

“Historic structures that do not comply with the building setbacks, off-street parking, and driveway location standards are valid complying structures”.

4. There was a property swap with the adjacent neighbor to the north, which was the solution to an encroachment and access agreements between the owner of 505 Woodside and the neighbor adjacent to the north. No additional lot area has resulted from the property swap.
5. There is a Historic District Design Review application under consideration by staff for this property.
6. Any construction within the Historic Residential District (HR-1) requires a Historic District Design Review.
7. A building permit cannot be issued for construction across a lot line.
8. All other facts within the Analysis section of this report are incorporated within.

#### Conclusions of Law - 505 Woodside Avenue

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

#### Conditions of Approval - 505 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void.
6. Treasure Hill - Conditional Use Permit

Planner Cattan introduced attorney Jody Burnett. Mr. Burnett stated that he had been retained as independent counsel to render an advisory opinion on the issue with respect to the vested rights for the Sweeney Master Plan development. Mr. Burnett provided the Planning Commission with copies of the memo he intended to highlight this evening.

Mr. Burnett commented on the number of site plan issues and noted that traffic concern was the focus for discussion this evening. He felt his job was to address the threshold question of the scope and extent of any vested rights the project may have and how that can be applied against the current criteria in the CUP process and the parameters and conditions imposed as part of the original MPD approval. Mr. Burnett stated that after spending a considerable amount of time reviewing voluminous documents, he concluded that the Sweeney MPD does have continuing invested rights, which are valid. He advised the Planning Commission to continue to process the pending application for a conditional use permit under the development parameters and conditions established as part of the original MPD approval and the conditional use permit criteria outlined in the LMC.

Mr. Burnett stated that in his work representing local governments on land use and zoning matters, he knows that any time there is a long term multi-phase master plan development, it is likely to raise significant community concerns in the context of historical approvals. He understands that as they evolve as a community it is natural to second guess the decisions of prior decision makers. Mr. Burnett commented on various situation in other jurisdictions and explained how those vested rights issues were addressed.

Mr. Burnett felt the Sweeney Master Plan was a different situation because the project had vested rights historically. The question is whether those vested rights continue in nature and are still valid. Under those circumstances the issue becomes whether the applicant/owner/developer has pursued those vested rights with reasonable diligence. Based on his review of the extensive materials in the City files, numerous meetings with the Planning Commission, and continuing dialogue with Staff since the application for the final phase was filed in 2004, he felt they would be hard pressed to argue that the applicant has not proceeded with reasonable diligence.

In articulating the vested rights rule in Utah, Mr. Burnett stated that the Supreme Court specifically recognizes that it is particularly challenging when dealing with a large, long-term, multi-phased project and specifically observed, "The tests employed by most other jurisdictions tend to subject land owners to undue and even calamitous expense because of changing city councils or zoning boards... The threat of denial of a permit at a late stage of development, makes a developer vulnerable to shifting government policies." Mr. Burnett stated that even though he views this as primarily a vested rights inquiry, his conclusion is further supported by the partial performance on the part of the Sweeney's of what might also be characterized as the quasi-contractual elements of the initial or original MPD approval. Those include dedication of open space, dedication and construction of trails, and other measures that have been taken. Mr. Burnett stated that those activities could also be characterized as establishing an equitable estoppel theory based on the notion that there is an applicant who has substantially changed their position in good faith reliance on affirmative actions by the City in the form of the approval and subsequent partial performance.

Mr. Burnett also noted from his review of the files and records that there is a common misunderstanding about the nature and a degree of discretion afforded to local governments under the conditional use process. He believed the issue had been appropriately framed by

Staff in advising that under both State and Local ordinance, any application for a conditional use permit shall be approved if reasonable conditions are proposed or can be imposed to mitigate reasonably anticipate detrimental effects of the proposed use in accordance with applicable standards. In this particular instance, recognizing that the Planning Commission is required to make a finding as part of the CUP process with respect to compatibility with surrounding structures in terms of use, scale, mass and circulation, that determination must be understood and approached in the context of the specific findings that were adopted as part of the original MPD approval. Mr. Burnett stated that those specifically determined that the proposed clustered development concept in associated projects are consistent with the Park City Master Plan, the underlying zoning is or will be compatible with the character of development in the surrounding area, and the preservation of open space or other site planning attributes resulting from the cluster approach to the development of this hillside area, is sufficient justification for the height and other review criteria approved at that time.

