

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
PARK CITY LIBRARY – SANTY AUDITORIUM
DECEMBER 13, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel; Mayor Jack Thomas, Mayor-Elect Andy Beerman; City Attorney, Mark Harrington

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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 except Commissioners Phillips and Suesser, who were excused.

ADOPTION OF MINUTES

November 29, 2017

MOTION: Commissioner Joyce moved to APPROVE the Minutes of November 29, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioners Suesser and Phillips abstained since they were absent on November 29, 2017.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Bruce Erickson noted that this meeting was not being live streamed from the Santy Auditorium. The meeting was being recorded and the recording would be available on mini-track as soon as it is uploaded.

Commissioner Phillips disclosed that Gigaplex was the architect for the Central Park City Condominium project on the agenda this evening. He had personally hired Gigaplex to draw the plans for his house, but he did not believe that association would have an impact on his decision.

Conclusions of Law – 7520 Royal Street East

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 7520 Royal Street East

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. Conditions of approval of the Twelfth Amended Deer Valley Master Planned Development (MPD) and the Goldener Hirsch Conditional Use Permit (CUP) apply to this plat and a note shall be added to the plat prior to recordation referencing the conditions of approval of the Twelfth Amended Deer Valley MPD and the Goldener Hirsch CUP.
4. All applicable notes, easements and requirements of the 2nd Amendment to a Re-Subdivision of Lots No. 1 and No. 2 Silver Lake Village No. 1 Subdivision continue to apply and shall be indicated on this plat prior to recordation.
5. Because there is a mix of guest and public parking spaces, identified as limited common and managed by the HOA, a parking management plan is required to address this mix and management of the use and shall also be spelled out in the CCRs, upon review and approval by the City prior to recordation.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

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

Chair

Strachan: I'll leave it to Mayor Thomas and Mayor-elect Beerman to head us off here and sort us from there. This is one is a little bit different, as I think, from what people know procedurally. So we're treading a little bit on new ground.

Mayor

Thomas: I, I can't begin until in acknowledge this overwhelming sense of deja vu. In this case its accurate. I was here 12 years ago and I see all the faces that were here then, and we all look 12 years old. And I feel like I'm 50 years older. So, I want to start by thanking you for the opportunity to let Andy and I come before you. We understand how much time and effort has gone into this project. We're grateful to each and every one of you. Being a Planning Commissioner, I know, requires a lot of sacrifice, time away from your families, from your work, from your traveling; and particularly so because of the Treasure conditional use permit. So I think you again for your dedication and your commitment, and to the unbelievable hours that you've put into this process.

Andy and I come before you tonight to discuss what the City Council believes is a viable alternative to the eventual development of Treasure hillside. It may not be perfect, it may require some additional effort and analysis in a very short period of time.

And if you don't mind I'd like to elaborate a little bit on the deal points. So first of all this is, this is \$6 million as a down payment that we, we'd be paying as soon as a development agreement could be put together. A \$24 million voter approved bond in 2018---November of 2018. This is a 50% reduction of density from the original MPD and a complete redesign that includes an agreement on mass and scale maximums, parking, gross and net density, back of house, soils and excavation. All those things that you've been working on so diligently over the years, this is, this is where it brings us to fruition. And the [inaudible] issues that the Planning Commission has talked about for so long. All of this is contingent upon Planning Commission ratification and public support. And we know this feels like its last minute. And the folks here just want the Planning Commission to end this once and for all with an up or down vote. And you do get to vote. This is your opportunity to evaluate an alternative and decide whether that's worth the effort for the next few weeks.

You can choose to freeze the process in order to evaluate this alternative. And I think that this concept---I know that this concept is well-worth considering by the Planning Commission so that we can ultimately yield to the public for their choice.

Now we owe some people in this room and the citizens some gratitude. The public and the citizens, there were thousands upon thousands of hours of public testimony that you've heard and I've heard. The Planning Commissioners from both the past and the present, the efforts and the deliberation always was with propriety. The Staff the applicant review and technical analyses have gone on for years. Thank you for that endeavor. It's because of this work, because of this input, this culmination of effort, that we can be at a point where we can negotiate. I also want to acknowledge the Staff for their unbelievable effort over the years. They have done their work, their job without whining or crying about it.

Tonight we also need to really acknowledge the person that helped bring this together. Teri Orr. She's the non-profit that I've been talking about. And she started this with a conversation between myself and one of the partners. And none of this would have happened if it hadn't been for that initial input and that passion from Teri. We owe her a debt of gratitude.

Also, I'd like to acknowledge the media for their continued focus and their diligent efforts to hold us accountable; because in Park City we have media that actually matters.

In the end there are three reasons why I think this is the right deal at the right time. The first one is because I think it provides certainty. Certainty about the square footage, the gross and the net, the back of the house, and the impacts to the neighbors. Second, I think it provides the public the choice to accept or reject this concept. [Inaudible] is a lot of money, and given what I know professionally and personally about the development, I think this is the best possible deal and ultimately the, the community does get to decide.

I think I'd like to turn it over to Andy to talk about---if indeed you're willing to move forward with this endeavor over the next few weeks, Andy can explain a little bit about the process.

Mayor-elect
Andy

Beerman: Hello Commissioners. It's my job to talk to you about this next stage because we would be moving forward together. Any of you that thought you might make a decision tonight that would let you off the hook, there is no choice on that front. There are still a few more meetings; some tough decisions ahead. And I apologize in advance that the, that the work is not going to be done. But there's two main choices. Door Number One is one that you're very familiar with; and that would be to move forward considering the CUP that you've been working on. And I think you were approaching a point where you would, you would want to forward your conditions for denial or approval, and that is your choice tonight. If, if you would like to go down that road, if you consider that the best, the best choice, that is yours to make and the City Council will be comfortable with that. However, we have brought you an alternative, and that alternative is Door Number 2.

And the Mayor just spoke about what that would look like as an alternative, and I'm going to tell you a little bit about what that process would be. Tonight we encourage you to listen to public input, to ask us questions, and to consider this alternative because we feel it has merits. If you choose to go forward there will be a somewhat rigorous but abbreviated, or I should say quick public process that we would initiate.

This would be the first of six meetings between, between Planning Commission and City Council to review this. We would ask that you take input and discuss it tonight. Make a decision which you want to choose, and if you choose to go forward with the alternative we're forwarding, it will come in front of the City Council on the 21st. We will have more details. There are a few items we're still looking at and we'll have more details at that meeting, take public input and discuss it as a Council. We would take a break through the holidays, and then it would come back to City Council on January 4th. It would come back to you guys on January 10th to make recommendations and to give us feedback, to take public input. And then on the 11th it would come in front of City Council for decision. The decision would be on the Settlement Agreement. And then one week later on the 17th it would come in front of you, and ultimately it would be up to you to decide whether you want to ratify the supplement to the MPD and move forward with that. If that was the case then we would, we would reach an agreement with the applicant and we would put a down payment down. But we wanted to make sure to have ample opportunity for the public to weigh in, for the Planning

Commission to consider this and give the City Council its feedback, and for the City Council to examine it.

So that's what we're looking at. And it's, it's not an easy choice. If [inaudible] as you're looking at them, the best of circumstances has been out there for 35 years. We've been debating and as a community, and certainly the last ten to 15 it has been a hot topic. And if it were an easy choice we would have made that long ago. So we're down to the, we're down to the difficult, difficult part. And I don't think they are any elegant solutions. There are a lot of people in the community that have ideas; why don't you do this why don't you do that. And their great ideas but they don't stand alone. I think we all know at this point there's going to have to be some compromises made. There's going to be decisions made that aren't going to make everybody happy. And it's up to us to pick what we think is going to be best for this community. What's going to be the lowest impact following the law, and, and a great outcome.

So, I wish you luck on this and I, I just want to let you know that the Mayor and the Council trust whatever decision you reach. And we look forward to the process ahead.

Chair

Strachan: I did some math preliminarily after I read the press release which said that there would be a 50% buy down of the original MPD square footage. [Inaudible.] So, I just want to get some numbers at least as nailed down as we can, even though I know that, you know, things aren't finalized so we can't have an exact number. But my math, and correct me if I'm wrong, is we're looking at roughly 413 square feet under the original MPD. Just your, your rights. Vested, base, unarguable rights. You're cutting those in half, which would take you to roughly 200 and some-odd square feet.

Mayor

Thomas: Well, you're counting both commercial and residential in your calculation.

Chair

Strachan: Yes.

Mayor

Thomas: So it's--- in the original MPD its 19,000 square feet for commercial and 394,000 square feetfor residential. So that's the numbers that we're---

those are the numbers that we're talking about. And we're talking about half that density so that it pushes the commercial to 9500 and the residential 197. It's important to notice that---note rather, that half that density would be factored into a boutique hotel. Then we're talking net square footage, so there's, there's obviously back of the house like there is in every other hotel we've ever approved, you know, because the net square footage is to the inside face of drywall. Sorry to get into detail. But it doesn't hallways, elevator cores, stairways, circulation, lobbies, back of the house, or whatever. I mean, there's always a number associated with that. And it doesn't count parking. So you've got to have a number that's above and beyond that that's reasonable. And that's what you're going to get to over the next few weeks. That's what you're going to weigh into here. And I think there's some realistic approach and some expectations that are very reasonable from both sides.

And then, and then the 18---the other balance of the square footage would go into 18 single-family properties. So, that's, that's about as detailed as I can get at this moment in time.

Chair

Strachan: But, you know gross, gross all in, we're looking at somewhere between 250,000 to 300,000. Is that---I mean, I'm not saying, I'm not holding you to that, but I'm saying is that kind of the ballpark, the universe that we're playing in?

Mayor

Thomas: Now if you're taking 100,000 square feet for a hotel and you're adding circulation space, which speaking as an architect and I'm ball parking this, you can be somewhere between 1.25 to 1.3 times the existing usable square footage, the net, because you have to have circulation corridors, etc. And then back of the house; do you want a lobby, do you want a small restaurant, do you want back of the house spa or whatever, those are other numbers that drive the number up a little bit. But I think you can get to numbers that are very reasonable and consistent with many of the other buildings that we've, we've done in this community over and over again. They all have back of the house. They all have circulation and that's typically how they're calculated. But it's going to be your job with the help of the applicant and Staff to get to that number; to set those numbers.

Commissioner

Suesser: Do you anticipate putting hard numbers like that into the Settlement Agreement or Development Agreement that is being prepared?

Mayor

Thomas: [Inaudible] with my City Attorney. Is he nodding his head?

City Attorney

Mark

Harrington: Mark Harrington, City Attorney. We, we are trying to determine that, whether it's better to have the numbers by category or a gross. We want the public input and your input on that first. It cuts both ways. If you prematurely, as you've seen in this process, if you prematurely set the gross maximum for a total, the problem you run into is you then may force some efficiencies which deprive you of having the best layout. Because if you certainly go more vertical, you're going to have a lower gross. But if you want a stacked, a stepping hotel which is tucked in somewhere, you may have a little higher gross but you will have much less visual impacts. So, we think---we want the planners to look at this and give you a professional recommendation. There is no set pre-design. We have not agreed to anything. That's an [inaudible] process and it will show as we go through this next month long process.

Chair

Strachan: Thanks, Mark. That helped a little bit. I think it's tough for me to get my head around what the alternative is if I can't define the universe of square footage we're playing in. And if we can only say that it's going to be less than the MPD as it exists today would have been, I'm not sure that's specific enough. What I would need to know, I think, and what the Commissioners would need to know is less by roughly how much. It's not going to be good enough, I think, for me to say well, it's half the [inaudible], but we haven't figured out what the back of house is yet. That is exactly the same predicament we're in right now in the CUP process, albeit on a far higher square footage basis. But if I can't define the universe that we're---of square footage we're playing in, how can I assess whether the alternative should be pursued or not. What is the universe of square footage?

Andy

Beerman: I, I don't believe we're going to be able to give you a number tonight. But the point of tonight is to get these sort of questions and find out what

those, what those numbers are, or the parameters you need to make a good decision on this. And we will come back to you with those.

So what I, what I can add to what the Mayor said is certainly we've had a lot of debate over net and gross square footage, and we focused on that. And one of the things that's important to consider on this is we were shifting half---not only are we removing half the density, but half of that density is being shifted to residential, which is a different kind of impact. And we believe it's more compatible with the neighborhoods. And the, the back of house or that gross square footage is not such a big discrepancy on a home. It's a much smaller difference. So that does take a lot of that footprint out of play. But we also hope you'll look at the other things such as reductions in massing, reductions in buildings, reduction in cliffscapes and all those things that are going to impact the character of the project.

Mayor

Thomas: And I think you're in the driver's seat with regards to establishing those numbers. I think you're going to be going through a quick process to understand the massing.

