

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
THE YARROW
1800 PARK AVENUE
FEBRUARY 11, 2009

COMMISSIONERS IN ATTENDANCE:

Chair Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Kirsten Whetstone, Planner; Katie Cattan, Planner; Jeff Davis, Planner; Matt Cassel, City Engineer, Kent Cashel, Transportation ; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 7:20 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES

Commissioner Rory Murphy moved to APPROVE the minutes of January 28, 2009. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

III PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Commissioner Murphy reiterated his two earlier disclosures during work session regarding the Treasure Hill project and the proximity of his home to the project at 1195 Empire.

Planner Katie Cattan reported that the public hearing for the Steep Slope CUP amendments to Chapter 2 of the LMC would be opened for public comment and continued to March 6th. There would be no Staff or Planning Commission discussion on the matter this evening.

V. PUBLIC HEARINGS AND CONTINUED

1. Treasure Hill - Conditional Use Permit

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Chair Thomas requested that the public comments focus on traffic issues this evening. Future meetings will be scheduled on other issues related to the project and that would be the appropriate time to comment on those issues. He also requested that the comments relate to the objective criteria and not become personal.

Chair Thomas opened the public hearing.

Pat Sweeney, the applicant, requested that speakers identify where they live so he could better understand their concern.

Kyra Parkhurst, a resident on Empire Avenue, stated that Harvard University did a study on information and data gathering and determined that information and data gathered for any subject would become obsolete after ten years. The Sweeney's stated that their approval for this project was based on sound information 25 years ago. Ms. Parkhurst thinks they missed the window of opportunity to make this work because too much time has passed and the area has changed too much. Ms. Parkhurst provided a visual presentation to show the impacts the Treasure Hill project would have on the area. She stated that the conditional use permit and the LMC indicate that safety should be the first consideration. Based on what she presented, traffic on this street is not safe for pedestrians.

Brian Van Hecke stated that he had compiled all the pictures everyone sent him to submit to the City. He believed those pictures depict what it is like to live in Old Town.

Planner Cattan noted that each Commissioner received a disc containing all those pictures.

Mr. Van Hecke, a resident on Empire Avenue, stated that he has lived in Park City for over fifteen years. He reviewed some of the photos showing what happens in that area during the winter. He noted that groups of tourists walk the streets to get to the resort and he wondered where they would go if this project is developed. Mr. Van Hecke encouraged the Planning Commission to look at all the photos after this meeting because they are important. Regardless of what the traffic study shows, the photos show real world in Old Town. Mr. Van Hecke stated that he represents a group called THINK, which he and several other Park City residents started several years ago. THINK stands for Treasure Hill Impact Neighborhood Coalition. The group consists of hundreds of Park City residents, business owners and homeowners who are very concerned about this proposed development. Mr. Van Hecke stated that THINK members are not just from Old Town. Some come from Park Meadows, Pinebrook, Thaynes Canyon and everywhere else in Park City. Their collective mission is to raise public awareness to help initiate action in order to preserve and protect Park City's historic Old Town. Mr. Van Hecke remarked that the main objection as it relates to traffic and safety issues is that the project is too large in scale and scope. The existing infrastructure cannot support it. It would make Old Town a dangerous place to live and visit. It would do irreparable damage to the character and integrity of Old Town. Mr. Van Hecke wondered if environmental issues could be discussed this evening in terms of safety.

Chair Thomas replied that environmental issues would be addressed in a separate meeting. The topic this evening was focused on traffic safety.

Mr. Van Hecke believed the City has the responsibility to provide safe streets for pedestrians. Old Town streets are already dangerous and he wondered if the City is prepared for possible litigation should an accident happen. He had letters to submit for the record that he would provide to Staff. Mr. Van Hecke thought it was easy to see how dangerous the streets are without a traffic study. A sidewalk is great in the summer but would do no good in the winter. He also thought that Empire Avenue had not been properly addressed. He understood that the applicants have property rights, but those date back to 1986 when circumstances were very different. Mr. Van Hecke commented on the jobs created by this project and he wanted to know how the employees would get to and from work. He felt that the function space mentioned in the project would also generate increased traffic and that should also be considered.