Mr. Burnett stated that every ordinance he sees in the State has some variation of theme for a conditional use permit, with respect to compatibility with surrounding uses. However, they cannot defer the tough policy decision from a legislative standpoint until the conditional use permit process. He could not envision a situation where he would be comfortable defending a decision to deny a conditional use permit if the sole basis for denial were lack of compatibility. That bridge should have been crossed at the time the original legislative decision was made to allow that as a conditioned permitted use under that particular zoning designation. Mr. Burnett remarked that he advises his clients that if there are conditional uses in zones they are not entirely comfortable with and are not convinced that conditions can be placed to mitigate reasonably anticipated detrimental effects, it is better to eliminate them because there would be substantially less discretion at the CUP process stage.

Mr. Burnett addressed the question as to what standard should apply in the same vesting context to the calculation of the amount of any additional support commercial and/or meeting space for this project. From his viewpoint, any evaluation of historical vested rights must be viewed in the context of what land use regulations were in place at the time the original approvals were granted. In this case, that means the provisions of the Land Management Code that were in effect as of the date of City Council approval on October 16, 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As they move forward with the CUP process, Mr. Burnett recommended that they apply the provisions of Section 10.12 of the 1985 LMC, which would allow that up to 5% of the total floor area within a hotel may be dedicated to meeting rooms and support commercial areas, without requiring the use of any unit equivalents.

In conclusion, Mr. Burnett stated that the Sweeney MPD has vested rights of continuing validity in the Creole Gulch and Mid-Station components of the project at the maximum densities as calculated by Staff, subject to compliance with development parameters and conditions outlined in the original approval in 1986 and the conditional use permit criteria.

Commissioner Strachan wanted to know what would happen to the vested rights if the impacts could not be mitigated. Mr. Burnett replied that in theory they could be denied. However, his

comments referred to the threshold determination with respect to compatibility. Mr. Burnett believed the law suggests that the burden would shift to the Planning Commission to articulate the facts and circumstances of why conditions could not be crafted to mitigate reasonably anticipated detrimental impacts. Mr. Burnett was concerned about using that as an attempt to question the wisdom of the original decision made in 1986. He did not think that would stand as a reason. Commissioner Strachan asked if abuse of discretion would be the standard of review for that. Mr. Burnett stated that it was a substantial evidence standard and the burden shifting is an important component. He felt there was a limited amount of discretion involved in an administrative decision as contrasted with the standard for review of a legislative decision.

Relative to the CUP ordinance enacted by the State, Commissioner Murphy asked Mr. Burnett if there are standards for reasonable mitigation. Mr. Burnett answered no. Having participated in some of the legislative process, this was an area where the development community and the local community could not come to an agreement on the definition; therefore the existing common law was codified.

Given the magnitude of Mr. Burnett's memo and the importance of the information, the Planning Commission concurred that it was appropriate to invite Mr. Burnett to attend another meeting to answer their questions after they had the opportunity to review his memo in detail.

Chair Thomas referred to elevation drawings that were included in the original MPD and asked Mr. Burnett if the Planning Commission could use those drawings as direction and definition. Mr. Burnett felt it was appropriate to use them as general guidance and direction to begin that discussion.

Chair Thomas suggested that the Planning Commission send their questions and comments in writing to the Staff so they can be passed on to Mr. Burnett and become part of the record.

Planner Cattan noted that the Planning Commission last reviewed the traffic component of the Treasure Hill CUP two months. Following that meeting, the Staff submitted a letter to the applicant requesting that certain issues raised at that meeting be addressed. Planner Cattan provided a brief summary of those issues and the Staff's requests.

