

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 14, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Ashley Scarff, Planner; Makena Hawley; Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney, Jody Burnett, Outside Counsel  
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REGULAR MEETING

**ROLL CALL**

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Suesser, who was excused.

**ADOPTION OF MINUTES**

May 24, 2017

Commissioner Joyce referred to page 22, Item 5, and changed the name of the property owner from Rudus to correctly read **Redus**.

Commissioner Band referred to page 5, which stated that she would be recusing herself from 7195 Little Bell Court “because she had sold a condo there yesterday”. She clarified that she had sold the condo at a different and she just happened to be there yesterday.

MOTION: Commissioner Phillips moved to APPROVE the minutes of May 24, 2017 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Chair Strachan noted that 1302 Norfolk, an item on the agenda this evening, would be continued because the appellant was seeking an opinion from the property rights Ombudsman. Assistant City Attorney recommended that the Planning Commission open the public hearing when the item comes up on the agenda and Continue to a date uncertain. A notice of the continuance was posted on the front door.

Director Erickson reported that the application for 442/444 Main Street regarding the public utility easement had been withdrawn. It was an easement for the City Council and it was noticed for the Planning Commission in error. No public hearing or action was required.

Planner Astorga announced that Planner Makena Hawley was leaving Park City and moving to the country of Columbia. Her last day is June 23<sup>rd</sup>, and she would be greatly missed.

### **CONTINUATIONS - (Public Hearing and Continue to date specified.)**

Commissioner Joyce noted that the three 1450/1460 items listed on the agenda for Continuation were actually continued at the last meeting to June 28th. He asked if they needed to re-continue them to June 28th this evening. Assistant City Attorney stated that they were listed in error on this agenda and they did not need to be continued again. Chair Strachan preferred to open a public hearing since they were on the agenda.

1. 1450-1460 Park Avenue – A plat amendment requesting to combine Lots 1 and 2 of the Retreat at the Park Subdivision at 1450-1460 Park Avenue into one lot of record. (Application PL-17-03501)
2. 1450-1460 Park Avenue - Conditional Use Permit (CUP) application for the construction of a Parking Area of five (5) or more than spaces at 1450-1460 Park Avenue. Applicant is proposing to construct nine (9) parking spaces along Sullivan Road. (Application PL-17-03502)
3. 1450-1460 Park Avenue- Request for Approval of a Condominium Plat for the combined Lots of the Retreat at the Park Subdivision for eight (8) residential units. (Application PL-17-03503)

Chair Strachan opened the public hearing on the three items above.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan reiterated that the Planning Commission had continued these items to June 28<sup>th</sup> at the last meeting and no action was required.

4. Land Management Code (LMC) amendments regarding Master Planned Affordable Housing Development amending LMC Chapter 6 Section 7, and other applicable sections in the LMC.

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

MOTION: Commissioner Band moved to CONTINUE the LMC Code Amendments to June 28, 2017. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 1800 Park Avenue, Double Tree (formally the Yarrow) - The applicant has requested an extension for the indefinite continuance of their previously approved Conditional Use Permit to allow for a temporary structure (tent) to be use twice per year for a maximum period of one hundred eighty days consecutively but for a maximum of 260 days out of 365 days in a year. (Application PL-17-03537)

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

MOTION: Commissioner Joyce moved to CONTINUE the extension of the CUP for the Double Tree at 1800 Park Avenue to June 28, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

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

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

Chair

Strachan: Francisco, how are we going to tackle things tonight?

Planner

Astorga: Okay, so I will start out with a brief presentation, which then we'll turn the time over to Alfred Knotts, Transportation Planning Manager, and Matt Cassel, City Engineer. After which, we'll turn the time over to Gary Horton, which is the applicant's traffic engineer. Then we'd like to see if the Planning Commission has any clarifying questions up to that point. Which then we recommend having a public hearing, and then at the end additional questions and comments by the Commission.

Chair

Strachan: Makes sense. All right.

Planner

Astorga: All right, so to start out with, we continue to report that the website---we've got all public comments received as of noon today has been updated and uploaded on the City's website, which equates to 82 public comments received to date.

I don't want to go over every page of the Staff report, but we do want to have a discussion with you to continue to review the transportation and traffic update that was submitted by the applicant. This is the Addendum #7 that they identified as such. We went ahead and placed all of the traffic documents on page 40 and 41 of your Staff report, so we have all the hyperlinks, including this one. And with that said, we, we do want you to see if we're---if we need to add any additional comments that were listed from Staff's initial response to the updated document that was submitted and starts on page 41. The purpose of Mr. Knott's and Mr. Cassel's presentation will be to summarize the information provided to the Planning Commission of our areas of, of concerns or clarifications that, that we need to receive. So I'll let them get to that.

We do want to focus the discussion on questions on the Staff report and process, questions on the applicant's report, questions regarding Staff analysis up to date that we're continuing to pursue, as the applicant has indicated that this is not their final copy of the transportation document. In fact, it even indicated in recent communications to the City that they're not going to be able to respond to every item identified so far tonight. So, and

we also want you to see if there's any questions regarding the Street Master Plan and the current Lowell project.

I'll---throughout the presentation or throughout the public hearing tonight, I'll be more than happy to answer any questions as I'm--- wrote the Staff report so I might be, I might have the first answer for you, but obviously, that's why I brought Mr. Knotts and Mr. Cassel to have their portion of their presentation. And before I turn the time over to them, we'd like to simply acknowledge that we have invited the building official who's sitting in the back with Scott Adams and Michael with the Park City Fire District, as they're getting acquainted, better acquainted with the Park City process and their future involvement.

With that said, I think we're just going to plug in for a power point presentation.

Chair

Strachan: Great. While you guys do that, I just want to confirm that list of the traffic related documents starting on page 39 spanning to the top of 41, is that all? I think it might be. I looked through and cross-referenced my notes back from 2009. I think it is, but are we missing anything? And I, you know, I'm going to ask the applicant the same thing.

Planner

Astorga: If I could answer that first. Some of these studies were named a little differently or, or had a different label. The, the theme that I try to keep was when it was submitted to the City, what it is, and the company that prepared it. I thought that made more sense. And then also we placed it in chrono-, chronological order. It did take a while to complete. I, I do believe that it is it, so I would love to hear the applicant's response to make sure that we haven't missed any documents.

Chair

Strachan: Okay, thanks. All right. Alfred, Matt, thanks you guys, first of all for going through all of this and providing a little bit of expertise on traffic on traffic and engineering because we don't have it, at least not to your extent. So take it away.

Alfred

Knotts: Absolutely. Thank you, Mr. Chairman, members of the Planning Commissioner. Alfred Knotts, Transportation Planning Manager. As you

mentioned, Mr. Chair, we did go through the most recent study and actually Addendum, Addendum #7 that was prepared to revalidate and recalibrate some of the counts within the project area, to look at some of the assumptions and see if the projections based on the previous studies are still accurate and to see what those projections were with project and with the existing condition as well.

So in general we tried to disclassify these, and these are a little high level. Obviously, we didn't put together a full report as Avenue Consultants did. And actually, we'd like to---the date on here is intended to be the May 22<sup>nd</sup> date. That is when Matt and I sat down and we did a thorough review on the information that was provided as part of Addendum #7. So, this was prepared prior to the Avenue Consultants, but we have looked at that report and I can say that our findings and recommendations and inquiry for additional information are rather consistent with Avenue Consultants' request as well.

So, again, some of these are just remedial. We want to make sure this is very digestible for the public. Level of service is something that we operate in and talk about all the time. Nevertheless, for the general public it's hard for people to understand what that is. So we did request that they just define what the goal of the level of service is for this area. Different transportation facilities have different levels of service and capacity where they can operate, so we wanted to just make sure that the reader and the public could digest what that level of service is. And just for the, the benefit of the public right now, and for the Commission, this is typically defined as a Level of Service D is acceptable, and that is defined in the highway capacity manual. Below that is everything---like Level of Service E and Level of Service F are measured by minutes of delay or seconds of delay. So, to see how those register with what's acceptable for that type of road and service.

What we also wanted to identify, is again for the public to be able to digest this, is when was the study time---to just be very clear on when that study time was. The day and time, the weather conditions that existed at that time, also, and then also the actual dates as well.

Another general thing that we've identified, or issue, is that the Cabriolet plays a very, very integral part of the construction mitigation and actually the project mitigation as well. So for that purpose, we think that the hours of operation need to be very, very clearly defined. Operating and [inaudible] mitigation measures, again coming from---and I know you always hear about

where I came from, but having mitigation needs to be very clear. And I have an example that I will provide the applicant, too, that's a finding of fact that's been under the Federal requirements, also. But you need to identify specifically what that impact is. It needs to be quantifiable. And then you have to identify specifically what that mitigation measure is. And not just what the mitigation measure is, but what also---who is responsible for implementing that mitigation measure, and what is the timing of that mitigation measure.

And if a cost could be associated and assigned to that, it should also be in effect. So we need to make sure that the mitigation measures are implemented consistent with the project. For example, it does call out that all the construction, most of the construction activity and employees will arrive via the Cabriolet. Well, that means the Cabriolet needs to be constructed as part of the first part of the project if the construction workers are going to access the site. So we just need to be very clear on when that is done. Again, that's a big financial commitment to the [inaudible], and they need to be able to budget for that also, and the contractor needs to be away. So that's really why we have to be able to be clear about when, what, and who does these mitigation efforts.

Again, in general, we ask that they just go back and verify every table as accurate and just to make sure they do a very, very thorough QAQC, so again, the public can, you know, they don't have to weed through all these different turning movements, and it's very digestible. Again, verify the intersection figures to make sure those correlate to those turning movement counts.

One thing that's not very clear, and maybe if we looked over it again, and again, but we have very, very---many, many times looked over the actual project proposal, the development agreement and everything else that comes with it, just to make sure that all the commercial space is accounted for. And in that commercial space, or whatever that lane use is, that it correlates directly with the, the institute of traffic engineers, the IT Manual for those land uses within the actual project areas. So for example, we want to make sure that support commercial, you know, is this commercial that's available to the general public. If it is, those trips should be accounted for within the trip generation rates. If it's support commercial, then obviously those internal trips can be accounted for, those reductions can be account for. And that's, so the theme in here too, is what are the assumptions that are applied to these trip reductions as well. Again some of these could be very optimistic, but they also could be under accounted for, too. So, they

need to be very clear what these assumptions are based on these trip reductions. If there's any real world experience and valid information that they can rely on. We talked about, for example again, the Cabriolet. How many people they move per hour. Certain Cabriolets and other aerial systems have been constructed at other ski resorts, some that I'm familiar with, that have been actual mitigation as well. That they could look at those, the effectiveness of those measures and apply those trip reductions based on what we've seen in the real world experience.

Again, so [inaudible] trip reduction, again, justifiable trip reductions. We're not saying that they kind of pulled them out of the air, but we also need to make sure that there's some validity to them. You know, some numbers are thrown around at 30% for the Cabriolet, some internal trips. And just to make sure that those assumptions are built into their---because I'll go back again to what I mentioned earlier about being able to monitor these effective, the mitigation measures also down the road, and whether there's another adaptive management strategies or contingency mitigation measures that are employed or implemented if certain mitigation measures aren't working. So if the Cabriolet isn't carrying that 30%, that it is monitored, and what can we do to make sure that these mitigation measures are effective in mitigating the impact it has been identified to mitigate.

Park Avenue/Deer Valley Drive is not modeled at the worst case scenario. They could come back, and again, we don't always model for the peak because we don't want to build for the peak. But we would like to see what the rationale and the validation for that approach and that methodology was.

Again, determine when Empire and Silver King fail. Some of the projects that are modeled are pushed out 13 to 20 years, and then they go from, for example, they go from---and I'll just use an example of a number, our, our level of service classification. But it will go from B to F. So when did it trigger to that F so the mitigation measure can be planned for, it can be a capital, it's going to be a capital infrastructure project, and the public entity, such as the City, shares a cost in. But we all need to be able to plan for these types of, of failures in the system should they occur. But we need to know, is it two years from now, is it five years from now, is it ten years from now so we can plan and we're not being reactive or being proactive for these mitigation measures.

Again, [inaudible] assigned to the on-site commercial. Employee parking will be off-site. But there's a constant being within the mitigation measures, too, about employees and guests that they will be encouraged to use these alternative modes or other incentives. We need to be firm on not encouraging, but they, they're not shoulds and they should be shalls. And they should be very clear on how those incentives will be tracked, what exactly will they be, and if people are parking are off-site, you know, we need to know exactly where that is. Is, is it something that the project proponent is going to have to procure, is it something that involves cost-sharing and an in-lieu cost with the County to do a joint project. We also feel that when the Cabriolet is mentioned, that the employees will access the site from the Cabriolet, how are they getting to the Cabriolet. We don't know if they're driving to the Cabriolet. It's insinuated that they will use Park City Transit, but unless those employees live within the service area of the Park City Transit, they will not be able to access the Cabriolet via transit until we have all the regional system. And again, we see that being a flaw in the analysis, because if people are parking into the Old Town area and on Park Avenue, you know, what impact is that? That's an indirect impact that's not evaluated, also. So looking at direct impacts, indirect impacts. And then we've also requested everything be measured on a cumulative basis, too. So the list within the spirit of influence of the project, that we're looking not only at this project, but other potential projects that have been titled in the area, such as the PCMR development. And they do recognize that and they have responded to that, also.

