square feet. Additional circulation space may be added without counting toward unit equivalents, but otherwise that is the maximum. Anything else must count towards unit equivalents.

Mr. Stormont noted that the applicant has not only requested the 19 commercial unit equivalents, but also an additional 49,539 square feet of support commercial and meeting space. The 5% of hotel floor area is 11,740 square feet provided for without counting toward unit equivalents. Mr. Stormont stated that the applicant was proposing 37,799 square feet in excess of the 5% allowed in the support commercial/meeting space category. Add to that an additional 136,301 square feet of what has been dubbed accessory space. Mr. Stormont noted that the accessory space does not exist in the MPD approval that was obtained, and it does not exist in the 1985 LMC. Using Mr. Burnett's conclusions, every bit of that \$136,301 square feet, and 37,799 square feet of meeting space and support commercial should count toward the unit equivalents.

Mr. Stormont commented on the large number of accessory spaces being proposed. He noted that there are certain limitations on those spaces in terms of what can be counted and what can be had without counting core unit equivalents. Under the 1985 Code, everything else counts as unit equivalents. When they start talking about 136,000 square feet of accessory space for service elevators, receiving spaces, maintenance space, storage, lift ticket sales, offices, employee housing, pool building, laundry facilities, and a tremendous number of others uses that are being requested not to count toward unit equivalents, under the 1985 Code each and every one of them must be counted.

Mr. Stormont commented on an additional 173,210 square feet of circulation space that the applicant was requesting outside of the unit equivalents, and much of that circulation space ties into these numerous not approved accessory uses. The excess adds up to a tremendous amount. Mr. Stormont stated that requesting 185,840 square feet in addition to the 19 commercial unit equivalents, equates to 186 unit equivalents that have been requested without any recognition that the limit is 19. Mr. Stormont

believed those excesses were driving tremendous issues with respect to the mass and bulk that both the Staff and THINC have commented on at previous meetings.

Mr. Stormont pointed out that by asking for so much excess space, they also have to engage in tremendous excavation. He suggested that cliffscapes in excess of 100 feet would squarely fall under CUP Criteria 15, which considers slope retention and the appropriateness of the proposed structure to the topography of the site. Mr. Stormont stated that according to this proposal, many slopes are eliminated, not retained. For that reason, it does not comply with Criteria 15. He noted that a tremendous volume of materials would be excavated, not just within the building area, but on to other parts of the mountain. That amount of excavation clearly demonstrates that this proposal is not appropriate to the topography of this site. If it was, that much excavation would not be required. Mr. Stormont highlighted that the 1986 MPD approval Staff report states, "The Staff has included a condition that an exhibit be attached to the master plan approval that further defines building envelope limitations and architectural considerations. While the Woodruff drawings are preliminary and conceptual in many respects, one of those drawings highlight and imposes limitations on what was approved. The Staff report goes on to state, "We recommend that the building envelopes proposed for the Coalition properties be limited in accordance with the exhibits prepared and made a part of the approval documents". Mr. Stormont pointed out that these recommendations by Staff were approved by the City Council. The limitation on building envelopes was shown on a slide he provided. The red boundary is from Sheet 22 of the Woodruff drawings. The red outline reflects the building area boundary from the Woodruff drawings, and the limits that were imposed by Staff and approved by the City Council. Mr. Stormont pointed to the tremendous excavation outside of the building area boundary.

Mr. Stormont referred to a letter from the applicant attached to the Staff report for this meeting, which states that limits of disturbance will be defined during the CUP phase. He pointed out that the same statement appears in the 1986 MPD approval. The problem is that the applicant's argument about limits of disturbance and the building area boundary are two different issues. What can be built is limited expressly by the MPD. It has to be constructed within the red outline. Mr. Stormont stated that under the 2003 LMC that applies to this application, the limits of disturbance are a construction concept. The areas that are outside of the building area have to be restored. This is the difference between a temporary disturbance of the land and a permanent disturbance of the land. As heard from Mr. Perkin's presentation this evening, these excavation scars or cliffscapes will include additional retaining walls, additional fence, and a variety of other permanent structures. He suggested that the Woodruff drawings expected much of this to be restored, even within the building area boundary. Mr. Stormont referred to the exhibit Mr. Perkins showed with the green and

the red line, and he noted that the green and the red line met at the back of the building. There was not a cliffscape behind it. He thought a demonstration of that with a blue line as Planner Astorga suggested would be helpful. Mr. Stormont believed a small amount of excavation was envisioned by the Woodruff drawings, but not this type of excavation, and certainly not excavation outside of the building area boundary that would be permanent and never restored it the prior condition.