The first request was for more detailed design of the street improvements from the development to the Park Avenue/Deer Valley Drive intersection. The Staff had asked where sidewalks and snow storage would be located and the impacts to on-street parking now and in the future. Planner Cattan reported that Alta Engineering provided an update and showed where increments of parking and snow storage would be located on site. After reviewing the information with the City Engineer, Matt Cassel and Kent Cashel with Public Works, they could foresee future management problems with these roads in the future. In order to accommodate intermittent parking and snow storage, on-street parking would need to be prohibited between the hours of 2:00 and 6:00 a.m. so plows could keep Lowell Avenue to a level of service. In addition, parking during those same hours would need to be prohibited on Empire Avenue to avoid plowing issues from cars that would typically park on Lowell Avenue.

Planner Cattan noted that the applicant had also stated that this development would be a minor

contributor to the traffic beyond Manor Way. The Staff found that this development would be an impact. Incremental impact should be calculated through the traffic studies so Treasure Hill could share the responsibility for traffic improvements in those areas.

Planner Cattan stated that the second request from Staff was a more detailed pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions. The applicant is proposing a sidewalk from the downhill side of Lowell Avenue all the way to the Mountain Resort. In looking at the real connections for pedestrians, one was identified on 8<sup>th</sup> Street. A staircase that is part of the new development next to Park Place will be extended up 8<sup>th</sup> Street to the development. There will be another staircase connection between Lowell and Empire.

Planner Cattan noted that another portion of the proposed mitigation would be to have signs leaving the development that would direct traffic on to Lowell Avenue. Therefore, they would not provide any type of sidewalk and pedestrian mitigation for Empire as traffic would be diverted to Lowell. People from Empire would walk up the staircases to Lowell to use the sidewalk. The Staff believes that the practicality of not allowing cars to go down a two-way street is troublesome because Empire Avenue is frequently used for pedestrians. With the current technology of a GPS in cars and finding shortcuts, a sign would not completely mitigate all traffic down Empire. In addition, with the current traffic at PCMR, cars will be looking for another alternative to exit the development.

Planner Cattan remarked that the third request was to specify and define the types of uses for the commercial area. She noted that the master plan is clear that all support commercial uses shall be oriented and provide convenient services to those residing within the project. It would not be designed to serve off-site or attract customers from other areas. The Staff asked the applicant to define those uses for a better understanding of whether the uses are designed for on-site guests and would not attract customers from off-site. Planner Cattan presented a list of uses that were identified within the updated project plan.

Planner Cattan stated that the Creole Mine exhibit was a concern and the applicant is willing to remove that from the application based on direction from the Planning Commission. The Staff was also concerned about the amount of proposed meeting space on site and whether or not that space would attract additional customers from off site. The applicant has stated that they cannot insure uses over time. The Staff would like to review whether or not there are ways within the CUP to insure the uses over time to avoid a future use that would attract off-site customers.

The fourth request was for the applicant to specify and define the types of ownership within the project. Planner Cattan stated that the applicants would like the proposed club units to be interval or fractional ownership. However, that would require a zone change and a separate application. The project would be one master condominium association with condominium associations governing the different types of ownership. Although a sub-condominium, the project is planned as a full service hotel owned by a hotelier, as opposed to a condominium hotel.

The fifth request was for the applicant to provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel and nightly rental units. The applicant responded by saying that the amount of meeting space was determined by a formula provided by a reputable hotel brand, which is 80 square feet of meeting space for each key in the hotel. Under this formula, 80 square feet per key times 200 equals 16,000 square feet. Planner Cattan explained that the Staff wanted to be able to quantify whether or not this hotel space would be used by people other than those staying in the hotel. She did not believe the applicant's response provided enough information to make a determination.

The sixth request was the Parking Management Plan. Planner Cattan stated that during the last meeting, the Planning Commission had asked that the applicant look at utilizing the section of the Land Management Code that allows them to reduce the onsite parking, which would require a parking study. The Staff had also asked for details of off-site parking locations where people who do not park on site can be transported to the site. The applicant had responded by saying that there would be no parking for the project on nearby residential streets. Anyone visiting the project would not have permits to park on Lowell and Empire. Parking on-site would be restricted to those staying within the site. Employees could park wherever it is legal and access the project via foot, non-motorized bicycles, skis, cabriolet or the Park and Ride at Quinn's and Kimball Junction. To report that they would have any additional control would be unrealistic. The Staff was looking for better management and control by the applicant. Planner Cattan stated that the applicants preferred not to look at the study to reduce parking on site because of how parking is calculated within the MPD.