Mark

Harrington: Yeah. And you're building off exactly where you are right now. So the Staff would be approaching this from the recommendation of the goal of starting ballpark in terms of one-fourth of, of the multi-family recommendation. So about 75% reduction for this hotel in the mass. So your numbers, you know, the 250 range, plus or minus, is ballpark. But I don't want to create a false expectation that's going to be exactly one-quarter of the Staff recommendation or 400 plus parking, plus this today. But we do expect to define those areas with the exact certainty you're referring to, and using this period to build upon what you've done in such a way that it takes advantage of the efficiencies of having one-quarter of this massing to get the best possible design, more consistent than we could possibly ever achieve with that---four times that amount. Three times that amount. So, we wouldn't have done this if our planners didn't think that was a better opportunity given the site conditions and the issues that work against us with this massing. And so, you will have a very quick vision of that in the next couple of weeks, because we'll either get you enough information or not. We are not going to prolong the fight over the confusion of back of house. But I, I want to also to clarify, however, that that is---and from a technical view of not the bigger issue. That, that issue most involves tens of thousands of square feet; not what is really the heart

of this project. And we think---so we do think those are definable with enough certainty that they'll give you the comfort. The bigger issues are going to be road placement, placement of the hotel volume, and the single-family layout. We think the single-family layout will be coming back for full public subdivisions. Just like any other Planning Commission and City Council approval you will have that review authority. Nothing in this agreement will hamstring your future authority on that concept of the project. And we're going to try and ramp down the hotel as much as you've been trying to do in two meetings. The information you have or the benefit of knowing where those are; a quarter of it. You're going to do the exact same process in two meetings for the whole thing. You, you got to do the conditions for a quarter of it. That's the simplicity of it.

Chair

Strachan: Yeah, I know. That, that's helpful. What I'm just trying to do is start with the forest and then dig into the trees. But first I need to know whether we're in the Wasatch National Forest or the Uintah National Forest. The two are very different. But that's helpful.

Commissioners, any further questions while we have our---

Commissioner

Suesser: Are we---is this being an MPD? Is that what's being contemplated here? It will be a---the project will be an MPD and there will be a CUP process in conjunction with that?

Mayor

Thomas: Mark sat down way too early. So essentially, what we're doing is we're creating a development agreement by which---

Mark

Harrington: Yeah. You'll see a defined---obviously, again for the single family that, that's taken care of because you'll have your full plat subdivision amendments coming through. It depends on how much progress we get through on this, this month long period. If our idea is to---you will certainly have some CUP processes that are already hard coated for things that you saw in the Planning Commission recommendations that exist today. Slope for the ski run alterations, thing like that would still have that other process. If those are eliminated, however, if we don't modify the ski run; if we go back to a minimalist site disturbance, you might not need those. So we hope to define that process as we move forward. If there's a change

to any building envelope as it is related to the current revenue per zone, but ROS, the ROS zone is right there. You're going to have the possibility of a rezone application. The community will have to look at that in the full public process. We would not hamstring that ability. They'd have to come in the Planning Commission and City Council and ask for that rezone. So there will be those other processes. I can't define them today, but we will define them as quickly as we can in this process as a [inaudible] to proceed with. So we think that, that it ensures the, the continuation of this process with limited windows of decisions to be made in the future. We think that the bulk of the issues could be resolved by January; just like you were going to do in these next two meetings. We're going to come to finality. That's still the goal; but solving the hotel as much as possible. If, if they can't get us the detail that the Planning Staff is---for review, we're still going to have the same basis of rejection where conditions, additional conditions for action that was supposed to be tonight or next week, you're going to have that same authority on January 17th. If we don't have those and the conditions [inaudible] this future process or mitigation shown at that time by the development proposer, you're going to have the same authority that you had tonight or next week to reject this proposal. And we're counting on you to do that. We're holding---we're asking you to hold us to the same standard divided by four. That's our---what we're trying to do is give us a chance to do what you were going to do for the whole project for the reduced hotel, and give us an extra month to do it. And if we can't, you have the authority to say that's not enough.

Commissioner

Suesser: I don't understand the need to jam this, this project into a month's time to contemplate this new idea and this alternative. I don't understand the, the hastiness that we're being asked to consider this in.

Commissioner

Phillips: Is it because of the, the Commissioners that are leaving or---?

Mark

Harrington: It's, it's a factor of all the above. It's the same degree of hastiness, again, in which you were trying to make this decision. Everyone deserves the finality of that decision. It's just embedded in the, in the complexity of a 35-year-old project. So a normal small conditional use permit, someone asking to have a restaurant, if they had come in with a proposal and had their one public hearing and got a bunch of feedback that, hey, we don't want the patio on this side of the building because it's too close to the

adjacent neighborhood. Why don't you put the patio on the other side of the building? We don't make them go back and start again and file a new application. They go back to the [inaudible] and they come back to the next meeting and say try again. I know that's an absurd, an absurd analogy, but it's not. You've got the finality of the [inaudible] area the City's taking away. The only difference is, yes, we have this transactional element that gives you the benefit of perhaps changing the entire landscape and making it easier by reducing the whole project by half, and the multi-family by three-quarters. And we think it's a whole lot easier to make those decisions of where to put the patio when you have a smaller project.

I do want to---I may as---that these things appear more [inaudible] than they are, or more strategic. [Inaudible] ever solve the project of Treasure Hill. Any---the community and this body with a partnership with the professionals can make the best design. If I'm designing this thing, if any of these guys in the back row, the second row are designing this thing, you're all in trouble. That's how settlements occur. This settlement doesn't do that. Doesn't do it after litigation. Doesn't do it after a judge has defined the swim lanes. It keeps the process within the public process of what we're just going to do. You're going to rush a finality within two meetings. We're giving you six meetings and more if you want. And this isn't hard coated. If you want to do something different here we're open to considering it, but we think given your timeline and the pragmatics of a number of you leaving, and the number of externalities in terms of transitioning to a different group that gives you that ability to look at things anew and fresh without the history that they have been embroiled in, and our Planning Department's work to date, if those things can come to a confluence and produce a neutralist that reverses or at least improves a decision made in 1986 that otherwise we would be forced to live with in some capacity. And at the end you have to convince yourself that a decision to approve and respect the property rights from that day is better than this way, than done with 400,000 and change net square feet. If you think that---what we put in front of you can solve that decision better, we encourage you to go forward. If you would rather deal with the 400,000 plus, the way you have it, or after a judge decides something, you have the opportunity to, to reject this.

Andy

Beerman: I'd like to add a touch to your question there. And I mean, really, from our standpoint it was out of respect to the Planning Commission that we knew

we've got some departing Commissioners and we wanted to allow you to make this decision. And if we decide not to go forward, we'd like to figure that out soon so you can carry forward with your original path, if you choose to go that route. It's out of respect to the applicant that's asked for a decision. It's out of respect for the public that has been, you know, wondering where this---with great concern, this has been weighing on them and they'd like to see it move forward.

But I just want to point out. So we'll, we'll have six meetings in approximately a month to work on this and to make a recommendation as a City Council and a Planning Commission. And at that point we put 46 million down as a down payment. However, the ultimate decision isn't going to come until November of next year; and that's going to be made by the public. And so there will be plenty of time to consider this within the community. And that \$6 million is not entirely lost. If, if the community decides---I, I would be hesitant to put a bond forward unless we, we feel like there's strong community support. But if for some reason the community between now and our decisions change their mind, then that would go towards ultimately a density buy down. So it's not wasted. But I think there, there is a lot of time for discussion ahead, and we're trying to be respectful of people's schedules and keep this moving forward; yet allow for maximum public process.

Chair

Strachan: Let me quickly pick up on that. So the \$6 million isn't strictly non-refundable. That's not pay to play. If the bond doesn't pass, that \$6 million buys down whatever density it can.

Andy

Beerman: 10%.

Chair

Strachan: Right. Okay.

Mayor

Thomas: Of the UEs essentially.

Commissioner

Phillips: So, in this process when we, when we get to the end we're looking at just basically coming up with the billing parameters and envelopes and things

like that. And obviously we're not going to have a detailed project to vote up or down.

Mayor

Thomas: Right. And this isn't that unusual, I want to point out. You know, a large number of the buildings in Deer Valley, and I won't give the names of the projects, but a large number of buildings that you've seen over the years have been defined by first of all the mass, form, scale, the volumetrics; not getting into the nuts and bolts of the materials and the exact floor plans. But an idea of what's happening with the mass, form, scale, impacts to the site, all the things that I think you have at your liberty to work on. And that can be done in a reasonable time frame. If you were trying to design the buildings and facades and fenestration and all of the architectural details, that's a different story. That's a more arduous process. But this allows you to define, you know, through this process to define the scale and scope of this using all of the information you've had over all the years of studying, that you've examined.

So I think it's, we're doing what we were given---we were given an opportunity in 2010 to negotiate directly with the parties. Through that process and through all those years we've evolved to a moment in time where that, the enthusiasm for that negotiation has increased. And I think we---we're, we're bring this to you because we think it is a realistic viable alternative. So we're saying you explore this. We're asking you to explore this and, and put your heart into it and see what you can do with it. And I think it's not an unreasonable request. And I think getting to that volumetric is a---with regard to that boutique hotel component is a lot more manageable than what you've been looking at in terms of the rest of the project over the years. So, that's my perspective. And I hope you---

Commissioner

Joyce: I, I think the question that Laura was asking, and I still don't feel completely comfortable with the answer yet, but I mean I love the idea of where we're going with this and I, I think it's interesting and we should be exploring it. I think the question about do we go through the CUP process, though. If you look at what we're asked to do as a Planning Commission for a conditional use process, you know, we have to be looking at, you know, noise and signs and traffic and parking. And, I mean, you go down the list there's 15 things that we have to look at. And it, you can't just do a divides by four and come up with that on, on the existing plans that we have. Especially with all the outstanding issues.

Because how do you do a, this wasn't adequate but divided by four it's a quarter not adequate. I mean, I don't, I don't know what that means. And so I, I just, I really---I think, I think if what you guys were looking for is, you know, at the end of this time period that we got to; what was it, January 17th. At the end of that, we have volumetrics, we have what looks like an interesting plan, but there's still some level of the conditional use process that would go on down the road. I think that would be much easier for us to grasp than no, at the end of January 17th that really is the end of the approval for the hotel part of this, and that really does replace the conditional use piece. And I'm just struggling. I'm not sure how you do a CUP evaluation as defined by the LMC for something that quite frankly doesn't exist. Especially if you're talking about moving things and rezoning. You know, I just don't even know how you begin to start with that and, and still meet the requirements that we're supposed to do for a CUP.

Mark

Harrington: No, you need to know ahead. And that's been a challenge for this project all along. You have a Master Plan agreement which contemplated. However, we think that review closer to what we're proposing---if you read the original text---and don't ever say that I'm an original text person ever again. It's a constitutional joke. But the---

Chair

Strachan: There's only a couple of attorney's that are smiling.

Mark

Harrington: It was a bad joke. The, you know, it contemplated more, smaller---these two parcels coming back perhaps in smaller chunks; where the, the conditional use permit is never meant for this. It's not, it's not what it is. And the City in better days forwarded these processes and [inaudible] in these big projects that they didn't know, otherwise know what to do with, but they didn't want to [inaudible] existing historical facts that made no sense. So they did these big, big, big types of approvals that established hard coated zoning with this requirement to come back for conditional use permits, which we all know from our, our State training, that essentially are valid uses that can be, you know, so long as the impacts can be mitigated. That's an absurd standard for a project of this size. We would never write it that way today in, in this kind of environment. It is the best---I'm not passing judgement in the past, and most communities do it this way. But it wasn't meant for this. So we're trying to bridge the gap between that

specificity that we've come to accept for current conditional use permit review, with something that was supposed to be an incremental review and something that wasn't fully defined in the Master Plan but didn't have a developer to give the detail. And this one got stuck in the middle. And, and that's magnified by 20 years; magnified by still no developer. This gets us closer to compartmentalizing it. And we actually think we can get, you that detail in a limited amount of those areas that are either unknown or, or the things that are currently non-compliant. We know that's our challenge. We know we can't come to you and ask you to do the same thing again and kick the can. Because they can't sell it if it has that. So we're mutually bound with this mission to give you the specificity that you need to give as much clarity to the approval as you can. We have not thrown out the possibility, like I said, of additional process. We just don't know what that looks like yet. It may be a full CUP, it may be a combination of admin CUP, task force. It will certainly involve design review. It will certainly involve, you know, a number of reviews. This is not--we're not settling this and pointing them to, you know, here, go, go start. That's, that's no one's expectation. And somewhere---but I can't tell you what that looks like today. We will tell you by the 17th.

Commissioner

Joyce: I think if the answer is, there will be some level of follow up review and as part of the work that we're doing with Staff and City Council and everything, we get to help kind of define what we need and, and, you know, what we're happy with and that kind of thing. That sounds reasonable to me, personally. I just wanted to make sure it wasn't a, whatever we have on the 17th we're done. Because I just, I don't know how to, I don't know how to approve that, quite frankly.

Chair

Strachan: Commissioners, any more questions?

Commissioner

Thimm: Just a couple of things. I'm trying to understand the math because I, I heard discussion about being one half of the UEs. And then I've heard discussion about one-fourth of the area. And I'm trying to wrap my mind around that math.

Mayor

Thomas: All right. Let's say we, if we cut the UEs in half, okay, then you're roughly looking at approximately 200,000 square feet. If you cut that in half, and

you look at half that density; 100,000 to this, into the residential aspect of this, the single-family, you're really at that approximately plus or minus 100,000 net. But I think---again, I just want to say that this is an opportunity to look at a serious alternative that I, that I personally feel is viable. I've been where you are and this allows you that certainty to define the mass, form, scale, the grosses, the square footages. This is, I think, worth evaluating and looking at.