Other thoughts is, you know, the operation of the road. The study addresses road and intersection capacity and some mitigation measures, but we don't really talk about the operation of the road. And I think you'll see that in Avenue. Some of the figures, the pictures are very telling about how the road currently operates, which is something to consider too. Before the project it obviously doesn't operate based on snow, snow removal operations, and as its full capacity also. So it's something that we need to consider. And going back to the clarification of being very specific on how the road will be cleared, how snow will be managed, who's paying for it because it will increase the Level of Service to the City, and that that's all adequately funded and mapped out and clear on whose responsibility it is.

So, impacts on operation of Lowell and Empire need to be better defined and mitigated. And the construction impacts---and I know that's something once we get not too much further down the road, but something that the client and

something that we're internally continuing to monitor, monitor and drive home. That that, with a project of this scale and the location and just the nature of the construction activities, those temporary impacts, although temporary, will be significant to the adjacent community, into our network, also.

So that's our initial overview of the, the report when we evaluated Addendum #7 back in May. Again, we have looked at the Avenue Consultants and we find that their recommendations and their review of the document to be very consistent with our concerns as well, and we'll look forward to the applicant, and the project proponent responding to this over the next couple of weeks.

Chair

Strachan: Matt, anything to add?

Matt

Cassel: That was it.

Chair

Strachan: Okay, great. Commissioners, any quick questions before we let the applicant chime in?

Commissioner

Joyce: Yeah, just, one. The, the work that's going on, on Lowell right now, I know they're kind of milling it up and repaving it. Is, are any of the other improvements that are part of this plan, are, are they being done? I mean, sidewalks widening, space for snow storage, any of that kind of stuff being done?

Matt

Cassel: As far as the Lowell Project?

Commissioner

Joyce: Yeah.

Matt

Cassel: Lowell is being built per our 2011 Master Plan, the Transportation Traffic Master Plan. So there are no sidewalks right now going in on Lowell. The pavement section is getting slightly narrower, and it's going to match what is down on Empire Avenue.

Commissioner

Joyce: Okay. And so the only thing that's being done with respect to Treasure is, I understand that it was being paved a little deeper, you know, bigger so that it can handle trucks.

Matt

Cassel: [Inaudible.] Yes, the asphalt is thicker and the road base is much thicker. Yes.

Commissioner

Joyce: Okay. Thank you.

Director

Erickson: So let, let me clarify that for you. The, the Streets Master Plan considered the trip generation from Treasure. Correct, Matt?

Matt

Cassel: Correct.

Director

Erickson: And the Bamberger parcel had no reduction in trip generation when they set that, set that with. So, those, those cumulative effect projects that are in the roadway design [inaudible] being constructed now. The operational issues that Alfred brought up, the additional snow removal, potential sidewalks, things like that, those are independent variables from just the pure engineering of that street to, to our standard.

Commissioner

Joyce: So when we go back and look at the, some of the drawings that were part of the proposal, I guess, hashed out back in like the 2009 time-frame where it was, you know, is the sidewalk going to be on the left or the right or whatever. Those pictures had a lot of discussion about pull outs and parking and how many cars can park and all that kind of stuff. And none of that is really being addressed. What we're basically doing is the street.

Matt

Cassel: Right. None of those items that we're discussing, which is dividing of parking and allocating areas for snow storage, those were being driven by the traffic discussion in 2009. So, without---in 2009 we also did not have a master plan idea of what we were building for our local residential street. Now that we

know what we're building, we test it based on the trips generated by full buildout, and that gave us the residential road. But none of those pieces that were trying to help augment, do things for Treasure, are included in this construction.

Commissioner

Joyce: Okay. Thank you.

Commissioner

Thimm: So I have one question. I don't know if the answer is going to be quick or not. But the trip reductions actually result in a very significant decrease in the number of trips generated. And I was wondering if, Alfred or Matt, if there is, if there's an opinion between the two of you with regard to such things as 30% for the Cabriolet and 10% for beginner ski runs and that sort of thing. Is there any professional opinion that, that you have regarding those reductions?

Matt

Cassel: Not yet. That's, that's the background information we need from the applicant to be able to understand how real those numbers are and how achievable those numbers are.

Commissioner

Thimm: Okay.

Director

Erickson: And it's also, you saw in our Staff report that we're making a recommendation to move forward with a third party consultant with direct relevant experience to those resort type reductions.

Commissioner

Thimm: And that's a good idea.

Director

Erickson: So, we thought you'd like that. But it's the report now and it's in the public.

Chair

Strachan: Can you guys give an opinion on the sufficiency of any of the mitigation that the applicant has suggested as to whether it's good enough, needs improvement; or do you not have enough information.

Alfred  
Knotts:

I think they're on the right track. I think it does provide a suite of mitigation measures that aren't necessarily just focused on actual capital construction, such as the Cabriolet. But there's a very programmatic approach to making sure what they have the proposed. So I think they're on the right track. I think, really, the devil is in the details and I think that's really is where it's going to come back with the accuracy of the, the monitoring, also, and the reporting. I see that as a key component that the, the applicant should consider and we've recommended over and over. I think, that the number of the 30% of the Cabriolet, there's just so many different variables in there. If people are staying at this property and they're wanting to go to Deer Valley--- you know, it's assuming almost everybody at Treasure Hill is going to be going down to Main Street for dinner. If that's the case, yeah, then you can count for a pretty large percentage on the Cabriolet. But if people are going to other areas, such as Bonanza Park, they're going to Prospector, they're going to Deer Valley and those areas, that Cabriolet is not going to be as attractive as it would be to the point to point service. So, there's just so many variables that we need to keep into account for that we really won't see it until the operation occurs, which is a risk, and I understand that. But we need to have a safety net there about how to, to be able to mitigate that and to monitor that.

Chair  
Strachan:

And my question is a little bit more specific. And that is, based on what you have today, which is Addendum 7, and then all the documents listed on page 39 through 41 of the packet, which is all the prior traffic documents, can you make any conclusions as to whether any of the mitigation that they've proposed will work or not. For instance, they've proposed stairs down some of the streets in Old Town. Are the number associated with the mitigation for those, are those accurate? Do you have a beef with them, or do you still need more information?

Alfred  
Knotts:

More information.

Chair  
Strachan:

All right. You can't reach a conclusion as to any of the mitigation that was submitted to you?

Alfred  
Knotts: Not [inaudible].

Chair  
Strachan: All right. All right. Okay.

Gary  
Horton: So I think mine will continue on the theme of some of what's already been mentioned. I'm going to bring up three things that will probably less than five minutes. First---

Chair  
Strachan: Sorry, Gary, just state your name for us. Sorry.

Gary  
Horton: Gary Horton, Traffic Engineer for the applicant.

Chair  
Strachan: Thank you.

Gary  
Horton: Three items. One, the document that is in front of you and in front of the Staff is a draft document with the understanding that we anticipate comments would be coming back. With the document of, and the major of the development, there are things that we had put in there and assumptions that had to be made that typically get responses from Staff, the public and others. So, that's part of the reason it is in a draft form, and with the understanding we wanted to meet with Staff to try and carve out what the best picture or the best understanding of what the picture would look like after Treasure Hill was built, or without it being built because we display both those pictures in this traffic study, so that we have an understanding, a comparison of apples to apples as best we can. So understand it's a draft. We're working with Staff. We received our comments last Friday. We had a meeting before that so we were aware of some of the comments coming, and we're working through those. And I believe most of those comments will be able to be addressed. Understanding more details need be, need to be provided, that information will be given. So from some of the comments and questions regarding specifically trip reduction, there will be an elaboration and further expansion on how those numbers were achieved. As we've done some more research since the draft has been submitted and we've had

conversation, I can also tell you some of those numbers will be modified in the final report.

So I'm, I'm acknowledging that so you understand it is a draft and that they will be different. So when you get the final, do not be surprised if some of those numbers are changed.

So, that was a draft. We are in the process of preparing that final report. We have, we're trying to schedule another meeting with the Staff. We're going to address the comments that are obvious and then have a conversation that those are, that may not be so obvious to us, so that when the final report is submitted, they can at least say we have all the information. They may not agree with the results or opinions may differ, but at least we've tried to provide enough information to understand the report.

All also, the last item that will be in this, I'll say Addendum 7, but it's actually part of the final reporting working backwards, we will address all the previous addendums along with the original report as recommended at the last Planning Commission meeting, our current stance on those. And that hasn't happened yet, and that will be part of that final report as well.

Commissioner

Thimm: So the intent is that ultimately it's a standalone document without reference to the other 59 documents.

Gary

Horton: That's what I'm trying to do. Yes. Because I, yeah, you're not the only one who has to go through archives to get all this stuff out. So, yes, that's, that's what I'm trying to do. And hopeful, that's---when I submit that to the Staff that they can see that as well, and if I'm missing something I want to make sure that I address it so that it can be a standalone document, and hopefully not have to go back 12 years [inaudible].

Chair

Strachan: All right. Are there any things that the Staff requested that the applicant has decided already they're just not going to provide?

Gary

Horton: I think we're still in discussions. I don't know that there's anything we're not going to provide. There may be some differences on the final resolution, but I don't know that there's anything that we're not going to provide, no. I don't think that's the intent. And I think everything is to try and get it addressed is the best that we have at this time, one of them being the Cabriolet. The operations will be done by Vail, so there's a lot of things that, as an applicant in the traffic study, there's limitations on what we can [inaudible] operations that we don't control. So those are the types of things that we'll try to include in the document to understand we're doing our best to forecast that plan, but to commit for Vail is somewhat out of our control.

Chair

Strachan: Understood. All right. Anything further from the applicant? Okay. Anything, any response you guys want to make to that just before---I want the public to have all of you guys' input before we open the public comment. Okay.

Commissioner

Phillips: Can I make one comment? Or just---

Chair

Strachan: Question or comment?

Commissioner

Phillips: Question.

Chair

Strachan: Okay.

Commissioner

Phillips: And so I heard Alfred mention earlier, I just want to make sure that I clear---I understand. The MPD prohibits drawing in people to the project for any commercial space. Is that correct, Francisco?

Planner

Astorga: Yes.

Commissioner

Phillips: So, are your traffic studies, or your trip generations working off that assumption? Because I, I heard Alfred say we're not sure if it is or isn't, but I believe the MPD states that it shall not.

Planner

Astorga: I can, I can clarify that. And I think that, that question needs to be answered by the applicant in the future. The difficult is that the applicant has identified two areas of commercial. They've identified one area as identified as allotted commercial, and another area they called it support commercial. As we had a parking discussion two or three months ago, I think we, we talked about this regarding a specific finding in the development parameters and conditions where it said almost word for word, that the support commercial is oriented and can serve the people residing or visiting the resort. Visiting means staying overnight, not just visiting it. So, I think that's a question that the applicant needs to address, but I think that's the challenge or the difficulty, or the lack of agreement from the applicant and Staff.

Matt

Cassel: And additionally, one of the things we're trying to do---we're walking a fine line. Even though the Master Plan states that no external trips will be generated, we want to be cautious, we want to be conservative, and we want to---what we think may happen, and include those trips that possibly would be generated, even if they're not allowed, and make sure that they're accounted for so that as we mitigate, capturing those number of trips also.

Gary

Horton: I'll let the lawyers answer the original question, but from a trip generation it most definitely counts for vehicles outside of the project. That's the way ITE currently does it. They don't have reference to something like this where it's only people staying there. So, yes, the trip generation accounts for vehicles or people that would be coming outside of the project area.

Pat

Sweeney: Adam, may I say one thing.

Chair

Strachan: Yeah.

Pat

Sweeney: I'm, I'm not sure that---

Chair

Strachan: Just state your name and note that you're on behalf of the applicant. That you are the applicant.

Pat

Sweeney: Pat Sweeney, representing MPE. Before your public input, we'd like Rob McMann to spend ten or 15 minutes going over some of the construction aspects that are relevant to this whole discussion.

Chair

Strachan: Construction aspects of what?

Pat

Sweeney: Constructability, which obviously impacts the roads.

Chair

Strachan: For traffic?

Pat

Sweeney: Well, in many ways. But we would like to take the time to do that.

Chair

Strachan: Well, I'm not sure that's been agendized and the public is not quite ready for that. I mean, I thought we were going to stick to traffic discussion. Constructability, I take it, and correct me if I'm wrong, is cement, rebar, how you're going to build things.

Pat

Sweeney: [Inaudible.] Whether we use the roads for dirt or not, that kind of thing. If you don't want to do it--we'd like to do it for the record, but if you don't want to do it, then we can do it in writing. That's, that's totally doable.

Director

Erickson: Mr. Chairman, I think these elements are some of the things that were requested as part of Alfred and Matt Cassel's response back to the applicant. Talk to us about how many times the roads are going to be used. I think its best that they put this stuff in writing at this point so that we have an opportunity to evaluate it and the public can read the information rather than doing it loosely over verbal.

