



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM	Pg
ROLL CALL	
ADOPTION OF MINUTES FROM JANUARY 13, 2010	
ADOPTION OF MINUTES FROM JANUARY 20, 2010	
PUBLIC COMMUNICATIONS – <i>Items not scheduled on regular agenda</i>	
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES	
PL-10-00880 692 Main Street – Special Meeting	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action</i>	
PL-08-00310 Treasure Hill – Conditional Use Permit	53
<i>Discussion, public hearing, and continue to April 14, 2010</i>	
ADJOURN	

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

WORK SESSION NOTES – JANUARY 13, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
January 13, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Adam Strachan, Thomas Eddington, Brooks Robinson, Kayla Sintz, Polly Samuels McLean

WORK SESSION ITEMS

North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planning Director Thomas Eddington reported that the North Silver Lake project had been remanded back to the Planning Commission. On December 9th the Commissioners heard from the applicants for the first time since the remand. The applicants had returned this evening with an overview and information update on the project to date. Director Eddington noted that the applicants had prepared a massing model that would be presented this evening. The information in the Staff report reflected the information that was presented by the applicant and addressed the reduction in massing of the North Building.

Chair Wintzer clarified that the discussion should focus only on the North Building and that all other elements of the project remained the same. Director Eddington replied that this was correct.

Doug Clyde, representing the applicant, stated that during the meeting in December the Planning Commission requested to see information that directly compares the previous plan with the currently proposed plan. The requested information was included in the Staff report. Mr. Clyde requested feedback from the Planning Commission after hearing supplement information provided in their presentation this evening.

John Shirley, the project architect, reviewed the model. He stated that it was very schematic, but showed the advantages of splitting the building apart in the new orientation. Mr. Shirley believed the height, mass and scale was more compatible with the three condominiums on the interior of the project. Stepping the facades is more exaggerated on the new scheme, which helps break down the scale. Mr. Shirley remarked that the trees on the model represented three different levels of tree planting; existing trees, new trees and trees that would be added with this new proposal. He pointed out that placing a greater portion of the massing over the street created more open space. In addition, it allowed them to create the porte cochere underneath. It also puts a large portion of the massing behind the homes. Mr. Shirley stated that architecture itself is compatible with the rest of the project. The color and materials would be the same as originally proposed.

Mr. Clyde clarified that the open space calculation had not yet been done; therefore, the number could vary slightly.

The Commissioners left the dias to look at the model.

Mr. Shirley reiterated that the model was a very schematic massing study. The objective this evening was to hear feedback from the Planning Commission before moving forward to the next step.

Assistant City Attorney, Polly Samuels McLean, noted that the Planning Staff had not had the opportunity to analyze the model presented. The Planning Commission could give their initial reaction with the caveat that they do not have a full Staff analysis. Mr. Clyde stated that they were fully aware of that fact. The presentation this evening was to respond to the comments from the last meeting.

Chair Wintzer requested some type of overlay over the old plan to show how the new plan has moved on the site. He believed the massing was reduced and the building is more interesting. Chair Wintzer thought the design was moving in the right direction.

Commissioner Peek concurred with Commissioner Wintzer. At the last meeting he had mentioned a wildland urban interface report and recalled that Mr. Clyde had indicated that he might have a report for this meeting. Mr. Clyde stated that the report was prepared and submitted to the Building Department and to Planner Cattan for review. They basically agreed with the conclusions and requested that five or six small trees be removed that were up against the building. Mr. Clyde remarked that the direction was consistent with the information that was supplied prior to the approval. The conclusion was that there would be no impact on the visual analysis of the project. Commissioner Peek assumed that future landscape plans would reflect the updated results. Mr. Clyde offered to illustrate it on the landscape plan.

Commissioner Strachan referred to the chart on page 8 of the Staff report, which compared the square footage of the previous and current designs. He wanted to know how those numbers were calculated.

John Shirley pointed out that the numbers are preliminary because they were based on the preliminary massing. He explained how the areas of the different floors were calculated. Mr. Shirley anticipated the numbers would shift slightly as the floor plan is defined.

Commissioner Strachan referred to pages 2 and 3 in the packet and noted that there were discrepancies in the numbers. The numbers on page 3 identify the square footages for the northeast building and the northwest building. The two numbers added together total 52,705 square feet. However on page 2, adding the square footage for those same buildings total 72,927 square feet. Mr. Shirley replied that 52,705 is the above grade square footage. Mr. Shirley stated that the most flexible square footage is below grade, and include the back of house services, kitchen, mechanical, etc., which is underground between the parking structure and the lower level of the building. That is still being refined and he expected to see additional shift in that number.

Commissioner Strachan was concerned with the below grade square footage. He was torn between reducing the above ground square footage and increasing the below grade square footage, and deciding which one was the better of two evils. He asked if there was an architectural way to reduce the amount of square footage both above and below grade.

Mr. Shirley pointed out that the above grade square footage basically concerns the for-sale residential space. The below grade square footage is support facilities. Commissioner Strachan clarified that his only concern with the below grade area is the amount of excavation that would be required. Generally, he felt the reduction in mass was moving in the right direction. Commissioner Strachan applauded their efforts. In the future, as the floor designs are defined, he would like to continue to see the same chart to track the square footage with each iteration of the plan. He was

most interested in always seeing the saleable area line item.

Commissioner Pettit stated that she was not at the last meeting and had not had the opportunity see what direction the applicants received from the City Council. Commissioner Pettit echoed the comments of the other Commissioners. She believed the changes in the massing were significant, particularly from the entry area. Commissioner Pettit was more comfortable with the current design versus the one originally proposed.

Commissioner Hontz stated that the evolution of the building was going in the right direction. She appreciated how the applicants had responded to their comments and questions from the last meeting. Commissioner Hontz concurred with her fellow Commissioners.

Mr. Clyde believed they had sufficient direction to move forward.

The work session was adjourned.

MINUTES – JANUARY 13, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julia Pettit, Adam Strachan,

EX OFFICIO:

Planning Director, Thomas Eddington; Principal Planner, Brooks Robinson; Planner Kayla Sintz;
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present except Commissioner Luskin, who was excused.

II ADOPTION OF MINUTES

MOTION: Commissioner Peek moved to APPROVE the minutes of December 9th, 2009. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMENT

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planning Director, Thomas Eddington, reported that the application for 637 Woodside had been withdrawn by the new property owner, Zions Bank. Therefore, the Planning Commission would not be hearing that appeal.

Director Eddington stated that Treasure Hill was tentatively scheduled to come before the Planning Commission on February 10th. Commissioner Pettit stated that she would not be able to attend the February 10th meeting.

Director Eddington reported that the City Council held a visioning session on January 11th and 12th and a few of the Commissioners had attended. The General Plan was discussed with the City Council. Director Eddington stated that a packet was emailed to the Commissioners so they could see what the Staff had proposed with regard to the General Plan.

Director Eddington noted that the Staff still proposed to meet with the Planning Commission on the second meeting of the month to discuss long range planning ideas. Commissioner Pettit asked if the Planning Commission would continue to focus one meeting a month on the General Plan. She commented on the amount of work that needs to be done based on the list of task elements in the proposal. Director Eddington replied that the intent is to dedicate one meeting per month for long range planning. However, there may be times when that is changed to every other month.

Director Eddington stated that the Staff may ask the Planning Commission to discuss establishing sub-committees that could work with the Staff on General Plan elements. Commissioner Pettit stated that she and Commissioner Hontz have had discussions about structure for the General Plan. If they could have an outline for designing the General Plan, it would help the Planning Commission digest input as information comes in from the fact gathering. Director Eddington remarked that during the second meeting in December they initially talked about building off of the four elements in the Community Vision statement. Based on information received at that meeting, the Staff may base it on the six vision statements included in that document. Currently, the Staff is looking at data collection and analysis based on elements, since that is the only way to understand the research component of the General Plan. As they get further into the process, he believed that could lean more towards the six vision statements.

City Council member, Liza Simpson, introduced, Alex Butwinski as the new City Council liaison. Council member Simpson stated that she would be the alternate liaison when Council member Butwinski is unable to attend.

Council member Simpson thanked the Commissioners who attended the Visioning Session. It was a productive conversation and she hoped they would have many more.

Chair Wintzer stated that it was one of the better visioning sessions he has attended.

Principal Planner Brooks Robinson noted that the appeal for 505 Woodside Avenue had been withdrawn and would not be heard this evening.

Election of Vice-Chair

MOTION: Commissioner Pettit moved to elect Commissioner Peek as the vice-chair. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

CONTINUATIONS AND PUBLIC HEARINGS

Land Management Code - Amendments to Chapters 2.3 (HR-2 District); 5, 6, 10 and 11, regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application #PL-09-00787)

Chair Wintzer opened the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the Land Management Code Amendments to January 20, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

16 Sampson Avenue - Steep Slope CUP
(Application #PL-08-00572)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 16 Sampson Avenue Steep Slope CUP to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. **1200 Little Kate Road, Racquet Club - Master Planned Development**
(Application #PL-09-00785)

Commissioner Wintzer recused himself due to a potential business conflict and left the room. Vice-Chair Peek assumed the Chair.

Planner Kayla Sintz introduced Selesia Carson and Brent Tippetts with VCBO Architecture, Ken Fisher, Park City Recreation Manager, and Steve Brown, the project manager from Millcreek Consulting and Development. At the request of Planner Sintz, Mr. Brown provided a brief background of his credentials and the projects he has been involved with in the area.

Planner Sintz reported that the Racquet Club project was before the Planning Commission on December 9th, at which time the Commissioners provided significant feedback. The Staff report contained a summary of their comments, as well as a list of elements that were changed to address those issues. The Staff was pleased with the direction of the modifications.

Planner Sintz clarified that the Staff and applicant were looking for additional comments on the general architecture and construction mitigation, and to hear public comment. The applicants would return on January 20th for a full MPD review and possible action.

Commissioner Pettit was uncomfortable setting a precedent for discussing applications at the General Plan meeting and for making a special exception for this project.

Director Eddington explained that the Staff was also requesting that some of the Land Management Code amendments be continued to January 20th. Since Treasure Hill was scheduled for February 10th, the Staff preferred that the Planning Commission take action on the Racquet Club prior to February. Director Eddington anticipated a shorter General Plan discussion on January 20th and he believed there would be time to discuss the Racquet Club.

Vice-Chair Peek was willing to share the General Plan meeting with other applications, as long as the meetings would not go too late. Director Eddington remarked that action on projects have been delayed because meeting schedules were changed to accommodate the holidays and Sundance. He did not expect to have this same problem for future General Plan meetings.

Commissioner Pettit clarified that her only concern was making special exceptions for certain applicants. In addition, if they continue to use the General Plan meeting for overflow projects, it could affect their progress on the General Plan. She recalled a previous discussion about having a special meeting for Treasure Hill.

Commissioner Strachan remarked that when the idea of a special meeting for Treasure Hill was discussed, the Planning Commission decided against it because of the precedence issue and to avoid the perception of special treatment for certain applicants. He was comfortable addressing the Racquet Club at the General Plan meeting if it helped alleviate a back log situation going in to the winter months.

Planner Sintz reviewed the concerns expressed at the last meeting regarding the master planned development for the Park City Racquet Club, as outlined in the Staff report.

The first concern related to the proposed architecture, specifically the entry element not being compatible with the neighborhood. Specific comments addressed the gray color of the metal panels. Planner Sintz reported that the applicant and the architect modified the color selection and had prepared a color and materials board to present this evening. The new color proposed for the metal panels was a bronze-brown. Planner Sintz pointed out that the color serves a function in dividing up the different masses that occur in the facade. The Staff believed the color worked well with the other earth tones proposed.