Mr. Stormont noted that the letter submitted by the applicant and contained in the Staff report includes a rehashing of history that he against suggested was incomplete. He highlighted some of the issues mentioned at previous meetings. In 2006 the project changed significantly and more than 167,000 square feet were added to the project. In addition, they have the benefit of Mr. Burnett's analysis in 2009. Mr. Stormont pointed out that the applicant suggests that those changes were not substantive; however, he would argue that 167,000 additional square is substantive. He stated that there is also a dispute over whether or not that was part of the prior submission. In an earlier meeting the applicant implied that the information came about as a result of a request from Staff for more detail. Mr. Stormont stated that regardless of the source, they have additional detail, and to ignore it to make a finding regarding vested rights is not how the vested rights doctrine works in Utah. He remarked that the portrayal of historic based on limited information and findings of Staff from 2005 to suggest that somehow the applicant is being denied a due process right or an entitlement that is vested is simply improper. Mr. Stormont quoted from Utah Law, "A landowner is entitled to building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application, and if he proceeds with reasonable diligence absent a compelling countervailing public interest". Mr. Stormont stated that the ordinances in place must be satisfied. They should not look at the Staff findings, and they should not look at Staff findings that are made on incomplete information to argue that a vested right exists. They must analyze whether the zoning ordinance is satisfied. That is the issue; not what someone said five or ten years ago. Mr. Stormont read a second provision from Utah Law, "Subject to section 10-0A-509, nothing in this section, and no action or inaction of the Land Use Authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations". Similarly, the LMC states with respect to CUP Applications, "A permit shall not issue unless the Planning Commission concludes that all the requirements of the Land Management Code are met, and that differences in use and scale have been fully mitigated". Mr. Stormont reiterated that statements by Staff do not give the applicant vested rights. THINC requested that the Vested Rights Doctrine be read as the Utah Code recites it and clarifies it.

Mr. Stormont stated due process is about following the law. It is not about creating rights where no approval or vote by the Land Use Authority has been made. Due

process applies to all the citizens of Park City and not just the applicant. The citizens have the right to have this review according to the ordinance that are in effect and that apply. Mr. Stormont remarked that this was not a negotiation with the applicant. The 1986 MPD approval provides for certain things, and it does not provide for the excesses that this application request. The same is true for the LMC. While they appreciate that the applicant has expressed some willingness to make concessions and further revise their application, the concessions needed are not small. Significant concessions need to be made in order to bring the current proposal in line with what was actually approved and what the Land Management Code permits. THINC appreciates that the Planning Commission and Staff have been paying careful attention to the limitations found in the original approval and the LMC. Mr. Stormont understood that architectural details will be discussed at a later meeting. The Historic Design Guidelines are a great concern to THINC and its members, and he requested as much advanced notice as possible when that topic will be discussed.

Kyra Parkhurst asked Planner Astorga to put up the slide Mr. Perkins had reviewed showing the fire access. Ms. Parkhurst thought the applicant had given a lot of thought in making sure that everything worked well. She pointed to a street that would allow trucks to come and go; however, if there is ten feet of snow on both sides and two families of eight to ten are walking up and down the street while a large delivery truck is trying to go down at the same time another delivery truck is trying to come up, she questioned safety and how this fits into the surrounding historic area. Ms. Parkhurst understood the applicant's concerns for their guests, but all the homes in the neighborhood will have 24-hour access of laundry trucks and people coming and going. In addition, people walk those streets at night coming back from the bars and the restaurants. People walk and play on the street. It is like trying to fit a square peg into a round hole. Ms. Parkhurst remarked that they have been doing this for 12 years and they keep going round and round on the same issues and it is not working. She felt like those considerations seem to be ignored. Ms. Parkhurst stated that she was involved in this years ago during the first talks when they were a smaller group. Over that time the project has grown larger and the rows of advisers and attorney have also increased.

Ms. Parkhurst presented a slide showing some of the homes that would be affected by this project. She thought it was clear that this project did not meet Criteria 8, 11 or 15 in size, mass and scale. When she looks at it, she just wants to say, keep it simple because it does not fit. Ms. Parkhurst presenting another slide showing how this project would impact the entire area and not just Old Town. She noted that Park City wins awards for easy access, but Park City Mountain will not be easy access with all the trucks and vehicles that will be going up and through there.

Ms. Parkhurst commented on excavation. She referred to the cuts that were taken on the way to Sundance, and wondered how tall they are in comparison. She did not believe the walk-through gave a good visual of the reality of the size and scale. She pointed out that the Woodruff drawings did not have these cuts. It had a cut that went along the buildings and not behind the buildings. Mr. Parkhurst did not think it was fair that the applicant could cut the mountain away in order to accommodate a large project. On the density issues, she believed there was great importance for establishing a maximum allowable density on this project. MPE was very specific and the applicant was trying to gain a bigger project and more than they are entitled to. Ms. Parkhurst noted that in a past meeting Commissioner Suesser calculated the maximum allowable density to be no greater than 628,435 square feet, with parking, and the Planning Commission should not consider any square footage beyond that. There is no reason valid or legal argument to allow anything greater. Ms. Parkhurst stated that THINC, through their attorney, have provided the Planning Commission with ample evidence and legal standing to limit the maximum allowable density to this number. She remarked that after this amount is reached, they still have to mitigate down so that all the 15 CUP Criteria can be met.