Commissioner

Thimm: Is it the intent by the 17th to actually have a description done of the building volume and mass, and some sort of a master plan that will actually tell us how it's going to treat the land.

Mayor

Thomas: Well, I think that, that first of all the resident, the single-family component actually is separate issue.

Commissioner

Thimm: And I, I agree with that. I would agree with that.

Mayor

Thomas: So really what you're trying to get a handle on is what is 100,000 square foot plus or minus net boutique hotel look like in terms of mass, form, scale, impacts. And more definition as to the back of the house. You're in that driver's seat now.

Commissioner

Thimm: But that's, but the answer to that question is yes, in terms of the boutique hotel.

Mayor

Thomas: Yes.

Commissioner

Thimm: Okay.

Chair

Strachan: Doug, you've done this a number of times, where do you put the gross square footage just on the rough math we have?

Commissioner

Thimm: I have a spread sheet.

Chair

Strachan: I figured you'd have a spread sheet.

Mayor

Thomas: I'm going to write a number here and see if it relates to your number.

Commissioner

Thimm: Let's see. 242,931 square feet.

Mayor

Thomas: 240,000 square feet.

Chair

Strachan: And how do, how do you estimate the back of the house. Is that just the classic 15% that's typically allocated to that?

Commissioner

Thimm: There's, there's a range that I normally use. It depends on, on the type. I did a little bit different; an opposite way that Jack does it and you come up with the same numbers. But it's my way. It's sort of 15-25% is where I would think that back of house would be in something that I'm designing. I'll put it that way. Or something [inaudible] expect it to be in terms of efficiency.

Commissioner

Suesser: That would be in a hotel? 15-25% in a hotel?

Commissioner

Thimm: Uh-huh.

Mayor

Thomas: That's not counting the parking.

Commissioner

Thimm: Not counting the parking. Yeah, I'm not counting the parking. Another question I have has to do with the current application that we have been working through for the last year and a half. So there's an applicant. Where, where does that stand. We've not heard tonight from the applicant, but is that application going to be withdrawn? Is it going to be indefinitely continued or where does that all stand?

Mayor

Thomas: We'll let Mr. Call speak for the applicant at this moment in time.

Craig

Call: Hello.

Chair

Strachan: Don't forget to just state your name for the record, please.

Craig

Call: My name is Craig Call, C-a-l-l. I only spelled it out because I have sat with you through the entire last 16 months taking minutes and writing notes of everything everybody said, and I never learned how to spell a single name. Because in fact if people in the audience who have spoken saw my notes they'd be deeply offended by what I thought they said their name was.

Do you mind if I introduce myself before I answer your question?

Chair

Strachan: Please do.

Craig

Call: Thank you. I appreciate that.

Chair

Strachan: And just---are you on behalf of the applicant then, or---?

Craig

Call: I am representing Plain City II, LLC.

Chair

Strachan: Park City? Park City II.

Craig

Call: Park City II.

Chair

Strachan: Okay.

Craig
Call:

I'm sorry. You know that, there's only one [inaudible]. There's only one other town in Utah that always uses the word City when you describe the town, and the word starts with a P, and it's Plain City. And that's where I live. And I assure you there could be no towns any more different than Park City and Plain City. If you just look at the terrain. If you just look at the inversion you'd see, you know, why there are great advantages to being in Park City. Anyway, I digressed.

So since 2011 I have been the representative for Park City II, an LLC, and have become very well acquainted with the [inaudible] and interest and the prime owner of Park City II, Elizabeth Rad. And, but it's not the first time I've come to Plain City. I'm actually the guy who drafted the first--- Park City. I am sorry. Well, if you wanted polished in your applicants you can give up on that hope now.

I came to Park City in 1976 and drafted your first Landmarks Ordinance. I'm the guy who did that under a Grant from the National Trust for Historic Preservation. I'm an ardent preservationist and have restored about 24 historic buildings myself. I was president of the Utah Heritage Foundation, the Idaho Heritage Trust, and was an advisor to the National Trust for Historic Preservation. But I digress. I've also been on a City Council. And I serve as the Appeals Hearing Officer for land issues for Salt Lake City. I wrote a book on land use and I just want to show it to you. This on my book, published by the State of Utah, is the Wasatch Back; not the Wasatch Front. So for what that's worth.

My, my business basically has been a mediator. I've only been practicing law for about ten years and I [inaudible] with Mr. Burnett and Mr. Harrington. They've been associates and friends of mine for some time. I also want to take just a minute if I could and thank Jack Thomas for the incredible work he's done here, and also Mayor-elect Andy Beerman. What Mark Harrington and Anne Laurent have done here to help me along and help me understand the lay of the land and what I could do is great. And the City Council, of course, with its work its done. You've done incredible work and I witnessed it first-hand; at least the public part of it. And like I said, I've been through all the meetings. These are handwritten notes I have taken for every comment made in any one of those meetings. And the first one is May 2016. So, congratulations, and I

appreciate all that incredible work you have done. And I certainly appreciate Pat Sweeney and the Sweeney family that owns a half interest, and the willingness they have to basically pass the baton. So having said that, what was the question?

Commissioner

Thimm: So where, where is the applicant in terms of what's the posture. Withdrawing the current application? Are we putting it on---

Craig

Call: Not at all. We basically, we, Park City II, have always owned 50%. Elizabeth bought her share on behalf of her and her associates 12 years ago. So during that time we've been half owner and always have contracted with the design team to do this. But what happened is the ownership was split and the owner who remains, Park City II, will acquire from the other side as part of the transaction, the application, all the rights and the, the documents, the expertise that's been provided by those consultants. And so we will continue with that application, depending on what is the best strategy to try and accomplish what everybody's goals are here. [Inaudible] the continuation of the application, obviously gives us a leg up on the efficiencies we want to accomplish by getting something done. Something we'd all like to do to get done.

Mark

Harrington: But yes their application would be stayed.

Commissioner

Thimm: Okay. That's, that's the bottom line. Because we haven't had---

Craig

Call: See you, you [inaudible] I actually was a [inaudible] attorney.

Commissioner

Thimm: When I see you on the sidewalk I'll know.

Craig

Call: Thank you.

Chair

Strachan: All right. Commissioners, any further questions?

Commissioner

Phillips: Is there a, so we're contemplating, we're contemplating moving the masses outside of where the development is now? So the building area boundaries, all of that is going to be, you know, I mean, like the, the, the subdivision areas are going to be in a completely different part of the entire property? Where are we at as far as that goes? What's anticipated? I mean---

Mayor

Thomas: You're probably a week down the road. And I can't say where the massing is. I can't say where the single family lots are at this point in time.

Commissioner

Phillips: Okay. But it is being---

Mayor

Thomas: I can say conceptually, I think it was 18 single-family lots and a boutique hotel component.

Commissioner

Phillips: Okay.

Mayor

Thomas: And how that's configured on the site and how that works is to a great extent up to, up to this process.

Commissioner

Phillips: Okay. Thank you.

Chair

Strachan: You know, Jody, I think you probably asked me not to ask you this, but I'm going to do it anyway. [Inaudible.] Was there ever, I mean, did you ever see a way through the CUP process that we could get to a square footage number like 250,000 or 300,000 taking into account your own vesting letter.

Outside Counsel

Jody

Burnett: No. Honestly, no. And I think it's really critical---I think the Planning Commission understands this, but for the public let's just assume for the sake of argument a denial of the CUP, that doesn't mean the project would go away, and they would still have vested rights under the MPD. And in fact, given the length of time this project and process has been pending, I would probably if---and we may have to go down that road eventually, but I would certainly be in a position where I would encourage you as a Commission with our help to try and give further definition to that. But as you can see, I think from the Staff power point that is part of your packets and would have been presented last week, that's still going to be a big number. And then we'd still have to work through that with a complete redesign of the project and deal with that. So, I think this proposal would give you an opportunity to reduce that number far below what it could possibly have been under any redesign of the existing MPD rights.

Chair

Strachan: All right. Commissioners, any other questions.

Mayor

Thomas: So, thank you for the hard work and the continued effort if you choose to do so.

Chair

Strachan: All right. Thanks.

Mayor

Thomas: Andy and I are going to---anything else, Andy?

Chair

Strachan: I think we'll take some public input. Thanks you guys.

Mayor

Thomas: Thanks, again.

Commissioner

Joyce: [Inaudible.]

Chair

Strachan: Yeah, yeah, I planned on doing that. Yeah, before we go to public input I just want to try to be clear about what you're, what we are being asked to do tonight, and what the Commissioners, at least their initial thoughts on it are. Because if the initial thoughts are against it strongly, then, you know, that could make things different tonight in terms of the time we spend here. So, I guess since Jack and Andy left---what we're being asked to do tonight is---and it's not six meetings. It's six meetings between City Council and Planning Commission. You're only asking us, by my math, for two more meetings.

Mark

Harrington: Correct.

Chair

Strachan: Okay.

Mark

Harrington: So it's a motion to continue. And it's---on a simple level you're being asked to do a motion to continue the pending application to a date uncertain. You have allowed us to work this schedule that's behind you.

Chair

Strachan: It's been behind me the whole time.

Mark

Harrington: It's been behind you the whole time, so that's the same schedule that Andy outlined for you. It's not cast in stone. If there's, you know, if either you or the City Council wants additional public input opportunities or a different process, we're, I think we're, you know, both sides are open to that; but we think this best respects---as I said I'm not, I'm not, this is strategy. To be honest with you, just want to try [inaudible] that you thought you were doing on a bigger process with the same, with a little, a little extra time and, and see if you can get there. And that's, that's our charge. So.

Chair

Strachan: Okay.

Commissioner

Suesser: Mark, I'm a little, I'm a little troubled that you have two meetings with the City Council to, you know, discuss the Development Agreement and not involve us in that process. Because we've been looking at this site for 18 months, you know, and we know what all the, all the hot button issues are. And it's kind of surprising that the City Council would be, you know, discussing the Development Agreement two meetings before it even comes before us.

Mark

Harrington: And it, it, the actual assumption is embedded on this and that's why it's proposed. If you want it to [inaudible] another process before now and the end of the year we are more than willing to do that. It just gave the assumption. If, if we did that, it definitely puts the holiday weeks into play and that [inaudible] that your schedules and your desires and, and the community might want to force that coming in, it did give us a little bit more time in the front end to get as much work done as we could to bring you and the public that proposal the first week of January, and hopefully everyone is rested and refreshed and can look at that with the merits that it deserves or doesn't.

Chair

Strachan: You know, over and over through the public process and the public hearings I've heard, you know, quote unquote, you guys have got to some kind of deal. You've got to, you know, get to a win/win. You've got to--- this is absurd, it's insane. And this is that deal that has come about partly due to that sentiment. And for us, I think, you know my initial inclination, and I haven't heard the public hearing, but my initial inclination was, you know, let the community members and the voters decide on that deal. I mean, for us to even narrowly decide to vote on the application now, I think, is just a power play on behalf of the Planning Commission that takes it out of the voters hands, takes it out of the City Council's hands, takes it out of the negotiating parties' hand, and gets us to a point where our own special counsel has said we're going to end up with a project that's far bigger than, than the deal that the voters may either vote up or vote down.

That's my initial inclination. I don't know. Commissioner Joyce, what do you think?

Commissioner

Joyce: I kind of stewed on this in the past two days when we heard about it and I, I just wanted to make sure. I know there's a lot of new faces in here that, mean some of you have been following this in meeting after meeting, but there's a lot of things that go of go around in the buzz that are people's working assumptions. Quite frankly, if you had sat through the 18 months, God forbid, you would have heard that they're just really wrong. If you go back and just start from the '85-'86 Master Plan, the agreement back then actually involved things like the Town Lift and base development down there. But the big thing that they did was there was a hundred acres up on that hillside that got deeded over to the City and carved out as recreational, recreation open space, so it was actually rezoned, with the idea that they would take all the density that was going to be developed up on that hill; there were going to be houses and roads and utility lines and all that kind of stuff up there. And the whole idea was pull it down into one small area, reduce the density by about 40%, and then that was a good trade-off. So like it or not, the 1985, 1986 Planning Commission and City Council, that was how this Master Plan came to be. And so the first working assumption for all of us when we started this 18-months ago is the application has the right to build something very large right there. And right there is defined in a very specific 11-acre chunk of land and it's at the end of Lowell and Empire, and it's specifically defined to be accessed off those roads. So everybody kind of starts with all these new and interesting ideas, that's, that's the given. You start with that.

So I hear people all the time, just don't let them build it. Stop Treasure. Nice. I can maybe appreciate the sentiment of people who are saying that, but a couple things. Number one is, we just said, they have the right to build something big there. They gave their part. They gave the City the land. They gave the open space. They've done a lot of other things. They've given their part and they'd like to build something big there. So that's what we're sitting here negotiating with. The stop, the stop it kind of thing just doesn't make sense.