John Stafsholt, a resident at 633 Woodside, stated that his home is approximately 50 feet from the edge of the Mid-station site of this project. Mr. Stafsholt remarked that the Sweeney's have always been respectful and honorable people but he is on the opposite side this time. He noted that 1,936,000,000 is the amount of permitted construction within the City limits since the original approval in 1985. At that time, it was a locked vote that was passed because the Chair broke the time. In 1986 it was passed by 3-2 vote in the City Council. Ms. Shafsholt felt this was important history because it shows that this has always been a controversial issue. He understood that the 1986 MPD that was approved is set in stone, but 23 years ago the City leaders thought ahead and required a CUP. The CUP is not set in stone and it was set up to be reviewed under current conditions in the City. Without CUP approval, the MPD cannot be built. Mr. Stafsholt stated that he had spent nine hours writing a letter on two out of six traffic issues. He requested that the Planning Commission read his letter because it addresses technicalities to support non-mitigated impacts. He read Criteria #14 of the CUP and pointed out that if they do not know the ownership of the units, how could they possibly know what the traffic would be. Mr. Stafsholt read Criteria #2, which addresses mitigating the capacity on the existing streets. Using a reasonable person standard, he did not believe anyone could grant a CUP based on traffic alone, particularly based on traffic considerations as addressed in Criteria #2. He felt the key word was "existing" streets; not new streets or traffic lights as proposed by the applicant.

Michael Kelly stated that he owns a home at 939 Lowell Avenue, which is the second lot north from the Treasure Hill Development. He built this house four years ago and he intends to retire there next year. He started coming to Park City in 1981 and he has been visiting the Lowell/Empire area since that time. Every winter and every summer he sees what has happened on that road over time. Mr. Kelly stated that he is also a Trustee of the North Star Homeowners Association, which is one of the primary subdivisions on the side of the road next to the Sweeney development. Mr. Kelly admired the Commissioners for the questions and the issues they raised; but he found the answers greatly lacking in the detail and information required to approve a project of this magnitude. He did not believe there was sufficient level of detail to address the concerns and issues raised by the Planning Commission and the public. Someone who wants to develop a multi-million dollar project needs to spend a lot of money to address the details before they can expect approval. Mr. Kelly stated that over time the Planning Commission may get enough information to approve this project in some form; but in his opinion, they have not reached that point. Mr. Kelly did not think the traffic discussion addressed construction traffic and that issue should be considered. He noted that construction is estimated to occur between five to fifteen years in various parts of the proposal. Mr. Kelly commented on discrepancies in detail between the Staff's concept and the actual proposal.

He wanted to know who would bear the cost of the retaining walls and who would be responsible for making the interface between the existing driveways and the roadway. He reiterated that many details and questions need to be answered before they could seriously consider allowing this project.

Jane Toly, a resident at 1017 Empire Avenue, expressed concern as a resident of Empire Avenue. She was not against property development as long as the property is developable. In her opinion, the Sweeney project is not developable in the size and scope of what was proposed nearly three decades ago. It is out of alignment with Old Town, as well as the guidelines and restrictions that have been imposed on other landowners who want to develop their property. She and her husband own three consecutive lots from 1013 to 1017 Empire Avenue. A small one-bedroom home was built on that property in 1930. They were unable to build a home for their family of five because the 1930's home was deemed historic. Ms. Toly found that she could not develop her property to build a single family home to meet their needs on the same property that their family had occupied for four generations. After many trips to the architect, the Planning Commission and the Historic Commission, many thousands of dollars and four years later, they were approved for a home that is only 19 feet wide. This was the only project the City would approve and their home was finally finished in 1998. The home does not meet their needs, but they love living on Empire. Their history is there and they plan to stay. Ms. Toly respects the efforts to preserve Old Town's history. Her family has sacrificed much to help preserve Old Town and she is concerned when she sees it slipping away. Larger homes are built around them and the guidelines and restrictions have all but disappeared. There is so much construction she can no longer sit on her deck. Construction occurs seven days a week 365 days a year. It starts at 6:30 a.m. and lasts until 10:00 p.m. Sometimes she is unable to drive down the street due to construction equipment for the current projects on Empire. She could not imagine the volume of construction related traffic and incidents that a project of this size would entail. Ms. Toly stated that when she spoke with Mr. Sweeney about this project on the Park City Leadership Tour, he told her that the project would take ten years to complete. She thought it showed good judgement to overturn uneducated decisions made by others in the past. Ms. Toly pointed out that last winter it would have been impossible for an emergency vehicle to get up that street and that problem would only increase as the mass increases.