Chair

Strachan: Yeah, I'd prefer to do that, too. I mean, that's nowhere in the packet and the public's had no notice on that. So.

Pat

Sweeney: We're good with putting it in writing. We'll get it to you.

Chair

Strachan: Yeah. And we'll, I mean constructability is clearly going to be one of the bigger issues we're going to be talking about, so we will have our time and day for that. Thanks, Pat.

So, anything further from the applicant or Staff? Francisco?

Planner

Astorga: Yeah, just going back to Commissioner Phillips concern. And I can go back and check the, the record, but I do believe, again, when we talk about the parking, we asked exactly that, what, what are you going to do to manage parking so that you don't draw people that are not supposed to be there. And, and I believe that that's on the applicant's list to address and, and answer.

Chair

Strachan: Okay. Great. All right. Let's open the public hearing on Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station sites.

#### Public comment

Neals

Vernagaard: I got to take a minute to boot up here.

Chair

Strachan: You bet. Just to get an idea of the time frame and whether we're going to need to take a break during public comment or not, how many people are intending to give public input, at least at this point? Just a show of hands? Okay, great. All right. If we go on for a while we'll take a break in between so you don't have to sit here and [inaudible].

Neals

Vernagaard: My name is Neals Vernagaard. I'm a full-time resident with my wife, Pam, at 822 Lowell, which is right across the street from the entrance to Treasure. We wanted to---Kyra Parkhurst help me put this together. We wanted to give the Commission a little bit of an idea of what living in Old Town on Empire and Lowell is really like. They have had a lot of information about a lot of technical details about traffic capacity and what the roads are like and all the rest of that, but I thought pictures are worth a 1,000 words, and Bruce, you get your snow pictures.

Chair

Strachan: Neals, if you could submit it to us so that it's part of the current record.

Neals

Vernagaard: I've committed to give that to Francisco at the end so he will have it.

Neals

Vernagaard: So there's a lot of pictures here in movie format. I will try not to talk on every picture, because I could. But if any of you have any questions about any specifics, just stop me and I will hold, hold it up.

Mr. Vernagaard presented a video of his neighborhood.

Neals

Vernagaard: Okay, just to stop here. Just to remind people what Presidents Day Weekend was like this, this year. It was warm and it rained. And I realize for the Commission and for traffic studies it's really hard to pick two specific days and two different time periods and come up with exact weather and exact conditions. At the end of the day we all know that living in Park City or any ski resort, that it's going to be busy on bluebird powder days, and it's not going to be so busy when it's raining. We also know that with Vail now having taken over and their Epic pass, the Epic local pass is blacked out during those periods. When the previous study was done, for comparison sake, Vail didn't own it, there wasn't an Epic pass and it wasn't blacked out. I have no idea what the weather was like.

So just a quick stop here. This is, you've seen all these pictures. You know, like I said, I live on Lowell. I drive up Empire and Lowell every day. I don't have a clue as to where this is. And quite frankly, not to be too

condescending, but it looks like Chattanooga in the summer time. We live in a ski resort, so we'll show you pictures.

Okay, let me just quickly stop here. Kyra Parkhurst did a little video clip. This is---to put you in context, this is her on Empire taking a left on to Park three days after the traffic study was done, just to show you how traffic was backed up. She narrates it a bit. I'm not sure how well the sound will, will come through, but that's the gist of what you're going to see.

I just want to stop on this one. This is not a sight you'll see very often in Old Town, and you probably all know why. The post office refused to deliver mail into Old Town because the roads are substandard. And you know, I have no idea if the City's attorney has, had talked to you about liability or not. You know, but at the end of the day if somebody gets hurt up there, injured, and they can't get an ambulance up to them, I would suggest a plaintiff's attorney is going to work really hard on piercing the City's immunity from liability. And because it would be real easy to put somebody up there and just say, hey, the post office won't even deliver mail up there but you've put a, a convention center up there.

So as you can see it's a one-lane road. Two trucks trying to get by, we have a, a standoff going on here. This happens all the time.

Just quickly stop here. Where this picture is taken is if you come up Crescent Tram and take a left on to Empire as it goes up to Lowell, all these cars are legally parked. Just saying. Anybody going to get through here?

This is going up Crescent Tram. As you know, this road narrows functionally, even in the summer time to a one-lane road.

I heard one of the traffic engineers talk about worst case scenario. This year it was during Sundance. Lowell and Empire did not move all day one day. It was completely blocked. You can see---this is outside my driveway. People were trying to get down Crescent Tram on to 8<sup>th</sup> into Main. Nothing moved for a day. That's reality. It's what we live with.

Here, this is at the bottom of Lowell. As you know, none of the houses have parking and they all have to park on the street. And there's a couple of things to note in this picture. To the right you can see where the giant snow plows, snow blowers have already been through and widened the street to its maximum width. Okay? This is a one-lane road, period. Okay? I don't care

what any of our traffic studies say, this is one lane. It's been implied that Lowell is the same as Marsac by the applicant and others. Not here it's not.

Another point here, just down at the bottom of Lowell. As, as you know, there's a, a red brick building on the corner of Lowell and Manor. It's a Vail administrative building. More importantly, it's where all the ski instructors, ski patrol, liftees, mountain operations have their lockers, and where they have to report to work in the morning and again in the afternoon. There's literally hundreds of people crossing this road. And having---increasing the traffic down this, this hill is just going to make it less safe.

Just a note on Crescent Tram. It's really not addressed in the applicant's study at all, but you know, it just goes without saying that in today's world with Google Maps and Google Apps and all the rest of that, that somebody sitting up at Treasure that doesn't know their way around and wants to get down to Main Street or to Deer Valley is going to hit their Google App. And guess how it's going to take them? It's going to take them right down Empire on to Crescent Tram and then down to 8th. And I would ask the, the traffic people to really look at this Cabriolet with a bit of a jaundice eye. At the end of the day somebody going to one of the restaurants on Main, and gets all dressed up to go do that, coming out of a Fairmont or fancy hotel, is not going to go down to a Cabriolet and then walk over to Main. They're going to get in their Uber and, and go over. I highly doubt from the experience that I've had in places like that, that people are going to get on public transportation.

It's interesting, the ski patrol walking up to get to work.

Just to reiterate this point here. As you know, we don't have backyards in, in Old Town, so the streets become our yards. People go walk their dogs, push their kids around in, in strollers, and you know, play, play games. This is our yard. This is a residential neighborhood. The applicant fails to agree with that, that this is a residential neighborhood. It's not the Montage, it's not the Ritz Carlton, it's not St. Regis, rather. All those places have---are not in residential neighborhoods. This is a residential neighborhood. We live here.

You can't read this but this is a---the part that's underlined is about the berm between my house and, and the property. The berm is owned by the Sweeney's. But I want to just point out that again they're trying to have it both ways. In other public comments over the months they talk about how the berm helps isolate the community. Here, they talk about having to

bulldoze it. A couple days or weeks ago they talked about planting trees. It's a small point but it's just indicative of many of the other points that they've had. You can't have it both ways. It's one or the other.

We need to talk about construction traffic a little bit, and the next few pictures will do that.

Here is an interesting one. This is one where a contractor brought a truck up that was too big. It took them about a half an hour to get this thing around the corner from Empire on, on to Lowell. It was last summer.

Okay. So as you know, last summer then decided to rip up Lowell and then they had a problem with the contractor and had to repave it. But I thought it was a good picture. We estimate that bringing rubble out of a, out of the construction site will be about 300 dump trucks a day. The applicant has said they will have a majority of the rubble kept on site, but they've never defined majority. Here's a picture with six dump trucks and one pickup truck. This is a one-way street with these dump trucks. You cannot go both ways on this so they're going to have to come up Empire and go down Lowell. It's just functionally the only way they're going to do it. They've strengthened Lowell or are in the process of strengthening Lowell to handle the weight, but they've not done it with Empire. You can---picture says it all. This is a one-way road in the summertime for these trucks. Can you imagine in the winter time with the pictures I just showed you?

The Sweeney's in the paper today accused us of trying to steal their land. We're not trying to steal their land. We just want a win/win scenario where we can live our lives, live in our residential neighborhood, and they can realize some value out of their property. That's all we're asking. We're not trying to steal anything from anybody.

With that I think this is done. With that I thought it best, because it fits in, if Arnie might come up and talk. He wrote a rather lengthy letter because he didn't think he was going to be here. I hope you had a chance to read it. A few months ago there was a fire in the house next to me. I didn't bring any pictures of that. Fortunately, it was just a chimney fire, nobody was hurt. But it's a great example of fire response, I guess. And, and Arnie witnessed it all. So, Arnie?

Chair

Strachan: Before you go there, when you submit that to Francisco, if you could submit the digital files that have the dates and the times that those pictures are taken, that would be particularly helpful.

Neals

Vernagaard: Okay. I'll work on that.

Chair

Strachan: Okay. Thanks.

Arnie

Rusten: Yes, my name's Arnie Rusten and I live on 1058 Lowell Avenue. And as Neals explained, I witnessed a very interesting fire response from my upstairs. I saw the flashing lights and I heard the sirens, and I was just looking out the window. And this was at the end of January after Sundance. And I looked down the street and here comes a fire truck, and boy it had a hard time. Really hard time. Very skillfully maneuvering up, dodging cars and garbage cans and snow banks. And I thought, well, that's interesting, the slow going. I sure hope there isn't a real emergency here. But anyway, so it continued up to the top of the hill and stopped up there. I could see it. And when it finished the business up there, it tried to continue around, but then couldn't. And then literally the whole show had to go backwards down Lowell. They backed down, obviously, very skillfully. Even better than coming up, actually. And, you know, so again I thought, you know, this, this is reality where we live. I mean we, we all would love to have totally open streets all the time, but we can't. And as we just have seen of a tremendous, I think, pictorial of what it's like, this is reality.

I've spent 40 years in engineering and planning, civil, structural. I am by no means anti-development. I am definitely for responsible development, and that is what we really have to look at here. It is---it has to do with what you always do in any planning and expansions near you, is you have to look at access, you have to look at traffic and the impacts. You have to look at infrastructure impacts. And we really haven't talked to that yet. We haven't, as was said earlier, heard anything in detail about what's going to happen during construction, but I assure you that construction versus what you're going to have after, a completed project, is really what is going to totally paralyze this community in my opinion, unless we do something, something different. So I really urge the applicant and I urge the City to work with the applicant and see what can be done with regard to getting to a responsible

development. And I for one welcome the opportunity. I appreciate the opportunity to speak, and I hope that we can get somewhere. But as you've seen, to get there I believe there is some significant work needed relative to access in particular. So I appreciate the time. Thank you. And I'm sure I'll speak again later.

Chair

Strachan: Thank you. All right. Anyone else from the public?

Nikki

DeForge: Good evening. My name is Nikki DeForge. I'm an attorney with Fabian VanCott here to say a few words on behalf of THINC. I think that that presentation really summed up everything very nicely, and so I don't want to belabor the point too much. Just to briefly touch on again a study that, that THINC has commissioned and has submitted from Avenue Consultants. And it, it really provides a compelling rebuttal of the Treasure Hill Addendum that was recently submitted. And I encourage you to read it in its entirety.

For tonight I just want to highlight a couple of issues there in the report, rather than going over it in detail. I think first that the most glaring admission in that report is its failure to evaluate what is perhaps the most serious traffic impact of this project, and that is street capacity. Remember that CUP Criteria #2 requires the Planning Commission to evaluate, quote "the capacity of the existing streets in the area". With that in mind, let me quote from this rebuttal report. "In a typical location, capacity is driven by the intersections. However, the Treasure Hill study area is decidedly non-typical due to the narrow width and steep grade of most roads in the study area. These non-standard features, especially combined with heavy snowfall, on-street parking, lack of sidewalks, heavy truck traffic and many pedestrians create conditions where traffic capacity is dictated by mid-block locations, where only one car in direction can pass at a time, rather than by intersection performance. The City needs to consider these actual roadway constrained conditions rather than just the idealized intersection constrained conditions. So, in other words, the true impact of this project on traffic is not really measured by how quickly cars can get through intersections, but rather by what happens after they get through the intersections and on to these narrow, steep, historic roads and neighborhoods. So by focusing solely on intersection performance and ignoring the actual street capacity as required by Criteria 2, the addendum presents an intrinsically flawed depiction of the actual traffic impact of the project on these neighborhoods.

And in addition to Criteria 2, there are several other CUP criteria that must be considered as part of any serious evaluation of the traffic impacts. For example, Criteria 4 pertains to emergency vehicle access. We've heard some discussion about how that is currently functioning on these roads. Criteria 5 concerns off-street parking. We've certainly seen that. Criteria 13 concerns delivery and service vehicles. We've seen that as well. Even now, emergency vehicles, trucks, traffic, pedestrians, they cannot safely navigate these streets and co-exist on these streets. And you can imagine what that is going to look like once we start into construction with this massive excavation and construction for a development that's going to be carved deeply into the mountain. And on top of that, imagine what these roads will be like with an additional 202 hotel rooms, 18 units of three-story condos, three units of two-story condos, 82 units of one-story condos, 6,669 square feet of employee dormitory style housing, and 60,000 square feet of commercial space, all located at the confluence of Lowell and Empire Avenues, which we have just seen in these pictures.