Ms. Parkhurst asked the Planning Commission to say no to the Treasure project and the destruction of Old Town, and to say yes to the preservation of Park City. She implored the Sweeney family and suggested that their attorneys should give them legal advice to go back and find a way to work with the City or to buy-out the density so this can be resolved, instead of continuing to fight another 12 years.

Keith Gold stated that he has been a land use planner for over 30 years. Since Treasure Hill is such a massive project, he wanted to know if the Planning Commission had asked for an environmental, traffic and economic impact study. He was unsure whether that was a requirement, but it would be interesting to see the impacts. He had attended the site visit last month and he believed this project would have a horrendous impact on the City. From a land use perspective, it is completely out of scale with the Historic District and all of Park City. He has never seen such a massive structure in all of his years working as a land use planner. Concessions need to be made and he suggested the possibility of adding an affordable housing concept. He urged the Planning Commission to look at the overall impacts associated with the Treasure Hill project.

Keith Dorsky stated that he has been involved with Park City since 1961 and he has watched Park City develop. He referred to Criteria 15 regarding the volume of the excavation identified in the Staff report as 960,000 cubic yards. Mr. Dorsky understood that those were banked cubic yards, and if that is the case, the expansion will be

nothing less than 125% and possibly 1-1/2 times the expansion. Mr. Dorsky asked for clarification on whether it was loose cubic yards or banked cubic yards.

Director Erickson stated that the 960,000 yards was an estimate based on the cross section through the excavation. It was a profile of what was expected compared to what the applicant has suggested. He pointed out that it was a raw calculation at this point.

Mr. Dorsky asked if the estimate was calculated based on bank yards.

Director Erickson replied that it was based on a section of the cut slope.

Steve Swanson was glad Mr. Dorsky raised the issue of the excavation volume. He intended to address some of those points in his comments because it is a huge number. He stated that in doing a rough calculation by volume, the material expands. He noted that much of this material is rock so it may not expand as much, but it is still heavy. When they pull it out of the ground and transport it, it grows in volume. Mr. Swanson stated that for purposes of illustration he would use 1 million square yards for his calculation. He noted that it would be equivalent to the volume of all the buildings in Redstone and Newpark. It could possibly be equivalent to all of the excavations done in Park City since the year 2000. Mr. Swanson stated that the Glen Canyon Dam is a lot of volume, and this project would be one-quarter of the structure of Glen Canyon Dam, which is approximately 800 feet tall. That would not include the impacts of moving and transporting the material. He commented on the impacts of the proposed ski run and the ground and vegetation that would have to be stripped off before reaching the soils. Mr. Swanson pointed out that the real threat of any excavation is not from the mining material, loose rock or mining waste, but it is actually the soils themselves. According to studies there is anywhere from 6" to 30" on average of organic material, including mineral deposit material, on top of the rock. The rock would be removed by means of blasting and other mechanical means. Mr. Swanson wanted to know how the process would be mitigated, because according to some of the studies, there is up to 12000 ppm of viable available lead contained in the soils. Mr. Swanson noted that they were talking about rough numbers and the amounts could be higher.

Mr. Swanson asked Planner Astorga to put up a plan of the project showing the building outline and footprints. He understood this was a huge project with a lot of factors and constraints. He pointed out where he thought some of the components of the plan look organic. Regardless that it cuts into the hillside, he would say it follows the topography and different zones are created where buildings can make use of adjacencies. However, after that it becomes geometric. Mr. Swanson stated that solar orientations

are difficult in Park City, particularly in the winter, and this project sits on the northeast facing slope. He thought it appeared that the plaza and the pool component had been forced in to meet certain requirements of the hoteliers and certain required amenities. Mr. Swanson asked the applicant to respond that that question, and whether it was part of the substantive design process.

Mr. Swanson stated that his second question goes to the idea of creating a link to Main Street. He asked the applicant to respond to the charge that they were moving the base of the Resort from its current location to the new Sweeney project, including restaurants, shops, ticketing, rentals, etc., and in fact separating the new base from Main Street. In the broader vision, Mr. Swanson thought it was important to understand what they were really looking at in its final form; and whether the new base would be the Treasure project and separated from Main Street

Neals Vernagaard, a resident at 22 Lowell, asked the applicant to answer two questions at the next meeting. He noted that Mr. Perkins had stated that most of the excavation material would stay on the Mountain. He asked the applicant to define "most". He saw one estimate where 300 dump trucks per day for 20 years would be required to remove all the soil. He wanted clarification on "most" and what that would mean in terms of trucks and years. Mr. Vernagaard wanted to know how much dynamite would be required and how many days of explosions the neighbors would have to endure. He asked how the applicant intended to mitigate the dust and the dirt. He also wanted to know how the explosions would affect the people living next to the excavation site.