Planner Sintz reviewed the elevations and the roof forms. She noted that height was not an item for discussion this evening. However, she pointed out the height in relation to how it affects the different roof elements. Planner Sintz explained how the entry element was changed to be more pedestrian friendly. Another major change was a re-design of the clerestory elements.

Planner Sintz commented on changes made to the parking. She noted that 148 parking stalls are proposed. The applicant would have a parking plan available next week that shows where the 148 parking spaces are located. An exhibit identified the snow storage as required by Chapter 15-4 of the LMC. It also showed the different light pole locations in relation to the overall site plan. Those meet the City requirements for foot candles in a parking lot. Regarding a request for additional landscaping, Planner Sintz noted that the applicant was proposing to add additional mature trees in the existing pocket park.

Planner Sintz addressed construction mitigation. She noted that the conditions proposed by the applicant were directly related to public input and Commissioner comments. The first condition proposed was to limit the work hours between 7:00 a.m. to 6:00 p.m., Monday through Saturday. This would include the start-up time for any equipment. Delivery of materials would also occur within that same time frame. A caveat would be added to allow exceptions for special circumstances that would be worked out with the Chief Building Official to allow for deliveries that might occur outside of the specified time frame.

Planner Sintz remarked that a second condition clarified that staging would occur on the existing hard-surface parking lot on site. The placement of porta-pottys would be done in consideration of the neighbors.

A third condition addressed transportation of labor to and from the job site. Planner Sintz noted that this item would be a condition of the construction contract. On-site parking would be restricted to authorized personnel and controlled by the project superintendent.

A fourth condition requires that the construction mitigation submitted to the City by the General Contractor include appropriate contact information for the neighbors to log complaints and concerns.

Vice-Chair Peek opened the public hearing.

Andre Schoumatoff, Vice-President of the Homeowners Association, stated that their annual Board meeting conflicted with tonight's Planning Commission meeting. For that reason there would be a lack of public input this evening. Mr. Schoumatoff thanked the applicants and the Planning Commission for the process and he believed most everyone would be pleased with the compromises that were made. Mr. Schoumatoff anticipated additional public comment at the next meeting. He would be chairing the HOA annual meeting and would provide an update to the homeowners. He would also instruct his members to forward their comments to Planner Sintz to be forwarded to the Planning Commission.

Lisa Wilson commented on the importance of having a USTA regulation court. She has been playing tennis for 10 years and is a 3.5 player. Ms. Wilson pointed out the difficulties of playing on shorter, non-regulation courts.

Rhonda Schlager supported a USTA-length court. She noted that a regulation tennis court is just as important as a regulation basketball court or football field for those who play tennis.

Len Bowss stated that he is a 4.5 player and he played in the Men's 45 and over tournament. People come from everywhere to play in tournaments and it is important to have the width and length to have a USTA sanctioned tournament come to Park City. Mr. Bowss stated that national tournaments pull people in and it benefits Park City.

Vic White was opposed to the Racquet Club project as proposed. After listening to the previous speakers, he did not believe they were looking at the unintended consequences. He understood that the height was not being discussed this evening, but increasing the height inside also increases

the height outside. Mr. White believes the increased height would not fit with the neighborhood. He had written a letter to the editor where he stated that building the Racquet Club as proposed would be like trying to hide an elephant in short grass. It does not work. The building would end up being six stories high, eight feet per story in a residential area. Mr. White stated that the facility is for the residents and families and not the elite players. If Park City wants a facility for elite players and elite events, they should build it at an appropriate venue and not in the middle of a neighborhood. Trying to bring in major events would only create additional impacts for the neighbors in terms of traffic, people, and parking. Mr. White did not dispute that the Racquet Club needed to be refurbished, but he was opposed to the extent of the renovation in a residential area.

Meeche White stated that she does not play tennis but she is a member of the Recreation Advisory Board. Ms. White believes that an important part of this project is not necessarily to create a world-class tennis facility, but to have a tennis facility that meets regulation play. Ms. White remarked that another important factor with this renovation is that the facility would be made ADA compliant, which did not occur with the last renovation.

Vice-Chair Peek continued the public hearing.

Planner Hontz stated that after reviewing the drawings and the materials board, she was comfortable that her issue regarding color had been addressed. She liked the revisions and believed the facade fits better with the neighborhood. Planner Hontz appreciated the color change on the exterior materials. She felt that all her issues had been addressed and she was comfortable with the information presented.

Commissioner Pettit echoed Commissioner Hontz. The design changes addressed her previous concerns. She endorsed the construction mitigation as outlined and felt the hours proposed was a reasonable work schedule in a residential area. Commissioner Pettit felt it was important for the public in the area to understand the conditions and who they should contact if those conditions are violated. She thanked the applicant for specifying that in the construction mitigation plan.

Commissioner Strachan echoed the comments of his fellow Commissioners. He was comfortable with the architecture and pointed out that he did not have issues with the original proposal. Commissioner Strachan still had issues with the construction mitigation plan, particularly the 7:00 a.m.- 6:00 p.m. construction hours. He understood the practicality of starting at 7:00 a.m., however, if that start time is necessary, he questioned whether construction needed to occur on Saturday. Monday through Friday is a typical work week and he thought that was reasonable. Commissioner Strachan suggested that the construction hours be changed to 7:00 a.m. to 6:00 p.m. Monday through Friday and that no construction occur on the weekend. Aside from that one issue, he was comfortable with the project.

Vice-Chair Peek agreed with his fellow Commissioners. He requested adding "and the idling of any vehicles" to the condition that prohibits the start-up of heavy equipment prior to 7:00 a.m. This would prohibit workers from sitting in their vehicles waiting for 7:00 a.m.

Planner Sintz asked about the City's idling policy. City Council Member, Liza Simpson, explained that the City has looked at a new city-wide idling policy; however it is not an ordinance. They are asking people to understand that idling is bad for the environment and to personally take measures to stop idling their vehicles. That message is being communicated through Parking Enforcement. If

idling problems occur at the Racquet Club job site, it would be addressed through Building Code Enforcement. Council Member Simpson believed the Planning Commission could reiterate “no idling” in their direction for construction mitigation.

Commissioner Pettit stated that since this is a City project, the General Contractor needs to be made aware of the City’s “no-idling” policy and adhere to that policy.

Steve Brown stated that he polled a number of potential General Contractors when he was trying to write a response to the construction mitigation issues, and he was very specific about the 7:00 a.m. start time. Mr. Brown pointed out that 7:00 a.m. - 3:00 p.m. is industry standard and typical labor hours. However, labor hours are staggered to allow the first trade to do their part so the second trade can follow. Staggering the second trade carries over to the 6:00 p.m. hour. Mr. Brown stated that he was very specific on the vehicle start up time to emphasize that someone could not start their equipment and let it warm up prior to 7:00 a.m. He believed the same would apply to idling and he did not anticipate a problem. Mr. Brown offered to talk to a variety of contractor to make certain they are aware of the idling policy. He pointed out that once equipment is turned on, contractors do not like to turn off their equipment because it is harder on starter motors. However, because they want to be responsive to the noise ordinance of the City and clean air, he believed they could include idling language in the construction mitigation plan.

Mr. Brown noted that labor would be transported off-site and the only people who would bring in vehicles are the project superintendents and the Staff. He expected tight criteria for who comes and when they come.

Vice-Chair Peek requested that auxiliary job-site lighting be restricted to the hours of operation. He would like that specifically addressed in the construction mitigation plan.

Vice-Chair Peek remarked that the findings of fact in the last Staff report relate everything to an interpolated grade. He requested that the Staff put a hard USGS number on those items. Planner Sintz offered to add those numbers. Planner Sintz explained that the height exception was determined from interpolated grade. Therefore, the markers shown on the December 9th packet included an associated interpolated grade marker. The numbers they will show at the next meeting will tie to those interpolated markers.

Vice-Chair Peek requested a schematic drawing. Planner Sintz offered to provide the necessary graphics to show how the Staff interpreted the height.

MOTION: Commissioner Pettit moved to CONTINUE the 1200 Little Kate Road, Racquet Club MPD to January 20th, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:00 p.m.

Planning Commission Meeting
January 13, 2010
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Approved by Planning Commission _____

WORK SESSION NOTES – JANUARY 20, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION
January 20, 2010**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

Legal Training

Assistant City Attorney, Polly Samuels McLean, reported that the Planning Commission is required to have annual training on the Open and Public Meetings Act. The Planning Commission had their training last year and she would highlight the basics this evening.

Assistant City Attorney McLean stated that she would have training prepared on certain matters to present to the Planning Commission on rare occasions when their meetings are short. She encouraged the Commissioners to email her with legal questions that can be addressed as a work session item or during a break. Ms. McLean stated that she was always available to answer questions one-on-one.

Ms. McLean explained that the spirit of the Open and Public Meetings Act is to act openly, make decisions openly and to deliberate openly. She clarified that "open" means in front of the public in a setting that allows the public the opportunity to hear their deliberations.

In terms of defining a meeting, Ms. McLean stated that a quorum is four Planning Commission members, including the Chair for computation purposes. The language reads, "The majority of the appointed members". Due to the vacant seat left by Evan Russack, the Planning Commission currently has six members and the majority is still four. If they were to lose another member, they would have a majority with three. Ms. McLean explained that no business can be conducted during a meeting unless a quorum is present. That also includes work session.

Chair Wintzer asked if the Planning Commission should dismiss themselves from conducting a meeting if they do not have a quorum. Ms. McLean replied that this was correct.

Ms. McLean remarked that the Chair cannot vote. However, the vice-chair or any Commissioner acting as a Chair, still maintains his or her vote.

Ms. McLean explained that "convening" means a situation where they are all scheduled to be at the same place. Attending a holiday party or coincidentally meeting at a store is not considered a meeting. However, if they attend a function where they might be talking about issues that might come before the Planning Commission, that would be considered a meeting.

Ms. McLean commented on emails and noted that if a Commissioner was sending substantive information to all the Commissioners, that could also be viewed as a meeting and would violate the intent of the Act. She informed the Planning Commission that their emails may be public record under GRAMMA. Therefore, if emails are sent among the Commissioners, those could be discoverable to the public. Ms. McLean encouraged the Planning Commission to keep their communication on substantive matters in front of the public.

Commissioner Pettit asked if the Planning Commission had a record retention policy for email communications and whether they should not delete those emails. Ms. McLean was unsure and offered to check the City's retention schedule regarding emails. She believed it was a one year

time frame. Commissioner Peek suggested that if the Planning Commission was bound by the retention policy, they should be issued email addresses.

Ms. McLean thought that was a good point and offered to look in to it.

Regarding meeting locations, Ms. McLean stated that the Act requires a regularly scheduled meeting at a regularly scheduled meeting location. She noted that the Planning Commission already follows that procedure. Site visits are allowed, as well as emergency circumstances. Ms. McLean commented on electronic meetings and questioned whether the City had adopted an electronic meeting resolution. Commissioner Peek recalled that a resolution had been adopted. Ms. McLean offered to follow up on that issue. If there is not a resolution in place, they would need to have one before an electronic meeting could occur.

Commissioner Pettit recalled that during a previous joint meeting with the City Council and the HPB, an HPB member was unable to attend and requested to participate telephonically. A resolution was passed to allow that member to participate; however, the technology did not work well and there was no cue for when he should speak. Commissioner Pettit remarked that it is not uncommon in other jurisdictions to allow the ability for a member to participate telephonically. She realized that the Planning Commission has changed since the initial discussion, but at that time everyone felt it was important to have the people involved participate personally.