What we've been going through for the last 18 months is a conditional use permit. Conditional use permit says there's 15 things that we look at for compliance, and its things like traffic and parking and noise and lighting and signage, environmental impacts and scaling and mass and all these things. And what they have to do is for all the impacts they have on those 15 areas, they have to mitigate those impacts in an acceptable way. Now that doesn't mean make the impact go away. So we can't go oh, they're

[inaudible] and don't let them have any traffic on the roads. The answer is, yep they're going to have traffic. Mitigations could include things like shuttle services. Mitigations could include paying to improving the roads; and in fact, they've done some of that for construction purposes. But that's the kind of thing that we have to look at. And as much as we appreciate the passion and everything everybody brings, as a Planning Commission, what we get to do is look at the plan, look at the application. Does it comply with the plan and is it adequately mitigated in the 15 pieces of the conditional use permit? So the fact that the public doesn't like it or we don't like it or whatever is quite frankly irrelevant. We have to apply this to the Code.

And so I just want everybody to kind of start mulling that. So all the ideas of, you know, just make it go away; get a time machine and go back to 1985, then you might make it go away. But now, now we've got an agreement that we're working with, and that's what we've spent the last 18 months up here doing is trying to find the right evaluation and work with the applicant to find something that works.

Just for what it's worth. I look at this, and if the answer is at the end of 18 months we can actually get something to draw it from the proposal that we've been looking at to something that's dramatically smaller, fits in better with the neighborhood, less impacts on everything that we see; visual impacts, traffic impacts, noise impacts, less construction. I mean, if you just go down the list of all the things that we've been kind of fighting with for the past year at least, this has the potential of addressing a tremendous number of them. And so just for what it's worth, I've been one of the ones that's been up here kind of fighting this pretty hard for a while, but I'll tell you, I would love to see this come to fruition. I think it's important that it goes out to the, to the community to see whether they want to actually pay for it. That's a different discussion. But from a plan alternative standpoint, I wholeheartedly support taking the time to go through the next couple of weeks working our butts off and seeing if we can come up with something that works. Because there is absolutely no way that we could have gone through the CUP process and the appeal process, which probably would have ended up in Third District Court, and then whatever they decided. I don't think any of us would have been happy with what the end result would have been. But I think, I think there's a possibility that we get something really nice out of here.

So I would just offer that I personally support making the process. I don't think we ought to be pursuing 17.2 anymore. I think we have our documentation on that really well-defined through the Minutes and everything, and I think we could pick that up pretty quickly if it happened to have to start again. And I think we ought to be working at this pretty hard and see, see what the community thinks of what we've done at the end.

Commissioner

Band: Totally agree with what both of you have said. And I just want to add one quick thing to that just so people understand it. Per the MPD, the way it was written, if they---if the applicant had brought us Woodward exactly as it was shown, exactly, and it wasn't, but had they had done that, the MPD legally pre-assumed that that could be conditioned exactly as it was built. So that 15 CUP criteria that we're going through on this application that you've seen us all go through, is looking at the additional square footage that the applicant had asked for and the changes that the applicant had asked for. That's what we were judging against the MPD and the CUP criteria. So just a small point to what you've both said, but it's an important one. We're not, we weren't starting from scratch. We were starting from the point of here's our Woodward application, this fits. This can be conditioned and then we're moving on from there.

So I'm also very excited about this. I think it's great. Hope we can get there. I still have seven pages of notes if we had gone for a different road on 17.2 tonight. And I think that its.

Commissioner

Phillips: Well, I'm going to keep it short and simple; and that's how I've been described. So, I, I look at it as, you know, back to 1985 when it was brought from the whole mountainside to one area, I think that was definitely a move in the right direction but I don't think that it was set up right. I think there was too much in one spot but it was certainly better. I don't think it was quite where it needed to be, and I think this is that opportunity to revisit that whole concept. And by the, by the landowners allowing us to begin with buying down that density, that's huge. And then if we can reconfigure it in a better way that fits the hillside and Park City and the landscape, I think that this is definitely a move in the right direction. I'm very excited and I'm glad that we are sitting here tonight. And I will put in as much time as needed to see this through.

Chair

Strachan: Commissioner Thimm?

Commissioner

Thimm: I suppose I should just ditto. I mean, I, I was reading my notes and Commissioner Joyce was speaking and its virtually all there in my notes.

Commissioner

Joyce: That means you're right.

Commissioner

Thimm: Well that's a surprise. That said, this process started with us in this room being told that a deal is a deal. And if---a deal is a deal and if this is not approved there's going to be hell to pay.

Commissioner

Suesser: Yeah.

Commissioner

Thimm: To see now the group coming---and as I understood it, the group actually came to the Mayor's office and said let's try to work something good out. I am very appreciative of that activity and that action.

I think what this does is it gives the public process a meaningful way to control the density. I mean I totaled those on my spreadsheet, but I, I had a number for what it would be based upon what we've gone through for the last 18 months. And what I---the thing that I came to is about 740,000 square feet of entitled area versus what looks to me like, and we're going to see how this goes through if we go through this process, 240,000 square feet. And then the people of the City will have a meaningful way to help the decision to either come to fruition or not. And I'm behind it.

Chair

Strachan: Commissioner Suesser?

Commissioner

Suesser: I'm just going to say that I'm willing to explore this alternative and I'm looking forward to hearing the public input on it.

Chair

Strachan: Commissioner Campbell?

Commissioner

Campbell: What I'm uncomfortable with is not really understanding whether what's coming back to us is a CUP or an amendment to the MPD. I wish we had some more clarity on that, but I'm happy to wait. Andy, this is kind of a question to you. It sounds like that's the next thing, the next part of the process. I feel like we've been asked to say yes or no something when we don't really know what the process is. So I wish we had some more clarity on that. That's the first part I want to get.

Second part that I want to say is that I'm 100% in favor of buying it down. And I think it's brilliant that you're going to put it back to the people to decide whether it's really worth \$30 million or not. I don't want to be the one to have to decide that, and I don't think you should be either, so I think it's great that you're letting the people choose. But I do think that we should be prepared for the fact that they may say no. And if they do, we should be ready to jump back in where we, where we are today; because that is a lot of money. And that's it.

Chair

Strachan: All right. I think what we'll do now is we'll, we'll start the public comment, but we'll probably just due to the size of the group that may want to speak on this, we may take a break in the middle. So if I shout you down and tell you to sit down, it's not because we don't want you to talk. It's because we need to take a break and get some water or something.

So let's open the public hearing on the Treasure Hill Conditional Use Permit. Anyone from the public wishing to speak, please come forward and sign in.

Public Comment

Liza

Simpson: Good evening. I'm not going to put my email on there. Everybody knows where to find me anyway. And I'll be brief.

Chair

Strachan: But you're Liza Simpson, former City Council person.

Liza

Simpson: But I'm Liza---you didn't tell me to state my name. You just told me to sign in.

Chair

Strachan: I must have forgotten. I apologize.

Liza

Simpson: You're getting rusty.

Chair

Strachan: I know. Well, that's why---

Liza

Simpson: Time to put you out to pasture.

Chair

Strachan: Time to put me out to pasture.

Liza

Simpson: I want to just say I appreciate all the diligence and hard work you guys have put in on this, as well as the public, but I am absolutely thrilled that the Mayor and the Mayor-elect, and the Sweeney's and Park City II have managed to reinvigorate the negotiations that I was deeply involved in several years ago. And I am thrilled that we had this opportunity to vet a redesign that will benefit the entire community. Thank you.

Chair

Strachan: Thank you.

Mark

Fischer: Hello, Commissioners. Mark Fischer is my name. I decided to come to speak tonight; and I rarely do as it relates to Treasure. But you may know I know the Sweeney's extremely well, and of course, I've gotten to know you all because I've appeared before this group for 17 years. It's been a different group over the years but I've learned the process pretty well. What's turned my tide on this is really quite simple and straightforward. You have the sitting Mayor who was duly elected, you have the Mayor-elect, again who was duly elected by the public, and they're both recommending that we do this. And I think that's very unusual and something that we have to really honor. So I think that we need to give

this process a change to work. And if it doesn't work, regroup. And frankly, I'm shocked that the Sweeney's are willing to sell and to move on because this is their heart and passion, and I've watched it for years and years. And so, you know, a little shout out to them for understanding how complex this is and how controversial it is.

And the last I want to say is that last thing this town needs is a long drawn out court battle to further divide our community. So I hope you'll give the process a chance and continue it. Thank you.

Nicole
Deforge:

Nicole Deforge speaking here tonight on behalf of THINC. And just for the people that are new here for the first time, I want to just say a few words about THINC. It's, it's a community organization of hundreds of Park City residents, businesses, and neighbors. And, you know, as much time as you have all put into this, and how much we appreciate that, THINC and its members have put in an enormous amount of time and energy and blood, sweat, and tears, and money into this process for years and years and years and years. And so I want to first recognize that commitment and that involvement and the worthy goals that they've had, and use that as sort of a backdrop to explain the mixed emotions that they have tonight after all of that work, and I'm sure you share that as well, and expecting to, to get a decision and to maybe close at least a chapter on this if maybe not the final chapter. And particularly given the history of this and how many times it has been back and back and back and back. And so you can also, I think, understand and appreciate the apprehension that they might be feeling at this point and hearing here we have another alternative. And I think, you know, echoing Commissioner Campbell's concerns that although there are some details, there's certainly not a lot of detail and we're just kind of having to take this on good faith and hope and, you know, and prayers that this might actually be something that's viable. And it's really difficult to evaluate this on the information that we have.

So given that, we're willing to consider. We hope that this will actually be a win/win situation and not just another halt in what should be an end to this process based on what has been proposed to date. That being said, at a minimum there are some things that we, that we very much want to see be a part of this and encourage the City to incorporate into this rather abbreviated process. And one of those is that we want this development agreement to have enough definition that we really aren't just back here

with years more of uncertainty trying to sort of feel our way through the darkness and figure out what is this project, what should it be, how do we deal with all of these issues that have come up time and time again. And as part of that, we encourage the, the City and the Staff to go back through the many, many, many comment letters that we have prepared that detail all of the issues. And, and we want those to be addressed in this development agreement. And maybe we can't get down to the nitty-gritty, but conceptually they need to be considered in part of this so while it's important to, you know, address the massing and the square footage and some, you know, where the location is going to be on some of those big ticket items as it were, it's equally important to go back knowing what we know and try to set forth at the front end some of the expectation with regard to these other issues; like traffic, like construction, like safety, like, like environmental issues, like water issues. Like how do we, you know, keep this open space pristine like it was intended. How do we deal with excavation? How do we deal with fill? How do we, how do we get it there, where is it going? I mean all of these things we all spent so much time exploring, evaluating and, and money on experts. Let's get that in here now so we don't come back and just keep, literally kick this down the road with an entirely different project as you've mentioned. Because that really would be just a waste of everyone's time again.

We'd also very much like to have a commitment from the applicant that they will, you know, work with the neighbors and meet with them and discuss this with them, because it really is in the best interest of everyone to find common ground, see how we could work collaboratively to save again the time, expense, money and adversarial nature of this whole thing to come to something that's reasonable and that works for everyone.

Another issue we're concerned about are the restrictions and conditions in the MPD. We want to see those preserved and continued in whatever deal comes up. So for example, we've talked a lot about this project not drawing off-site commercial traffic from Old Town or from other neighborhoods and coming up through these very narrow, small neighborly historic streets. We want those conditions to be part of whatever is coming out of this new development agreement so we're not just wiping out all of that and all of the things that were preconditions to the density and the square footage, and then just preserving that at a reduced level. All of that needs to be continued in whatever we come up with.

And then I think finally we want the transparency. We want the public input. We want the scrutiny and the option to be part of this, and to be at the table through all of this. So again, with, you know---when we get to the end of this schedule, whatever it ends up being, we don't just start over again and go through all of these issues ad nauseum and end up with a smaller development but one that brings all of these same problems, these same impacts to these same neighbors. And then, you know, and then we really aren't anywhere further down the road.

So we appreciate again the Staff, the City, the Mayors, and especially the Planning Commission for all the work that you've done. And we hope that we have done has been supportive and helpful to you. And we look forward to continued collaboration in this process. Thank you.

Brian

Van Hecke: Okay. I'm Brian Van Hecke with THINC. I'd certainly like to thank Jack and Andy for their efforts. Also Mark, and I understand Anne, our Community Development Director. But this is not about development. This is about community preservation. You know, you guys have all dedicated so many times---so much time and months, the Planning Department.

You know, Steve, nobody disputed that the Sweeney's and their partner have rights. We understand they have rights that, you know, date back to 1985/1986. So those were never disputed. What was disputed, of course, was what was being presented and what they felt they were entitled to. That was the dispute. That's why we've gone on month after month after month. We certainly believe they are entitled to a fair return on their investment. Again, that's never been disputed. The question is, what is fair. So again, I'd like to commend Jack and Andy and others for trying to work out a deal. And I'd also like to thank the Sweeney's and Craig and Liz for coming to the table. It's something that we actually at THINC had hoped for, for a long time. We just didn't feel like the time was now, but it's good to know that there is something that could be possibly worked out.

You know, THINC was founded back in 2008-2009 with our goal to preserve the land of Treasure Hill, landmark Treasure Hill as open space. I truly believe that is in the best interest of this community if we were able sit down and figure out how to preserve that land as a conservation easement and, of course, provide a fair return on investment to the, to the

Sweeney's and their partner. What's at stake here is certainly the integrity of Old Town. You know, we're staring at global warming. This is a big thing. I mean, we're staring at global warming, shorter winters, little snow, record low snow pack, fires in California, droughts, the inversion in Salt Lake City. I've never seen it so bad. I mean these are real things that this community needs to think about, does think about, and I'm proud to be part of it because we do care. We care about the environment. We care about the community that we live in.