Now, according to Treasure Hill, all of this will have little to no impact, and a few traffic light adjustments should be able to take care of all of it. And that simply is not plausible based on what we've seen here tonight.

A couple of other points raised by this, this rebuttal report, is that the---and I think we've discussed it a little tonight, the Staff has certainly, that the day chosen for measuring what would be the peak traffic is not the peak traffic, based on the conditions, the Epic pass and so forth. The UDOT traffic counters actually show that the a.m. traffic volumes would need to be increased by 18% because this, it turns out, was the, probably the lowest traffic Saturday in February this year. And the p.m. volumes would need to be increased by 5%. On top of that, it's not Saturdays that provide the peak. It's weekdays in Park City for the a.m. hours, and so an upward adjustment of 31% would be needed just to get what might be the peak. But even then, we have no idea, really, what the true peak volumes would look like for a Sundance day with no blackout restrictions and excellent ski conditions. And yet that is really what may not even be the worst case scenario, but it certainly represents a more accurate depiction of the peak days. And so without that information this study is, is inherently unreliable and inaccurate.

The trip reduction rates are another problem. They are very speculative, overly aggressive. Even last month, when the applicant's treasure---or excuse me, traffic expert talked about these trip reduction rates, he repeatedly referred to them as speculative. And, and they are. And that's

the reason that the Planning Staff is properly requesting that this, that the applicant justify the rationale for each of these trip reduction rates, because they really do appear to be merely speculative.

Final point. We've talked about construction and the need to have some information about that before we can evaluate traffic. And I just want to refer again to the master plan which says, "in evaluating traffic impacts, both construction and future automobile demand are considered. Many related issues also come into play, such as efforts to minimize site grading and waste export". Paragraph 9 of the master plan specifies that, "At the time of conditional use review and approval..." In other words, now. "...individual products or phases shall provide detailed construction phasing plans", excuse me "staging plans". So we're not just talking about some general idea about how this construction is going to work. We're not just talking about a ten-minute blurb at the Planning Commission meeting. We need detailed plans as to how this construction is going to be managed and function, in order to really evaluate what the traffic impacts are going to be. And also, to evaluate what the proposed mitigation is going to be. There was a reference earlier to this issue to the Cabriolet. Obviously, the Cabriolet has to be built by construction workers before it can be used to transport construction workers. So it's not just a timing issue. It's whether, it's whether that will even mitigate the construction impact at all. It's really a chicken and the egg kind of problem that we're dealing with. In order for it to be effective mitigation it's got to be constructed in advance of the, the, the construction traffic, and that won't be the case.

Also, the Master Plan made it perfectly clear that these traffic impacts could not be evaluated at the conditional use permit phase without these construction plans. And because we don't have that, the conditional use permit simply cannot be issued without running afoul of the Master Plan.

So in summary, this recent traffic addendum provided by the applicant is not reliable or accurate. It does not adequately assess the true impact of the project on traffic in these historic neighborhoods, and the applicant has not provided the information necessary to properly evaluate that impact. And as a result, the applicant has not met and cannot meet the requirement for issuance of a conditional use permit for this project.

Thank you.

Chair

Strachan: Thanks. Nikki, would you also mind submitting like a CV or something that shows the qualification of Avenue---the person who drafted the Avenue Consultants report.

Nikki

DeForge: We have. And we actually submitted that to Francisco today, and he has, I believe [inaudible].

Chair

Strachan: Did I overlook that?

Planner

Astorga: It's on the website.

Chair

Strachan: Oh, okay. Thank you. Thanks.

Cynthia

Fowler: Hi, my name is Cynthia Fowler. We have a home on 1177 Empire Avenue. I'd like to thank the previous speakers for their incredible detailed report. I just have a few things to add just being a resident there. I, I saw that they were going to be putting up the traffic cameras to check the traffic. We chose not to go skiing that day because it was raining. So it's an absolute flawed study. It was crazy because I, I would just sit there and look at it. And everybody left early. And they only did it from a certain time saying that that's when the traffic was going to be. It wasn't. The next weekend was even crazier. It was a beautiful bluebird day. We were all there.

They also may argue that a lot of the pictures had the, the snow from this season. It was an epic season. We all know that. There was snow everywhere. The traffic was crazy everywhere. But that has happened every year. It happens every time it snows. Garbage day and snow day is crazy on Empire Avenue. You can't get in you can't get out. Those are things that we have noticed over the years. We just never thought that they would want to do this massive structure in a historic town where they have no egress or ingress.

The other thing is Sundance on Empire is a joke. It is back to back traffic. Nobody can move. One year I was out shoveling and the guy got out of

his car that was just stopped in traffic. He shoveled my driveway because he had never shoveled before. He loved it. I, I was sitting there only to find out he was some movie star who I don't know, my family knew. And then he was able to get back in his car and sit there and still continue to wait. It took that long for traffic to move. That was a few years ago. The snow then wasn't as great it was this year. But we still have those issues on Empire Avenue.

So I do thank you. We do avoid coming up here on holidays because of the traffic. I do come up for Sundance because it's a real fun time to be here and catch a few movies, but I can't drive anywhere. I can't drive anywhere. I can't get in my driveway I can't get out of my driveway. I'm stuck. And then if I see an opening I'll, I'll be able to jump in my car and get out. We walk to the grocery store because, again, you cannot get in and out. The other thing that they say is for their construction workers, that they will use the Cabriolet. They will not. I'm in construction. I know the business. Not every guy is going to use---carry all of his tools and supplies in and out. Every guy will come in with their truck full of their tools and supplies. I know that. So that too is very flawed.

So thank you very much.

Chair

Strachan: Thank you.

Mary

Whitesides: Hi, Mary Whitesides. I live in Old Town. I'm a resident, a permanent resident of Old Town. I moved to Park City 38 years ago from New York City. My address is listed as 812 Empire Avenue, and that road actually runs behind my house as an old miner's number for my property. The front of my house faces Crescent Tram. This creates a traffic situation both behind my house and in front of my house. Over the years the traffic on Crescent Tram has increased to a point that it has become a major thorough between the Resort and Old Town. Even so, the road has not been widened, which would be impossible anyway, given the terrain and the neighborhood houses. The newest additions on the east side of the street are built right up to the curb. One day while I worked in my garden an Old Town resident stopped her SUV to talk to me. I asked her why did she choose Crescent Tram to drive on. She told me it was her secret shortcut. As it turns out it is the secret shortcut for hotel vans, transportation vans, taxis, delivery vans, UPS and Fed Ex trucks,

construction trucks, pickup trucks, dump trucks, and yes, even tractor-trailers now and then. It is used by locals and visitors driving SUVs, sedans, sports cars, motorcycles and bicycles. Crescent Tram also accommodates pedestrians walking to access Main Street. Shoppers, diners, tourists, runners, dog walkers, skiers, snowboarders, and bikers all using the same shortcut. I have to be extra, extra cautious when I pull out of my driveway not to hit any of them or be hit by a speeding car. The street is also so narrow that when I pull out I, I can easily hit the gutter on the opposite side of the street. The traffic continues into the night hours with headlights flashing and drivers gunning their motors up 8<sup>th</sup> Street making a lot of noise. Partying groups whooping and hollering as they walk along in groups are unconscious of neighbors sleeping at hours exceeding 1:00 a.m. During a snow storm it is impossible to pass another driver, and my driveway is the chosen spot to turn around. I can have dozens of car in a day pulling into my driveway to let others pass. No matter if it has snowed and not been cleared, they pull up anyway and leave compressed tire tracks hard to shovel.

When one woman, when one woman stopped last winter as I hand shoveled the snow, she asked if she could pull off into my driveway. It was a little annoying as she was the fifth person to pull in that day. I asked my she chose Crescent Tram. She said it was on her GPS and she needed directions as she was a visitor. Driver's speed up 8<sup>th</sup> Street and around the curb on to Crescent Tram like it's a grand prix race in Monaco. Likewise, they come down from Empire Avenue also speeding.

I do like my neighborhood. I love the house I live in. I love that I'm a long term resident of Park City. I have seen many changes since 1979, and at this point I can tolerate how Crescent Tram is used. But one can anticipate traffic coming off of Treasure Hill, turning right on to Empire, then taking an immediate right on to Crescent Tram to access Old Town, increasing the traffic to a level that would not be tolerable. As it is now, whenever I step out of my driveway to walk my dogs, I encounter a car immediately, having to drag them off the road. And the thought of adding more foot traffic suggested by the developer is incredulous. I think Park City residents need to think long and hard about the quality of life that would be sorely interrupted by a New York development like Treasure Hill in the historical Old Town District, interrupting the very reason visitors love the flavor of Park City.

For all the multiple reasons Treasure Hill should not be built, increased traffic is high on the long list.

Thank you.

Ann

MacQuoid: Hi, I'm Ann MacQuoid. I, too, have lived in Park City for 38 years this year, and I was elected to the City Council in 1985 and I served until 1989. My name is on the approval documents of the Master Plan of the Sweeney project, which I have read and re-read now, this year going back to September, probably more than I ever read it in 1985 and again in 1986 when we finally approved it. I'm shocked at how specific it is, and how it--- when I spoke before, a few months ago, I was really speaking to the intent of the 1986 City Council. And what our intent was and what our---the whole concept. And the concept back then was to save 110 acres of pristine open space going up the hill above Old Town. And as Brad Olch explained as Chairman of the Planning Commission and as Bill Ligety talked about as Planning Director back then, we felt that clustering the development in 413 to 430,000 square feet, depending on which version you're looking at, with 5% commercial, was a viable plan. Now again I remind you, there, there wasn't anything much built up at that end of Lowell and Empire. I mean, you know, there---the Town Lift was just underway. So there was really not very much to mitigate at that point in time. The roads were certainly ineffective back then. But that was taken care of in our plan. We said that the applicant had to widen those roads. The applicant had to add utilities. The City would not be responsible for those things. And I don't think anyone ever thought it would be 31 years until this came before the Planning Commission again and the City Council, but obviously not this year.

So I have to address it from a couple of different perspectives. Number one, we have precedent, you guys. The precedent is the infamous Deer Valley Parcel D in Upper Deer Valley in the Silver Lake area of Deer Valley, which was attempted many years ago by a famous, infamous couple of guys to create a Ritz Carlton Hotel. That's not a hotel site. It was zoned as a residential condominium stacked up development with some surrounding single family, not unlike this project. Later it was sold to a developer out of California who abided by the rules that were decided on in that Master Plan Development approval, and he built Stein Eriksen Residences, which is not a hotel. It's a condominium project. It has amenities. And those amenities, ie., a club area, small restaurant area, a

beautiful swimming pool, indoor/outdoor swimming pool, and some other lovely facilities are specifically and strictly for the use of the owners of those condominiums and homes and the guests that are staying in those condominiums and homes if their friends, family or renters are staying there. The parking is designed for that purpose only. And that was only completed last September so it's not long, it's not far to look back at those records.

So my---a couple of points I want to make about commercial. I've heard some different numbers so I'm really not sure which is correct, Mr. Sweeney. But I have heard anywhere from 60,000 to 100,000 square feet of new retail/commercial space within the Treasure Hill proposal, the proposed. That would, on the upper end, be 50% of all the retail commercial space on Main Street. So, we would---that's how much it would be. If it's on the lower end of 60,000 square feet, again, most of--- you have to think about this, most of the commercial buildings and spaces on Main Street are between 2500 and 5,000 square feet. We've never seen 60,000 square feet. Anyway, that cannot possibly be utilized 100% by the people who are either owners or guests in the, or employees, in the residential property that was just outlined. They can't possibly fill it up. And as a matter of fact, at Stein Eriksen Residences, the use of the facilities that were built by the developer for the use of the owners and the guests staying there is quite under-utilized, frankly. It just is. This is the first winter it's been open and it's not open to the public, period. End of story.

So my, my question is that about traffic. If you add 60,000 square feet, or whatever the number is, of commercial space to a facility that has now morphed into a condominium hotel, not just a condominium project, and I know very well about those because I also know a lot about the St. Regis and about the use that's there. And by the way, the City of Park City just did a traffic study seeing if the St. Regis was adding too much traffic to Queen Esther Drive. Well, no it doesn't. Do you know why? Because the St. Regis is behind the gates of Deer Crest Estates. And people can't drive through the gates of Deer Crest Estates either on the east side or the west side as guests. Well, hotel people or people going to visit people, or people going to a wedding or people going to a conference, which there are plenty of at the St. Regis. They cannot use the roads to access that hotel, period. So I do know a bit about it.

Anyway, I'm, I'm not going to say---I'm not going to stand here and be hypocritical and say that I oppose this project. I can't. My name is on it. But I, in every way conceivable, oppose the traffic impacts, the human impacts, and the impact in our Historic District that this hugely enlarged version would create.

Thank you.