Mary Whitesides requested that the 3-D model of Treasure Hill be made available for the public and the Planning Commission to view once again. She believed the 3-D model would tell more than the flat drawings and renderings.

Peter Marth, an Old Town resident, commented on the number of construction vehicles that will be required due to the size and scale of this project. He wanted the Planning Commission to understand that diesel based fuels from construction vehicles are toxic fuels that will be put into the air in this community. They are inorganic compounds that are metabolized by people when it is in the air. Certain kinds of chemicals that come out of toxic fuels such as diesel fuel and gasoline are considered seeds of cancer because of how the chemicals are metabolized in the body. The more construction, the more excavation, and the number of diesel trucks going in and out of this project for ten years is directly responsible for increasing the PAHs in the air. Mr. Marth remarked that toxic fuels are more dangerous than metals in the soil, and it needs to be considered in the discussions about square footage and size.

Kyra Parkhurst remarked that this summer there was construction on the top of Empire and trucks were using air brakes going down Empire, which is prohibited by Code. She called the City and the person who answered told her that it is part of the Code and it is in the contract that the developer signs; however, it is up to the developer to notify every subcontractor and that message needs to be passed down the line to every driver. She was told that it was a requirement that was difficult to control. Ms. Parkhurst wanted to know how the applicant would reassure the residents that they would not have to experience that for ten years.

Chair Strachan closed the public hearing.

Commissioner Joyce appreciated the presentation this evening because it was helpful to hear the logic that went through the process. He also appreciated the public comments. Commissioner Joyce addressed public comments about the size of the project and that it does not fit. Regardless of how they feel, it is important to understand that in 1985 and 1986 the City specifically agreed to approve a large project on an 11-acre parcel in Old Town. Per the approved Master Plan, that is where this project belongs.

Commissioner Joyce referred to the letter submitted by the applicant included in the Staff report, and their concerns about being consistent with what was done in the past. He understood the applicant's position, but he asked that they at least consider being more careful when comparing what this Planning Commission is doing with what was done in the past. Commissioner Joyce thought the applicant was confusing the role of the Planning Staff with the role of the Planning Commission. He emphasized that the Planning Staff does not approve anything, yet throughout their presentations, they talk about things that were approved by a Planner and cite comments made in a Staff report. Commissioner Joyce clarified that since 1986 nothing else has been approved.

Commissioner Joyce commented on remarks that the applicant's representatives have made on things that were done in 2005 and the concept that certain things were agreed to and approved. He pointed out that since 2005 they have added 150,000 square feet to this project. In his mind some things are similar but it is not the same project. The 2005 plan no longer exists because it has been significantly changed. Commissioner Joyce commented on the number of times in their presentation that they use the words "approved by staff", and he could not understand why that continues to occur.

Commissioner Joyce thought there were still two or three different reads on what is permitted for the actual square footage of the project. The one presented this evening as 628,000 square feet. Going back to the 1985 LMC and using just the hotel space and 5% additional for meeting and commercial space, that 628,000 still does not

include circulation. If that is their logic, he would suggest that 628,000 plus circulation is the real number.

Commissioner Joyce appreciated the comments from THINC; however, he comes down on a different side regarding the square footage. He noted that the 1985 said Code said that if there are things that allow for additional space when the applicant actually applies for the CUP, they could take advantage of those. Commissioner Joyce believed that everyone agreed that the 2003 LMC applies to this project, and it allows for 5% meeting space and commercial space, and it addresses the accessory space.

Commissioner Joyce noted that he had raised the issue of support commercial being limited to 19 UEs at the last meeting. He thought his comments were clear that they get 5% for meeting space, but nothing else beyond the 19 UEs. He acknowledged that he could be wrong, but he had read all of the previous meeting minutes and Staff reports from 1985 and 1986, and the same from 2005. He has found nowhere in those discussion where the 5% was talked about. Commissioner Joyce stated that if the applicant believes they deserve more than the 19 UEs of commercial space, they need to explain why. He emphasized that the answer could not be that someone from the Planning Staff said they could. Commissioner Joyce remarked that while other things are vague, the number of UEs and the 5% for meeting space is black and white. He could not justify an additional 5% for commercial space. Commissioner Joyce stated that this was an opportunity for the applicant to convince him that 5% for commercial is allowed; but the argument has to be something more substantial than someone said they could 11 years ago.