So, where do we draw the line? You know, where do we draw the line. I personally felt Treasure Hill was the place to draw the line given the fragile community that is Old Town and all the other development that is proposed at the base of Park City Mountain Resort. Early this week I watched the video again that the applicant had put together with the drone flying over Treasure Hill; the proposed development. And it starts at the base of the Park City Mountain Resort. And this is what, just a block or two from Treasure Hill. You have empty parking lots that are cited for massive development right down the street. So how do we, as a community, justify this entitled development on Treasure Hill, as well as all the coming development at the base of Park City Mountain Resort. How do we make this work? We need to think through this universally. So, I truly do believe that this density belongs, perhaps, at the base. Now again, I'm not sure if transfer of density was considered or if it's even an option, but Craig, you know, you mentioned you're a historical preservation expert. And that's great. That's a wonderful background to have. But I still ask, even with the reduced proposal as proposed, which again is a great step forward, how do we wrestle with that and the impact that that has with historic Park City. And, again, I know they have, you know, are entitled to development rights.

So, you know, where do we go from here? Yeah, I think as, as Nikki said, you know, we, we are hopeful, and we are cautious, and we are thankful for the efforts that are being made here. We do have concerns. This back of house is a major, major concern. We have seen for months and months and months how this back of house as proposed by the applicant was way beyond anything that was contemplated by the 1986 MPD.

Other things that I would like to just mention as part of the back of is what does that, what does that entail? And, you know, they mentioned restaurants and spas, and I don't know if that was ever envisioned in the 1986 MPD; and specifically conference center and meeting space. I know

that was never contemplated in the 1986 MPD. So, just in terms of the negotiations that are going on right now, the conference center space and meetings, I just hope that that is not part of the vision that is being contemplated right now.

So, you know, and then as Nikki said, all, you know, yes less is better than I suppose what was originally supposed, but again, our hope was to be able to sit down and try to figure out how we protect and preserve this landmark Treasure Hill as open space forever. How we define back of house if something is built. And I would just like to make sure that we insist on a thorough CUP process, just because if we do start over with something else that it's still a massive proposed development that's going to have big impacts on this community. And we need to be really careful how we think this through.

So, in closing again I would like to say thank you to everybody here who's been involved in the negotiations, and we remain hopeful. Thank you.

John
Stafsholt:

Hi. John Stafsholt, 633 Woodside. Yeah, everybody started with a thank you and I'm doing the same. Thanks to Jack and Andy and Mark and everyone else involved in this trying to get a little creative to come up with an answer that may be all right for our town. So it's really good to have something on the table. A lot has to be flushed out here.

Respect of process. That's one of the things you hear from everyone up here. One of the things you hear from anyone in the Planning Department, anyone at the City. If you want to put a little addition on your house or maybe change your windows, respect the process. So we've been through this process here since 2004. We're at the end. We were at the last week where we were going to have a vote. What's changed? Why is the process stopping? Why is this an either/or decision for you seven people up here today, which we very much respect your work and your diligence. This is a whole new project. According to the MPD process as I understand it back from '85, if you come with a completely new project it's a completely new MPD. Why wouldn't we follow this process all the way through and in parallel work on the new project as a separate MPD. We haven't heard yet whether it's a new MPD, an amended MPD. We don't know. That's quite a crucial question right here. And it can be in parallel.

Personally, my feeling for all you guys to honor your work and memorialize this 18-months and the 12 years, this should be followed through. It wasn't followed through in 2009, and we're back here eight years later, nine years later in the same position because right---maybe a month or two before that vote we froze it hoping it would never come back in time, but it did. Bonanza Flats. Awesome deal, great job for everyone here; all of our leaders. The voters supported the bond, \$38 million. It was all done, we got a great thing out of it. It's great for our town. But that bond and that vote depended on a 100% buy down of density. If Bonanza Flats was, was voted on for half the density so we have the same number of buildings but they're half as tall, I don't think you had voters support. Okay? And I think have the same thing here, that people aren't going to understand what to vote on, on a morphis smaller thing that's somewhere different. And as much as we all wanted before the lower the density, and we are for that, I think you've got a tough road to try and sell that. I think just like Bonanza Flats, the way to get the people behind you and the voters behind you is a full buyout.

I also want to point out, there's a \$6 million payout out of our taxpayers' money almost immediately, and there's no guarantees with that money. It's not a down payment because you don't know if you're buying the project. So that, that is \$6 million that responsibly should be done at the time of the approval. And that's just me talking about that and not THINC.

But all in all I think it's great to have some other options. I'm just surprised that you've got to drop this, freeze in stone, and possibly have a bunch of new people pick it up next November who aren't going to be able to pick it up that fast. I know you guys have it more documented, but you picked up 2009 in 2016 and we had to re-submit everything we did in 2004, 2006, 2009 when you guys picked it up in 2016; and that isn't really fair to the people or to your work. Your work should be honored. Thank you for your time.

Juliana
Kline:

Hi. My name is Juliana Kline. My husband and I are business owners of two businesses, the Bridge Café and Grill and the Flying Sumo. The Sweeney family is our landlords and also longtime friends. We have been in town for a little over 15 years. As business owners, we, of course, the more density for our location the best, the better for us because it means more people for our businesses. And I do think the bond, it's the best option for the town and for the City right now, and for us. And as a family,

a family friend of the Sweeney's, just like Mark Fischer said, I was shocked when I learned that they were willing to share out their share in the project, because I know how passionate they are. And I'm 100% in favor of the bond.

Dana

Williams: I'd love to say that there's three mayors that are excited about what's going to happen here, and I hope that's true. So my concerns have much more to do with process and due process. The fact that the last 16 months you've been through all 15 conditional use permits, this will be the fourth time that in the bottom of the 9th the developers changed tact, and I am deeply concerned about that. So while I'm in favor of where you're going, what we're looking at, I think you have every right as a body to determine what you were set out to do 16 months ago; come up with a decision and ask for a new application and a new project.

I'd also like to talk just for a second about back of house because I do think that was the bane of my last six years in office. I, I hated that term. We've heard different factors. I listened to your numbers earlier and 15% was what we were at about during the Yarrow days; and 1.3 is about where we're at with, with Montage and St. Regis. But it's been such a nebulous term that I really think things like that do need to be pinned down.

But again, I think the biggest single thing is that as a body you have a right to make a decision on the 15 CUPs that are before you, and require that the developer put in a new application because it is a different project. Thanks.

Hope

Melville: Hello. My name is Hope Melville. Just as background, I'm a retired lawyer and I practiced high-stakes litigation for over 20 years, including lots of settlements. And so based on that experience, I just wanted to bring to your attention that I think that I can assure you that if you think a settlement that's been talked about here between the City and the application would be a good thing---and it appears that it would be if that settlement could be reached. But if you think it's a good thing, then the absolute worst thing that you could do now is suspend the ongoing CUP review and decision process. Instead, the thing to do is let the process go ahead to its resolution until a settlement agreement is actually signed.

That's based on lots of experience with that; and I'm sure a lot of you have run across those things yourself.

Even after your decision, the parties can still go ahead and sign the settlement agreement, and it will be a good thing, perhaps, if they do. But there's no reason you can't go ahead and parallel; and shouldn't go ahead and parallel. The chances of reaching a settlement agreement are always much higher with deadlines pending, and when there's a lot of new information or full information about where the outcome is going to be. So you get more information and also you got these deadlines pending. I see no upside, to tell you the truth, to the City and its residents to suspending the schedule for your decision now. I do see lots of downsides, and that would be by suspending the current decision schedule you're going to remove settlement pressure. I know there's a schedule there, but is that really going to happen? And who knows when or if such a settlement is going to be reached and on what terms. It's pretty nebulous at this point.

Suspending the current decision schedule will definitely decrease the City's bargaining position. Suspending means that there will be no record of what this panel concluded after your months and month and months of work. No record. And if no settlement is reached or if no bond is approved this Fall or whenever, a new Planning Commission panel is going to have to start, as others have mentioned, all over again without the benefit of the results of your months and months of work.

So again, I see no real upside to the City and its residents to suspending the Planning Commission decision schedule. It should go ahead until a settlement is actually signed. Thank you.

Alex

Butwinski:

This is like a parade of former elected and candidates are up here tonight. Alex Butwinski, Park Meadows. I wrote some detailed notes on the bus over here that I think Steve must have looked over my shoulder; but---and he already made a lot of the good points, one of which was a long time ago in a land far away the Sweeney's gave us 110 acres of recreation open space. And for ten years I've been involved in this and it seems like every conversation I got into I always reminded people that it was somewhat unrealistic to think that nothing was going to happen in Treasure Hill.

I reread---for lack of anything else to do, I reread Jody's, Jody's assessment of the vested rights, and it's pretty clear that that fact, that they had done something preliminary to this was going to work in their favor if it ever came down to going to court. We made the deal and we need to figure out how to do it. And if you look at the math, I mean, I think this is astonishing in terms of reduction. I mean, the gross of this thing will be less than the original net the MPD allowed. It's amazing. I mean, it really is. You know, I've listened to these things for, these hearings for ten years. Get to a point where, wow, who'd have ever thought this is where we would get to at this stage of the game. It just amazes me. So, it sounded to me like you're already going to move down that road. I think you're doing the right thing. I'm not sure Hope is correct that all of your work would be for naught and that it would not be on the record, because it certainly is and has been documented for a long time.

And as far as process goes, I don't even see that as a real interruption of process because all you're doing is taking a break from the process you're working on. Maybe that's a way around or a polite way around working on that, but to me it makes a lot of sense.

Last week I was using a metaphor. You know, in baseball you run down every ground ball. I came up with a new one today which was---Andy, Jack, City Staff and everybody came up with this kind of hail Mary pass that got to the ten-yard line. Okay. Now we've got to get in the red zone and get the ball across the goal line. I think we're close. I think it's, you know, something we should consider. There's absolutely no doubt in my mind that we should do that.

And rather than opening with it, I'll, I'll close by saying thank you to everybody that's been involved in this. Thanks to Andy, Jack, the City Council, City Staff, THINC, and people that were involved from Old Town, all the people that are here tonight. And most of all, Planning Commission, and at the lead of that, I think we all agree, Adam who has gone above and beyond what any reasonable person should be asked to do. I guess that means you're not reasonable. I'm not sure. I'm not sure that's what I just said, but that's not what I mean.

And the last thing, I know that---so let's look at what we've got. We got, I think, a great deal, and that, that's a good thing. And then let's look at what we're going to pay for it. That's a whole separate questions, as Steve mentioned. The---we get to vote on this, all right. Mostly in deals

you have a willing buyer and a willing seller. Well, we got a willing seller. They're sitting over here. We got us, and we get to decide whether we're going to be the willing buyer, and we know the price. And we get to decide on that and we have a long time to do that. So I'm in favor of it. We should do it.

And one of the other things that's always been mentioned here was, we could have bought this for \$6 million 30 years ago. But just again, just for yuks, I did an analysis of if we had given then \$6 million and they put it in an S & P index for the 30 years we've been going on, they'd have \$28 million; \$28 million and change. So, you know, I think what they're going to make, whether it's fair or not is kind of like irrelevant if we're willing to pay it.

Thanks guys. And Adam, you're a rock star.

Chair
Strachan: Thanks.

Joe
Kernan: Hello. Joe Kernan. Thank you for serving and spending your time on this. I personally have enjoyed not being here for the last six years, and I really know how hard this is for all of you. I like Alex's analogy with the, with the hail Mary pass, because I think it is really difficult to persuade the public to help solve this problem, which---where most of the impact is on one neighborhood. And I think it is going to take the support of everybody; the whole Council, the whole Planning Commission. It looks like most of you if it comes, if they come up with a decent project are going to be willing to lend that support. I think, I think it will be required to get the community to support it because I think some of the bonds are a little difficult. I remember when I, when I---the most important goal of mine during the Council, during my eight years, was the walkability. And that ended up---it had a lot of community support but it ended up passing 55-45. So, it's, I, I think it will be close. And I think and I hope that the community supports it. And I'll certainly vote for it. And I'll certainly hope that you guys can iron out all the details to make it as good a project as possible.

Thank you, again, for your time.

Ed

Parisien: Hi. I'm Ed Parisien, an Old Town resident now for 11 years. I guess I have a couple things to say. One of them is [inaudible] from the beginning is like a deal is a deal. And I think, you know, the Sweeney's broke that deal right off the back by asking for way more than they're allowed. Now we've still got half of that partnership that we have to deal with. What's to prevent them from going out again and breaking the deal. You know, 250,000; let's go for 300; let's go for 325. Is this all going to be dealt with here in these six meetings.

Another comment about the Woodruff drawings. [Inaudible] said no, they never could have built that. It's like well, I don't think you could have built that with all the 15 mitigating factors. That was---that didn't go through the process. That was a picture of a drawing. That was like, oh, yeah, we think it's going to look like this, blah, blah, blah. That, that, I think that's a foundation, a false foundation to start with that that could have been built, because I don't think it could have. Traffic, environment, noise, density, lighting, and all the CUP criteria. So I find that a false start to approve it.