Planner Cattan presented the five criteria in the Land Management Code used to evaluate the traffic portion of the CUP. She requested direction from the Planning Commission on whether or not adequate mitigation has been proposed by the applicant.

Pat Sweeney, representing the applicant, introduced Rob McMahon from Alta Engineering and Kent Fugal from Project Engineering Consultants.

Mr. Sweeney addressed some of the points raised by Planner Cattan. He felt that some of her points were pertinent to traffic and others related to future discussions. Mr. Sweeney intended to respond in writing to items outlined in the Staff report.

With respect to what happens from Manor Way to Park Avenue and Deer Valley Drive, he noted that the former City Engineer, Eric DeHaan, believed that once they got to Manor, Treasure Hill became a small part of the puzzle. He has heard different figures, however, their contribution to that traffic peak is somewhere between 3-5%. Mr. Sweeney noted that he does not have control over the properties left to be developed because it belongs to Park City Mountain Resort. At this point, they can only say that they would contribute in an appropriate way based on their contribution to traffic. Mr. Sweeney understood that impact fees are supposed to cover that cost and because they would lay several million dollars in impact fees on the table, he assumed some of those dollars could be allocated to Manor Way.

With respect to removing parking from Lowell/Empire from 2:00 to 6:00 a.m., Mr. Sweeney believes that is a choice. Their traffic consultant believed it would work fine as is, recognizing

that there would be difficult times. Mr. Sweeney suggested that the existing rules should be better enforced. Mr. Sweeney stated that if they want to address the problem identified at the last meeting in terms of gridlock, pedestrians in the street, and parking, they need to move the cars off the street so it can be plowed. He reiterated that closing the streets for four hours is a choice the City made. Mr. Sweeney believes that resolving the matter is probably overdue based on previous public meetings and the City should resolve the problem regardless of what happens with Treasure Hill.

Mr. Sweeney stated that he and his team surveyed the parking and there are alternatives. He wanted everyone to realize that the parking on Lowell and Empire would gradually dwindle because people will begin to develop their properties that other people use for parking and a current parking space would become a driveway. Mr. Sweeney believed the current situation would dwindle to approximately 20 spaces.

In terms of commercial space within the project, Mr. Sweeney remarked that they cannot disallow businesses to compete and make a living. He felt they could meet the original intent of the master plan, which is to make it primarily oriented to the project and the ski hill and not let it add to the impact on Lowell and Empire. Mr. Sweeney believed that a restriction of no public commercial parking on-site and a restriction for no on-street parking from the project would force the commercial businesses to provide services to people on-site and those in the neighborhood who travel by foot or by cabriolet. He thinks this is fair and consistent with the original approval for the facility to be a resort residential facility. Traffic can be controlled by not providing parking.

Mr. Sweeney stated that the meeting space proposed comes directly from a high-class hotelier company in terms of what is needed to provide a real hotel experience. With respect to the club concept, they are proposing eight owners per unit. This insures more occupancy and provided customers to Main Street. In terms of parking management off-site, Mr. Sweeney agreed with Planner Cattan, however, he felt some things were missed in the Staff report. He stated that they are doing something that most other projects have not done by providing 58 parking spaces on-site for service and employees. They are also providing 23,000 square feet of employee housing on-site.

Mr. Sweeney turned his presentation to traffic and reviewed a series of slides. He noted that in 1986 the City Council concluded that Empire Avenue and Lowell Avenue would be the main access. They looked at several different development scenarios with the City for the Sweeney property and with every option, the main access was Lowell and Empire. They did provide the connection between the two streets as part of the consideration of the master plan approval. They also contributed the initial special improvement district.

Mr. Sweeney stated that the PEC traffic report, which was produced in July 2004, concluded that the developing accesses and surrounding intersection would function adequately. He noted that a recent Addendum 4 looked at current situations and resulted in adding 23,000 square feet of employee housing on site and eliminating general public commercial parking. Taking that into consideration, there was a net decrease of trips over the original study and an improved level of service. Mr. Sweeney noted that Addendum 4 also addressed some of the

concerns raised by the Staff and the Commissioners regarding the current concept of reducing traffic on Empire and keeping traffic on Lowell where they can place a sidewalk. In addition, the cabriolet, the pedestrian connections to Main Street, skiing and the commercial parking restrictions are all considered traffic mitigators.