Commissioner Joyce commented on the site excavation. He understood the applicant's perspective for having pools, a much wider ski path, etc.; however, he did not believe that was considered when this plan was approved in 1985 and 1986. He was able to find documentation to substantiate his opinion, including the Woodruff drawings and discussions about alternatives of different site locations. He found nothing that even closely contemplated the type of excavation proposed. Commissioner Joyce referred to the exhibit on page 78 of the Staff report. He pointed out that after going through all the different drawings and side cuts, it consistently starts at grade ends at grade. Commissioner Joyce referred to the exhibit on page 98. He noted that the big difference was a huge cut down the hill and gap behind the building. Commissioner Joyce remarked that the Woodruff drawings did not have cliffscapes because everything went back with the flow of the hill and terminated in towards the top. That is consistent with all of the site plan drawings. Commissioner Joyce pointed out that instead of using the backside of the building as the retaining structure, they cut way up and left a gap. He assumed the only reason for doing that was to put windows on the back side of the building.

Commissioner Joyce commented on the volume difference of how much is being cut out of the hill versus existing grade, versus the sliver that was cut out in all of the Woodruff drawings. Commissioner Joyce pointed out that the Woodruff drawings were more than just a sketch. A lot of work went into looking at each of the different alternatives for site location, density, and how to split between the Creole site and Mid-Station site. The Woodruff plans to not have architectural details, but he thought the square footage was drawn out in fairly good detail. Commissioner Joyce disagreed with the applicant's assertion that the City Council knew there would be excavation. He read from the Staff report, "Cut and fill should be balanced and distributed on site whenever practical". He believed the applicant was using that language to justify that the City Council knew what they were getting into. However, the buildings do not show it, the discussions do not back it up, and even what the applicant points out as terminology does not begin to discuss the scope of what they are proposing. Commissioner Joyce struggled with the idea that the City Council understood what they were approving in terms of excavation, as implied by the applicant.

Commissioner Joyce commented on the discussion regarding the fire plan. He understood that the fire plan is a significant piece of the development plan; but it is only one piece. He disagreed with the explanation that the project was built around traffic and everything else fits in place because traffic has been addressed. The same applied to the fire plan. When the applicant received approval for the fire plan, it said that the site as presented, complies with the fire requirements. It did not say anything about it being the only site or the best site, or that traffic, excavation, mass and scale were acceptable. Commissioner Joyce pointed out that the fire plan is one piece of a larger puzzle.

Commissioner Joyce commented on places where the applicant intended to mitigate height by digging the buildings into the ground and setting them back into the Gulch. When he looks at the existing grade he sees a place where they could build a five or six story building. He noted that the proposed plan drops 60 feet into the ground so they can build a 12 story building. This allows them to build a much larger building than what they could have building off of existing grade. Commissioner Joyce was unsure how that would mitigate visual impacts over following the natural grade and the topography and building a six story building. He asked the applicants to address that question at the next meeting.

Commissioner Joyce addressed the issue of the building area boundary versus the limits of disturbance. He did not understand how they could have a 100' cliffside outside of the building area. Commissioner Joyce was looking forward to a very explicit answer as to why the applicant believes that would be allowed. He pointed out that

scraping and revegetating at the end of the project is not the same as building a permanent 130' foot wall.

Commissioner Joyce referred to a statement in the applicant's letters on page 63 of the Staff report, "Staff has already identified and approved conditions for mitigating the effects of excavating and regrading. He reiterated that the Staff does not approve anything. Commissioner Joyce had seen the excavation plan. It is six pages long and two pages are pictures. The plan basically says that there are four areas that can be excavated one at a time or all at once. Primary areas account for about half the dirt to be moved, and secondary areas that can be used on-site and would hopefully account for the remainder. Commissioner Joyce remarked that they were talking about the biggest cut ever seen in Park City, and impacts to people who live all around the area. If the only excavation plan is to cut the mountain and make it pretty again, that was unacceptable.

Commissioner Joyce referred to the exhibit on page 119 of the Staff report which showed the scale and mass of the project. He was trying to better understand the transition from the surrounding neighborhoods to the project. Commissioner Joyce noted that the exhibit blurred out all the houses and anything that was not part of the project. He asked the applicant to change the exhibit to show the actual houses or provide another exhibit to help him evaluate the transition from existing neighborhoods into the development.

Commissioner Joyce liked the step-back on the buildings looking up the hill. He also favored the idea of mixing architectural styles and colors. He thought the applicant was going in the right direction with the buildings, but he still had major concerns with the excavation. He emphasized his previous comment that he could find no evidence that the Planning Commission and the City Council envisioned that amount of excavation in 1985 and 1986. He believed it was a dramatic departure from what was agreed to. Commissioner Joyce was not convinced that there were no other ways for the applicant to accomplish most of their goals without excavating 950,000 cubic yards of dirt out of the side of the hill. He stated that the Planning Commission was trying to find something that the applicant could rightfully build as part of the MPD. However, it has to go through the conditional use permit process and mitigate all the impacts; and it also has to conform with the original plan. He suggested that the applicant begin thinking about how they could do better than the Woodruff plan to accomplish the amenities, without excavating so far behind the buildings as currently proposed.