And the last topic is where does this, where does this leave us on the 17th? I don't know, maybe Andy can---where does this go? Are we going to be continuing with the MPD process after that and go through November to a vote? What's the process going to be to---what are we going to be handed in November to vote on? Just this? Is it going to be a whole---are you guys going to meet all year on this and try to hammer out a, a final MPD. Like here's the deal. Here's the plan. This is what it's going to look like. Are we even going to have drawings at this point on the 17th of 2018? I mean, is it just going to be a nebulous, well, we're going figure it all out. And by the way, we're going to spend \$6 million dollars in the meantime, which as I understand, is coming out of the, the fund for the Brew Pub lot. So, the fact that we're giving up the Brew Pub lot, which is a \$6 million project. I'm not saying I'm for or against that necessarily. Some things are good, some things are bad about it. So you basically said, all right, something that we've been thinking about, the Brew Pub lot, we're not going to do it anymore. We're going to give you \$6 million to cover [inaudible] costs, and then we don't know. That's a lot of money; \$6 million. That, that's the Brew Pub lot done, completed, it's there. Well, that's the number [inaudible]. All right. We're close.

And I have one other thought. And I have to agree with John here that why not continue the process simultaneously. Why---you guys are all

psyched for a vote, I'm sure. Maybe if you vote no---all signs point to they haven't mitigated all the criteria, maybe the [inaudible] goes down. Maybe the [inaudible] no, now we've got to come up with a new plan, now we've got to sue. Now we've got to go to a [inaudible] and ask for another \$6 million. Maybe it's a better deal along those lines if you, if you vote. I mean, I know it's a big chance. It's a risk. The, the Board might come up and say, yeah, you can build this. But still, even if they say they can build it, they still gotta go through the process, right? No? That's it. They don't have to mitigate traffic. Although they could have---I assume the [inaudible] has to go through all this criteria, the noise, the density. I mean, that's part of the original MPD. You can't approve it if it doesn't pass.

Anyway, those are my thoughts. I think it's a great idea. I'm not against it. Absolutely not. Buy down some density on this. But I hope that it's all thought out. I hope you tell us what happens after this last Planning Commission meeting on the 17th. Is it just going to be---are we going to have anything except just square footage?

Katherine Fagen:

Katherine Fagen. Very short comments. I'm really bad at public speaking. The first comment is a general one to follow up on what was presented at one of the previous meetings. Unfortunately, I agree with you, the 1985 [inaudible]. Yes, there's a [inaudible]. The area, the neighborhood is not 1985 anymore. It's really, really grown up and it's very congested. And as much as the original right to build what they designed was there, the circumstances have changed. And to me that's a real fly in the ointment to say that they could take something from 30 years ago and then put it in the area where the entire environment is completely different. It's all built out.

The second comment, two other comments, because I tend to be off the center on a lot of things; and I haven't heard it mentioned so they're really tiny points. One is my ears perked up when you said that there was going to be 18 single-family homes in this proposal. Maybe one thing that would really appeal to people in Park City is if a proportion of those were defined as affordable housing, because that is one of our goals in Park City. I don't know if that's feasible. Just throwing that out.

And a third comment and then I'll sit down, is I've been holding on to this one because I'm scared like many people here. It seems to me that the

plan that has been proposed would eliminate the Town Lift in the sense of the Town Lift that goes actually all the way up to the ski area to where Pay Day is. It sounds to me like what they've been talking about is changing that into a cabriolet, I could be totally wrong, that just goes to the property. And then people would need to get on another lift device to get back up the hill. The Town Lift is such a unique thing. It, it's sort of something that defines Park City and our Resort. And I for one would just hate to see the Town Lift disappear. Thank you.

Mike

Guetschow: Hello, I'm Mike Guetschow, an Old Town resident. I just want to say thank you to all the work that you have done. I have not followed this religiously, but possibly I may be more like one of the voters that would be going and trying to inform for this possible bond. One of the things that I would like to know is we've invested, you've invested so much time to get this point, if we pass the bond we would know, we would have the information that--- how you felt about it. If we vote against it, we would know how you felt about it and where it would be picked up again. So I would encourage you to finalize your vote so that we know how it is that you feel. And I do encourage the process of trying to mediate to come to a better agreement and a better thing. We can do both of those. But I'd like to have---if we're going to go to a vote I would like to know how you guys feel.

Mark

Sletten: Hello. I'm Mark Sletten. What Commissioner Joyce said earlier really resonated with, with me. When I was sitting in your place back in the mid-2000s by biggest fear was we were going to come to an impasse with the Sweeney's, and at the end of the day a court was going to make the decision. I think you have a unique opportunity right now to step out and see if this process with the two mayors can work. And any kind of a negotiated settlement in my mind, any kind of a negotiated settlement with the input of the public, the continued input of the Commission, and in negotiations with the Sweeney's is going to be a lot better than what a judge could ultimately assign.

Kyra

Parkhurst: Hello. My name is Kyra Parkhurst. I live on Empire. I have a question. It was on the radio today that there would be a Park City Institute presence at the---up on the mountain. And that part I just really think we need to clarify because that would present a whole other different set of requirements at the hotel. Do they need a sound room? Do they want a,

you know, a room like this to hold meetings? And that, then presents--- goes against what the original agreement was that there is no conference space. So I think that's one thing that needs to be brought up.

I think the other thing that would really help in a short period of time here, would really help the planning process is, if I may use Rory, if he's still here. He did a great job when he has built like Silver Star and his other projects. I would, I would extend an invitation to Liz to come and go, hey, this is me. I'm Liz. This is who we're going to work with and, you know, let's---this is my version of what it might be like. Even if she would use pictures of other hotels, other boutique hotels that is her vision. Is it a Sundance? Is it, you know, is it a Goldener Hirsch? Is it a Ritz Carlton, a small Ritz Carlton? You know so we could at least---it's not just numbers and mass and scale, and this is what it could potentially be. It would also be interesting---you have, some of the Planning Commission members have given us their building footprint and square foot. It would be interesting to see what Liz's idea is of total square foot when we start this.

And it would also, again, be really great if the public could be involved. And I think if you're trying to get a lot done in a little period of time, you know, sit---to have some people sit at the table and say, okay, this is what the envision is.

And then I still always hold off for that maybe at some point if in the future, that once we got to some of these details that maybe there still would be a better spot for this great Park City Institute and hotel in our town other than up there on the mountain. So thank you.

Michael
Barille:

Michael Barille. Good to be before you. I want to thank all the previous commenters for their comments. I think it's been respectful and insightful commentary.

I'm the Executive Director of the Historic Park City Alliance, which is our Downtown Business Association. I'm also an 18-year resident of the area; many of them in the neighborhood just a couple blocks away from here. So I want to do the same thing that a number of others have done and recognize all of you guys and say thank you to you and to the Staff for your thousands of work and consideration in deciphering numbers in, in previous agreements. And also recognize both the applicant and, and the neighborhood for continuing to show up and move the process forward.

And to all of you collectively, for I think bringing this into greater focus than it has been up until now, which I think is the first step towards being able to resolve it.

On behalf of the HPCA I want to say that, you know it's interesting, there was a comment about the Brew Pub earlier. We understand that the Brew Pub lot project may in fact be a collateral damage of this potential agreement and there could be some delay to that project without the funding for it for some amount of time. And as---that being the project that the HPCA and our membership has worked on for a long time as well, that's disappointing and I think some of our membership would be concerned about that. However, I think we're optimistic that funding will still be available in the not-to-distant future and that maybe it gives us some time to take a second look at that project as well, and create something that still adds vibrancy to upper Main Street, and take some of the input that we've heard from our nearby residents into consideration for a redesign there.

Speaking specifically to the project and still with my HPCA hat on, I would that I think the HPCA has long been on record saying that wherever new development occurs in Historic Park City we're in favor of hot beds being a significant portion of that. And that hot beds tend to lend better support to downtown businesses with less traffic impact, slower parking demands than some of the alternatives. That's probably the only commentary from the HPCA side that we would have. Other than I think we also consider ourselves kind of the original arts and culture district, and adding some of that element back in might be a nice, a nice piece to a potential outcome after having lost some of that over the last few years.

Just as a community member, I guess I would echo some of the former comments saying that I think we do have a unique opportunity here, and I hope we can find a win/win. And that I hope collectively we'll keep showing up to some meetings and allow this some time to play out before we poke holes, and rely on the great expertise you have to bring this into even clearer focus so that we do know what it is that we're voting on at the end of the day.

And then finally, I think it really will eventually come down to a value proposition for all of us about whether the configuration, the use, the, the mitigations, and ultimately the value of the density that we'd be buying down feels like the right, the right equation. And everyone views that

through their own lens. And the beauty of this proposal is that we'll all get to vote on it individually. Thanks.

Neals

Vernagaard: Sorry, I'm moving a little slowly. I twisted my back coming in here. Maybe that was a premonition. My name is Neals Vernagaard. I'm a---and my wife and I are full-time residents, 822 Lowell. I do think we're close to a win/win. I'm the one that's been up here every meeting saying all we want is a win/win. I do think we're close. Whose Liz? Is Liz not here? No? Okay. I was hoping to meet her. The only reason, and I'll say it to her attorney, is you know, Rory in the Bamberger project that's best practice. He met with the community, the neighbors of that, what four or five times or something like that. Made big adjustments to the plan in order to meet the community's needs, the neighbors' needs; and that project is going to sail through as far as I know. And certainly not, you know, getting the vocal opposition that---from THINC or anybody else on that. So, Counselor, I would hope you would pass that on to your, your client that meet with us personally. We're actually nice people. And, you know, we understand, or at least I understand, that probably something does need to go up there, and probably will go up there. And if she can convince, you know, the people that are directly affected by this; and certainly at 822 Lowell there is not anymore direct affect. I mean, I was looking at rocks rolling down into our property if this thing wasn't done right.

So I do think we're close to a win/win. And I don't know what the analogy is, but I sure hope that our elected leaders push us over the goal line and get us to a win/win. So, thank you.

Carol

Fontana: Hi. Carol Fontana. And I have a question. I'm unclear about what happens in November. If you ratify this and the bond is not approved, then the \$6 million goes to a 10% buy down of what square footage?

Chair

Strachan: The original MPD square footage.

Carol

Fontana: The original from '86?

Chair

Strachan: Just the UEs.

Carol
Fontana: Just---so the 400?

Chair
Strachan: UEs.

Carol
Fontana: Okay. Thank you. Thanks. I'm in favor of it. Thanks, guys.

Emerson
Oliveira: Emerson Oliveira, Old Town business owner. My wife was here before, Juliana Kline. She talked a little bit about it. I think you finally got something on the table. And as a win/win situation it only happens if someone is willing to give up the rights, and then have something on the table to negotiate. And I think we got that. Andy, Jack, great job, you guys with the proposal. And the Sweeney brothers, good job in willing to do that. And that just proves that you're looking out for the community. And at the end everybody is looking out for the community. But you got the rights, you got the rights. Someone is fighting for the rights. The other side of the town or Old Town is fighting for the rights, but finally got you to something. So that's---I want to say I favor that. Think about it. You got something on the table; use it.

Annie Lewis
Garda: I'm Annie Lewis Garda. We live right next door to the Treasure property. I'm personally very enthusiastic about this possibility and I appreciate all the parties that came together to make it a possibility. My concern is this. Park City just approved a very large bond issue to buy out Bonanza Flats. And probably in November the school board is going to come with a very large bond proposal also. And so with this competition, we have to face the facts we may not get it passed as enthusiastically as many of us would embrace it. So where does that leave us in November? It makes me wonder if we should follow some of the advice of the earlier speakers and pursue in tandem the approval process plus this possible negotiation. Thank you.

Peter
Marth: Peter Marth, a 35-year Old Town resident. Don't have to worry, I'm not going to yell tonight. I wish I had a crystal ball like you guys do, I'm sure. My intent tonight is to make sure that what's not lost in this process is you

guys. I want to thank you for doing an incredible job. You've gone through reams of data that's so hard to just digest. And I truly appreciate all the hard work you guys have put in; and Adam, for keeping your, your Commissioners focused. Francisco---and, and your Staff, Bruce. I've known you a long time and you guys did a heck of a job. I mean, I really appreciate you guys taking this so seriously and just so completely analyzing it to the point where there's nothing to be left out. There's nothing missing. You guys have done an incredible job. I just have to say that.

And, and Jack. You know, the Brew Put lot was mentioned. And we've been involved, as you know, in a long process with that over the last years. We've been meeting with Michael Barille, for example. We've been meeting with Staff privately. We, we were a gnat's eyelash away from having those \$6 million in funds dedicated to something that really could have been a really nice asset to the City. And I think what, what we need to understand is Jack Thomas, our Mayor, understands very clearly that it's about the big picture. And he was willing to give that up to give you guys a chance and some more options. In the end, I know you guys will make the right decision; and it doesn't matter which decision it is because you've done your job. I think that there are more option and more flexibility now because of this bond. Still a lot of unanswered, but again, I want to just say we can't lose on this the hard work you guys have done.

Thank you very much.