John

Stafsholt: Anyway, first I'd like to just thank Neals and Kyra and Nikki for all the work they did this week. I've been traveling almost non-stop so I don't have time. I've kind of slacked off on this. So it's good for everyone. It will be nice and short.

So only a few quick things. One thing as you've heard, and we saw some pictures, Crescent Tram is not included in the traffic study. It's kind of ludicrous. That will be the main thoroughfare to Main Street whether it's private cars or taxis or Ubers or anyone who follows their GPS. And it's absolutely not able to handle any cars, hardly.

Second thing. Garbage day. We brought it up. It's kind of funny but people who don't live in Old Town don't realize, you know, there's two police cars escort the garbage truck through the streets, one in front and one in back. On my street many times there's ten, ten to 15 cars behind the garbage truck, and that's why they need the police there so there's not road rage incidents with the garbage truck. And that's just the way it is. I mean, that's reality. That's all year around.

CUP Criteria 2 requires traffic mitigation of existing streets. Existing is the whole key here. We've been through this since 2004, I think. Some of the proposed mitigations, they're calling them mitigations here, is making Lowell and Empire one-way streets. Well, there's not cross streets between Lowell and Empire, and if you live on the bottom of one and you had to go one way this way, or live on the bottom of the other and go the other way, it's 8 or 10 blocks out of your way. It puts a lot more cars on the street and it makes it actually much more dangerous. We've had to fight this on upper Woodside a few times, and the amount of time it takes me to get from my house, if it's one-way, to get back to the bottom of my street, which is like 30 yards away, I could be past the Canyons. And I timed it and that's reality. And typically I timed it and it was about 13 to 18

construction projects just going up Woodside and down Park. Similar where they are. It's not a mitigation.

Widening Lowell and Empire, they offered to widen Lowell and Empire 12 feet. Well, removing everyone's existing driveway and front lawn isn't much of a mitigation. It also adds more cars to park on the street. Another mitigation proposed has been remove parking on the streets. Well, many historic homes have no garages and have to park on the streets. Where do those people go? They've live there for decades. Where do they go. They park in front of their neighbor's street, houses, whatever? There's no mitigation. It's just kicking people out of their homes because they can't live there anymore.

What happens to hundreds of us---their property values due to these types of mitigations. These aren't mitigations. These are impacts and they should be called impacts. And they should be understood as that.

So moving on from that. Again, I won't take too long. In this study we're talking about the intersections only, and as you heard, that's kind of a misnomer of how to, how to gauge it. But if all the, all the intersections have currently acceptable levels of service, why did the Park City Police park at at least four intersections, and sometimes as many as six, every day during the ski season when they let out. I know this because I'm in the southern end of Old Town, and if I try to leave my house I'm stuck. I can't get out. A lot of times its very, very slow. So I went in and spoke to the police about it and they put out from the hours, I believe the hours are 3:00 to 7:00, I'm not sure. But I believe it's four hours a day, every day during the ski season, the peak part of the ski season. There's marked police cruisers with all their lights flashing and blazing. And they're at Park Avenue and Empire, they're at Park Avenue and Kearns, they're at Bonanza and Kearns, and they're at Deer Valley and Bonanza. Those are at a minimum. Every day we're putting police cars in those four. We also put them at Manor Way and Empire, and Park Ave and 15<sup>th</sup> Street. So if our level of service is sufficient, why would we be paying, you know, at least four police officers to spend four hours a day at those intersections. And I encourage you to call the police and ask them about it.

Anyway, that's all I got. Thanks.

Chair

Strachan: Thank you. All right. After Clay, how many more people do we think will give public comment? I just want to know if we should take a break or press through and finish public comment. One more? Okay, we can make it, right? Okay.

Clay

Stuard: Good evening, Commissioners. My name is Clay Stuard. I'm a Park Meadows resident and a former Planning Commissioner. I've attended lots of these meetings and haven't made any comments yet, even though I've heard some wonderful public testimony at most of those meetings, whether it was talking about the impacts of the excessive building mass or the excavation or materials and all the other topics that have been covered so far.

I've read lots of traffic studies in my career as a, as a developer and they vary in quality. And I'll have a little bit more to say about this one in just a second. But tonight's public testimony was so much---so exceptional. I mean, it's so real. This is what people live with in Old Town on those streets. They're talking about life and death consequences from this development. And I don't see any way that the City can ultimately approve this project. I don't think there are any mitigating conditions that can be put on this project that alleviate those kind of problems.

So in summary, I just want to say that, you know, we all recognize BS when we spell it and this traffic study and the entire over-ask nature of this development have that very same aroma. Thank you.

Dee

Downing: Hello, my name is Dee Downing. I've lived here for over 30 years as well and I, I was just curious. Are the Sweeney's here? They're not here. That are build, that are putting---. Okay.

Pat

Sweeney: Three of us are here [inaudible].

Dee

Downing: Yes, okay. Thank you. I don't know the format and this may be wholly inappropriate, but I don't understand why you want to do this project. Look around. I, I haven't spoken to one person who wants this, and I'm, I'm curious, and I understand you're not speaking, but I really am curious

about why you want to push this through when there's so much community opposition for practical reasons. Not just to rain on your parade. Practical reasons. I just don't understand it. I'm, I'm curious about all the money you're spending. I'm curious about the effort, the energy that you're putting into ramming this through. Aren't there better things to do with your time and money. And I, I say that with respect. And I really am curious. I just want to say, I, I don't want this project. I, I think it would be, I think it would be awful.

Chair

Strachan: Thank you. All right. Anyone else from the public wishing to comments? Okay, seeing no one, we'll close the public hearing.

End of public comment.

Chair

Strachan: Let's take a quick five-minute recess and everybody can stretch a little bit. Anyway, we'll take a little break and we'll be back in five. Thanks.

### **Break**

Chair

Strachan: We've completed the public comment and appreciate it. Anything further to add from Staff? Nothing?

Planner

Astorga: No.

Chair

Strachan: Okay. And the applicant? Anything? Okay. Commissioners, comments on what you've heard, keeping in mind, I guess, that applicant, but the applicant says it's a draft, staff says they don't have enough information, so we're not looking at a final final here, but comments nonetheless.

Commissioner

Thimm: Well just a couple of quick things. Well, I, I agree with the commentary and inquiries that were brought forth by Alfred and Matt's presentation, and I look forward to responses to all of those. They tend to match up with the number of comments I've had in reading the report. At the end of the day, just talking about traffic and transportation, and as pointed out very poignantly I think tonight, the crux of this traffic and the transportation

issue comes down to what is happening on peak conditions, with an emergency situation, on a heavy winter storm day both during construction and then at full occupancy.

The second thing that I, I just wanted to make sure doesn't get lost in all of this, is in addition to traffic and mitigation and, and those analyses, part of this report is the, is the parking analysis. And there hasn't been a whole lot of discussion regarding this. The number of stalls and that sort of thing, I think, need to be addressed. And I don't think that anybody would like to see this project be under parked because of what impact that can have on a surrounding neighborhood. But at the same time, I, I guess I was a little confused in looking through the parking analysis. It has a number of stalls equal to about 8.5 stalls per 1,000 square feet of commercial space, if my math is correct. You know, if we're, if we're really talking about the commercial not being a commercial draw, but rather to be used exclusively for, or almost exclusively for the guests of the resort, why would a traffic volume, or a parking volume of that size be considered. And so I'd like for Staff to look closely at the ratios.

That's it.

Chair

Strachan: Thank you. Commissioner Campbell.

Commissioner

Campbell: I don't have anything tonight.

Chair

Strachan: Okay.

Commissioner

Band: Gosh, I have a lot. You know, the problem is that we, we know these studies are using Best Practices, but nobody really knows what's going to happen here. And if we get it wrong, it's going to have pretty drastic effects on not just Old Town but the entire town. And the Genie is not going back in the bottle. So I really don't think that we can over study this mitigation point.

Thanks to everybody who came tonight, and every night, of course, including the applicant for all the work they've done. It's, it's definitely a long and arduous process. I really support a third party study. Yet,

another one. I'd like them to look at both the applicant's study as well as the THINC study. And especially to other people's point of road capacity during high snow, or during---road capacity, not just intersection capacity. And, you know, the devil is in the details. And the Staff's point about shalls for mitigation impacts are very important. They shall have a shuttle for guests, they shall tell guests there's limited parking, they shall introduce a ride sharing program for employees. All those mitigations will be really important, not just suggestions.

And one thing I would like to suggest, and this isn't necessarily for Treasure, I would really like to see permitted parking only in Old Town probably year-round. I mean other, other cities do it. Aspen, if you drive a car into somebody's neighborhood, they'll tell you. They'll give you a ticket. Right now it's the resorts---if they're, if they're going to fill the resort with skiers maybe they need to allow parking, the City needs to help with that. Obviously, we don't want to hinder business. We'd do some parking outside of town. But having traffic bleed into our neighborhood communities, our residential communities, I don't think that's a great solution. I don't really want to see people parking on Empire and walking down the street with their skis, day skiers. I just don't think that's a great solution. Again, whether we have this project or any other project.

And Ann brought this up, and I've brought it up before, back to the commercial, I just don't see how with the sheer volume that is proposed right now, how that support commercial, how are you going to fill all of that up and have it be viable and survive year around without outside patrons.

That's it.

Chair

Strachan: Thanks. Commissioner Joyce?

Commissioner

Joyce: I have kind of a mix of just some comments of things I'd like to see in the future, and then I've got some questions because quite frankly I don't understand all of the, the traffic stuff. So when we look at something that says peak hour, is that supposed to be the peak hour on a peak day, or is that a peak hour on an average day, or what is that---I see that and I see a number and I don't know what to do with it.

Alfred  
Knotts: It's average day.

Commissioner

Joyce: So it's, it's not necessarily supposed to be the busiest Saturday of whenever. It's---so, so how do we deal with that then? If it's an average day, the peak hour of an average day, and then all of a sudden we have Christmas week or something, how do we evaluate what the peak hour on a peak day is going to be like? It's not that---I think as Staff kind of mentioned, we don't necessarily design around that, but it would be interesting to know if all of a sudden you have, you know, eight minute waits at traffic lights or something. How does that get figured out?

Alfred  
Knotts: You can, I believe the legal counsel for the THINC group hit on this also, is you add the percentage of escalator on there, too. So you do, can do a percent of increase as a co-efficient to do the peak/peak. Because you don't want to design and build for that, but there's other strategies that we do want to be able to have that knowledge when that would occur, and what other strategies you can put in place; whether it's not necessarily just a construction related portion of the project, but what other strategies. Again, as I think Clay was mentioning, too---maybe it wasn't Clay. But anyway, the intersections where we put the police in there, we do look at those peak intersections at those times, and that's when we determine when we use those other strategies. So that's how you would do, and then what it would be utilized for would be those other strategies.

Commissioner

Joyce: So I would like to understand, that's kind of where I felt we were going to end up. And I guess I would go back and wonder if there was any way that, as we look at mitigations, if we have understandings for kind of a Plan B. I mean, if you get a, a day that things really get bad, I certainly that if you look at like what PCMR did when I worked there years ago, when they got too busy weeks and stuff, employees were all put on shuttle buses and you weren't allowed to park anywhere close to it and things. So there were additional mitigations that were aimed at busy times. It would be, it would be interesting to see how bad a real bad day is going to get. And so I would ask that maybe in the simulations if we could see that.

Is there anything in these simulations that differentiates between that which is a car and that which is a truck. Because clearly they're, they're different in how they impact traffic. Or all they just all a vehicle? Is that it?

Gary

Horton: There's a typical, typically you assume about a 2% level of truck traffic. Not like my Ford 150, but like construction level vehicles.

Commissioner

Joyce: Delivery trucks and things like that?

Gary

Horton: Yeah. So those---we typically apply those. When we do the traffic counts oftentimes we'll try and identify it. That's the volume you see out there in that given time frame. That's not the number of vehicles we saw in the existing counts. So we used a lower number. I think it's 1%. So during the peak hour of a winter ski day, not, you know.

Commissioner

Joyce: I would love to see that, that actually documented in what you have just because I think the characteristic is going to change that right now what you have up there is skiers and a residential neighborhood. And as soon as you put a hotel you're going to have deliveries and cleaning services and maintenance vehicles and all those kinds of things. And I think that would noticeably change the character of, of what you would witness on a, on a given day. So, if you could at least just document what you're working from.

We saw pictures of it, but it was a big concern for me when you guys were talking about updating the study about six months ago. And I was talking about pedestrians and there's a lot of them. There's, you know, there's the ones that come up and down Lowell and Empire, but a lot of the traffic I see for pedestrian traffic is right there around Manor, Manor and Lowell and Manor and Empire. And I don't think I've seen anything where we talk about crosswalks or anything being added there. And if they're necessary, what impact do they have. Obviously, if, you know, cars trying to turn are giving, you know, right-of-way to pedestrians and there's a lot of pedestrians, that clearly has an impact on delay. But I think we've kind of left pedestrians out of this completely.