Commissioner Thimm appreciated hearing the Mr. Perkins perspective as the land planner. It helped him understand more of the nuances and he thanked Mr. Perkins for his presentation this evening.

Commissioner Thimm stated that the Planning Commission had been tasked with looking at Criteria 8, 11 and 15. Criteria 8 addresses mass, bulk and orientation. He there reiterated a comment he had made at a previous meeting that there is a direct correlation between building mass and building area. Commissioner Thimm stated that there is significant amount of square footage in this plan that the Planning Commissioner was trying to understand. He hoped the applicant had been listening to their comments in terms of what is included, was it not included, and the lens they need to look through in terms of the area. The Commissioner thought that was made clear by each Commissioner in prior meetings.

Commissioner Thimm stated that if there are reasons for what appear to be inefficient areas, and he would be interested in understanding what that might be. For example, why do they need 578 square feet per parking stall. He would like to have those types of questions answered. There might be viable reasons but the Planning Commission would not know that without having additional information. Commissioner Thimm stated that understanding how that correlates will speak to what the building massing would be. He noted that during the discussion at one of the first meetings, they talked about various building heights and floor to floor elevations. He thought the heights that were provided seemed to make sense. In his mind, they were starting with a good multiplier. However, the question is the other side of that equation and it was important to address that properly.

Commissioner Thimm stated that they were excavating to such a depth that the buildings are taller. He believed consistency with the Woodruff Master Plan has been lost. The applicant was asking them to discount the Woodruff plan because it was only intended to create volumetrics and it was not a true guideline. Commissioner Thimm had looked at older Staff reports and the evolution of the project starting with the 1985 and 1986 approval. The Woodruff concept was the basis of the MPD approval and it needs to be considered. Some of the building heights and volumetrics proposed are not consistent with the Woodruff concept and they need to look closer at that.

Commissioner Thimm stated that having an eclectic collection of buildings and structures and building heights was the right intent. A themed resort would not play well and it is not appropriate. He encouraged the applicant to follow that path and to keep it in mind in terms of the overall detail.

Commissioner Thimm stated that Criteria 11 speaks to compatibility with the surrounding structures. He referred to page 107 of the Staff report which showed the corner of Lowell and Empire Avenue. He asked Planner Astorga to zoom in starting at Lowell Avenue up to the height of Building 4A. Commissioner Thimm remarked that

building something compatible all comes down to streetscape. He believed what the LMC tells them to do in terms of compatibility is to understand what is going on in the surrounding area. He has walked up and down the streets, and in his opinion, from a pedestrian standpoint the Treasure development appears to be closed off and uninviting. They have lost some of the character and scale that needs to be there from a pedestrian standpoint.

Criteria 15 addresses environmentally sensitive areas and slope retention. Commissioner Thimm stated that this criterion concerned him the most with respect to the proposed plan and its differentiation from the Woodruff. As he looked at the drawings there appears to be an attempt to step up the hill. He referred to page 100 of the Staff report and indicated the creation of a huge bench that runs through. He was very interested in seeing the blue line that Planner Astorga would add to the green and red lines that starts to show where the excavation is. Commissioner Thimm stated that in terms of being sensitive to the hillside, the Code tells them to step it up the slope rather than benching it out and building up on the platform. He wanted to see more sensitivity to that as this process moves ahead.

Commissioner Thimm was troubled by the massive excavations that go beyond the limits of disturbance. He requested that Planner Astorga provide some background and foundation on what is acceptable under the LMC for disturbance beyond what is defined as the limit of disturbance. He believed they were looking at the applicable LMC to guide the MPD approvals that occurred in 1985 and 1986.

Commissioner Phillips asked Mr. Perkins to walk them through the excavation depths on Building E, and actually show them the depths of the cuts. Chair Strachan thought it was better for Mr. Perkins to answer his question during the work session on November 9th when they would have Sketch-up to refer to. Commissioner Phillips agreed.

Commissioner Phillips noted that in his presentation, Mr. Perkins talked about specific depths and he clearly disagreed with them. Mr. Perkins stated that those were taken from the Woodruff elevations. Commissioner Phillips asked Mr. Perkins to provide a better demonstration of what he was talking about to help the Commissioners understand his perspective.

Mr. Perkins remarked that the excavation will extend beyond the building footprints. In looking at the Woodruff drawings, significant excavation will be required just to construct those buildings on the steep hillside.

Commissioner Phillips stated that in looking at the big picture looking back, he agreed with the people who were originally involved in the process about condensing the density to this area. He believed it would be positive for the community in the end.