Chair Wintzer recalled concerns about handouts and how the person participating telephonically would not have the benefit of visual information. For that reason, he remembered that most people were not interested in allowing electronic participation. Ms. McLean offered to research the minutes and provide a summary of that discussion. She would also talk to the IT Department to see if there is better technology.

Commissioner Pettit stated that her biggest issue relates to major, substantive matters with significant public comment. The minutes do not reflect the actual sense or feel for the full discussion from all the Commissioners. If a Commissioner cannot attend a meeting but would like to understand an important application, they should have the ability to listen in, even if they cannot make comments themselves. Ms. McLean did not think that allowing someone to listen to the discussion without participating would be considered an electronic meeting. She would look into it further and report back.

Ms. McLean commented on noticing and explained that the City has its own noticing requirements. Under the Open and Public Meetings Act, the only requirement is to notice a meeting 24 hours prior. Following those requirements, the Planning Commission would be able to discuss a last minute item during work session as long as it could be noticed 24 hours before the meeting. Ms. McLean stated that "public comment and open" means that people are entitled to see the process. It does not mean that the public has to participate. For instance, during a work session the public has the right to hear their discussion, but the Planning Commission can decide whether or not they want to take public input.

Ms. McLean remarked that the Chair is in charge of the proceedings and disruptions do not have to be tolerated. The public time belongs to the entire public and it is appropriate for the Chair to keep people on point.

Ms. McLean noted that minutes are required for each meeting. She emphasized that the minutes, under State law, are the official record and represent what happened legally in the meeting. If the minutes are wrong, it is important to make corrections before they are approved. She believed the Planning Commission was diligent about making sure the minutes are correct. Ms. McLean clarified that the Planning Commission could correct something they said that was reflected incorrectly in the minutes; however, it must be something they actually said and not what they wished they had said. She pointed out that if there was ever a discrepancy, it could be checked against the recording.

Regarding emergency meetings, Ms. McLean noted that members are notified as quickly as possible. She stated that there was very little reason for the Planning Commission to have an emergency meeting.

Ms. McLean stated that if for any reason the Open and Public Meetings Act is violated, any action taken in the meeting is voidable. Ms. McLean noted that because Park City wants the community to be involved, it errs on the side of additional noticing or not holding a meeting due to noticing issues.

Commissioner Pettit referred to an email the Commissioners received earlier in the week regarding correspondence between Ron Ivie and David Smith, with Talisker. It was the subject of action that the Planning Commission took during a meeting. She noted that the email was not included in the packet and wondered how it becomes part of the file to be on record. Commissioner Pettit pointed out that the email was not available to the public at the time the Planning Commission made their decision.

Commissioner Peek believed that the intent of the email was to update the Planning Commission regarding a negotiated settlement between the two parties. Ms. McLean offered to find out the specifics of the email and what it means in the context of making it part of the record.

Commissioner Pettit thought it was important to have checks and balances on those types of issues.

General Plan Discussion

In the interest of time, the Planning Commission postponed this discussion.

Director Eddington noted that the intent this week was to review the goals from the previous General Plan and to present the City Council's priority goals. He offered to provide the Planning Commission with the power point package that was to be presented this evening so they would be ready to move forward at the next General Plan meeting on February 24th.

The work session was adjourned.

MINUTES – JANUARY 20, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 20, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brook Hontz, Richard Luskin, Dick Peek, Julia Pettit

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson, Principal Planner; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Strachan, who was excused.

II ADOPTION OF MINUTES OF OCTOBER 22, 2008

MOTION: Commissioner Peek moved to APPROVE the minutes of December 16, 2009 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director, Thomas Eddington, stated that Treasure Hill would come before the Planning Commission on February 10th. The applicants were creating a model of the site and asked if would be appropriate to present that model during the February 10th meeting. The Commissioners were interested in seeing the model.

Chair Wintzer asked if the applicants would only present the model or talk about the project. Director Eddington stated that in addition to the model, the applicants intend to key up the project. Planner Cattan would prepare a Staff report and address the issues, which were similar to the issues outlined in the last report.

Assistant City Attorney, Polly Samuels McLean, recommended that the Planning Commission conduct a public hearing for Treasure Hill on February 10th. The Planning Commission could decide whether to have the model presented during work session and schedule a public hearing for the regular meeting, or whether it was better to do it all at the regular meeting.

Chair Wintzer was concerned about the adequate time needed for Treasure Hill versus other projects on the agenda. Director Eddington assumed that a couple of hours would be dedicated to Treasure Hill.

Commissioner Peek recalled that in the past the Planning Commission held a work session with public input. Chair Wintzer was concerned about seeing the model for the first time and expecting people to comment without having the opportunity to think about it. He suggested that it might be better to have one meeting where the Planning Commission and the public could see the model and hear the presentation and then have the public come back for comment.

Commissioner Pettit stated that she would be unable to attend the February 10th meeting, but requested the opportunity to view the model. Director Eddington stated that he would ask the applicants to make the model available for display either before or after the February 10th meeting.

Commissioner Pettit noted that in the past, specific elements of the Treasure Hill project have been discussed at certain meetings. She was concerned that the public comments on February 10th would be too broad and open up areas that the Planning Commission was not ready to address. Commissioner Pettit felt they should find a way to set parameters for the public hearing.

Assistant City Attorney McLean suggested that the Planning Commission provide their comments immediately after the presentation of the model to give their initial view prior to the public hearing. In addition, the Planning Commission could take public comment and ask that input be limited to specific topics being discussed that evening. If people stray from those topics, the Chair should bring them back to the discussion points and let them know there would be other opportunities to comment on different issues.

Chair Wintzer thought it was best to let the Staff determine the structure for Treasure Hill on February 10th.

To avoid possible quorum issues, Assistant City Attorney McLean requested that other Commissioners contact the Staff if they cannot attend the February 10th meeting, since Commissioner Pettit would be gone.

Commissioner Pettit asked about potential timing for when the City Council would fill the vacant seat left by Commissioner Russack. Director Eddington replied that the posting for applications was open until the end of January. They would not know until then how many applications are received. He would keep the Planning Commission updated on the process.

Planner Sintz updated the Planning Commission on the Planning Department's involvement with Sundance. The Staff has been actively reviewing and approving conditional use permits for any tag-on business that comes in just for Sundance. That also includes a permit that might be triggered from a business use change. In addition, the Staff reviews any signs associated with those changes to make sure temporary signs uphold the requirements of the regular sign code.

Planner Sintz noted that there are approximately 26 different tag-on addresses this year, which is the same amount as last year. Permits are approved right up to the minimum legal noticing date. Several in the Planning Department are involved throughout Sundance to go out with Code Enforcement to make sure the conditions of the approval are being followed.

Chair Wintzer disclosed that he would be recusing himself from the Racquet Club item, due to a potential business conflict if the application is approved.

REGULAR AGENDA/PUBLIC HEARINGS

1200 Little Kate Road, Racquet Club - Master Planned Development

Chair Wintzer recused himself from this item. Vice-Chair Peek assumed the Chair.

Planner Kay Sintz introduced Ken Fisher, the Park City Recreation Manager, Selesia Carson and Brent Tippets, with VCBO Architects, Steve Brown with Millcreek Consulting, and Matt Twombly, the project manager.

Planner Sintz reported that at the last meeting, the applicants provided updates on the architectural changes, which included facade modifications and building footprint changes, as well as materials and color changes. At that time construction mitigation concerns were also addressed. Planner Sintz noted that direct responses to their concerns were included in the Staff report.

Planner Sintz stated that during the last meeting, a couple of items were added to construction mitigation, which included no idling or start-up of vehicles and no site lighting prior to the 7:00 a.m. start time. Planner Sintz reported that Commissioner Strachan had suggested eliminating Saturdays from the construction work schedule and Commissioner Pettit felt the neighborhood should be kept notified of the process as the project moves forward.

Planner Sintz remarked that in response to the suggestions from the Planning Commission, the applicant added, no idling or start up of vehicles prior to the 7:00 a.m. and included auxillary lighting. Conditions of approval were added to address that issue. In regards to the request to eliminate work on Saturday, the applicants believe that allowing work on Saturday is important to keep current with the project schedule. Eliminating Saturdays would prolong the length of construction. As a compromise, the applicants offered a 9:00 a.m start time on Saturday.

Planner Sintz noted that Commissioner Peek had requested a graphic showing the interpolated grade and that graphic was included in the Staff report.

Planner Sintz stated that additional items addressed this week and included in the Staff report was discussion about the required volume for tennis play and questions on how the mechanical and duct layout affected the height exceptions being requested. Planner Sintz pointed out that VCBO has designed over 100 facilities and based on their experience with USTA requirements, they have designed a facility that has been proven to work. Planner Sintz stated that based on comments from the last meeting, the applicant re-looked at arranging the courts to minimize the affects of the mechanical system and came back with a reduction from the last layout. Exhibits were included in the Staff report.

Planner Sintz stated that another issue raised by Commissioner Strachan was a review of

Conclusion of Law #9 regarding affordable housing. She noted that a condition was added to indicate that affordable housing requirements were being met based on the number of employees. If the number of employees increase at the time of Certificate of Occupancy, the project would be subject to the conditions of the Housing Ordinance.

Planner Sintz noted that at the last meeting they talked about the architecture in relation to the facade, the new entry feature, the clerestory and changes to the exterior. Planner Sintz stated that height information was withheld to allow the Staff to verify the height and provide a clear description for the Planning Commission. She pointed out that the entry feature was reduced 6'7" over interpolated grade. The tennis ridge was reduced two feet from the last iteration. The existing tennis ridge height is 37'9". Planner Sintz stated that height exceptions are based on interpolated grade. The new tennis ridge will be two feet over the existing tennis ridge.

Planner Sintz reviewed the height exception analysis. She noted that the main tennis ridge is looking for a 5" height exception over the 1977 approval of 40 feet. The applicant is requesting different height exceptions for the north clerestory and south clerestory because interpolated grade falls from south to north. Therefore, the clerestories on the south appear lower than the north clerestories. The clerestory to the north is a 9" height exception and the clerestory to the south is a 1" height exception over the previously approved 40 foot height. Planner Sintz pointed out that the front entry is the tallest feature in the building and the request is for a 2'8" height exception over the previously approved 40 foot height.

Planner Sintz noted that a parking analysis was included in previous discussions and that 148 stalls was being proposed.

Planner Sintz reported on an increase in footprint and building square footage area in response to public comment and facade variation requirements.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the proposal and approve the Park City Racquet Club Master Planned Development based on the findings of fact, conclusions of law and conditions of approval included in the Staff report.

Commissioner Pettit noted that condition of approval 16 states that the Planning Commission would evaluate future phases. She wanted to know the process for that review and asked if future uses would be based on the same criteria used to evaluate this MPD. Planner Sintz replied that future phases would be subject to review criteria in Chapter 15-6-4 as indicated in the condition of approval.

Commissioner Luskin recalled a previous discussion about shortening the Saturday work day to 3:00 p.m., similar to construction hours in Old Town, as a convenience to the residents. Planner Sintz stated that Commissioner Strachan had requested completely eliminating construction on Saturday. The applicant has indicated that not working on Saturday was not acceptable given the time frame for building the project. She reiterated that the applicant had offered the compromise of a 9:00 a.m. start time on Saturday but still ending at 6:00 p.m. The Planning Commission could decide whether or not to accept that compromise.