Matt

Cassel: As part of the Lowell projects we did look at the Manor/Lowell intersection and there is, is sidewalks in that intersection. They just don't get plowed in the winter, and that's why people are in the road. But we also have a problem with the parking lot at PCMR, because you have a huge section of asphalt before you get to the off-street section. And we were going to try to fix that as part of the Lowell project, but as other things were being proposed in the area we backed off and we focused on making sure we got the crosswalks in, because we do have a large number of people crossing over to 1310 or the PCMR offices. And, and we worked with them as where they wanted the best fit, the crosswalks, and that's where we're putting them. There's was other things that are going to change as we go forward, and that is the area where we do want more sidewalks, we want better pedestrian facilities, and, and our focus is to get those in there when other things break forward.

Commissioner

Joyce: Okay. I think we, we've discussed, and certainly there was a lot more discussion back in like 2009 of sidewalks that, going, you know, which side of Lowell and Empire they go on and that kind of thing. But there's a lot of issues that have been brought up about snow removal on those. That's a concern for me and I'd like to see some way of addressing the idea. If all of a sudden you have lots and lots of people crossing Manor, probably more than anything else, what impact that has on those intersections right there.

One of the questions Staff brought that I, I flagged it, was that the Deer Valley/Park Avenue intersection is reported differently and we don't see kind of the worst case on that one. I'd like to see that reported in a similar way, even if it's a stoplight instead of a stop sign.

The trip, the trip reduction numbers, again, I think everybody's brought up the idea that they seem kind of grabbed out of the air. The thing I would ask you is when you work on those and bring us back more detail on what you decided to do, do it so that someone who is, you know, dimmer about traffic can understand. So in terms of, you know, what trips are you really getting rid of. For instance, you're not getting rid of grocery store trips because you don't have a grocery store and there's not one on Main Street, but you may be getting rid of restaurant trips or something like that. Just that level of kind of thought to be in human terms would help be either believe or not believe the, the assumptions that you're making.

Reduction for hotel traffic. You assume 65% hotel occupancy. That number from the Chamber was kind of a big, fluffy, rounded-off number. Again, when I get back to my "what's a peak day" question---I know I had a friend coming in trying at the last minute, not necessarily bright, for Sundance. And, I mean, it's 100% everywhere. He ended up staying down at I-80 because there was nothing. I mean, absolutely nothing where he could stay. So 65% may be a nice average for the Snyderville Basin plus Park City averaged out over all the days of the week and everything, but boy, that's not what I see. And I, my wife happens to work for Deer Valley sometimes at the Montage and I hear, you know, how often its full. And its full a lot. And you guys, the hotel you're looking at building is, you know, ski in/ski out, kind of aiming at that same level. And it would surprise me to say that, you know, your expectation is you're going to sit at 65%. So I'd like to either really get to where I can believe that number, and right now I don't, or find me a better number and use that in your calculations. But one way or another I need to kind of sync up with that.

The Cabriolet, 2500 per hour was the number saw in here. That's pretty big. I mean, I look at the funicular at St. Regis, and this would pretty much smoke that. I mean, so this is a lot of capacity, which is fine, because if that's really what you're counting on pulling 30% of the trips down, fine. But that actually worries me a little bit more when we talk about if you're really going to go from early morning employees to late evening employees, you know, working the restaurants and bars and things like that, and you've got some pretty long hours. And so all the concerns that we've had about noise mitigation from, from the, the Cabriolet, something seems to break somewhere. It's either small and quiet or its big and probably noisier, and you need it running pretty long hours to cover all the things that you're kind of dumping into that bucket for, you know, employees and guests and workers and everything. So I kind of want to see where that goes. And I don't know how you can help me with that other than to maybe show me an example and get us some better information about the noise that something like that would create. And we really do need to get to a point where we have hours of operation. I know the Vail issue is a problem, but I don't see how we can talk about reasonable mitigation without, without having that.

There was a lot of discussion about coming in on public transportation and then getting, I guess, to the bus stop or, or the bus terminal, and then

getting on the Cabriolet. Are you making any assumptions about changes to how either the public transportation drops off there or the trolley or something, because I just have a lot of doubts about a lot of our guests taking the Cabriolet down and then walking all the way up to, you know, Wasatch Brew Pub or something up at the top of the street. I have doubts about, you know, a construction worker with tool belts and all that kind of stuff getting off at the bus stop and then walking, trudging through, you know, two or three blocks of town to get to the Cabriolet. So, if you're making any assumptions there then I think the City Planning needs to know it. And if you're not, then please convince me a little bit better that that's going to work well, because it's not, it's not designed well. I mean, when they're designed well, you know, the, the transit all kind of dumps off and picks up at the same place. So if your Cabriolet was starting over at the, the bus station, I'd believe this. But it's not. And I think that makes it a lot more awkward. And the trolley doesn't come by that way, either, so, for getting up to the top of the street.

Employee parking. We've, we've heard this a couple of times. You've got to help me on this one. I don't understand where they're coming from, where they're parking, how they're getting up here, how they're getting on a Cabriolet for construction that doesn't exist, and for day to day stuff again, hours of operation. How that's all going to work. But, but part of it is, when I looked at the parking pieces of it, it's confusing to me where the parking numbers are for the hotel, whether all the employees and stuff are, are buried in there, or they just don't get parking at all. I mean, when the---when I look at the---I think it was page 81 or so, I'll find it. Nope, I'm too far back. I'll find it in a second. But when I looked at the parking there's parking for hotel, employee housing, condominium/townhouse, and commercial. And so I can't find---other---for the employees that don't live there in the employee housing, where are they parking. And it seems like some of it, the way the wording was, was some of it was buried in the hotel or something. But it would help me to understand employees in general. I mean, you've got a ton of commercial space, 50, 51,000 square feet of commercial space was---at least the old number. I saw 60 in here for commercial plus meeting. You've got \$16,000 square feet of meeting space. That's a lot. And so I would love to see something from you guys at some point, whether it's---I think it ties really into traffic, but employees for both parking and traffic. You've got hotels, you've got condos, you've got maintenance, you've got maintenance, you've got cleaning people. You've got a bunch of restaurants and coffee shops and a spa, and all this kind of stuff. I would love to see somewhere where you

guys do a little table that says, here's all the things that we think we come to a reasonable shift of employees, and how many employees are going to work at this place. Because I think it's a really big number and it's nowhere. We don't have anything to work from. It's always kind of buried somewhere and there's assumptions that they'll park elsewhere. You know, if it's 50 I'm not worried. If it's 500 then we've got really serious problems. And it certainly doesn't show up in any of your parking projections.

I think you guys need to get in sync, because I think if it hasn't happened already, this is going to drive us to do resident parking passes in Old Town. It's going to be too easy for somebody to want to just go park at the Library or up Park Avenue, or Empire or Lowell or wherever, and, and go up into to, you know, the whole community up there. And I think that's going to cause so much problems in the neighborhood if we don't have well enforced parking passes.

I'm sorry I'm going on, but I just figure I'll unload so next time maybe this will go smooth. Commercial is, I'm still broken on commercial. I mean, you know, fundamentally I think there was a limit in the original master plan that said you get 19 UEs of commercial and that's it. And I thought it was very explicit about that's it. But you've got the 19 UEs plus 33,000 square feet of commercial support, plus 16,000 square feet of, of the meeting space. And I can't quite figure out how it fits into the trip generation numbers. When I look at the commercial, which is one-third of the total commercial, it seems to have about the same number of parking space, parking spaces as a 200-person hotel with twice the amount of commercial space, plus all the meeting space. And that just matches one-third of the commercial. And that doesn't make any sense to me at all. So that's something that maybe as you kind of build this out--man I don't, I just don't get it. And again, for the, the people thinking about it, it's like 33,000 square feet of, of support commercial is, is big. I mean, that's a lot. I mean, a 200-person restaurant from references I've seen from the restaurant industry is, you know, 4 or 5,000 for a high end restaurant, square feet. We're talking about a lot of space here. And the last thing I, for, for the commercial piece that I haven't heard yet, is any mitigation that says you guys plan on containing this, the support commercial, to the facility. And I'll tell you, I, I started---when I got my package I went through the newspaper and I went through the emails I've gotten in the past week, and I'm getting things for come to the Montage Spa, come to the St. Regis and eat dinner, two for ones at Hotel Park City. And all of

these things are for the hotel patrons, and it's not happening anywhere in town. And so I, quite frankly I don't believe it. And so unless you guys can, can come back with some strong mitigation that says here's how we're going to be different than what everybody else is doing. And I mean, they're, they're literally printing ads in papers to draw people into their facilities. Unless you can convince me, then I'm going to have to assume that it really is going to be the same thing, and you really are going to try to draw people in from outside. And therefore, that hits trip generation and that hits parking in big ways. So I am, I am still completely broke on the, on the amount of commercial in an area where you guys said that you were just going it to service the hotels and the local people.

Your growth population, your---sorry. Your growth percentages were based around population at 1.1% per year. That's, that's an okay number, but I don't think it's probably the right one to work with. The real interesting thing in that area is the tourist population. And so like when I saw Vail's numbers for the Canyon Spa, they were talking about a 5% increase year to year over the next five or six years. That compounds a lot faster than 1.1%. So when I, when I look now, if you just look at that area up there and say, you know, I've got skiers days going, but I also have infill in the community that's happening, we've got Treasure numbers plus Vail numbers, plus Bamberger numbers. That's a lot of people right up there that I think adds up a lot bigger in that neighborhood than 1.1%. So the fact that Park Meadows didn't grow much isn't terribly relevant to me because it's already kind of built out. What's interesting is how does that area right there grow, and what is the tourist projection growth. And I think they're a lot bigger than 1.1%

And my last one, and then I'll shut up, is just construction traffic. You've heard that. I think we've got a lot of stuff for construction that has to get addressed as part of this because that's very different than the kinds of numbers and projections we're seeing. Thanks.

Chair

Strachan: Commissioner Phillips?

Commissioner

Phillips: All right, well, I'll start off by saying that I agree with everything that has been said. Well very said. I think, one of the things that I have hard time with, with the traffic studies and how that's all done. And I know it's, there is a way it's done and you guys all do it the same way. But I struggle with-

-- you know and I know we, we've asked the question of how do you account for, you know, weather conditions. And there really isn't, and I can understand why that is. But in reality, it is probably one of the most difficult situations to deal with living in Old Town on a street similar where its one car passes another. What I worry most about is if we're---if, if this is designed and not built for those situations, it becomes a huge public safety problem. It happens many times a year on my street where our family is literally in danger. And I've been dealing with it. And it's almost drive, driven me to insanity to think that I can't protect my children. And so I don't know how that can be factored in. But I guess in the end, since there is no way of formulating that, I'm really, you know, once this is all vetted and gone through back and forth, the Staff's questions are answered, I'm really going to need to see a good visual plan with a snow removal plan and, and just everything, you know, all put together to, to be able to look at it as a whole.

I do have some suggestions when it comes to snow removal. And I'm, and I'm, you know, and I guess---I am no professional at it and that's what you guys do. And I thank you guys for coming out tonight and giving us your input. I have seen snow melters being used in other places, and I think it is something that could be entertained to be put on site to where we would not have to put the snow in trucks which adds more traffic. And that actually is the crux, is when the snow is built up, there's cars can't get by each other. Then you come in and you try to haul it off with trucks. I think the City in general should look at that and in, you know, as much of the carbon footprint that it takes for us to remove our snow, to look at buying these machines that are portable, or you can put them fixed, and you can shovel the snow right into them and it melts it. So that's just one suggestion if anybody is interested in looking into that. So, yeah, I, I don't know. I mean, it is difficult.

So, beyond that, let's see what else I have. As far, touching on what Steve had to say about, you know, how, how do you mitigate people coming in and using the commercial. I think it's a major concern of all of ours. And I've said it before and I'll say it again, that I think that any commercial, any transactions should be---shall be done through a room card. And I don't know how else, you know, unless, you know, how else you can limit it. But, I'd like to see something very strict along those lines.

The Cabriolet is probably one thing that really has me perplexed. And I think a lot of us, including, you know, yourself as we're throwing numbers

out there and guesses. It's, it's hard to know exactly what that thing is going to do, you know. Is, is it going to create all kinds of parking problems at the base of the Cabriolet. And, you know, is that going to take away from business? Is that going to create congestion? One of the other things, you know, along the lines of the Cabriolet are, you know, if you're driving, if all the construction workers are going up that way, are they all getting dropped off right there, and is that going to be like the school zone drop-off where there a line of, you know, cars dropping people off right there. And so everybody else has to take a different route to get through town. These are things that really need to be thought through, you know. I do, I do know that in commercial construction not every employee has to bring bags and all that, so I could see how it could work in commercial construction. Typically, the employee's tools are---a lot of times they don't even have to supply their own tools, they just have to show up to work. And I think something of this scale will probably have a lot of employees like that. But, once again, how are, how is this whole thing functioning. So, also, on the Cabriolet, I mean as I see it, I'm picturing one similar to the Canyons, it's an open cab thing. I personally would like to---I think, I think if there was an enclosed cab it might work better because in the winter people going to the restaurants, if there's a blizzard outside they're not going to hop on that thing. They're going to drive the Uber which is actually the time we don't want them in their cars going down the steep roads. So I'm just curious on more details on the Cabriolet itself. Having an enclosed cab would also reduce the sound issues that may occur.