Don Bloxom loved the idea of a cabriolet down to Main Street, but he wondered where they would park the cars. A large parking structure could be built to mitigate the parking on Swede Alley. They could also build another large parking structure at the base of the Park City Mountain Resort that the cabriolet could reach. These two parking structures would end the traffic going to Lowell and Empire. Mr. Bloxom believed there were creative solutions but none were brought to the table this evening. Mr. Bloxom stated that the traffic study did not take into account the number of employee cars trips that would be added. This is significant and could be mitigated by housing the employees on site. Mr. Bloxom felt that the applications for smaller projects proposed in Park City should be given some priority so they can preserve jobs and get people working. He suggested that the City create a separate process with separate meetings for Treasure Hill to avoid setting aside the smaller building projects in town.

Chris Garda Weitzner stated that her family owns a home on North Star Drive at the Upper end of Lowell adjacent to the Sweeney property. Since every traffic consultant has said that safety on

Lowell and Empire is dependent on the streets being kept clear to a width of at least 25 feet, and upon strict enforcement of parking regulations, Ms. Weitzner strongly urged that the City undertake a trial to meet these requirements for one winter month. Such a trial would determine whether the City can accomplish those requirements. Empire and Lowell are already priority one snow removal streets, yet they are never cleared to 25 feet. Secondly, it would also give the City the opportunity to determine the cost for the required snow removal and parking enforcement. Once these costs are determined, the City needs to figure out how they will pay the cost for the five to fifteen years of construction before realizing any revenue from the project. Third, enforcing regulations for a trial period would give those affected by parking enforcement the opportunity to see how they would be impacted and determine solutions. Ms. Weitzner commented on a number of problems the residents would encounter if parking is reduced or enforced. Ms. Weitzner stated that approval for this project could not be given without first determining that the assumptions of the traffic study are valid. A trial run is the only way to determine if they are valid. Ms. Weitzner pointed out that the City is taking seriously the obligation it was given by the 1986 approval of the Sweeney MPD. She hoped the City would be equally as serious about the obligation it was given much earlier by the Land Management Code, which is to promote the general health, safety and welfare of the present and future inhabitants, businesses and visitors to the City.

Helen Alvarez, a resident at 350 McHenry, asked to make a historical comment. She recalled that when the first house to the west of this project was built on the side of the hill, they all watched as it started to move down the hill. She was sure the house was stabilized but she was unsure how it was done. Ms. Alvarez requested that the Planning Commission ask the applicants how they propose to hold the hillside with a four-foot retaining wall.

John Helton stated that he has owned a house on the 900 block of Norfolk for twenty years. Mr. Helton noted that all the talk has been focused on Empire and Lowell; however, it is inevitable that traffic will spread to other parts of Old Town to get around construction traffic. All the efforts to preserve Main Street, historic Old Town, and the walkability concept will be lost. Mr. Helton understood the issue of property rights, but not at the expense of everyone else's property rights.

Tom Fey stated that he lives in Park Meadows but he owns a couple of houses in Old Town. Mr. Fey remarked that they cannot understand the traffic issues until they know what the project will be; and this can only be done by going back to a baseline. He recommended that the City hire expert outside counsel to look at all the data to determine exactly what was approved, when it was approved, and whether or not it was modified. Once they have that baseline, they should be able to better understand the traffic issues. Mr. Fey submitted a more detailed written recommendation for the Planning Commission to consider at a later date.