Commissioner Luskin stated that he lived in another neighborhood during a construction project and he is sensitive to the impacts that Saturday construction has on a neighborhood.

Vice-Chair Peek believed that a 9:00 a.m. to 3:00 p.m. work day would be inefficient.

Steve Brown stated that he had addressed the question raised by Commissioner Strachan to a number of General Contractors. The basic response was that the more the hours of operation are restricted, the more risk mitigation they need to address. If the hours are reduced on Saturday, they would want to attach additional time to the length of the contract. Mr. Brown did not believe that would be palatable to the Planning Commission. The intent is to complete the project as quickly as possible to be sensitive to the neighborhood. Mr. Brown pointed out that the 9:00 start time was an attempt to keep noise to a minimum in the early hours on a Saturday. He noted that Saturday is typically a catch up day in the construction industry. He was not opposed to asking the contractors for a shorter work day, but he assumed they would ask for additional time on the length of the project overall.

Commissioner Luskin asked for an estimate of the overall construction period. Mr. Brown anticipated no longer than 18 months. Language would be written in the bid documents indicating that the shortest construction time would be a significant decision criteria. They would not know a realistic time until the bids come back from the General Contractors.

Commissioner Pettit wanted to know the Code requirement with respect to holidays. Director Eddington was unsure of the Code language, but the Planning Commission could stipulate that a holiday be treated as a weekend. Commissioner Pettit stated that she has personally experienced the impacts of people working on a construction site on Thanksgiving and Christmas. She felt it was incumbent upon the Planning Commission to insure that holidays are a day for family and friends and that the neighbors do not have to endure construction impacts.

Mr. Brown requested that the Planning Commission identify specific holidays so they could be added to the contract. Planner Sintz suggested using the same holidays that the City observes.

Vice-Chair Peek opened the public hearing.

Amanda Halsee, a resident at 1391 Little Kate, stated that she is a direct neighbor to the Racquet Club. Proximity to the Racquet Club was one reason why she purchased her home in that location and she and her family use the Club on a regular basis. Ms. Halsee was surprised to hear through this process that the facility does not meet USTA standards. She asked the Planning Commission to consider that they have one shot to do this right. Ms. Halsee was comfortable with the height exception, especially since the height exception is primarily the front entrance, which is what her home directly faces. Ms. Halsee expressed her personal preference to have people on the job site as long as possible Monday through Saturday to get the project completed quickly. Ms. Halsee believes an attractive, updated facility that no longer needs constant repair and meets the needs of the community would also help neighboring real estate values.

Scooter Mastain stated that he is a USTA Certified Tennis Pro and taught at the Racquet for 2-1/2 years. He was also the Boy's Tennis Coach for three years and has a personal interest in the Racquet Club situation. He understood that some people objected to the height increase and on behalf of his family he read a prepared statement. Their family includes four passionate tennis players and lifetime USTA members and tournament players, as well as tennis season pass holders at the Racquet Club for over fifteen years. The Park City Racquet Club has been a central focus, not only amongst countless tennis players, but also a facility for numerous revenue generating National USTA tournaments. To deprive an entire tennis playing community of the opportunity to engage in competitive play at their home club would be a travesty. Additionally, the City would reap the benefits generated by these National Tournaments, not only at the club but also in terms of lodging, food and shopping. Mr. Mastain and his family strongly urged the Planning Commission to very seriously consider the enormous negative impact caused by a ridiculous height restriction of a few feet.

Tom Odin, a resident of the Racquet Club Condos asked Planner Sintz to put up the slide that showed the mountain view from the parking lot. Mr. Odin remarked that building time and Saturday construction is a red herring because the neighborhood has endured construction projects since he's lived at the Racquet Club. Mr. Odin remarked that the second statement of the Park City Mission Statement talks about open space, mountain views, functional pathways and trails. He believes that is significant and some of his neighbors share that same view. He understood that the open space provided is still within Code, but the number has gone from 55.9% to 44.7%. In his opinion, that is a significant reduction. Mr. Odin appreciated the design but he was concerned about the increased footprint in a residential area. He believed this was an important element because it reduces their open space and affects their views. The building extends an additional 68 feet and puts the Racquet Club 20 feet closer to his home. Mr. Odin encouraged the applicants to keep the design within the existing footprint.

Vic White stated that he commented at previous public hearings and he commended the Planning Commission, the Staff and the architects for listening to the concerns and reducing the height. It is impossible to please everyone and felt that the height reduction proposed was a good compromise. Mr. White stated until today he had not realized that adjusting the tennis courts would extend the building 20 feet further to the north. That Impacts the view of the mountains from the north looking south. In addition, the proposal also expands the building to the east 68 feet. Mr. White noted that it would put the building into the white tent that was recently erected for Sundance. He stated that his previous remark was that the City was trying to hide an elephant in short grass. After understanding the full size of the Racquet Club as proposed, he has changed that to hiding a Brontosaurus in short grass. The size is enormous and he could not understand why they would consider allowing a structure that size in a residential area. Mr. White stated that the Racquet Club is a family facility for everyone of all ages. It is not a place for National USTA tournaments. If the City wants that type of facility, they should find another place to build it where it is not in a residential neighborhood. Mr. White agreed that the Racquet Club should be improved and refurbished, but the problem is the size and it is too big.

Chris Ruen, a resident on American Sadler, asked if the current design meets USTA standards

or if the setbacks between the tennis courts were narrowed down.

Planner Sintz noted that the Staff report talks about a compromise on the baseline of the last row of lighting. Ken Fisher explained that per USTA standards the lights must be 20 plus feet off the court. The last bank of three lights would be lower, but he was unsure of the exact height. Mr. Fisher was comfortable with that based on the idea that if a tennis ball hits the light, it will not go over.

Mr. Ruen thought the re-design was beautiful and he commended the architects on a great facility. He noted that construction delays always occur and he suggested that they create incentives to get the building constructed in the shortest time possible. Mr. Ruen has been a resident in the area for 3-1/2 years and he joined the Club as an annual tennis member within two weeks of moving there. He and his family all play tennis. He opposed the suggestion of returning to the same size tennis courts because without the proper setbacks players get injured. Mr. Ruen urged the Planning Commission not to push for further restrictions on the tennis courts.

Jeff Lonn stated that he lives in one of the Racquet Club condos directly to the east parking lot. At the last meeting he provided a history of the Racquet Club from his point of view over the past 25 years. Mr. Lonn felt this project was being pushed through quickly and he wondered if all the alternatives had been considered. He referred to a letter someone had written to the Planning Commission suggesting the possibility of building a new facility at Quinn's. Mr. Lonn stated that at his request, Ken Fisher provided him with the 2006 Park City Recreation Survey. In that survey 53% favored renovating the Racquet Club over all other options. However, he was unsure of those in favor intended for it to be turned into a world-class facility in a residential neighborhood. He remarked that the Racquet Club is the most used workout facility in Park City and 80% rated the facility as good to excellent. Ten percent rated it fair and only 1% rated it poor. Mr. Lonn stated that 40% of the people feel the need for outdoor tennis courts and 28% surveyed wanted indoor tennis courts. Of that 28%, 70% said the present courts meet their needs and ten percent would like larger, regulation tennis courts. Mr. Lonn did not dispute that Park City should have regulations tennis courts, but it is not worth the impacts on the neighborhood to provide regulation courts at the Racquet Club. He noted that world-class is popular buzz word. He was unsure exactly what it means, but he was fairly certain that it has little bearing on the quality of life or the livability of a town. In order to obtain a world-class tennis facility, the Racquet Club needs to be expanded, which will only increase the number of events and impact the lives of the Racquet Club condo residents. Mr. Lonn believed the question was how to meet the needs of the tennis players without greatly impacting the lives of the neighbors. He suggested that one option would be to have three indoor regulation tennis courts within the current footprint and put bubbles over the outdoor regulation courts in the winter. Mr. Lonn stated that if it is important to build a world-class facility, it should be built next to the Ice Rink at Quinn's Junction.

Mr. Lonn commented on construction mitigation. He was certain that construction staging would occur 50 feet from his condo like it has in the past. During the sidewalk construction last Fall they worked 7:00 a.m-9:00 p.m. six days a week for four months. Mr. Lonn stated that during the public meeting in December at the Racquet Club, he was assured that strict limits would be

placed on construction because it is a residential neighborhood. He requested that the Planning Commission consider limiting construction from 7:00 a.m.-5:00 p.m. Monday through Friday, which is a 50 hour work. The residents should not have to endure anything more than that.

Glenda White stated that as a tennis player she uses the Racquet Club year-round. In the afternoon the courts are being used by children taking lessons and they do not need huge regulation courts. She was concerned about the comments from people encouraging regulations courts because of the number of tournaments and other events sit would attract. This is a residential area and not an area for tournaments. Ms. White stated that the Racquet Club should be upgraded and remain a neighborhood facility. A world-class USTA regulation facility needs to be at Quinn's Junction or Kimball Junction.

Lucy Depler, stated that she was speaking on behalf of tennis players in favor of bringing the facility up to USTA standards. She had played tennis for over 75 years and has played tournaments in Europe and throughout the United States. Ms. Depler stated that Park City is a classy city with high standard ski areas and it is time they do the same with the Racquet Club and bring the tennis courts up to standards.

Charles Lloyd, a resident in American Flag, stated that he is a tennis player and uses the Racquet Club throughout the summer. He believes indoor courts are necessary even in the summer because the weather is unpredictable. The current courts are small and it would be nice to have USTA regulation courts. He plays on a weekly basis at the Eccles Tennis Center at the University of Utah where the courts are regulation size. There is a big difference between playing at Eccles and playing at the Racquet Club because of the space between the sidelines and the room behind the courts. Mr. Lloyd understood that the local residents would be affected by both construction and the size of the structure, but he believed the Staff had done a good job of trying to fit the design within the available footprint and still providing more open space that required by Code. Mr. Lloyd stated that while the height of the building may affect some view corridors, the impacts are considerably less than they would be with the 37' allowed height that could be built along the setback. In terms of construction impacts, as someone who lived with the Empire Pass construction traffic for three years, he understands that it is something you deal with until the project is completed. Regarding the construction hours, he believed it was better to get the project built as quickly as possible.

Vic White wondered if the last two people who spoke would change their mind if this building was built in their backyards. He pointed out that this is not the place for world-class facilities and they do not have the traffic patterns, infrastructure or services to accommodate world-class facilities. Park City has other places that can accommodate world-class facilities, but the Racquet Club is not the place.

Michele Dietrich, a resident in the Racquet Club condos appreciated the concern from the Planning Commission regarding construction work hours. She requested that the Planning Commission push for no construction on Saturday. Since the estimated length of construction is so long, a two day break at the end of the week would be much appreciated. Ms. Dietrich was also concerned about increasing rates for those who use the Racquet Club, due to the

price tag on the renovation. In an effort to build a world-class facility, she worried that the everyday user would be priced out of the Club.

Len Bowss stated that he is a tennis player and he has lived in the area for 20 years. He noted that tournaments bring in a lot of visitors to Park City. In response to the question of having it in his backyard, he would love to have this facility in his backyard. He believes that the Racquet Club will raise property values surrounding it. Mr. Bowss believed regulations courts are necessary, not only for national competitors, but also for the juniors who are learning to play because they will have the advantage of playing on regulation courts. Mr. Bowss commented on the difference in playing under a bubble, noting that the bubble limits the height. He encouraged the City to keep the four indoor courts and bring them to USTA standards.