Chair

Strachan: All right. Anyone else from the public wishing to speak on this item? Is that a yes?

Elaine

Stevens: Hi, Elaine Stephens. I live on Lowell Avenue. I've sat in these seats many times because I don't want to sit where you sit. And I very much appreciate what you do. I've lived here for 13 winters now and I, I've expected something to build there from the very beginning. Not what's been presented the last few years, but what was the original plan. I'm excited to see this new proposal and I trust that you all will do a great job. And I will vote for whatever you guys come up with. Thank you.

Chair

Strachan: All right. One more.

Mike

Kelly: Hello. I'm Mike Kelly. I live in the neighborhood and I've spoken before the Commission. And I thank you all for everything you've done. I think you have a hard job. I'm very hopeful about what's been proposed. I'd like to think it would solve the problem, but I couldn't help but keep thinking about a sense of déjà vu that this is the City Council and the Commission in 1986 being presented with something that's not very specific; and being asked to make a decision and, you know, spending the next 30 years trying to figure out what that decision was.

So I urge you in the process over the next month to not simply approve something in hopes that you'll short-circuit the process. Because if you don't approve something that's specific and determined to be a solution, then you wouldn't have solved any problem whatsoever. And without knowing what your decision is, which I sense that you're not going to give us, I hope you'll preserve the right to make that decision if this doesn't turn out to be what everybody wants it to be. So, let's not have it be a déjà vu situation. Let's get a decision. Something that you can agree on. Something that we won't fight about for the next 30 years. Thank you.

Chair

Strachan: All right. Anyone else from the public? All right, we'll close the public hearing. Let's take a quick 10 minutes break and the Commissioner's will gather their thoughts and then we'll decide on this, decide how we want to provide tonight. All right.

End of public comments.

Chair

Strachan: All right. Let's call the meeting back to order. If everybody could take their seats. All right. Let's air this out. This one has a different process than really any other application that I've ever been involved in at any time. So, I think we'll just start it off. And why don't we start it off with our esteemed Vice-Chair, Commissioner Band. And I think the issue first and foremost in front of us is what do we do with the continuance tonight. I know there's more issues that we're going to air out right now, but that's sort of the starting point. So, why don't we start there. But it's up to you.

Commissioner

Band: You know, I actually I think covered most of my points earlier just on why I think that we should go down this road. And Steve and Adam both stated it quite eloquently prior to mine. As far as tonight and the continuance, I think there are a lot of---I can see that there's a lot of public support for us to go ahead and issue what we were going to do in the last meeting, but I think there's probably a lot of good reasons not to as well. So I would welcome hearing the other Commissioners' thoughts on that and having a good discussion about it.

Chair

Strachan: Steve, what do you think?

Commissioner

Joyce: First of all, we're looking for Planning Commissioners. And by staying here this long you guys have passed the first test. There's at least two spots open and maybe more. And I'm serious by the way.

To me a couple of things. I mean, there's a lot of concern voiced about, you know, do we do a vote tonight and what happens if we get through January and things aren't settled. I guess there's two share points. One is if we get to January and we---for whatever reason, it comes unraveled. I think between how we were prepared for last week's meeting and this week's meeting, the Planning Commission could go back and be in a position to vote within a week or something, and go right back to the meeting we were supposed to do of actually crafting the findings of fact and conditions of approval or denial, and conclusions of law. And you have to do that, so there's no way we could vote tonight anyway. There's no such thing as like a little thumbs up/thumbs down. It's, it's got to have a lot of information behind it.

I think it's much more appro-, and I think we're on a really short time table to work this out or not. And so I would rather spend the time over the next month trying to work through something that we all, we really do think is a win/win. And if we get to January and we can't work it out, I think we go right back to where we were and restart.

It's a little harder if you get to November and everybody thought we were on a good track and the bond fails. But I think we have done a really good job. We---not, we, Staff. We, the royal we, have done a really good job of documenting this, and even to the point---I don't know for people who

follow it. Normally the Planning Commission meetings are summarized a little bit. If you look through for Treasure, just because there were so many very specific things and discussions from the public and from the Planning Commission and from the applicants, they have been verbatim the entire time. So there is an incredibly detailed history behind it.

So I, I would rather spend my time working on, on trying to get a win/win and hopefully get there, because I feel comfortable that we could recover very quickly if it came to that.

The last thing is, I guess I'll aim this at Andy and maybe Bruce or something. I don't know who catches it, or Mark. I think your schedule is broke from the Planning Commission standpoint. Laura mentioned it, but just I, I sit here and do math all the time. So my theory is, you're going to work for the next 29 days and not see the Planning Commission according to your schedule. And then you're going to see this Planning Commission twice in the last seven days. That, to me is a real position to put the City in where you're going to walk in thinking you're fat, dumb and happy, and those of us who have spent the last 18 months on this are just going to poop all over it. And I would hate to see this fail because the City's not working well with the City. So, I can't speak for everybody timing wise, but the idea that you go 29 days without meeting with us formally is completely broken. And so I would encourage you guys to find ways and time. And maybe not---you know, other people may have travel plans and that kind of stuff so it may not be all of us all the time or whatever. But we've just got too much sitting up in our heads right now about what works and what doesn't. And I think that has to be a really active part of the, the role if we're going to have a good answer in January.

Chair

Strachan: Well, let's stay on the right. Commissioner Phillips?

Commissioner

Phillips: Yeah, I, I agree with what's been said. And I'm not a huge fan of the schedule myself. I'm a little concerned of having just two meetings and having them so close and near the end. I'm not sure what the reasoning is for the City Council two more times before it comes to us. I don't---you know, can it go back and forth so that we can build off of each other? But, yeah, I, I'm concerned about that as well.

So, as far as everything in general I do feel like we could continue this. I think there's enough on the record that even if there were some new faces there's not a whole lot of input that's needed at that point. And I think that everything, you know, I think that some of the Commissioners could easily step in and, and read through everything, have an opinion, and be able to have an educated vote. So, I don't feel that we do need to move forward. And I do think that that energy that the Staff would have to put in to creating all of the findings and facts and conclusions and all of that stuff is much better spent working on this.

So, aside from that, yeah, I just---the other thing. The big takeaway for me tonight is just the overall sentiment of the public, the applicants, the City. It feels good. It feels right. And I really am excited about the potential of a compromise here. And, but at the same time a little concerned about some, some things. And part of it would be, we do---we've got this in our head. And so there's a lot of things that I think that some earlier input from us would be beneficial. I, I feel---I get a little bit of anxiety thinking that we, we're only going to get input near the very end. There's a lot of things I feel tonight I want to start saying, but I know we're not at that point yet. You know, I mean, are we going to see a conceptual model. Or, you know, all these things that I would anticipate having even a concept. Even if it's not even close but just something, because, you know, through our 18 months visual, the visual impacts has been one of my main things.

So, aside from that, yeah, I'm glad that we're here. And another thought would be joint work sessions maybe with the City Council. And it's new because the City Council hasn't been involved, and then all of a sudden they are. So I'm not even quite sure how that's all playing out. I guess I still have a lot of questions on the process, but I trust the hands that it's in. I know the Staff has demonstrated perfection through this process. And obviously there's a lot of talent on the other side as well. And so I do have faith in the people that are working on this, but right now that's what it is, it's faith. It's, you know, relying on that professionalism that has been presented to us. And I, I, I do expect it.

I'm not---I'm still a little, a little concerned about the rush. And that's the one part that makes me feel a little bit uneasy. And one of the things that I've thought about is, we've got until November. I mean, obviously you want to have it done in time to be able to have good arguments for your vote. But if we have---I mean, there are, there are people that have

stayed here and I think that their input would be very valuable; but at the same time I think in the same regard that anybody could just come step in and help make that vote. I think, I think if, if we were to slow the process down and maybe get the new Commissioners and get them involved in that process. I don't know. Just some thoughts. But the, the urgency behind it always makes me a little nervous.

Commissioner

Band: Can I jump back in? I'm sorry. I have a quick question. Is, is Staff coming up with this application? Is the applicant coming up with the design? Is there something already on the table here? I mean, I, I understand that the idea is to reconfigure this plan to hopefully mitigate a lot of the issues we had with the previous plan. But are we working on something already?

Mark

Harrington: No, we do not have a specific proposal. I think what we have is---the applicant is working with their team, as Craig explained, to modify roughly one-fourth for what their, their plan desires to build off what was done and propose that. So it is, I, I would say it is a hybrid, but certainly they---we are reactive to whatever they propose, but it is extremely collaborative based off our planners input of the record to date. And so we're saying this is the issues list that we need to address to even have a chance. And we understand by putting this, this clock on for a very quick decision puts as much pressure on them to give something that they can get through you and the public and the City Council in a very tight time-frame. And so they're being extremely responsive. Certainly, I think we'll have more information once we see the concrete, at least, plans. And you'll know what we know.

And I think as you look forward to address the process questions, what may be helpful is whether you want to add additional meetings or make, as Commissioner Phillips suggested, joint meetings on this. Because I think we're, you know, we're open to suggestions. This was a first proposal.

Commissioner

Phillips: No, I mean, as I stated before, I'll put in the time.

Mark

Harrington: Yeah, no, but that's what I mean.

Commissioner

Phillips: I'll meet twice a week.

Mark

Harrington: If whatever---

Commissioner

Phillips: Yeah.

Mark

Harrington: You guys can suggest what you want. We, we actually started that way and then went, went to this more as an assumption that you didn't---you know, this is a lot to go through these couple weeks. And we just really assumed we could front load a lot of the technical work and do our job and bring something to both bodies in January without the pressure of the holidays. There's no more intention than that. But if you guys want to jam some stuff in these last two weeks, we are more than willing to accommodate that. Conversely, if you'd rather just add some information session or joint meetings with the Council ones and you guys are involved continuously. It was certainly not any direct intent to put you at the end other than---

Commissioner

Phillips: Yeah. No, I mean, I can see why.

Mark

Harrington: [Inaudible.] And we anticipated a little more work for the Council on the other end, and we weren't sure, you know, which was going to go first. And so, but we're, we're---and this can easily be [inaudible].

Commissioner

Phillips: Thank you. Yeah, once again, I mean as much as I think the, the input and the first-hand knowledge of the outgoing Commissioners are invaluable, I'm weighing that versus why not get the new faces in and let's, let's play this out over three-month's time. Because one of my fears is that we get to January 17th and, and you know, poor Adam, I mean he, the guy has got trips planned, you know. I'm sure. Right? You're going to have to cancel your world travels. And I worry that we get to the 17th

and we're not there. And it's like, okay, we need to have two more meetings. And, and this thing continuing to drag out. And so, but that's up to the other Commissioners to make that decision for themselves. So, that's all I got.

Chair

Strachan: Commissioner Campbell?

Commissioner

Campbell: So, Mark said a minute ago that it's a lot for us to go through. And no offense, Mark, but right now it's nothing for us to go through. There's nothing for us to see. So that, that's the part that, that---I'm, I'm more than happy to wait until April and see something worth us deliberating over, or have meetings where we work it out together. I'm happy to do either. My only concern about tonight's, what's been unveiled to us tonight, is the short fuse. And if there's anything that some of us have said that we're anxious to have our terms over with, and we talked a little bit over the break, just want to make sure that everybody know that I think most of us are willing to do whatever you guys decide is best to not have this short fuse.

Just a couple other things. And, and the real reason is I don't think the specificity that we're going to need to really support it can be created that quickly. And maybe it can. It would be great if it could. But one of the, one of the public comments earlier really rang true to me, which is don't--- if you, if you vote on something that is very nebulous, then you're going to be really just kicking the can down the road. And there's going to be another Planning Commission five years from now fighting over what did we really mean. So I'd like to get that specificity there.

And then the other thing I want to talk about is as much as I appreciate the people that come in here, and we really do because we've learned so much from your testimony; the fact that it's the same few people really concerns me because I think when this goes out in November a lot of people are going to say what's that all about. And, and I think the best chance for this thing to pass in November would be if the Planning Commission could get all the way behind it. So I'd like to make it something that we really can specifically know exactly what it is, all agree on, and then, you know, we're not in the position of, of selling the idea. But if this is going to be a win/win for us, it's going to work better if, if the

bond issue does pass. And I think the best chance for that to pass is if all of us are 100% behind it.

So, the only other that I've got is a question, which is when is the \$6 million payment payable and what's the trigger for that. Is that something you can answer, Mark? Because that's the part I'm not clear on.

Mark

Harrington: As currently proposed, not until both the settlement agreement and the development agreement are approved by the City Council and Planning Commission.

Commissioner

Campbell: Okay. So that, that's one of the things that's driving the short fuse, potentially? And it's okay if it is, but I think all of us up here are willing to put in the time to make that quickly---to make the decision quickly. I just want to make sure that if we get to the end of this process on January 17th that it's not going to be forced on us to vote. That we as a body can deliberate and say, you know what, we need a little bit more information. We want another meeting. Can we, can we continue this for one more week. And I think that's a legal question for you also, Mark. Sorry to put you on the spot, but is it going to be dictated to us that we have to approve or not on the 17th; or are we going to be the ones that get to decide to push it out a little further if we want more info?