Mike Allred, a homeowner on Empire Avenue, felt that many important issues were raised this evening and he especially appreciated Commissioner Pettit's comments during the work session. Mr. Allred noted that the preamble to the CUP states that the purpose of the conditional use process is to show that a project is compatible with the area where it is proposed to be built. He commented on the number of times the word "mitigate" had been used. He pointed out that "mitigate" keeps coming up because this project is not compatible with the existing neighborhoods. As previously pointed out, the CUP says you have to mitigate a project within the existing conditions. Mr. Allred thought Commissioner Strachan had made another great point in that the

applicants keep talking about impact and not mitigation. They are talking about completely reshaping, re-engineering and rebuilding the roads in Old Town in order to accommodate their project. That is not mitigation. It is a huge impact that will change the face of every home on Empire and Lowell Avenue. Mr. Allred commented on the lack of discussion about Empire Avenue.

As an engineer, he believes the things proposed for Lowell Avenue are inconceivable for Empire Avenue. There is no possibility for widening Empire Avenue the way they have suggested widening Lowell Avenue. Mr. Allred pointed out that construction impacts were not discussed this evening. They were discussed at previous meetings and were extremely onerous. Mr. Allred stated that you have to engineer a project to the maximum capacity; otherwise it will fail at some point. The roads are already failing under the current conditions, which is why they cannot engineer the Treasure Hill project to the maximum capacity. Based on this concept, he believed that many fundamentals statements made by the engineer during work session were either false or just wrong assumptions.

Diana Turner, the owner of Deep Powder Transportation, stated that she had a completely different view of the impacts from this project. If she were to go to Main Street she would not be able to find one parking space. She lives on Main Street and she cannot get a parking pass. During Sundance, the City took all of the parking and she had to sleep in her car. There was a fifteen minute limit to go to her apartment for essential needs. She could not sleep there because she is a taxi. Ms. Turner pointed out that if the City cannot provided parking now for the residents of Park City, how would they ever provide for them if they allow this project to move forward. Ms. Turner commented on the problems she encounters as a cab driver in Park City and the issues related to the current traffic on the roads. She believes this project is completely unworkable.

Steve Joyce, a resident at 1507 April Mountain Drive, stated that he works once a week in Park City. He noted that most of the focus has been on Lowell and Empire and agreed that you have to consider the impact to all the streets in Old Town. He noted that Park City tries to minimize the amount of traffic during the holiday season and Sundance by running shuttle buses. It took the shuttle buses twenty minutes to go a half mile every day and it was not the fault of Empire or Lowell. The problem was with Deer Valley Drive, Park Avenue, Bonanza and other roads. Those roads are already under capacity and adding that much more traffic would only exacerbate the situation. Mr. Joyce was frustrated that none of this was mentioned during the work session presentation.

Elaine Stevens, a resident on Lowell Avenue, stated that she lives in the center of the block on the downhill side and there is just enough room in her driveway for her car. If they try to widen Lowell Avenue on her side she would have nowhere to park. On the other side of Lowell Avenue is North Side Drive and a Y-shaped piece of ground, which have steep grades. If they take 8 or 10 feet from those properties, they would need an elevator to get their cars up. Mr. Stevens remarked that widening Lowell would definitely not work. Mr. Stevens noted that employees from Park City Mountain Resort come out of the building and walk across the street without looking to see if there are cars. These traffic safety issues need to be addressed if the Planning Commission decides to approve this project.

Gary Knudsen appreciated the comments this evening and he understood the problems on Lowell and Empire. However, he pointed out that large trucks or semis cannot go up and turn around. Mr.

Knudsen noted that traffic coming down Lowell or Empire bottlenecks at the Resort parking lot. In addition, when the parking lot is full, the skiers park by the Town Lift, which creates another problem. Mr. Knudsen was unsure how the applicants could get another access or put in another road and he believes this is a major problem.