Mr. Sweeney noted that the City requested a walkability study. PEC suggested that improvements should be made with or without the proposed project and provided details in the study. Key improvements were to install a new sidewalk on the east side of Lowell Avenue, install stairs on 8<sup>th</sup> Street and 10<sup>th</sup> Street, install sidewalks and paint crosswalks in the ski area location. Mr. Sweeney stated that two sidewalk and stair improvements are currently underway. One is on 6<sup>th</sup> Street connecting Woodside to Hillside. The other is on 8<sup>th</sup> Street from Park Avenue to Woodside.

Rob McMahon with Alta Engineering, spoke about the engineering that went into his proposed detailed improvements on Lowell and Empire that the Planning Commission requested at the last meeting. Mr. McMahon noted that the applicant had submitted a traffic study from Project Engineering Consultants and a technical review was done by Fehr and Peers and funded by the City as a peer review of the Project Engineering Consultant assumptions. The result was concurrence. Mr. McMahon read from the Fehr and Peers report, "in addition to assessing the assumptions and results reported in the Treasure Hill TIA, Fehr and Peers performed an independent assessment of the following key issues." Mr. McMahon pointed out that Fehr and Peers looked at public safety and the roadway capacity of Lowell and Empire and found it to be adequate.

Mr. McMahon stated that the conclusions of the study assumed that Lowell Avenue and Empire Avenue would be re-constructed at the same width that currently exists.

Mr. McMahon explained how they did a cross section survey of the existing conditions on Lowell Avenue so they could accurately determine appropriate locations for the retaining walls, the heights and the existing grades. This survey was performed in February. Mr. McMahon reviewed slides of the cross sections and explained their approach and conclusions.

Chair Thomas asked Mr. McMahon if they took into consideration the existing road cuts on Lowell Avenue and how those would be accessed and facilitated. Mr. McMahon answered yes. He stated that the road cuts are challenging in their current condition, but measures can be taken. Extending the length and softening the grade would allow the roadway to be pushed over five feet. Mr. McMahon noted that his original approach was to put the sidewalk on the uphill side because it makes those approaches work better. In addition, putting the sidewalk on the uphill side could provide for temporary snow storage and provides for more tailorability of the existing roadway. Mr. McMahon pointed out that putting the sidewalk on the downhill side also works. Mr. McMahon presented a color coded slide showing where the new curb would be pushed over five feet, the location of the new retaining wall, and the right-of-way.

Mr. McMahon stated that he decided to use the Fehr and Peers recommendations because it offered the most flexibility in the management of parking and snow removal. It would also cause the least amount of impact to residences and the existing grading that would need to occur on the uphill side.

Mr. McMahon remarked that the Staff asked to see how the cross section works within the real conditions. He believed the existing conditions survey provided that information. Mr. McMahon presented a slide presentation showing the accurate layout of the cross section of Fehr and Peers as compared to the existing conditions on Lowell. He noted that after discussions with the Staff, the City Engineer, and Public Works, additional snow storage management was raised as a concern. To address that concern, Project Engineering Consultants issued an addendum that addressed the issue of adding additional hardscape for snow surface. Mr. McMahon presented a cross section that Project Engineering Consultants proposed and Fehr and Peers had alluded to in a table, which showed 37 feet of hard surface. Assuming they use the same criteria of taking the sidewalk, starting at the existing curb and gutter and going towards the uphill side; the roadway could be pushed an additional two feet into the hillside. The retaining wall then ranges from 4 to 6.4 feet. The result is a twelve foot lane instead of a ten foot lane and it provides a dedicated parking lane of 8 feet, which could accommodate three cars.

Mr. McMahon stated that he did not use that cross section because he preferred an approach that left the road in its existing condition without trying to widen it. If they move the sidewalk to the uphill side the road would remain as it exists and the sidewalk would be up against the retaining wall. That could serve as the temporary snow storage until such time when it could be removed.