Commissioner Phillips agreed with Commissioner Joyce's request to see the houses in the neighborhood. He did not believe the applicant needed to recreate the houses, but he would like to see the general massing of similar size buildings in massing blocks on the same model. Planner Astorga thought the size and scale of the adjacent buildings would be shown on the physical model that was built in the past. He did not believe the applicant had faded out those houses. It was pulled up on Google Earth and it showed a specific angle. Commissioner Phillips agreed.

Regarding Criteria 8, Commissioner Phillips was concerned about the facades and the orientation of the buildings. He agreed with Commission Thimm that the buildings were going in the right direction.

Commissioner Phillips commented on Criteria 15, the appropriateness of structures to the topography. He had nothing new to add and agreed with what had already been stated.

Commissioner Phillips agreed with previous comments that grading increases the mass. He commented on the cliffscape and noted that the applicant has stated that the cliffscape won't be visible from a lot of different points because it will be mitigated by the buildings in front of it. He still had concerns; however, Mr. Perkins described it was also encouraging.

Commissioner Phillips looked forward to hearing from the architect on the philosophy on what it took to create this project. He assumed it was very challenging. Commissioner Phillips stated that he does the same on a very small scale in town. He lives in it and he works in it and it is not easy. One of the major challenges is not being able to have things as large as the norm. Commissioner Phillips thought it would be interesting if the architect could talk about some of the challenges he faced and the sacrifices that had to be made.

Commissioner Band concurred with the comments made by her fellow Commissioners. She would still like to see something that shows a little more neighborhood compatibility. Commissioner Band requested to hear the Staff's opinion regarding the building area boundary and the cliffscapes that were discussed this evening. She would also like to know how much soil was proposed to be taken off-site.

Commissioner Band read from the Staff's opinion under Criteria 8 on page 52, "The Master Plan was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100' the height envelopes do not serve the purpose for which they were created". She agreed with the Staff that the level of excavation proposed was never anticipated. She understood that they were not talking about specific mitigations this evening, but they were talking about environmentally sensitive lands under Criteria 15. That was her reason for asking when the Spiro Drinking Source Water Protection Zone was created. Commissioner Campbell had looked it up and it was after this MPD was approved. Commissioner Band thought it was more important now because they have the Water Protection Zone.

Commissioner Band commented on Exhibit M, and the high levels of arsenic and lead for the Southeast Adit, Northwest Adit, Creole Shaft and Creole Adit. She thought the levels were substantially high and scary with respect to soils. Whether they move it off the mountain or keep it on-site, she would like to see extensive mitigation and a mitigation plan, particularly because of the Water Protection Zone.

Commissioner Band referred to page 119 of the Staff report. In terms of physical compatibility, she could see how Buildings 1C and 1A were sensitive to the neighborhoods below it. However, the buildings by the curve at Lowell and Empire look nothing like the neighborhood and are not compatible. She would like to see something more similar to 1A and 1C at that curve.

Commissioner Campbell agreed with most of the comments made by the other Commissioners. He reiterated that the 3D model is very important and it should be displayed where everyone can see it.

Commissioner Campbell stated that it would be critical for the Planning Commission to understand how Criteria 8 and 11 can be met. It could be as simple as taking an average of the size of the houses on Lowell and Empire and show it in blocks. He believed the first two or three blocks north of Lowell and Empire will be critical in the model.

Commissioner Campbell thought Criteria 15 was most important because it leads to mitigation. He had a number of questions to help the applicant with their preparation. Commissioner Campbell believed that once the Treasure project is built, it will fit in and be less intrusive than what many people think. His concern is the time between now and when it is completed. He wanted an estimate on how long it will take to reach complete buildout. His second question was how much is blasted, how much is hammered and the impacts of both. Commissioner Campbell wanted to know how many trucks they anticipate would be going up and down Lowell and Empire on an average

work day over the next ten years, and how many workers would be on-site on an average day. Commissioner Campbell wanted to know how they plan on protecting the houses and the streets. The runoff during construction will be a real challenge and he wanted to see more detail on how it will impact the houses below. Commissioner Campbell wanted to know long term how many visitors will be there during different times of the year and different seasons, and how many vans will be coming up SR224 that are not there now. Commissioner Campbell asked about the projected water use. He would like to see more detail on the infrastructure. He wanted to know the amount of electricity they would need and where it would come from. In his opinion the water, sewer, power, and gas impacts on the streets need to be considered.

Commissioner Campbell stated that his questions were long-term mitigation issues that the Planning Commission was responsible for, and they need to see more details. He was giving the applicant the heads-up that he would be asking those types of questions as they move forward.

Commissioner Suesser stated that they keep hearing a lot about the guest amenities that need to be offered at this type of a resort base project. However, there has been no mention about this project bringing business to Main Street, which was the past focus. Commissioner Suesser pointed out that the Woodruff drawings did not contemplate guest amenities of outdoor seating and dining, and she did not believe that was anticipated for the project. She believed that what was anticipated at the time of the MPD approval was focused on bringing people to the project and bringing a lot of business to Main Street.