Meeche White, stated that she is a 25 year resident of Park City and a user of the Racquet Club. She is excited about the design of the facility and believes it fits well within the neighborhood. Ms. White felt the Racquet Club was unfairly given the name world-class because it is not a world-class design. It is a community based facility design. A world-class design would have stadium seating and other features. Ms. White stated that she is a professional in the recreation field and while regulation courts are great for tennis players in terms of how they play, it is also very important for safety. She believed that building a \$12 million facility but not upgrading the tennis courts to regulation size would be a waste of taxpayer dollars. Ms. White was sympathetic to the construction concerns, but from personal experience, she believed it was best to get it done as quickly as possible. She supported reasonable Saturday hours.

Cameron Chin, a resident on Little Kate Road, stated that he was not a tennis player but he supported the regulation size tennis courts. He has been involved in other sports and knows the importance of having a regulation facility.

Vice-Chair Peek closed the public hearing.

Vice-Chair Peek expressed his appreciation for the modifications in the height. In looking at the section showing the mechanical, he asked if the interior shaded element was the regulation envelope. Planner Sintz answered yes. Vice-Chair Peek asked about the horizontal member that the regulation element runs in to. Brent Tippetts replied that the dark gray area represents the mechanical, and that runs between the courts. Vice-Chair Peek thought that the gable ridge of the lower tennis envelope appeared to be restricted by a horizontal element. Mr. Tippetts explained that vertically the mechanical equipment is within the envelope, but it was moved outside of the tennis play area to the out-of-bounds area.

Vice-Chair Peek wanted to know what would keep the bottom cord of the rafter trusses from touching the top line of the tennis envelope. Planner Sintz pointed out a girder at the top.

Commissioner Luskin complimented the applicants on the revisions. He thought they did a great job adjusting the height and changing the architectural appearance. Commissioner Luskin felt people used the term world-class fairly freely. He believes that like himself, most people live in Park City for the quality of life. Commissioner Luskin pointed out that at the last meeting

Commissioner Strachan felt strongly about keeping Saturday free from construction so the residents could enjoy their homes. He agreed with Commissioner Strachan that Saturdays and Sundays are important days for unwinding from the week. After listening to the comments this evening, he realized it was a difficult balance because it could prolong the project. Commissioner Luskin did not have an answer, but since Commissioner Strachan was not present this evening, he thought it was important to consider how strongly he felt about stopping work on Saturdays. Commissioner Luskin asked if there was a solution that would keep the matter open ended. He would feel guilty if in six months the entire neighborhood was complaining about their weekends being ruined. Commissioner Luskin acknowledged that construction occurs all over Park City and everyone lives through it. However, most people want a quality of life and not "world class".

Steve Brown wanted it clear that the term "world-class" came from the public hearings and not from them. He agreed with Meeche White that a world class design would look considerably different and the cost would be significantly higher. Mr. Brown stated that the Racquet Club as proposed would remain a family-friendly facility.

Regarding the construction issue, Mr. Brown pointed out that there had been no resistance to eliminating Sunday work completely. However, if they take away Saturday, he was fearful it would extend and prolong the overall nature of construction and that the overall cost would potentially rise. It could present a difficult situation when the bids are returned. Mr. Brown did not feel he was in a position to respond to the question about leaving it open-ended because contractors respond to open-ended issues with risk mitigation. Mr. Brown remarked that the Saturday scenario could become a major roadblock. He proposed adding language in the bid documents that would ask the contractors to attempt to quantify their Saturday work hours. As a criteria for bid selection, they could consider those who could minimize work on Saturday.

Commissioner Luskin asked if Saturday hours of 9:00 a.m.-3:00 p.m. were too restrictive. Mr. Brown was hesitant to impose that on the contractors without first hearing their feedback.

Commissioner Hontz preferred a shorter construction duration for the entire project rather than eliminating Saturday work. No one can control the weather and it is impossible to know what the contractors will face in terms of construction conditions within the next year to 18 months. Commissioner Hontz has lived through construction and she prefers a shorter time frame.

Vice-Chair Peek agreed with a shorter construction period. However, as a concession to local residents, he suggested special considerations for certain holidays so the residents can enjoy a long weekend without construction. For example, Labor Day falls on a Monday and there would be no construction on that Saturday. If a holiday falls on the weekend there would be no construction on that Friday or Monday, which ever day the holiday is observed.

Planner Sintz stated that during their discussion she had drafted a condition of approval to address holidays. She read, "Work days would be restricted on City-related observed holidays and actual holidays when it falls on a Saturday".

Commissioner Pettit agreed with Commissioners Hontz and Peek in their preference for a

quicker construction period. However, she felt strongly about stressing “no work” on holidays. She also favored the idea of adding language in the bid that would encourage minimizing Saturday construction hours. Commissioner Pettit was comfortable with the 9:00 a.m. start time. The question was with the stop time. Mr. Brown stated that an important criteria in the bid selection would be the length of the construction schedule and concessions for Saturday work.

After hearing their comments, Commissioner Luskin deferred to his fellow Commissioners on the preference for a shorter construction time period. Commissioner Pettit stated that the LMC that governs the process of evaluating the master planned development and includes criteria that guides their review. She recognized that the process began with the Recreation Board and a lot of work was done to identify the needs and wants of the community. Based on that information, the City moved forward with a proposal. Commissioner Pettit clarified that the job of the Planning Commission is look at the criteria in the Land Management Code that addresses density, open space, building footprint and related issues. While she struggled with where to draw the line on expanding the facility 20,000 square feet to provide additional amenities for the tennis courts and whether or not it was necessary, the fact is, the proposal falls within the criteria outlined in the MPD section of the Land Management Code. Commissioner Pettit noted that the applicants had responded to their comments by reducing the height to a more reasonable level and she was leaning in favor of making findings of compliance with the MPD criteria. The project is where it needs to be and the applicant had met its burden.

Commissioner Hontz stated that the budget and price tag of the project are outside of Planning Commission purview and is not something they review. She agreed that the projects meets the Land Management Code and the MPD criteria and she was pleased with the changes to the facade and height and the overall architecture. Commissioner Hontz also favored the changes made in the conditions of approval for the construction hours. She was prepared to move forward this evening.

Vice-Chair Peek referred to the site plan and asked if the dumpster could be moved to a location on the west end, away from the residents. Mr. Tippetts offered to work with Staff to find another location if possible. Vice-Chair Peek was unsure of the on-site parking needs during construction, but suggested parking on the east property line to lessen impacts to the neighbors.

Mr. Brown stated that the intent is to be sensitive to the neighbors to the east in terms of staging. Related language would be included in the bid documents.

To address Saturday work hours and holidays, Planner Sintz revised Condition of Approval #10 to read, “Work is restricted to Monday through Friday 7 a.m to 6 p.m. Saturday start time is 9 am to 6:00 p.m. Work would not be allowed on City observed holidays and actual holidays falling on a Saturday. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours.”

Mr. Brown requested that the Planning Commission identify specific holidays for clarification.

Assistant City Attorney McLean recommended that specific holidays could be included as part of the development agreement. The Planning Commission will ratify the development agreement and could make changes at that time. Based on that recommendation, the reference to holidays was eliminated from the revised Condition #10. Vice-Chair Peek pointed out that the added 6:00 stop time should remain to specify the Saturday hours as 9 a.m. to 6 p.m.

Commissioner Pettit asked if the development agreement should also include language that addresses the issue of creating bid language that encourages a shorter construction period. Mr. Brown remarked that the language would be drafted in the bid prior to the development agreement. Commissioner Pettit suggested adding that as a condition of approval to make sure it carries over to the development agreement. Ms. McLean suggested that the Planning Commission keep things general rather than specific to allow the Staff the opportunity to draft language that reflects their intention.

Vice-Chair Peek wanted to know who the development agreement would be with. Ms. McLean replied that it is an agreement with the applicant. Vice-Chair Peek pointed out that the City is the building owner, which is the City Council. Mr. Brown requested the drafted language as early as possible so he could provide it to the contractors.

Commissioner Pettit asked if it was appropriate to add a condition stating that, "Proposed language for the bid addressing minimization of Saturday construction shall be approved by the Planning Commission".

Matt Twombly stated that because it is a public bid, the Planning Commission does not have the jurisdiction approve a bid. Ms. McLean agreed, but thought it was appropriate to include language in the document indicating the importance of minimizing work on Saturday. Mr. Twombly made it clear that the language written in the development agreement with regards to the bid would not apply to the selection of the bidder. As a public agency, they need to select the lowest bidder.

Ms. McLean recommended that the Planning Commission set clear parameters for Saturday work and separate parameters for specific holidays. She pointed out that if a City observed holiday falls on a weekend, they are off either Friday or Monday. Vice-Chair Peek believed that following that practice would be sufficient to satisfy their intent for a quiet, long weekend. Ms. McLean suggested specifying that work could not occur on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. The Commissioners concurred with those holidays and suggested that they be named in Condition #10.

MOTION: Commissioner Pettit moved to APPROVE the MPD application for the Racquet Club at 1200 Little Kate Road, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval, with Condition of Approval #10 to be amended to read, "Work is restricted to Monday through Friday 7 am to 6 pm. Saturday work is restricted to 9 am to 6 pm. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas". The remainder of Condition #10 would remain as written. Commissioner

Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Racquet Club

1. The Racquet Club Master Planned Development is located on Lot 1 of the Racquet Club Subdivision. Lot 1 consists of 7.5 acres. The lot is sufficient area to accommodate the 85,015 s.f. (Gross area), 66,030 s.f. (footprint) public recreation facility, circulation, parking, future phases, and provide the minimum required minimum 30% open space for redeveloped areas.
2. The proposed facility open space is 44.7% and includes exterior tennis and pools as well as future phases.
3. The total proposed building footprint is 66,030 s.f. and gross square footage is 85,015.
4. The property is located in the Residential Development (RD) zoning district.
5. The Racquet Club received a Conditional Use Permit in 1977 for Recreation Commercial which granted an overall 40 foot building height.
6. The property is subject to the Racquet Club subdivision plat and any conditions of approval of that plat.
7. The maximum Building Height in the Residential Development (RD) zoning district is 28 feet (33 feet with a pitched roof). Previous CUP approval granted a 40 foot building height for a public recreation facility. The application includes a height exception request (per interpolated grade) for 2'8" (over previous CUP approval) of additional building height for the entry feature, 5" of additional building height for the main tennis ridge, 1" of additional height for the south clerestories and 9" of additional height for the north clerestories.
8. The existing Racquet Club contains 155 parking spaces.
9. A reduction in parking is requested at 148 parking spaces. A bicycle rack will be provided adjacent to the main entrance.
10. Setbacks within the Residential Development (RD) are twenty feet (20') in the front, fifteen feet (15') in the rear, and twelve feet (12') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The building complies with these setback requirements. The parking area which is being restriped and reoriented, and not expanded, does not meet the front yard setback and an exception has been requested to maintain the existing six feet (6') in the front yard.
11. The Analysis section of this staff report is incorporated herein.

Conclusions of Law - Racquet Club

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands requirements of the land Management Code. The project has been designed to place Development on the most developable land use lease visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - Racquet Club

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Racquet Club subdivision shall apply to this MPD.
3. A final water efficient landscape and irrigation plan that indicates snow storage areas

and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.

4. All exterior lights must conform to the City lighting ordinance. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
5. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
6. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on January 20, 2010, and shall be approved by Staff prior to building permit issuance. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
7. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on January 20, 2010.
8. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
9. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
10. Work is restricted to Monday through Friday 7 am to p.m. Saturday work is restricted to 9 am to p.m. This would include the time for start up of heavy equipment and start up of any vehicles. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours.
11. Lay down and staging area will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
12. Transportation of labor to and from the job site from an off-site parking location shall be a condition of the construction contract. On site parking shall be restricted to those authorized and controlled by the project superintendent in coordination with Recreation Center Officials.
13. The applicant will notify all affected property owners within 00 feet prior to construction commencing of conditioned work hours, contact information and general project description.