Mr. McMahon commented on parking as it currently exists on Lowell Avenue and what would occur under their proposed scenario. He stated that they counted the existing spaces on Lowell on the downhill side and found 40 spaces. As Mr. Sweeney had mentioned, a few are in front of lots that will eventually be developed. Mr. McMahon believed ten spaces would be lost as those lots are developed. He presented a slide showing the planned parking based on the Fehr and Peers recommendations and noted that there would be 36 spaces.

Mr. McMahon stated that he was asked to count the number of parking spaces in designated areas up and down Lowell and Empire. With regard to the Staff recommendation to restrict parking between 2:00 and 6:00 a.m. on Empire and Lowell, Mr. McMahon suggested alternating days so people would only be moving their car every other day. Mr. McMahon noted that the parking analysis revealed that the people who have to move their cars off of Lowell would have other places to park.

Planner Cattan noted that the next set of exhibits Mr. McMahon would present was new information submitted to Staff within 24 hours before the packet was sent. The information was provided in the Staff report but the Staff did not have time to provide their analysis. Chair Thomas recommended that the Planning Commission be given the opportunity to review the new information, which could result in continuance to another meeting.

Mr. McMahon stated that the information was not significantly new because the cross sections and the existing conditions did not change. The only new information was the parking count. Mr. McMahon believed it was reasonable to expect people would be willing to park within a quarter-mile of where they live on days when they could not park on Lowell or Empire between 2:00 and 6:00 a.m.

Mr. Sweeney felt there were more parking options than people realize. The parking available on Lowell from Manor Way south is approximately 5% of the parking. He believed this exemplifies that residents on Lowell and Empire have developed their code required off-street parking. He noted that in order for the City to plow underneath the public parking allowed on Lowell and Empire, there is no question that the cars need to be moved for a period of time. Mr. Sweeney stated that their contribution is to provide extra snow storage. In addition, they agreed long ago that this project would not park on those streets.

Kent Fugal with PEC explained how traffic counts are done and how the most updated addendum incorporates the traffic counts that would come from support commercial, employees and related uses. He explained that the trip generation numbers are based on the Trip Generation Handbook published by the Institute of Transportation Engineers. This is a standard publication that is used nationwide. Mr. Fugal remarked that there would be some shared use trips because there is more than one use on the project and other ways to reach the project besides by car. He used a conservative estimate of 30% of the trips arriving by means other than driving to the site. In looking at the addendum, they refined the land use and some of the numbers changed based on new projections of number of units or different types of land use. Mr. Fugal pointed out that by putting employee housing on site, the trips between the employee resident and his place of work are no longer trips on the roadway. Mr. Fugal stated that in looking at other similar type resorts in the area, the amount of traffic arriving by alternate means ranges from 50-70%. They were conservative at 30% and felt they could justify going up to the lower end of the range from what occurs at other developments because of on-site employee housing. He noted that the trip generation rate includes commercial uses within the hotel. The rates developed by the Institute of Transportation Engineers includes all trips that arrive at those hotels.

Mr. Fugal stated that the net effect by updating the study, projects that the total trip generation would decrease. He believed the estimate of 50% of trips arriving through alternate means is still conservative and they are not pushing the envelope.

Chair Thomas noted that a lot of attention was focused on Lowell but not on Empire, and that was only half the solution. Kent Cashel with Public Works shared concerns about the ability to do the recommended wayfinding and whether or not that would be an effective measure in channeling the traffic to Lowell. Empire is a shorter route and through the use of GPS systems and traveler behavior, the question of impacts has not been adequately answered.

Matt Cassel agreed that a primary concern is how well the signage would control and keep people on Lowell as opposed to Empire. He expected a certain amount of traffic on Empire, but he was uncomfortable with how they could manage to direct the majority of traffic on to Lowell.

Commissioner Murphy asked about a one-way road system. Mr. Cassel stated that the biggest problem with one-way on both Lowell and Empire is the lack of side streets. He worried that a one-way system would cause additional traffic. Commissioner Murphy pointed out that on a snow day Crescent Ridge is a one-way road. He wanted to know how they would reconcile that

with adding 400 units to the equation. Mr. Cassel replied that they have been dealing with this issue. The traffic studies focus the travel up and down Lowell and exit towards Manor and then out toward Deer Valley Drive. It does not account for the disbursement that occurs into the City on other side streets. Another concern is that the model is based on full road width and does not take into consideration the narrower widths in the winter. He noted that Mr. Cashel is struggling with how that can work and whether it can be managed.