So, I think that is all I had. You know, the whole traffic and these roads, man it is, it is tough. And I think everybody that has come here tonight, the Commissioners, the public, the applicant, the Staff has put a lot thought into this, and there's, there's a ton of thought in this room right now going into this. And I'm hopeful that we can make some progress here. I wish there was another way to get there, you know. Is there? I keep thinking there's got to be another way to get there. And I know there's not, but in my mind I keep wondering, and I'm sure I'll get told immediately, why, why we couldn't do it, but is there any way to bring a road in underneath the ski run off of Park Avenue. You know, that, that's the entrance where the ski bridge comes over. And right now it's just a black void. Could that be where they turn in and go up that way. I'm sure there's land issues and there's reasons why. Access, I don't know. But---and I don't---and that shoves the burden to a different part of town, but I

think it puts it a lot closer to Deer Valley Drive. And I guess what I'm saying is I just wish there was another way. So, that's all I have to say.

Chair

Strachan: Thanks. Okay. I'm going to keep it really short. We don't have final information here. We're dealing, as the applicant said, with only a draft. So, I would urge you to get that standalone document as soon as possible. The longer the delay on that, the longer the delay on our decision. So that rests with you guys. Choose what you're going to provide and what you're not going to provide from Staff's requests. If you're not going to provide it, you've got to say so. Otherwise, we're just going to sit here and we're going to ask---we're going to be waiting, asking, are you going to provide that or not. And meetings go by and times go by and the decision gets delay. So outright say if you're not going to provide it. Otherwise, we're going to assume you're not going to. All right?

That's pretty much it. I agree with the comments and I'm going to be looking pretty closely at CUP Criteria #2, Street Capacity. You could see that coming. It's not a stretch, but we're going to need some specific numbers as to what those streets are actually going to be asked to hold, because we can't make a determination---well, we can make a negative recommendation if we don't have those numbers, but we can't make a positive recommendation without them. All right?

That's all I have. Any more comments.

Commissioner

Joyce: I'm sorry. Just, just triggered one more thought. I seem to remember back earlier in, in the discussions that---reading back through like the 2009 stuff, that the intent had originally been to push the traffic to Lowell. And there was discussion about, you know, signage and things like that to, to kind of try to drive the, the traffic to Lowell instead of Empire or Crescent Trams. Am I remembering that correct?

Matt

Cassel: You are. We were going in that direction.

Commissioner

Joyce: So is that, has that changed or, I mean, I noticed the model was 50/50 between Cres-, between Empire and Lowell and zero, or almost zero on Crescent.

Matt

Cassel: The Planning Commission at that time was pushing in that direction. And so at this time we are not focusing everything on Lowell, but we need more information backup to be able to understand how each road is being impacted.

Commissioner

Joyce: Okay. I can't honestly even remember exactly why they were pushing it all towards Lowell instead of Empire, but I guess at some point if all the analysis is based on 50/50, then that's what we assume and have to look for when we look for road improvements and that kind of thing.

Chair

Strachan: I can't remember why they did that, but I do seem to recall that. Okay. Anything further? All right.

Let's move on on the agenda. We'll give you guys a little bit of time to shuffle out.

MOTION: Commissioner Thimm moved to Continue the Treasure Hill CUP to July 12, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. **4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a re-plat to create three platted lots of record from existing 29.55 acre Lot 1 and to include a 0.8 acre parcel acquired from UDOT for storm water detention. The property consists of approximately 30 acres. (Application PL-15-03005)**

Planner Whetstone reviewed the request to subdivide the one lot of the Park City Film Studio subdivision into three lots of record, consistent with the phasing for the film studio master plan. The property is located at 4001 Kearns Boulevard, at the southwest corner of US40 and Highway 248, in the Quinn's neighborhood. The Studio subdivision was approved in 2014 and it consists of 29.55 acres. This plat amendment is requesting to combine a .8 acre parcel located at the northern portion of the property,

which the property owner acquired from UDOT; and it is being used for storm water detention. The applicant was requesting that the property be added to the proposed Lot A, resulting in a total acreage of 30.35. Planner Whetstone noted that the applicant had made that request in writing, and the Staff believed it made sense to include that parcel because the storm drainage is used for the property.

Planner Whetstone had prepared a detailed Staff report, and she noted that the request was similar to the original subdivision. The same issues had been reviewed for compliance with the Subdivision Chapter of the Land Management Code. The Staff also looked at whether putting the lot lines in the middle of the project would still meet the setbacks, parking, utility easements, drainage easements, etc. She stated that after a lengthy discussion several revisions were made. They also addressed whether there was sufficient water for fire flow and storage because the City is not providing water to the project. The water will be provided by Summit Water and the Water Department, the Fire District, and the City Engineer wanted to make sure the project if built as proposed would have fire flows and storage.

The Staff found that the plat was consistent with the approved Film Studio Master Planned Development. It does not create a non-compliance or non-conforming issues. However, it does create legal lots that conform to the CT zone. There is access, easements, utilities, it meets the setbacks, and there are no changes to the uses allowed by all the various agreement. Planner Whetstone explained that there was a settlement agreement with the County, and the City entered into a pre-annexation agreement. There was the annexation agreement and the master plan development agreement, and the conditional use permit for the actual building that currently exists. She had researched all the history to make sure that by putting in three lots they could still meet all of those requirements.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council, pursuant to the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Doug Rosecranz was present to represent the applicant, Quinn's Junction Partners L.C. Mr. Rosecranz stated that the application had been through a thorough review by the Staff over the last five or six months. He believed everything they were asked to do had been accomplished to the Staff's approval.

Commissioner Joyce asked why this subdivision was needed. Mr. Rosecranz replied that it is very likely that Quinn's Junction Partners would not develop the other parts under the same entity. One is strictly a film production facility, and the other has

different components to it. It was likely that there may be other ownerships. It may be the same people, but under different ownership, and that could not be done without a subdivision. Mr. Rosecranz remarked that it also addressed issues with being able to collateralize long term financing as well.

Commissioner Band understood that the original master planned development anticipated potentially other entities. She wanted to know what this subdivision was not done at the very beginning. Mr. Rosecranz was unable to answer that question.

Planner Whetstone stated that the development agreement has language stating that it was anticipated that the hotel would be owned by the developer or assigns. Commissioner Band acknowledged that it was anticipated that they might not do the whole project, and she was curious why this was being done, apart from collateralizing.

Planner Whetstone replied that the City usually does not allow a building permit to be issued without it being a platted parcel. At the time they probably did not know where to put the lines. As many projects do, they come in for a one-lot subdivision. She thought it was similar to Empire Pass, the National Ability Center and other projects that were approved as one lot.

Commissioner Band noticed that Finding of Fact #19 noted "On May 10, 2017, the Planning Staff observed elements of the landscaping installed with Phase 1. It did not survive the winter and needed to be replaced". She also noted that it was addressed in a condition of approval. Commissioner Band recalled that the Planning Commission previously talked about the landscaping long before May 10, 2017. It has been said before, but if the City requires conditions of approval they need to be enforced; otherwise they are useless. Since it was mentioned a while ago, she wanted to know what the City was doing about it.

Planner Whetstone replied that the Studio received a Certificate of Occupancy in the winter before all the landscaping was put in, and they bonded for the remaining landscaping. She spoke with the Building Department last week and they had not received a request for inspection. Planner Whetstone noted that the City was holding the bond for the remaining landscape. The bond can also include any landscaping that did not survive. She stated that the landscaping had not been completed and the applicant had not requested an inspection.

Chair Strachan asked if there had been a No Action determination. Planner Whetstone answered no. Chair Strachan suggested that it might be the next step.

Commissioner Band clarified that she understood that Planner Whetstone was not responsible for following up on the matter, and she only asked about it as a general question regarding an issue that the Planning Commission has raised several times.

Planner Whetstone stated that she has told the applicant that they could send their landscaping expert, Maria, to talk to them about plants and trees that would survive. The applicant's plan showed evergreens on the corner and those will not make it that far away from the building. However, the applicant wanted the trees in that location for Christmas lights. She noted that many other trees are not surviving because they are in a very harsh and difficult climate. Planner Whetstone had offered to work with the applicant on revising the landscape plan for landscaping that would work better and have a better chance of surviving.

Commissioner Band understood that because it is a condition of approval it would be taken care of if someone wants to buy and build the next two phases. However, she wanted to know at what point the City would take action. Planner Whetstone believed there was a process that the City follows. She was only familiar with what the former Building Official, Ron Ivie, would do. In the 23 years she has been with the City, she was not aware of any time where the City has had to use the bond to landscape the project.

Commissioner Joyce noted that the conditions state that the landscaping will be done before the plat is recorded. He would be very frustrated if the plat is recorded and the bad trees are still there. Commissioner Joyce remarked that it is not about the bond, because a portion of the landscape bond was returned in exchange for the trees that are now dead. In his opinion, it is important to make sure that until the landscaping is put in and meets the criteria, the plat cannot be recorded.

Planner Whetstone remarked that the language she had written in the condition said, "or bonded". She was willing to revise the condition if the Commissioners wanted it specifically tied to plat recordation.

Commissioner Joyce stated that they add conditions and they get ignored. He believed the only teeth they have is to require that the landscaping must be completed satisfactorily before the plat can be recorded. He pointed out that the bond had not worked.

Mr. Rosecranz remarked that the landscaping was not fixed because of lack of desire by the applicant. This would clean up ownership issues and allow the applicant to do things that to this point have been difficult to do because of how the ownership is

structured. If a bond is required as part of the recordation of the plat, they would not be opposed.

Planner Whetstone suggested language stating, "Landscaping which is no longer alive or thriving shall be replaced or bonded for, as required by the Building Department, prior to plat recordation". She asked if they wanted to specify a time-frame for completion of the landscaping.

Chair Strachan thought that saying the plat cannot be recorded until the landscaping is in and viable was sufficient.

Commissioner Thimm noted that Condition #16 references landscaping, per the approved administrative CUP. He assumed that was the landscape plan with the landscape materials that did not survive. Planner Whetstone replied that he was correct. Commissioner Thimm asked if the condition should be changed to indicate that the Staff had suggested that the applicant seek recommendation from the expert landscaper on Staff, and further state "through a revised landscape plan with materials that are appropriate to survive in those conditions".

Director Erickson asked if the Planning Commission wanted to vet the proposed language changes this evening, or whether they wanted the Staff to come back with additional language.

City Attorney Harrington recommended that they open the public hearing.

Chair Strachan opened the public hearing.

City Attorney Harrington reported that the Staff had received an email request for a continuance of one meeting by the other ownership group of the property. He pointed out that there was an ongoing dispute between Quinn's Junction Partnership and Quinn Capital Partners, LLC. Quinn Capital Partners had requested a one meeting extension to finalize matters between the two parties. Mr. Harrington stated that the City recognizes the owner of record at the time of application and as verified by the title report. The City does not get involved in disputes of contract if they arise during the application. The burden is on the parties to legally resolve the issue. However, because one of the parties requested a continuance, the Staff was compelled to provide that request to the Planning Commission.

City Attorney Harrington clarified that the Planning Commission would only be forwarding a recommendation to the City Council. It would not be a final action. Mr. Harrington understood that this applicant objected to the request and did not want a

continuance this evening. Mr. Harrington remarked that it was up to the Planning Commission to decide whether or not to move forward or continue to allow the Staff time to draft the revised condition of approval.

Chair Strachan asked for the name of the record title holder according to the Summit County Recorder's Office. Mr. Rosecranz replied that the title holder was Quinn's Junction Partners LC, which was the applicant he was representing this evening. They are the owners and they would like to move forward. Mr. Rosecranz remarked that Quinn's Junction Partners LC was the only owner at this point in time. Chair Strachan asked which entity alleges that they own it. Mr. Harrington replied that Quinn Capital Partners alleges that they have equitable ownership pending a settlement that was currently in court.

Chair Strachan asked Mr. Rosecranz how the applicant would be harmed by a continuance as the alleged record title holder. Mr. Rosecranz stated that this dispute has been going on for so long that it has held up some business transactions, and it has prevented them from doing things they would like to do in terms of structuring deals for the operation of the project. If the other party performs, which they have not yet done, then the property will most likely be sold. Mr. Rosecranz pointed out that it was not on their side of the property. It was on someone else's ability to perform what the judge ordered them to do.

Chair Strachan asked if there were any hard deals that were scheduled to close between now and the next Planning Commission meeting. Mr. Rosecranz replied that there were operation deals that were scheduled to close, but he was not at liberty to disclose them. He was unaware of the exact dates. Mr. Rosecranz did not believe anything would change and he requested that they move forward this evening.

There were no other public comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that between a dispute as to ownership and no firm evidence of hardship between now and the next meeting, as well as concerns over the landscaping, as a non-voting chairman his suggestion would be to continue the item.

Commissioner Campbell noted that the two parties were having a dispute over ownership of the single parcel. If they allow this applicant to subdivide into three parcels, he wanted to know how that would negatively affect the rights of either party. He asked if a settlement by a Judge would still hold if it were split into three parcels.