14. A limit of disturbance area will be identified during the building permit review.
15. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy, the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
16. Future phases of Natatorium, Restaurant and Gymnasium expansion are included in this master plan and would be subject to an Amendment to this MPD. The Development Agreement will stipulate per 1-(l) the amendment will not justify a review of the entire master plan. Future phases will be subject to minimum open space requirements of 30%.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.
2. Land Management Code - Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10 and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application PL-09-00784)

Chair Wintzer resumed the Chair.

Planner Kirsten Whetstone noted that the Planning Commission previously discussed these amendments on November 11th. Minutes from that meeting were included in the Staff report.

Planner Whetstone remarked that four general issues were before the Planning Commission this evening for a public hearing and recommendation to the City Council.

The first issue was Chapter 10, regarding the time frame for appeals and making the 45 day time frame consistent for the Board of Adjustments and the Planning Commission.

The second issue was Chapter 11, Historic Preservation, and the modification to streamline the Historic District Design Review process for projects and applications.

The third issue was a continued discussion on Upper Park Avenue to allow innovative design solutions within the transition area between the Main Street commercial and the Park Avenue residential neighborhood. Also for consideration were proposed amendments to Chapter 6, the Master Planned Development.

The fourth issue were amendments to clarify how the 5% support commercial and meeting space square footages are calculated within a master planned development.

Planner Whetstone commented on Chapter 11, the Historic Design Review process, noting that

the amendment was a result of having approximately eight pre-applications submitted. She explained that the Design Review process takes approximately 45 days and includes time for two notifications for the pre-application, as well as the application process. Planner Whetstone stated that some applications are relatively minor with little or no impact on the Historic District or the neighbors. She noted that currently routine maintenance is the only thing allowed in the Historic District that does not require a design review process. Due to the minor nature of some of the applications, the Staff proposed language that would allow the Planning Director or his designee, upon review of the application, determine whether the scope of the project requires a full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12(B). Any project that the Planning Director or his designee would determine is not minor would go through the full review. Planner Whetstone read the proposed language included on page 152 of the Staff report.

Commissioner Peek asked if the HDDR fee would be waived on projects that are determined to be minor and not require a full review. Planner Whetstone believed the fee would be waived. She clarified that all projects would still need to comply with the Historic District Design Guidelines. The only change being proposed was the process for minor projects based on the Planning Director's determination.

Commissioner Pettit asked for clarification on who would actually make the determination. Planner Whetstone replied that the decision would be made by the Planning Director. Commissioner Pettit felt strongly that the determination should be made by one person for continuity and consistency since it is a subjective decision. Planner Whetstone pointed out that the language stating, "the Planning Director's designee" would be another Staff member who would be asked to make that determination in the absence of the Planning Director for times such as vacations.

Planner Whetstone reported that the Staff has internally discussed creating a list of items that have not gone through the full process. For example, a hot tub, rear deck, or change of landscaping on a non-historic house. She read language from Chapter 15-11-12 stating that, "The design review application in any allowed or conditional use associated with a building permit, to build, locate, construct, remodel, alter or modify any building, accessory building structure or other visible element located within the Park City Historic Districts or Historic Sites". She noted that signs, lighting fixtures and fences were deleted from the original language. Signs have their own process and in some cases lighting and fences could be considered minor work.

Commissioner Pettit referred to paragraph 2, which identifies certain types of applications for non-historic and historic structures. In connection with creating a model for ordinances that talk about the application for solar panels on historic structures, she was concerned about solar panels falling outside of the scope of design review, particularly since the installation of the panels could create an alteration of the view of a historic structure. Director Eddington remarked that the design guidelines address solar panels and require that solar panels installed on a roof and visible from a public right-of-way must be flush mounted.

Commissioner Pettit understood that best practices were being debated and discussed within

the historic preservation community in terms of how to implement the installation of solar panels on a building adjacent to a historic structure. She felt that was a critical component in terms of implementing these practices on historic structures. Commissioner Pettit cautioned against giving the impression that solar panels would not have to go through a design review process for that type of application. Director Eddington agreed. Planner Whetstone pointed out that solar panels would require a pre-application.

Assistant City Attorney McLean understood that Commissioner Pettit was suggesting that solar panels be removed from the list of items in Paragraph 2 that would circumvent the full review process.

Commissioner Peek suggesting language stating, "solar panels on the primary facade of historic structures" to identify those that would require a full review. Director Eddington stated that if the Commissioners shared this concern, he preferred to write up solar panels as a full design review to avoid confusion. Commissioner Pettit felt it was important at this stage to put solar panels through the practical process. Director Eddington noted that during the re-write of the Historic Design Review Guidelines, the National Park Service and the Department of Interior were looking at different standards and new Code language for solar panels. At that time the language was not fully complete in the State of Utah. Director Eddington and he thought it would be good to update the Planning Commission and the HPB on the final results.

Chair Wintzer suggested the idea of setting aside one meeting for a green review in the Historic District. Everyone wants to go green but still preserve the history of their town, and they need to explore how that could be accomplished. Director Eddington stated that ideally Old Town should not be the experimental ground for solar panels and other green elements. Hopefully it would occur in other areas with larger yards and roof coverage.

After further discussion, the Planning Commission and Staff concurred that solar panels should be subject to a full design review.

Planner Whetstone explained the proposed changes in the HR-2 zone, Chapter 15-2.3 regarding Upper Park Avenue neighborhood planning. She noted that specific purpose statements were added to address the HR-2 neighborhood. Planner Whetstone reviewed the changes to Sub-Zone A as outlined on page 15-2.3-14 of Exhibit A.

Commissioner Peek asked if Planner Whetstone was referring to page numbers and not the Section number. Director Eddington pointed out that the page numbers for Exhibit A were identified in the top right hand corner of the page. Planner Whetstone noted that the page numbers look like section numbers.

Planner Whetstone summarized that the changes were primarily purpose statements, site and lot requirements, and added language regarding Master Planned Developments.

Commissioner Peek noted that Section 15-2.3-8 previously said "special requirements for Sub-Zone A." He asked if they were eliminating all the allowed uses by modifying that sentence, as reflected on page 15-2.3-14. Planner Whetstone replied that the section of allowed uses did not

refer readers to this section. Therefore, an allowed use is subject to special requirements. She noted that previously all the conditional uses had a footnote that referred the reader to Sub-Zone B, which is a general sub zone, or to Sub-zone A only if they meet the requirements.

Director Eddington explained that page 15-2.3-14, Section 15-2.3-8 only addresses the Staff's proposal for master planned developments and conditional uses; not allowed uses.

Planner Whetstone referred to page 15-2.3-16, and noted that a 13th criteria was added to the list of criteria, which states, "The maximum facade width on Park Avenue shall be 40 feet". She noted that a duplex could be built on a 50 foot wide lot with a 5 foot setback. To date, consistent with the HR-1 or HR-2 allowed use, someone could construct a 40 foot wide structure. Based on the discussion, Director Eddington revised the language to read, "The maximum front facade length of any structure is limited to 40 feet." Commissioner Peek asked if they were talking about building width or facade. He noted that if the building is articulated, it could result in a much wider building. He was concerned about forcing creative retaining solutions to create an underground element.

Director Eddington stated that when the language was drafted the Staff was not concerned with subterranean sections below ground. That language could be changed if the Commissioners had concerns. Commissioner Peek wanted to know what would separate the building elements from the below ground elements. He asked if the policy of returning the finished grade within four feet of existing grade applied to the HR-2 District Sub-Zone A. Director Eddington explained that returning to grade was applicable for a steep slope CUP, not for the HR-2.

The Staff and the Commissioners discussed height and scenarios relative to the 4' final grade rule. Chair Wintzer stated that he had previous concerns with height exceptions and expressed his concern to Director Eddington. Director Eddington spent time explaining that height exceptions allow variation in architecture to avoid having everything look the same. Chair Wintzer remarked that after hearing the explanation he understood the reason and was more willing to look at height exceptions.

Planner Whetstone pointed out that page 107 of the Staff report outlined proposed modifications to the language on height exceptions is an effort to allow incentives and better designs for the east side of Park Avenue. Planner Whetstone referred to a bullet point stating that no height exceptions are allowed through the MPD process. She noted that the bullet point should be struck for now because the Staff wanted input and direction from the Planning Commission on that matter.

Planner Whetstone referred to Page 124 of the Staff report and read the proposed changes under the Building Height section. Director Eddington stated that the intent was to add additional criteria that gives the Planning Commission the ability to look at a proposed height exception and determine whether it is compatible with the neighborhood. If it is not compatible, the Planning Commission has the ability to say no.

Chair Winter pointed out that the language may say "compatible with adjacent structures". However, even if it is compatible, sometimes those are structures they would not want

duplicated. Director Eddington stated that the proposed language allows the Planning Commission to look at compatibility with the fabric of the entire neighborhood as opposed to one or two structures.

Commissioner Pettit did not think the language was clear in indicating that it was the entire fabric of the neighborhood. The Commissioners concurred that the word "neighboring" should be changed to "neighborhood" for clarification.

Commissioner Peek asked if there were pending applications that would go to the Board of Adjustment if a height limitation was included in the language. Director Eddington replied that none of the current applications would be affected.

Planner Whetstone showed slides that demonstrated the proposed versus the existing zoning on specific properties and what could be built. Commissioner Peek pointed out that technically four stories could be built on the Park Avenue side. Director Eddington replied that a height exception would be required to go beyond three stories. Commissioner Peek clarified that the only way to get a height exception is through an MPD. Director Eddington replied that this was correct.

Planner Whetstone referred to page 129 of the Staff report and reviewed the proposed changes for calculating floor area for support commercial and meeting space within residential master planned developments.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input, and forward a positive recommendation to the City Council for the Code amendments outlined in the Staff report and discussed this evening.

Commissioner Peek referred to 15-2.43-9, Special Requirements for Sub-Zone B; #4, Historic District Design Guidelines and suggested that "Historic District Design Guidelines" be removed, since that language was eliminated from other sections. Planner Whetstone agreed, noting that they are now called Historic Sites and Historic District Guidelines.

Commissioner Peek requested further discussion on the language regarding the four-foot backfill issue. Chair Wintzer noted that the Staff had requested input on each of the bullet items listed on page 107 of the Staff report.

Chair Wintzer opened the public hearing.

Craig Elliott suggested further discussion on the solar panels. As a user of the process and a representative of property owners, he noted that the Historic District Design Process would take 90 to 120 days. If someone submits a request in May to put in a solar hot water heater, they would not have approval until the end of the summer. He asked if that scenario or something similar could be considered in the process to allow the Planning Director the opportunity to make that decision subjectively. He believed it would have some value to the owners. Mr. Elliott understood the concerns regarding giant solar panels on small houses, but he doubted that could occur without going through the HDDR process.

Doug Stephens referred to Section 15-2.3-5, existing historic structures, and asked for clarification on detached single car garages. He asked if that language applied only to historic structures or to all of the HR-2 District.

Planner Whetstone explained that it was existing language for historic structures with added language stating that "detached single car garages that do not contain habitable Floor area. She noted that the language was primarily to require basements under a structure to meet certain setbacks. Planner Whetstone remarked that the language was added to address the possibility of a detached single car garage as an exception with a required conditional use permit, as long as the garage does not contain habitable floor area.