Commissioner Murphy clarified that he was questioning the viability of Lowell being a two-way street. He believed that making it one-way would decrease the traffic on Empire. Mr. Cashel stated that Lowell Avenue is a short length and one-way may be a good solution for breaking up the trips, as well as the geometrics of the road. He remarked that it would be worth looking at trying to find a way to control directional traffic.

Commissioner Peek asked about the rest of the snow storage and parking plan on Lowell Avenue. Mr. Cashel replied that the way the plan is laid out is a challenge. He challenged the comment that removing parking on the street is a choice. It is not a choice because in order to maintain two lanes of traffic with the proposed footprint, his Staff would need those cars removed during a period of time every day to plow the roads. Mr. Cashel believed the snow storage would work because there is sufficient areas to store snow. However, it is inevitable that snow will need to be hauled. Mr. Cashel was confident that it would all work, but not without the parking restrictions.

Commissioner Peek asked about parking restrictions on Empire. Mr. Cashel believed that both streets would need to be restricted. Commissioner Peek clarified that the only way for the proposed parking plan to work is to eliminate all residential parking at night. Mr. Cashel replied that there is a possibility to explore rotational parking, but that would become extremely challenging. Cars need to be moved on a regular basis in order to maintain the travel width.

Commissioner Murphy stated that he lives on Empire and does not have parking in front of his house. He noted that they are dramatically different from Park Avenue and Main Street because there are no nearby public alternatives. The closest public parking is at the library. Two years ago during a heavy winter, a cop would occasionally knock on his door and ask him to move his car off the street. He stated that expecting people to walk a quarter-mile on a flat surface might be reasonable, but walking a quarter-mile in a driving snow storm and walking up stairs covered with snow is a different matter. Commissioner Murphy asked if he was correct in understanding that the only alternative was a massive displacement of existing parking to the current residents of Empire and Lowell to accommodate this project. Mr. Cashel replied that the parking would be eliminated between the hours of 2:00 - 6:00 a.m. In a residential neighborhood restricting those hours essentially eliminates the parking all together.

Chair Thomas opened the public hearing.

John Stafsholt, a resident at 633 Woodside Avenue, stated that according to Mr. Burnett, the Sweeney Master Planned Development has vested rights. He did not think that was a surprise to anyone who has followed this project. The MPD was set in stone in another time and everyone understands that. However, the elected officials did well by the citizens to make sure

the MPD requires a CUP in this present time. The present is what they are talking about now for traffic issues. Mr. Stafsholt noted that without the CUP the MPD cannot move forward and this is critical because the CUP will transfer with the property if it is sold by the current developers. He asked the Planning Commission to realize the size and scope of this development. The Treasure Hill project at 400,000 square feet is larger than the Marriott Mountainside and the Summit Watch combined. The square footage does not take into account the convention space that Summit Watch and Mountainside do not have. The pillow count is also higher than the Mountainside and Summit Watch combined. Mr. Stafsholt believed the traffic is grossly underestimated. The traffic study was done on one day in June 2004. It was done other major projects were constructed and it does not take into account the population increase in Park City. Mr. Stafsholt outlined issues he has with the traffic study. It does not consider construction traffic going to the project round trip for twenty years. It does not assume delivery traffic for the commercial space and restaurants. Mr. Stafsholt pointed out that the traffic study does not assume ski resort traffic because it was done in the summer. It also does not account for skiers traveling between resorts. Mr. Stafsholt stated that the study does not include non-skier vehicular trips, shopping, dining, etc. and no pedestrian activities on Lowell, Empire or the Crescent Tramway. Mr. Stafsholt stated that to the City's credit, a backup study was done, which is the Fehr and Peers study mentioned this evening. He pointed out that the Fehr and Peers report was limited in scope and a review and assessment of a previous study. It was not a new traffic study. The Fehr and Peer study found the PEC study to be consistent with generally accepted guidelines. They also had their own exceptions and indicated that the 2012 study year did not account for background growth. Mr. Stafsholt stated that the traffic studies discussed this evening have faulty assumptions and show already failing streets.