Commissioner Suesser addressed some of the statements made in the October 7th memo from the applicant that was included in the Staff report. Regarding the statement that the Planning Staff previously concluded that the CUP application complied with the density conditions criteria and other mass and volume criteria, she stated that the applicant exclusively references Staff reports from 2005 but completely ignores other Planning Staff and Planning Commission comments on this project since 2005.

Commissioner Suesser noted that Commissioner Joyce had mentioned Section 3.3 in the October 7th memo states that the Staff had already identified and approved conditions for mitigating the effects of the necessary excavation and regrading. She pointed out that the Staff specifically stated in the March 9th, 2005 Staff report that certain mitigation measures be necessary at the time of approval, and that specific conditions would be required to address the impacts of the excavation and re-grading. She emphasized that there was no prior approval of the excavation and re-grading.

Commissioner Suesser stated that the current proposal has significantly changed since 2005. The changes include more than 167,000 square feet that were not part of the CUP submittal in 2004 and 2005. The applicant has said that this Planning Commission is bound by the comments of the prior planning Staff and prior Planning Commissions on this application, even though the current proposal has changed significantly from the application that was presented in 2005. Commissioner Suesser remarked that the Planning Commission needs to look at the current proposal to make their findings.

Commissioner Suesser concurred with Commissioner Thimm regarding his comments of the Woodruff drawings.

Regarding Criteria 8, Commissioner Suesser stated that the project as currently designed modifies the existing grade beyond what was anticipated in the MPD. The change in grade is possibly 52' to 115' as shown on Sheets S1 and S9. By creating a lower final grade, the buildings visual impacts are magnified. They are taller from the re-defined grade, and the bulk and the massing becomes larger. She believed it was a significant departure from what was approved.

Regarding Criteria 11, Commissioner Suesser agreed that the master plan anticipated the difficulty of designing a higher density project adjacent to the Historic District. There are significant visual impacts due to the massing of Buildings 3D and 5A, which will be visible from Main Street and Heber Avenue. She reiterated the comments by Commissioners Joyce and Thimm that Building 4A is extremely close to the adjacent residential neighborhood and advised compatibility with the adjacent residential streetscape. Commissioner Suesser stated that the heights for Building 4A range from 45 to 64 feet. That is not compatible with the adjacent HR-1 District, which has a maximum building height of 27' from existing grade. She did not believe consideration was given to the heights of the surrounding neighborhood.

Regarding Criteria 15, Commissioner Suesser agreed with the Planning Staff that the proposal is not compliant with the concept approved in the 1986 MPD. The exhibits to the MPD showed the buildings largely stepping with the existing grade, and requiring far less excavation than what is now being proposed. Commissioner Suesser stated that an environmental impact study was needed to determine impacts of the project on the Water Protection Zone and to determine the extent of mitigation measures.

Chair Strachan stated that there will be many more meetings and he was certain that the applicant would respond to the comments made by the Commissioners at future meetings. He wanted it clear for the public and the applicant that there was still a long

road ahead and that the Planning Commission was not considering anything specific at this time and that many issues that still need to be addressed.

Chair Strachan generally agreed with all the comments, and he wanted to incorporate Commissioner Campbell's questions, particularly related to construction. Chair Strachan asked if the excavation mitigation plan shown on Sheet A16 was the full and final extent of their excavation mitigation plans. If there is any other mitigation that is not in the plan, it is imperative that they show it to the Planning Commission. He asked the applicant to provide a clean answer on that question. Chair Strachan reiterated the same comment regarding Sheet A18, the project mitigators. If there is anything else, the applicant should bring it forward. He also wanted to know which of those project mitigators apply direction to Criteria 8.

Chair Strachan wanted to know whether the applicant agreed with or disputed Planner Astorga's measurements shown on pages 106 through 122 of the Staff report.

Chair Strachan had read the applicant's position statements, and on the limits of disturbance, they cite that other projects around Park City have been allowed to build outside of the building area limits. The Montage was used as an example. Chair Strachan asked if Montage restored the land after the building was completed. He thought the Commissioners had valid questions about whether it could be disrupted outside the limits of disturbance, but it could not be permanently disrupted. He would like to see an analysis on that.

Planner Astorga stated that his next Staff report would be heavy on exhibits just to make sure they were all looking at the same things. He believed the work session would give everyone the opportunity to make sure they understand each other.

Commissioner Campbell noted that some of the information is older than 25 years. He would be looking for updated calculations on the infrastructure currently in place, and what the applicant is proposing. He also wanted more specificity on how far beyond the project those changes would create impacts.

Chair Strachan stated the applicant was not bound to provide plan updates or to answer their questions; however, if the applicant chooses not to do that, they should let the Planning Commission know so they will not expect that evidence and information.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Application public hearing to November 9, 2016. Commissioner Joyce seconded the motion.

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VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____