Mr. Stephens understood that the exception was for setbacks. He asked if there were also exceptions for the building footprint.

Director Eddington replied that building footprint was addressed in a different section of the Code. Planner Whetstone recalled language regarding accessory structures and whether they are counted as floor area.

Mr. Stephens remarked that the language Planner Whetstone referred to related to historic accessory structures and those would be counted towards floor area. Mr. Stephens pointed out that if he had a building footprint of 850 square feet and he lost 240 square feet for a garage, he would not do it. He felt they should relook at the formula to see how they could encourage flexibility in design, because no one would do that with a garage and they will never change that position.

Mr. Elliott had sketched a drawing of a house and garage to support Mr. Stephens comments for allowing creativity with garages.

Planner Whetstone offered to discuss it further with the Staff and come back with possible changes to the language.

Ruth Meintsma stated that when she walks around Old Town and sees a single detached garage on the street with no setbacks, she finds it more attractive than a car sitting in a driveway.

Commissioner Peek suggested that they promote detached garages to help address the parking requirements and snow storage easements required by the City. Director Eddington stated that during the design guidelines discussion, they looked at ways to incentivize doing that, but the issue was always the same. It detracts from the footprint. If they put a garage in the house, they still have a story above and a story below, which is three times the volume in the same footprint. He believed they would need to find an incentive greater than putting it in to the house. If they want to incentivize this type of historic re-creation, there needs to be a give and take, and they have not yet done that. Director Eddington noted that the historic guidelines encourage detached single-car garages, but economically no one will do it if they have to give up a story above and a story below. The Staff would need to draft language and bring it back to

the Planning Commission.

Commissioner Pettit felt the issue goes back to the conversation regarding the Crested Butte City Tour. That community helped create financial incentives for historic preservation by allowing accessory units that could also be used as affordable housing. Commissioner Pettit believed there are ways to create incentives that help people maintain their historic structures. She suggested that the Staff revisit the language.

Chair Wintzer closed the public hearing.

Commissioner Pettit asked if the Planning Commission should parse out the amendments they were comfortable with and take action on those this evening. Director Eddington replied that they could take that approach or they could keep all the amendments together and forward them as a package once the Staff has an opportunity to address the issues raised this evening.

Commissioner Peek summarized the issues that needed further review, which included the building footprint, the detached garage, and the backfill issue of existing grade versus finished grade.

Chair Wintzer requested discussion on the private residence club. He also noted that some of the language indicates the ability to enter a parking structure from Main Street. He was concerned that doing so would preclude the ability to ever close Main Street to traffic.

Commissioner Pettit concurred. She recalled previous discussions for making Main Street more vibrant by pulling away the cars and creating outdoor experiences that would vitalize the area and make it more attractive to visitors. If they start to create access situations on or off Main Street, it eliminates the likelihood of changing Main Street.

Commissioner Peek asked if eliminating the auto on Park Avenue takes precedence over Main Street. Chair Wintzer stated that in the past Park City held a Winter Fest for two days each year where they they would close Main Street and have ski races on the street. He was concerned that connecting the access to Park Avenue would eliminate those possibilities.

Chair Wintzer believed the purpose statements for the HR-2 zone do a great job of requiring things to fit within the neighborhood. However, he did not think a private residence club fit within the purpose statements. He asked the Staff to relook at the language to make sure it would not allow private residence clubs.

The Staff and Planning Commission discussed parking access off Main Street. Chair Wintzer stated that parking that supports Park Avenue should enter off of Park Avenue. Director Eddington agreed that access should be off of Park Avenue for residential structures on Park Avenue. He believed that everyone else would do a payment in-lieu and find a parking garage rather than try to find parking on Main Street.

Planner Whetstone expressed her preference to keep the amendments together and forward them as one package to the City Council.

Commissioner Pettit stated that she understood the point Mr. Elliott had made regarding solar water tanks and the timing of the HDDR process. However, she needed to better understand how to implement green elements in the historic district before she was comfortable making any decisions. Commissioner Pettit favored the suggestion by Chair Wintzer to schedule time to have that conversation.

Chair Wintzer agreed with Mr. Elliott, that if the City makes it harder to go green, people will not do it. They need to find a way to feel comfortable that it fits within the zone and to make it easier. People should be rewarded for going green, not penalized. Chair Wintzer requested that the Staff come back with guidelines for green roofs, solar panels, etc. Chair Wintzer believed there would be trade-offs and that they may have to give away some preservation in order to become more green.

Commissioner Pettit needed time to think through the height exception discussion in the MPD section and whether they should include language that ties in to the HR-2 section of the Land Management Code. She offered to read through those sections and if necessary, provide language to the Staff prior to the next meeting.

Chair Wintzer encouraged the Commissioners to talk to the Staff outside of Planning Commission meetings if they have questions or concerns. He has personally done that and found it to be very helpful in terms of understanding things that may not be clear in the Staff report or during a meeting.

MOTION: Commissioner Pettit moved to CONTINUE the LMC Amendments for Chapters 2.3, 5, 6,10 and 11 to February 24, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Treasure Hill
Author: Katie Cattan
Application #: PL-08-00370
Date: February 10, 2010
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review mass, scale, and compatibility of the Treasure Hill Conditional Use Permit (CUP) as reflected in the model and presented by the applicant, open a public hearing, and provide the applicant with clear direction. The public hearing should be continued to April 14, 2010.

Topic

Applicant: MPE, Inc.
Location: Creole Gulch and Mid-station of Sweeney Properties MPD
Zoning: Estate MPD (E-MPD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Sweeney MPD
Topic of Discussion: Mass, scale and compatibility

Staff Memo

The applicant will be presenting a model of the development within the context of the surrounding community. Other than the model, no new information has been received by the Planning Staff. The previous staff report from the September 23, 2009 Planning Commission meeting was not fully discussed during the Planning Commission meeting. The applicant had asked the Planning Commission to allow them more time to respond to the staff report. No written response has been received by staff at the time of writing this memo. The staff report and minutes of the September 23, 2009 meeting are relevant to this meeting and are attached as Exhibits A and B.

The following Conditional Use Permit Criteria and the model are the topic of focus for this meeting:

8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The applicant has requested that the Planning Commission provide the applicant with clear direction regarding the design of the project. The model will also be available after the Planning Commission meeting in the Planning Department for the public to view. Appointments should be made with Planner Cattan (kcattan@parkcity.org) to view the model.

Exhibits

- Exhibit A: September 23, 2009 Staff Report
- Exhibit B: September 23, 2009 Meeting Minutes
- Exhibit C: New public comment

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Treasure Hill
Author: Katie Cattan
Date: September 23, 2009
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review mass, scale, and compatibility of the Treasure Hill Conditional Use Permit (CUP) as analyzed in the staff report and presented by the applicant, and discuss the project as a work session item. A public hearing shall follow the work session during the regular meeting. The public hearing should be continued to November 11, 2009.

Topic

Applicant: MPE, Inc.
Location: Creole Gulch and Mid-station of Sweeney Properties MPD
Zoning: Estate MPD (E-MPD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Sweeney MPD
Topic of Discussion: TRAFFIC

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The Hillside properties consist of Creole Gulch and the Mid-station. These Hillside properties are the last two parcels to be developed within the SPMP. The following is the maximum density allowed for each of the parcels:

Creole Gulch	7.75 acres
161.5 residential UEs	
15.5 commercial UEs	
Mid-station	3.75 acres
35.5 residential UEs	
3.5 commercial UEs	
Total	11.5 acres
197 residential UEs	
19 commercial UEs	

A residential UE is 2000 square feet and a commercial UE is 1000 square feet. Per the MPD, commercial UEs may only be used for support commercial use.

Under the SPMP, each development parcel is required to attain the approval of a Conditional Use Permit from the Planning Commission. On January 13, 2004, the

applicant submitted a Conditional Use Permit application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 until April 26, 2006 in a series of twenty-three (23) previous meetings.

The focus of this staff report is on CUP criteria 8, 11, and 15. These criteria were previously discussed during Planning Commission meetings on August 11, 2004, August 25th, 2004, January 11, 2006, and January 25, 2006. The staff reports and minutes of these meetings are available at <http://www.parkcity.org/citydepartments/planning/treasurehill.html>. During these meetings the Planning Commission identified the need of additional information to complete the review the criteria. The Planning Commission requested a model representing the massing of the project (Exhibit A – computer model), more specific architectural detailing of buildings, visual analysis from key vantage points (Exhibit B), and a streetscape (Exhibit C). Another focus of the discussion was the review of criterion 11 and the possibility of setting up a design review task force to evaluate the style, design, and architectural detailing of the project.

Summary of Recent Previous Meetings

January 7, 2009 - Planning Commission - Overview

Reviewed history of the original Sweeney Properties Master Plan, outlined the current review criteria for the current Conditional Use Permit, reviewed affordable housing plan (recommended on-site units), discussed review process, and setbacks.

February 11, 2009 – Planning Commission – Traffic

Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic. Staff outlined four issues raised within the previous Planning Commission review followed with specific questions. The topics were proposed use and traffic generation, pedestrian circulation, on-site parking, and displaced parking

February 26, 2009 – Housing Authority- Employee Housing

During this meeting, the Housing Authority directed the applicant to place the employee housing onsite.

April 22, 2009 – Planning Commission – Traffic

Attorney Jody Burnett, who had been retained as independent counsel to render an advisory opinion on the issue of vested rights for the Sweeney MPD presented his findings. Next, the applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting that were outlined by staff in a letter. In general, the Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed. (Note: Due to an issue with the recording device, the minutes of April 22, 2009 meeting are not currently available. A full recording has been obtained but the minutes have not been adopted.)

July 22, 2009 – Planning Commission – Traffic

Applicant presented customized approach to pedestrian mitigation. Continued concern for snow removal cost and management, location of improvements, width of streets, and onsite parking. Commission Wintzer submitted a list of suggestions for traffic mitigation.

August 24, 2009 – Planning Commission Work Session site visit

Analysis

Support Commercial Incompliance

Staff calculation of maximum possible additional Support Commercial and Meeting Space

The Treasure site is allowed 197 Unit Equivalents (UEs) of residential and 19 UEs of commercial area under the MPD. Of the 19 UEs of commercial, 15.5 were allocated to the Creole Site and 3.5 were allocated to the Mid-Station site. The MPD was approved under the 1985 Land Management Code. Any additional support commercial and meeting space areas above the 19 UEs must be in compliance with the LMC at the time of the MPD vesting. These figures are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. Any additional support commercial above the 19 UEs is not vested.

Staff utilized Section 10.12 of the 1985 LMC to quantify the maximum possible additional support commercial and meeting space. The 1985 LMC section 10.12 Unit Equivalents states:

“Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.

Staff calculated the floor area of the hotel (ONLY) and quantified the possible 5% support commercial of the total floor area of the hotel. Staff calculated total floor area of the hotel not including the additional proposed commercial area and meeting space.

(Floor area of Hotel)(.05) = possible maximum Support Commercial and Meeting Space combined.

The hotel area is located within Building 4b. The total floor area of the hotel (not including the commercial and meeting space) is 234,803 square feet. Five percent of 234,803 square feet is 11,740 square feet. The applicant currently has 49,539 of support commercial/meeting space proposed above the 19 UEs allowed under within the MPD. The current application is 37,799 square feet above the maximum possible allowance (11,740 square feet). Also, this calculation is assuming that the Planning Commission will allow all the commercial units to be located on the Creole Site. Within

the MPD, 15.5 UEs of commercial were allocated to the Creole Site and 3.5 UEs of commercial were allocated to the Mid-Station Site.