**NOTE:** Due to problems with the recording, the remainder of the minutes were produced from written notes.

Kyra Parkhurst questioned the plan proposed. She stated that adding crosswalks would not help and staircases would not work. People would continue to use the open road rather than a sidewalk, especially those carrying ski equipment and/or those with children.

Jane Tolly remarked that the narrow streets are scary and she wondered where the cars would be parked when they need to be moved to accommodate snow removal. Ms. Tolly was concerned about pedestrian safety and noted that the traffic survey was conducted when Park City was less crowded. She felt strongly that Crescent Tram should not be made one-way.

Richard Hughes did not understand the entrance and exit plan to the development. This is a huge hotel and fire and emergency vehicle access is a concern. Mr. Hughes wondered how the recent LMC amendments would affect the design of this project.

Peter Marth stated that he does not trust traffic studies. They are inaccurate and do not take into consideration actual traffic volume, exhaust, brake dust, etc.

Brian Van Hecke stated that the development would endanger not only residents but visitors to Park City. He disagreed with the snow storage locations. He felt that the hotel as proposed is too large and the parking is inadequate.

Tom Fey stated that a hotel as large as the one proposed would need over 100 employees per day to man the hotel, restaurants, commercial shops, etc. He believed the affordable housing component of the project was sub-standard and way too small.

Katherine Matsumoto-Gray expressed concerns with overall traffic and parking.

Elaine Stephens expressed concerns about safety in the area. She was not opposed to the development itself but she opposed to the size and scope of the development.

Chair Thomas continued the public hearing.

Commissioner Russack agreed with the issues raised in the Staff report. He was disappointed with the mitigation measures presented by the applicant. He did not think the applicants had done any thinking outside of the box.

Commissioner Pettit agreed with Commissioner Russack. It was a good Staff report and the Staff had identified important issues. Commissioner Pettit was concerned that there had been no analysis or discussion on mitigation plans for Empire. She did not think that the lack of parking should be a burden that is passed on to the residents. Commissioner Pettit stated that alternative transportation should be explored. As proposed, she did not think the use was consistent with the MPD.

Commissioner Peek agreed with his fellow Commissioners. He stated that parking reductions must be supported by valid studies. Commissioner Peek commented on the maximum road width and whether it would be sufficient to accommodate construction vehicles, such as large cement trucks. With parking and snow, Lowell Avenue would not be able to accommodate two trucks passing. Commissioner Peek suggested that the support commercial should be reviewed at the time of business license renewal to assure that the business is a compatible use for the development.

Commissioner Murphy understood that the applicants have vested rights; however those rights were vested in the 1980's. He felt they needed to do a better job of making the project work with the issues and situations they face today. Commissioner Murphy thought it was unrealistic for the applicant to think that people would not use Empire Avenue as access to and from the project. He encouraged the applicants to realistically address parking and traffic issues. Commissioner Murphy believed the hotel would encourage off-site visitors and that is inconsistent with the MPD. He was interested in knowing what specific commercial uses would be considered. He did not favor interval ownership of units such as timeshare and he did not favor parking exceptions.

Commissioner Strachan commented on the matter of "reasonable detrimental effect" addressed in LMC 15-1-10 and stated that to not mitigate would be grounds for denial. He agreed with Mr. Stafsholt's comments that expecting people to park a quarter-mile away is too far and people would park illegally. Commissioner Strachan pointed out that the street plan prepared by Alta Engineering did not address traffic circulation. He did not believe signs would be sufficient to

help direct traffic. Commissioner Strachan agreed with Commission Murphy that the on-site commercial would attract off-site visitors.

Chair Thomas agreed with all comments. He believed the concerns could be resolved but the applicants need to think outside the box. He thought the applicants had sufficient direction from the Planning Commission regarding traffic issues to come back with better solutions.

MOTION: Commissioner Murphy moved to CONTINUE the Treasure Hill traffic discussion to June 24, 2009. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

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