Mark

Harrington: Well, I mean, I can, I think---I won't speak for the applicant or the, either of them. But I think the open, I think this is being a little bit perceived almost backwards. I think from our perspective it's in our mutual interest to pressure one another to get to something that you all support. And we agree with Hope that deadlines are extremely important. And a three-month window is not a deadline. Three weeks in a deadline. Four weeks is a deadline. The balance of a public vote. And so we're saying the same thing with different triggers. And it's incumbent upon us to give you that specificity, in which you're comfortable with it or not; or, or they don't get their money. It's not they get their money and that's driving the timeline. It's opposite from our perspective. And that's our challenge, and we're undertaking. And if you don't believe that, you know, don't vote to continue tonight. Everyone's right, you should be on a different path. If you believe that, you should vote tonight and give us our chance to bring

you something with that degree of specificity or readjust. They're open to adjusting if we're on a win/win track and you need more meetings.

Commissioner

Campbell: So, you're open to---

Mark

Harrington: And, and yes, they, they have, yes. If you need one more meeting in January or if we're making progress and they agree, and you need something, there is not a deadline that is being driven by, you know, a payment thing. The Sweeney's do have a desire for, for---they need to know whether they're kind of in or out, so that's a different problem. So, and, and as that gets extended. But either way, you know, their deal is contingent upon the, the bond. But the process, you know, if, if you do this, they are going out until you invite them back in by denying any suggestion. So, that is also just, you know, directly relevant to our ability to address this with a clean slate. And I, I don't think I'm saying anything disrespectful to their side, but that is as important as the proposal itself is that we're giving this a fresh look. And, and that's what we've been driving at.

Commissioner

Campbell: Just for the record, my only fear is that we're going to be asked to vote on some number on the 17th, as opposed to something more specific.

Mark

Harrington: No.

Commissioner

Campbell: Thank you. [Inaudible.]

Chair

Strachan: Commissioner Suesser.

Commissioner

Suesser: So, so I was leaning towards, you know, urging the Commission to vote on the application, and then voting to explore the alternative. But I think that there's some value in capturing this Commission's final, final thoughts and feelings about the application that's been proposed. But we didn't have that final discussion last week and we can't vote it up or down. And we don't have the conditions of approval all drafted. So, we can't, we

can't vote on the application. We'd have to continue the process, and I don't think---I think exploring the alternative is something we should definitely do. And, and going forward with the alternative in tandem with the current application I don't think is a practical kind of thing. We need to, we have limited resources. You know, we can't spend all day on Planning Commission issues. And the Planning Department also has limited resources as well. So I don't think that's a reasonable proposal. So, you know, given the fact that the applicant would have to come back in the---if, if the bond doesn't pass and the applicant comes back with their application in the Fall, the fact that it would be 10% reduced also leans towards, you know, maybe closing this application and opening a new one. But again, we're not there yet. We're not ready to vote on it. And so I think we're being asked to continue it, freeze it, and I think that's what we should do. I do have the same concerns about the specificity. I'll be looking for it in the next few weeks for the new proposal. And I agree with preserving the restrictions in the original MPD. That's something that we're going to be looking at, because drawing people to the site was a big concern of the public and of this Commission through the application process. And I've heard so ideas about what might go up there and we want to, we want to pay attention to what was in that original MPD with respect to those restrictions. And I'm going to be interested in getting kind of a firm number on that gross buildout, because I don't think there should be---I think that's something we've been struggling with so much that we should just, you know, get to a hard number there in the next few weeks.

Commissioner

Thimm: Okay. I agree with Commissioner Suesser. I don't believe that the process has gotten to the point where we are ready for an up or down vote tonight. I normally don't disagree with an attorney, Mark, but in this case we did not get to that process. And---

Mark

Harrington: Just, just to clarify. You could---no, I agree. I didn't mean by tonight. But you could still do that with one more week delay. And we would give you the two-week turnaround that you requested if you wanted to fire up tonight instead. And if you wanted to go back to that, that is your choice.

Commissioner

Thimm: Okay. And, obviously, I misunderstood, but I don't think we're ready to do anything but continue this tonight as, as far as the process. I, I think earlier when I spoke I kind of outlined what I think we should be doing; what the

proper course it. And that is, I think we should follow this process through. I'm not sure about the schedule. Anymore sure than any of the other Commissioners are I think at this point. So, I think that needs to be borne out. I do think that this Commission is invested in this. And I think to what we have said, and we are saying, that we will do what it takes in terms of joint meetings or whatever it takes to do the right thing for the City.

With regard to where we're at. We've, we've talked about our record, and I think we have a very clear record. And as this process goes through, I hope that the design team and I hope that the City side uses the lens of the record that has been created; because this record not only can be used to pick up where we left off if we need to pick up where we left off, but it can also be used as a lens to get it done right. And I think that's what we'd all like to see. So that said, I would like for that record to be used very closely with coming up with a solution that really makes sense and is, is the right solution.

At the end of the day I believe I'm in favor of a continuance and going through this process.

Chair
Strachan:

Thanks. Well, you know I think we've got a few questions we've got to sort out going ahead. You know, one is whether we vote, vote for the continuance tonight, and you know, I think I come down on that in favor of doing it. And my reasons for that are that rarely are you asked by your elected officials as a Planning Commissioner to do something. And we are appointed as Planning Commissioners and not elected. And so when a publicly accountable body tell you they want you to do something and they're asking you to hold off on your process, I think we owe it to the public, speaking through the voice of our elected officials, to do what they ask us to do.

That does leave us, though, with the question; two questions. What happens in January and then what happens again in November when the bond election comes up? You know my view on what happens in January is if it's not specific enough we've got to refuse to ratify it. And things that we have worked so hard on that I'll be looking at are, you know, what is the meeting space. Is that even a part of this proposal? What about the parking? And, you know, if we're not getting to a place where I as one feel comfortable and the other Commissioners don't either, I think the

whole thing goes out the window. But I have full faith and trust in Mark and Andy and Jack and Staff to bring us that specificity because they're going to want it too. They're self-interested in having exactly the same thing. I don't think Jack or Andy or Mark and whoever else is involved in this, Anne Laurent, wants to have some open, aimless, nebulous MPD with their names on it. They're not self-interested in doing that. And the applicant can't sell that. So, I'll give you the benefit of the doubt on this one.

You know, what happens in November is---so say the bond fails, which I don't think it will. And I'll work hard if asked to, to, you know, do the PR on getting it passed. But we're going to have three, likely four Commissioners still on the Commission who can pick up this ball and run with it very quickly. This record is about as full and complete a record as I've ever seen on any project. I don't think there's a lot of debate about where the evidence was coming down and what the hard parts were. Where, you know, we thought it may have some difficulty complying with the MPD and where, you know, we needed to see more mitigation. I think the record is, is pretty clear on that. So the new Commissioners that come on really don't have that much, I think, work to do.

You know, it's not---I don't think the trial analogy is, is spot on, either. I mean, we're being---it's not like, it's like we're being asked to, to pause the trial right before, right a closing arguments. I mean, we can pick it back up. We don't need to represent evidence and represent witnesses. We would just make our closing arguments and, and let the jury decide.

You know, as to whether we should pursue parallel tracks, I think again, we're being asked not to by our elected officials, which for me holds the most water. And secondly, the end game of the decision that we can make isn't really as good as the end game of the alternative that the Mayors and, and Mark are proposing. And the stakes are too high. If we take a vote and the applicant backs out of the deal, the stakes are too high. You get an 800,000 square foot something rammed down our throat. That's not, that's not a risk I'm willing to toy with.

And I think it's also good to take a long range approach because I get the impression some people think that if the Planning Commission were to take it's vote, that that would be the end of the game here. But believe me, all I've been doing this entire time is trying to give both parties a good record; because this is going to get litigated, and it's going to get litigated

for quite some time. So to say that, you know, our decision is, is what the, what the applicant needs to leverage them to do what we want is just not-- I, I just don't think that's, that's accurate. And moreover, I don't know that the Staff has the resources to pursue both tracks. I don't know that Staff can draft a very intricate and specific development agreement that we'd be asked to ratify according to that schedule on a holiday timeline; while at the same time crafting very specific and litigation proof findings of fact and conclusions of law and conditions of approval.

Francisco---and you know, people think I'm at my wits end, Francisco and I have---I can't believe the guy doesn't drink. I mean, I don't know how you do it. But I, I just couldn't ask Staff to do that. I really couldn't. That's not reasonable to make them do that.

So, you know, I think where I come down at the end of the day is we're being asked by our elected officials to do this. I'm not about to take from the public what should be a voter decision. I'm not, not comfortable taking that out of their hands as an appointed, as an appointed official. It just, it just doesn't seem right. This seems like a community vote measure. That's how this decision should be made, and not as a Land Management Code straight up CUP decision. Hopefully, Mark and, and your team---I know you're fighting for a good specific development agreement, and I think you can get there. I really hope so. But these Commissioners aren't going to take some wishy-washy little thing that just says they get some square footage. We're not too sure what it means yet, but it's enough that you should pass the \$26 million bond and give them a \$6 million down. But you know that. And I think Andy and Jack do too. And I think everybody here knows that and everybody wants that. So they're all self-interested in making that happen.

So, I think the only thing left then is what about the schedule. And first of all, Andy asked me to just say outright that I'd be willing to serve these meetings in January; and yes I will. But I do agree with the---I do think there's something to Commissioner Phillip's idea, and the other Commissioners have voiced it as well, is noticing those as joint meetings. Whether we decide to actually make them joint meetings or not and whether it makes sense to have them as joint meetings, depending on how far along your work in drafting the development agreement is, so be it. But we should notice them as joint meetings in case we need to have them be joint meetings.

I think that pretty much covers it. We're asked to make a vote tonight on, on continuing this. I guess we're on a date uncertain, right?

Mark
Harrington: Right.

Chair
Strachan: Okay. Anything to add?

Commissioner
Joyce: Just one thing. I, I appreciate is, you know, being on the Planning Commission, it would be really easy in a circumstance like this for City Council and the Mayors and Legal and Staff to come and try to really exert force on the Planning Commission and try to drive to their proposal. And I'll just tell you that we've all talked to a bunch of the people I just mentioned, and it's been wonderfully hands-off as look, it's the Planning Commission's decision. You guys do what you think is right. We will support either way. Vote, don't vote. Support it, don't support it, whatever. And I just have to say thanks. I think that's just indicative of kind of a, a nice working environment here that a lot of times with something this important on the table wouldn't have been. And I've been really impressed and it's been very pleasant. So thank you.

Chair
Strachan: Yeah.

Commissioner
Band: Actually, if we're throwing out thank you's, can I say one of the things I wrote down in my notes that I did not say, and I don't know if anyone else has yet is I've been going to public meetings for a really long time, even prior to being on the Planning Commission. And this by far, the group of people who show up week after week for Treasure Hill has been the most thorough, thoughtful group of public. The comments that you have brought in, the time that you've spent bringing us information. The videos, the background. I mean, it's amazing. It really is. In fact, I think I've approached at least two of you in this room to join the Planning Commission. So I'm throwing that out there. You know who you are. So, no, I think of all the thanks going around tonight, the one that we forgot was the public, and you guys did a bang-up job.

Commissioner

Phillips: One more shout out to the Sweeney family and their partners.

Commissioner

Band: Yeah, as well.

Commissioner

Phillips: For bringing this to the table. I know how it has been your life. And I just want to let you know that we appreciate the, the opportunity that you have given the citizens and the City to come to the table. So thank you.

Commissioner

Suesser: Mark, I just have a final question. Does the settlement agreement and the development agreement require the ratification of the Planning Commission for it to be approved and codified or---?

Mark

Harrington: We are requiring it.

Commissioner

Suesser: Okay. The City Council couldn't vote to move forward with the settlement agreement and the development agreement without the Planning Commission?

Mark

Harrington: Well, Jody could probably answer that better than I. I think they actually can. We, we will not propose that. You have the commitment to the schedule from the City Council that they will only move forward if you ratify, as I understand it.

Jody

Burnett: Yes.

Commissioner

Suesser: Is that you're understanding too, Jody?

Mark

Harrington: Legally they, they could proceed to approach this as a straight settlement. They have chosen to put this proposal forward only if you will ratify it after the fact. And they're not going to change that. You have the Mayors commitment. They would not have proposed it otherwise.

Jody

Burnett: Yeah, I agree with that. I mean, I think if they wanted to theoretically they could, but I think you have a clear commitment that they're not going to do that.

Chair

Strachan: All right. Commissioners, do we have a motion then to continue?

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to a date uncertain. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

1201-1299 Lowell Avenue – King's Crown Master Planned Development (consisting of 27 single-family lots, 25 residential units, 7 townhouses, and 18 affordable housing units, all residential), Conditional Use Permit for five (5) multi-unit dwellings (consisting of residential flats, townhouses, and affordable housing units), and Re-subdivision of subject land into 33 lots of record (consisting of 27 single-family dwelling lots, 3 lots for the five (5) multi-unit dwellings, and 3 open space lots).
(Applications PL-17-03515; PL-17-03566; PL-17-03567)

Commissioner Band recused herself and left the room.

Rory Murphy, representing the applicant, thanked the Planning Commission for their time this evening. He specifically thanked Planner Astorga and the rest of the Staff for their efforts. Mr. Murphy had nothing further to add and was willing to answer questions on what was submitted last week.