Christopher Gray, a resident in the 800 Block on Norfolk, stated that his back door exits on to Crescent. Mr. Gray told about situations he had encountered that backed up traffic while residents shoveled snow to get their cars into their driveways. As he moved further along, he was unable to go ahead because of the amount of snow on the road and had to back down Norfolk Avenue to 12th Street. It took him three tries on different roads to finally reach his home on Norfolk. Mr. Gray stated that Old Town has serious snow removal issues and there would be much larger issues with traffic and density increases.

Wendy Lavitt, a resident at 630 Mellow Mountain Road, stated that in previous years she lived at 439 Woodside. She was sure many people remember the fire last summer that destroyed a home on Park Avenue and partially destroyed the house next door. Even though the fire trucks responded immediately, they could not prevent the damage from spreading. Ms. Lavitt wondered what would happen if the same type of electrical fire occurred on Lowell, Woodside, Empire or Norfolk and the fire trucks could not get through. Ms. Lavitt commented on the problem they had in 1898 and asked if they really wanted to take a chance of that happening again. Ms. Lavitt encouraged the Planning Commission to carefully consider their decision.

Julie Ann Warel commented on a picture showing a larger FedEx truck going up Empire Avenue that got caught on the overhead electrical lines. The street had to be shut down and it created electrical spark fires. She noted that the electrical lines hang down low on Empire Avenue and large construction truck could encounter the same problem.

Dick Balin, a resident on 8th and Norfolk, was surprised that 8th and Crescent Tram were ignored in the traffic study. He had not heard any comments about making 8th Street one way. Living in that area, it is not uncommon for cars to slide up and down 8th Street when it snows. Mr. Balin disagreed with the applicants on how much the cabriolet would be used during bad weather. In his opinion, 8th Street is a critical issue with this proposal.

Cindy Matsumoto stated that she lives in Park Meadows but hopes to someday have grandchildren who run up and down Norfolk. Ms. Matsumoto remarked that the biggest issue is that this project is not right for the area. Every time it comes before the Planning Commission the project gets larger. She agreed with a previous comment that the traffic cannot be mitigated unless they ask the Sweeney's to think about Park City and the community as a whole. Ms. Matsumoto knows the Sweeney family loves Park City; but she was glad to see the number of people in varying ages who came this evening to comment on this project. She asked the Planning Commission to request that the applicants look at this project in terms of how it will affect all of Park City.

Rob Anderson, a resident on Woodside Avenue, stated that this past weekend a bus was trying to navigate 8th Street and turned sideways in the road. He thought this was a perfect example of problems that would only get worse with increased traffic. Mr. Anderson noted that hours of operation for the cabriolet had not been addressed. Tourists will be going in and out of restaurants

and bars at all hours during the night and he wondered if the cabriolet would be operating during all those hours. If not, people will be taking buses, cabs and cars to and from Main Street.

Jim Stevens, a resident on Lowell Avenue, noted that most of the comments have concentrated on traffic issues. As he watched the presentation, he heard several “fuzzy” words such as “wobble room”, which means there is no definitive plan. In terms of Lowell Avenue, he wanted to know what would be the exact design. The applicants talk about a concept but no one has seen a hard design. Mr. Stevens believes there are issues with sight distance, both vertical and horizontal. There are also issues with percent grade at the bottom of Lowell Avenue. They are talking about a residential street and he wondered if it would remain residential or if Lowell would be designed as a collector street. Mr. Stevens asked if changing Lowell from residential to a collector road would be allowed by Code. Mr. Stevens wanted to see design details to know how the driveways would work. He would also like to see the plans for the retaining walls. Mr. Stevens felt that construction traffic was a major issue. Lowell and Empire are residential streets and there is no solution for adequately handling construction traffic. When this MPD was approved in 1986, it was approved without foresight on how to finish this project. They built what they could with what they could afford, but no infrastructure was put in for the later phases of this project. The applicants are now boxed in with no viable solution. He was unsure how they could build this project at this size or magnitude.