City Attorney Harrington stated that he did not know the terms of the settlement, but his understanding was that it regarded the entire property and not a portion of the property. Mr. Harrington did not believe the ownership issue was germane to their decision. He recommended that they focus on the landscape issue, whether they have clarity on the language for the condition of approval, and whether they need further information from the Planning Department regarding enforcement, and whether it would be better handled under the administrative CUP enforcement process or whether it should be incorporated into the plat criteria. Mr. Harrington stated that language for plat recordation is different than the enabling statute for the conditional use permit that enabled the bonding to be the remedy in place. That is specified in the Code, and if they intend to do something beyond that, such as tying it to plat recordation, he would like at least one meeting to review the language. If the Planning Commission intends to keep the Condition of Approval as written, it has already been reviewed and it is justifiable because it extends the bond provision.

Commissioner Campbell stated that considering the length of future agendas, his preference would be to act on this application this evening. However, since Mr. Harrington has requested the opportunity to review it, he was willing to consider a continuance. Mr. Harrington clarified that he would only need time for review if the Planning Commission requests to modify the Condition of Approval. Chair Strachan remarked that the clogged agenda is the issue. An equitable owner could come in later and request a different plat amendment with different conditions. He would like to avoid that situation.

The Planning Commission and Mr. Harrington discussed the risks of continuing this matter and how long the dispute could go on. Mr. Harrington noted that the City does not make determinations on title disputes, but they do make a determination in terms of whether there is a good cause in terms of the efficiency or some validity that goes beyond the actual contract terms. The City does not interpret contract terms, and in this case, they do not have access to the contract terms. It is a sealed settlement in a bankruptcy court and he understood that it was not a public document. Mr. Harrington was certain it had not yet closed. It was a dispute between someone with an equitable contract interest and ownership, but it was not fee ownership either. The City does not get involved in the kind of rights attached to that equitable interest pending the closure of the contract. Mr. Harrington pointed out that the applicant is entitled to the due process under which they filed their application, and as the owner they can move forward. If the Planning Commission was inclined to work on the one Condition of Approval it resolved their question about delaying the process, and that was easier to deal with than the ownership issue.

City Attorney Harrington reminded the Planning Commission that they would only be forwarding a recommendation to the City Council, and a final approval would take several more weeks. That would give the equitable interest party time to obtain an injunction from the Bankruptcy Court.

Commissioner Band understood that typically when something like this is contested, if there is validity to it, a judge would put a stop to this action. Commissioner Campbell pointed out that Mr. Harrington had requested the opportunity to review the language if the condition was revised, and he believed at least two people were in favor of adding new language. Commissioner Phillips stated that he would like a condition of approval with more teeth.

Commissioner Joyce thought changing the condition would be simple. He read the condition as written, "Landscaping which is no longer alive or thriving shall be replaced or bonded for as required by the Building Department prior to plat recordation", and clarified that he was only proposing to remove the words "or bonded for". Mr. Harrington replied that he was not comfortable with that revision because "bonded for" is part of the current statutory process. He noted that the applicant installed properly living plants at one point, and they died. They may not have that same condition met in terms of survivability within the one year recording period of the plat. Mr. Harrington remarked that State Statute has very strict bonding requirements for subdivisions. It is much different than what they typically do through mitigation conditions of approval on a conditional use permit. It is a completely different statutory process.

Mr. Rosecranz stated that if the Planning Commission was willing to leave the condition the bonding language as required by Code, they could add additional language stating that they would modify the landscape plan per Staff recommendations. Mr. Harrington thought that was vague and he had no idea what it meant. In his opinion, it would be opposite from what they were trying to accomplish.

Chair Strachan asked if bonding was required by State Statute for all landscaping plans. Mr. Harrington answered no. A Subdivision is a different statutory process in which they can require performance beforehand. The applicant has different rights as well. They can choose and have more power over how some things are fulfilled. He was not prepared to "wing it" on this matter because he did not know the degree of non-compliance as it relates to other requirements. If the Commissioners wanted to change the condition of approval, he would like to come with appropriate language to marry the necessary enforcement under the Administrative CUP with what they can attach by virtue of the subdivision State Statute and Ordinance.

Chair Strachan suggested that the Planning Commission could continue this item with direction to Staff to find any statutorily available way of eliminating the bonding language from Condition of Approval #16. Commissioner Joyce was comfortable with that direction. Chair Strachan pointed out that if they come back and still have nothing to work with they would be in the same place, but the title issue may be resolved. Commissioner Joyce had no desire to get involved with the title issue or allow it to sway their decision.

Commissioner Campbell clarified that the issue was not removing the bond. They were looking for some enforcement capability. Mr. Harrington agreed; however, it was enforcement of the prior action and not this application.

Mr. Rosecranz stated that if he could get approval to move forward and get the subdivision recorded, it would free up the money to solve the landscaping problem. If they continue, the problem still exists.

Commissioner Campbell noted that enforcement of the conditions is an issue the Commissioners have struggled with in the four years he has been on the Planning Commission. He did not think it was fair to take out their frustration on one applicant unless it is defensible; and Mr. Harrington was telling them that what they wanted to do this evening was not defensible. He thought the Planning Commission should ask Mr. Harrington to find an enforcement mechanism for future conditions of approval to ensure the conditions are not forgotten.

Director Erickson did not think the landscaping on this project had been forgotten. There was over three years of history talking with the applicant over their landscape plan. There is a growing period for all landscaping and a seasonality of the installation of the landscaping. He believed there were circumstances and records that Planner Whetstone would build in the Findings of Fact before they accuse the applicant of not having done anything in 24-36 months. Part of the fight over the water in the subdivision was trying to get the landscaping back in place. Director Erickson stated that in the absence of other information from the City Attorney's Office, he would ask for a completion bond irrespective, because in a year after the completion of the project the landscaping is still not completed, the owner would have to fit it, even if they are bankrupt. Director Erickson suggested that the Planning Commission continue this item and allow the Staff time to look at the language, and produce additional findings of fact to show the number of times they have had the conversation on this particular project.

**MOTION:** Commissioner Phillips moved to CONTINUE the first amendment to the Park City Film Studio subdivision to June 28, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **442/444 Main Street – Plat Amendment to combine Lot 12, Block 23 of the Park City Survey with two adjacent metes and bounds parcels to the east to form one unified lot of record. The property currently contains one (1) historic building with a non-historic addition, and the owner wishes to make another small addition onto the back of the building, which fronts Swede Alley. (Application PL-16-03396)**

Planner Ashley Scarff reviewed the request for a plat amendment at the site known as 442/444 Main Street, which consists of all of Lot 12, Block 23 of the amended plat of the Park City Survey, as well as two metes and bounds parcels that are contiguous to the east that fall within the Millsite Reservation. The applicant owns all three parcels and requests to combine them into one legal lot of record that will remove two interior lot lines. The site currently contains a historic commercial building. The Frank Andrew Building has the Shabu Restaurant inside currently. It was constructed in 1898 and fronts Main Street. The structure is listed on the Historic Sites Inventory as a Significant structure. A non-historic rear addition was constructed in 1989, and the owner wishes to construct another minor addition on to the rear of the structure within the metes and bounds parcel that fronts Swede Alley.

This plat amendment is required to combine all lots into a legal lot of record, which will allow for further development.

JF Lanvers, representing the applicant, was available to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved forward a POSITIVE recommendation for 442/444 Main Street plat amendment to combine Lot 12, Block 23 of the Park City Survey with two adjacent metes and bounds parcels to the east, to form one unified lot of record, based on the Findings the Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 442/444 Main Street

1. The property is located at 442/444 Main Street.
2. The subject property consists of all of Lot 12, Block 23, Amended Plat of the Park City Survey, and two (2) metes and bounds parcels to the east that fall within the Millsite Reservation.
3. The property is located within the Historic Commercial Business (HCB) District.
4. The proposed plat amendment combines the three (3) existing parcels into one (1) lot of record, removing two (2) interior lot lines.
5. The site contains a historic commercial structure listed on Park City's Historic Sites Inventory (HSI) and designated as Significant, which has a non-historic rear addition that was constructed in 1989.
6. The existing structure is oriented in a way that results in a 4.34 square foot encroachment onto 450 Main Street to the north, and a 76.30 square foot encroachment onto 440 Main Street to the south. The Planning Director has determined that the 4.34 square foot encroachment onto 450 Main Street is de minimus and will not require an encroachment agreement with that property owner.
7. The HCB District has no minimum required front, rear, or side yard setback areas. All future development will be entirely contained within the property boundary.
8. The HCB District has a minimum lot size of 1,250 square feet. The proposed lot exceeds the minimum lot size requirement at 3,125 square feet.
9. The required minimum lot width is 25 feet. The proposed lot has a width of 25 feet, meeting this requirement.
10. The required minimum lot depth is 50 feet. The proposed lot has double-frontage, thus, exceeds the minimum lot depth requirement at 125 feet.
11. A Quit Claim Deed document was recorded at Summit County on October 5, 1994, which transferred the ownership of the easternmost metes and bounds parcel (PC-304-C) from Park City Municipal to the owner of 442/444 Main Street. The City retained a public utility easement over the entire parcel area.

12.A façade preservation easement was executed between a former property owner and the City and recorded on October 5, 1994—this easement perpetually runs with the land.

13. Most recently, the current property owner submitted a Historic District Design Review (HDDR) pre-application on April 14, 2016, to evaluate the feasibility of constructing a new addition on the Swede Alley site of the proposed lot.

14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

15. The property is located in a FEMA flood zone A.

#### Conclusions of Law – 442/444 Main Street

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

#### Conditions of Approval – 442/444 Main Street

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the 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 plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property owner shall revise the recorded encroachment agreement with 440 Main Street to eliminate reference to new construction over property lines prior to recordation of this plat amendment.
4. New construction shall comply with all applicable parameters of Land Management Code §15-2.6 regarding floor area ratio, maximum building volume and height,

architectural review, Swede Alley development criteria, parking regulations, etc.

5. New construction shall not occur within parcel PC-304-C unless Park City Council approves the vacation of the public utility easement that exists within it.

6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

7. New construction must comply with all flood plain regulations per the City Engineer.

8. New construction shall comply with all requirements outlined in the property's recorded façade preservation easement.

4. **1302 Norfolk Avenue – Appeal of the Community Development Director's Determination to deny a demolition permit for a house being reviewed for designation to the Historic Sites Inventory. (Application PL-17-03487)**

Director Erickson reported that the property owner had made an application to the State Property Ombudsman's Office for an opinion. For that reason, the Staff recommended a continuance to a date uncertain. Director Erickson remarked that the Staff was willing to review the Ombudsman's opinion when it is received.

Jodi Hoffman, legal counsel representing the applicant, confirmed that an application had been made to the State Property Ombudsman and the applicant was requesting a continuance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 1302 Norfolk Avenue – Appeal of the Community Development Determination to deny a demolition permit for a house being reviewed for designation to the Historic Sites Inventory, to a date uncertain. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**5. 352 Woodside Avenue- Request for a Plat amendment proposing to combine the south half of Lot 19, all of lot 20, and the north half of Lot 21, of Block 3 amended plat of the Park City Survey into one lot of record. (Application PL-17-03546)**

Planner Makena Hawley reviewed the application for a plat amendment at 352 Woodside Avenue for a vacant site consisting of two half lots and one full lot. The applicant will be required to come back to the Planning Commission for a Steep Slope CUP and a building height exception per the LMC for a request in the HDDR. Planner Hawley stated that the HDDR is in process but it has not been completed.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for 352 Woodside Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 352 Woodside Avenue

1. The property is located at 352 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of south half of Lot 19, all of Lot 20, and the north half of Lot 21, of Block 3 amended plat of the Park City Survey. The proposed plat amendment creates one (1) lot of record.
4. The Plat Amendment removes two (2) lot lines going through the vacant property.
5. The proposed Plat Amendment combines the property into one (1) lot measuring 3,757.5 square feet or .09 acres.
6. A single-family dwelling is an allowed use in the District.

7. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings as well as for a duplex which is a conditional use in the HR-1 District.
8. The proposed lot width is width is 50.1 feet along Woodside Avenue.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
10. The maximum building footprint allowed based on proposed lot size of 3,757.5 square feet is 1,521.14 square feet. The proposed house equates to a footprint of approximately 1,519 square feet.
11. The minimum front/rear yard setbacks are ten feet (10'); the minimum total front/rear yard setbacks are twenty feet (20'). The existing house has a front yard setback of 10 feet and a 10 foot rear yard setback.
12. The minimum side yard setbacks are five feet (5'); the south side yard setback is proposed to meet at 5 feet and 9 feet on the north side yard.
13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 352 Woodside Avenue

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

#### Conditions of Approval – 352 Woodside Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the 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 plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this

approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten foot (10') wide public snow storage easement along the Woodside Avenue frontage shall be provided.

4. Modified 13-D sprinklers are required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building footprint, etc. and Design Guidelines for Historic Districts and Sites.

The Park City Planning Commission Meeting adjourned at 9:00 p.m.

Approved by Planning Commission: \_\_\_\_\_