Kevin King, a resident at 314 Norfolk, stated that he was neutral about this project. He believed there were solutions that would make this a win/win situation for everyone. It involves a community and no one can be a NIMBY or close the back door or say that the Sweeney’s do not have the right to do this. The City made a deal with the Sweeney family for the open space above Woodside Avenue. That deal was struck to put density there. If everyone wants this project smaller and if the impacts cannot be mitigated, Mr. King proposed finding a way to buy down the project. Mr. King felt it was inevitable that something would be built there and it is only a question of what based on the compromises that can be worked out. He suggested looking into the possibility for construction traffic to go up through PCMR and permanently realign the road through the parking lots at the bottom of the Super Pipe. He thought PCMR could work with the applicant and the City to master plan a way to get people to the ski resort and up to Treasure Hill. Mr. King felt there was the ability to make the driveways work on Lowell Avenue through good and creative engineering. Mr. King agreed that the project will impact the town, but the deal was made and he believes it is a good project. It is a matter of working together and working out the details.

Chair Thomas continued the public hearing.

Chair Thomas suggested that the Planning Commission continue the transportation component of this project to give the applicants the opportunity to respond to some of the comments heard from the Planning Commission and the public.

Planner Cattan summarized that the applicants needs to come back with a better definition of uses for commercial spaces in the building. They need a hard design for exactly where parking will be on Lowell Avenue and the number of spaces. The applicant needs to better clarify plans for the retaining wall. Using that information, Planner Cattan will do an analysis on the parking situation. She would also include Empire, Manor Way, and the intersection of Empire and Park Avenue in her analysis.

Commissioner Wintzer stated that the Planning Commission needs a plan before they can consider approving something. Words in a document are not enough. Chair Thomas agreed that the Planning Commission needs to see the detail and solutions articulated to the satisfaction of the traffic engineer. They need to see the life safety aspect of pedestrian circulation, and how they plan to address and mitigate the impacts during storm conditions. Chair Thomas remarked that the Planning Commission heard those concerns repetitively during the public hearing and photos were presented that demonstrated the existing conditions that they have all experienced.

Commissioner Peek requested a walkability study. He asked if the traffic study could be expanded to include the cross streets from 15th to 8th. He noted that the northbound numbers in the traffic study of the Park Avenue/Deer Valley Drive light indicate a profound number of cars. He was interested in knowing how many of those are coming down from the Empire/Woodside neighborhoods.

Commissioner Murphy thought Tom Fey raised a good point about hiring a special counsel. He does not have the legal background to depend on what was approved in the MPD. Before they make a decision of this magnitude, they need to be sure of the intent of the previous approval. Chair Thomas noted that the other Commissioners appeared to agree and he recommended that the City hire outside counsel to do a comparative analysis with regard to the existing MPD. Commissioner Murphy also wanted to know the foundation in terms of their discretion.

Commissioner Murphy included grades in the additional studies being requested. He suggested no more than 1500 foot segments to help them understand Lowell, 8th Street, and other streets with particularly challenging grades. Commissioner Murphy was interested in knowing the long-term maintenance scenario. He had not seen an economic impact analysis and believed the City would like to know the costs involved for servicing and operation and maintenance. Commissioner Murphy recommended that the applicants prepare an economic impact analysis.

Commissioner Strachan noted that the Staff report posed a number of questions and he requested that similar questions be numbered in future Staff reports for referencing in their discussions.

Planner Cattan noted that the affordable housing component for this project is scheduled before the City Council on February 26th. She suggested that the Planning Commission continue this item to March 25th.

MOTION: Commissioner Russack moved to CONTINUE the Treasure Hill conditional use permit to March 25, 2009. Commissioner Pettit seconded the motion.

Commissioner Wintzer asked if the March 25th discussion would be on traffic or a new topic. Chair Thomas replied that it would be a continuation of the traffic discussion.

MOTION: The motion passed unanimously.

2. Silver Lake Drive, Lot 2B of North Silver Lake Subdivision