Staff finds that the proposed support commercial exceeds the 1985 LMC maximum allowance.

	Sweeney MPD	Proposed	Compliance
Residential Units	197	196.96	Complies
Commercial Units	19	18.86	Complies with total, but allocation per site does not comply
Support Commercial	5% of hotel is 11,740	49,539	Exceeds allowed amount by 37,799

The original MPD entitled 19 unit equivalents of commercial, divided into Mid-Station (3.5 UEs) and Creole (15.5 UEs). Any additional commercial area is not vested under the MPD and staff finds that such additional area will add impacts to the development which cannot be mitigated. Not only does the additional space create larger buildings and massing, but also additional traffic from deliveries and employees. These impacts are contrary to the original MPD approval and not vested density. The applicant must mitigate all impacts to additional support commercial

The applicant does not agree with staff's methodology for calculating support commercial.

Applicant calculation of Support Commercial and Meeting Space:

The applicant has utilized today's code to calculate the support commercial area and meeting space within the development. They have calculated the total gross floor area of all the buildings per the current LMC definition. They have added together the gross floor area of ALL the buildings within the project because the buildings are either hotels or will be recorded as nightly rental condominium. The total Gross Floor Area calculated by the applicant is 682,001 square feet. 5% of 682,001 is 34,105 square feet.

Project Totals:

Commercial UEs	18,863 square feet
Support Commercial	33,412 square feet
Meeting Space	16,127 square feet
Gross Floor Area	682,001 square feet

NOTE: The applicant also added the square footage of the support commercial and meeting space in the Gross Floor Area calculation. These numbers should not have been included in the calculation. These figures are

Bldg. 4A	21,100 sq. ft. support commercial
Bldg. 4A	16,127 sq. ft. meeting space
Bldg. 4B	5,626 sq. ft. support commercial

Bldg. 5C 6,686 sq. ft. support commercial

Total 49,539 sq. ft.

$682,001 - 49,539 = 632,462$

$5\% \text{ of } 632,462 = 31,623.1$

Current LMC reference:

15-6-8 (C) Within a hotel or nightly rental condominium project, up to five percent of the total Gross Floor Area may be dedicated to support commercial uses, which shall not count against any allotted commercial unit equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total gross floor area will be required to use commercial unit equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor area can be support Commercial Uses and no other commercial uses will be allowed.

15-6-8 (D) Within a hotel or condominium project, up to five percent (5%) of the total gross floor area may be dedicated for meeting room space without the use of unit equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial unit equivalents. Any square footage which is not used in the five percent support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial unit equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and uses. These accessory meeting spaces do not require the use of unit equivalents.

By the applicants calculation, the project could have up to an additional 31,623 sf of support commercial and 31,623 sf of meeting space.

Independent public advisory opinion from Attorney Jody K Burnett

The City Council hired Attorney Jody K. Burnett to provide an independent public advisory regarding vesting of the original MPD. Attorney Burnett reviewed the support commercial in terms of vesting. The following is from the letter to the Park City Planning Commission from Attorney Jody Burnett dated April 22, 2009:

Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 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 you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.

Sweeney Master Plan Development Parameters and Conditions

Development parameter and condition #3 of the Sweeney Master Plan states

“The approved densities are those attached as an exhibit and shall be limited to the maximums identified thereon. Parking shall be provided on-site in the enclosed structures and reviewed in accordance with either the table on the approved restrictions and requirements exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas. “

Staff Conclusion on support commercial.

Staff finds that any support commercial over 5% of the total floor area within specific hotels must count towards the MPD 19 unit equivalents. Even if the Planning Commission agrees with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and MPD/CUP review (if you allow the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original MPD and require re-opening the entire MPD). Addition support commercial causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Rather than focus on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the level of mitigation. The developer has vested rights to 19,000 square feet of support commercial and 5% of the hotel area as long as impacts are mitigated within the CUP review.

Discussion Points

1. Does the Planning Commission agree with Staff's analysis on support commercial?
2. The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the

applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.

Difference in approved MPD and current application

The MPD which was approved by the City Council on October 16, 1986, included exhibits showing calculations for the units within the project. Two major differences have been identified in the review by staff of the current project versus the original master plan approval.

1. The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.
2. The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.

Evolution in Square Footage

The original MPD exhibits did not quantify total square footage. The original MPD exhibits showed the total unit equivalents utilized within the Creole and Mid-station sites. The totals represented are 197 UEs of residential and 19 UEs of support commercial. No additional support commercial was shown on these exhibits. Parking was also shown on the original MPD exhibits with 464 total parking spaces and approximately 203,695 square feet of area.

The original CUP application in 2004 for Planning Commission review was a total of 849,007 square feet. The following is a breakdown of the project from the 2004 submittal.

Use	Square Footage
Support Commercial	22,653
Residential	483,359
Ancillary	86,037
Parking	256,958
Total	849,007

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. The revisions to the plan (that are now the current application under review) include an additional 186,010 square feet. The following is a breakdown of the current submittal.

Use	Square Footage
Support Commercial	18,863
Residential	393,911
Additional Support Commercial	33,412
Additional meeting space	16,127
Circulation, common space, accessory space	309,511
Parking	245,063
Total	1,016,887

The additional space has been added to the support commercial, meeting space, circulation, common space, and accessory space since the original 2004 submittal. This increase in area accounts for 16.5% of the current total square footage of the project.

The proposed square footage of this project does not comply with the purpose statements of the Land Management Code and the goals and actions listed within the General Plan. Within the MPD, the area was assigned a specific number of unit equivalents. The way in which these unit equivalents are designed within the project area must meet the purpose statements of the zone and the General Plan.

The project is located in the Estate zoning district of Park City. The purpose statements within the Estate zone, purpose statement 8 states “encourage comprehensive, efficient, compatible development which results in distinct and cohesive neighborhoods through application of the sensitive lands ordinance.” Although the application is not required to meet the standards of the SLO, the design should be efficient and compatible. The current application is excessive and inefficient.

Within Chapter 2 of the Park City General Plan several goals are stated that address massing and scale. Specifically,

“new development, both commercial and residential, should be modest in scale and utilize historic and natural buildings materials. New structures should blend in with the landscape. “

“Preserve an attractive, healthy environment with clean air and natural landscapes. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle and the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen structures and preserve the natural quality of the landscape.”

“Park City should manage new development to control the phasing, type, appearance, location, and quantity of community growth by adopting and enforcing growth management strategies”

“The community’s growth should be managed so that direct and indirect adverse impacts can be anticipated, identified, and mitigated to the extent possible.”

The intent of Chapter 3, the Community Character Element of the Park City General Plan, is to “sustain the character and image of the Park City community through specific policies, recommendations, and actions that will accomplish the primary goal of maintaining the community’s development patterns and way of life”. Within this section the downtown area is described as “with its historic character marked by buildings of simple design, modest scale, and modest height, is the community’s “crown jewel.” The discussion continues with “new commercial and residential development, modest in scale, and utilizing historic and natural building materials”. Staff has concerns with the

scale of the project. The amount of circulation area, lobby areas, parking circulation, etc. are not modest in scale and compatible to the surrounding area.

Discussion point

3. Staff requests discussion and direction on additional square footage.

Conditional Use Permit Criteria Analysis

Standard of Review for Conditional Use Permit

Land Management Code: Conditional Use Permit 15-1-10:

“The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.”

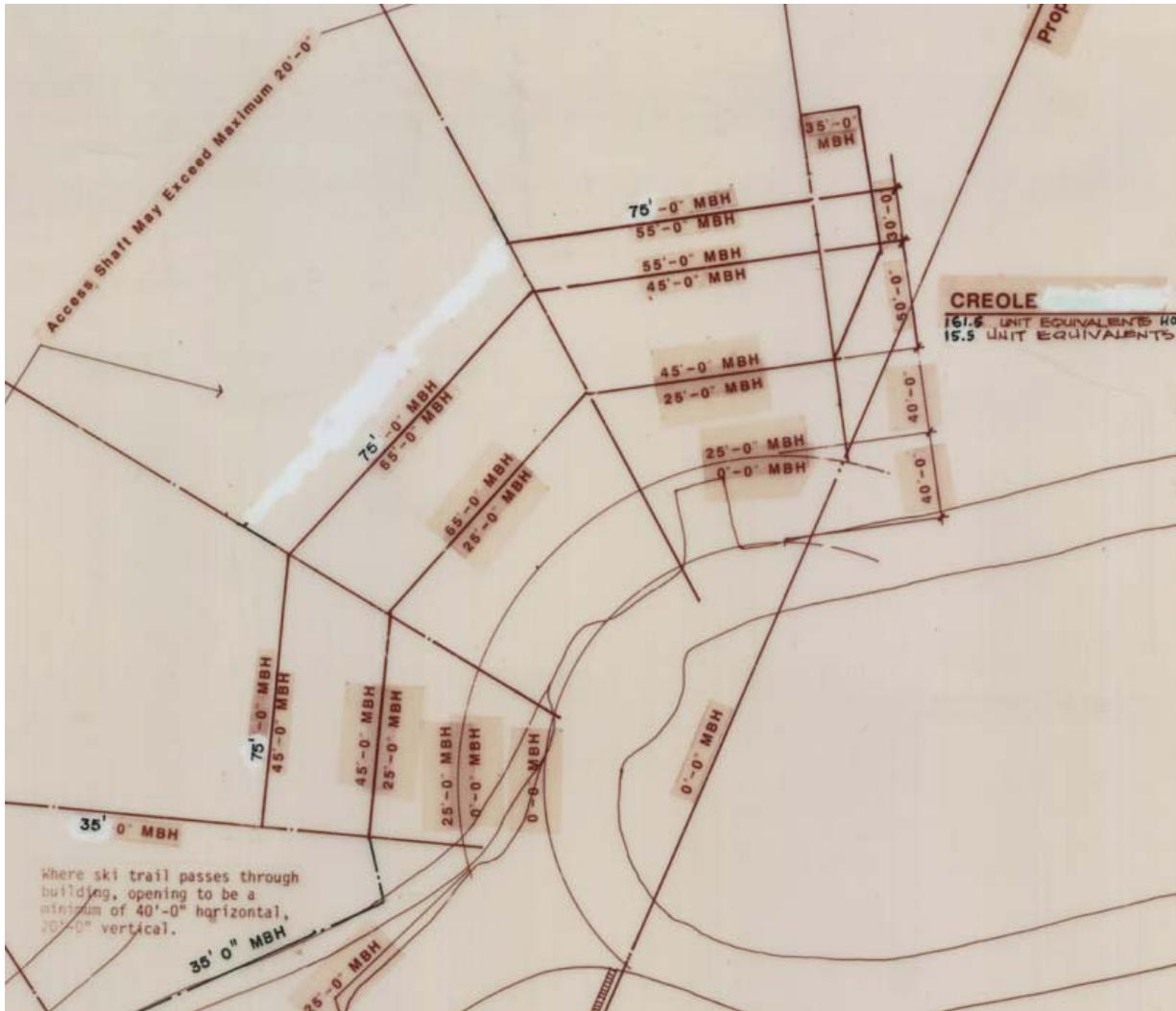
The Planning Department and Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of the following criteria related to mass, bulk, scale, compatibility, design, and site design:

- 8. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
- 11. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;
- 15. within and adjoining the site impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

Criteria 8. Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;

The 1986 MPD approval set standards for increased density and increased height on the site. The MPD set height envelopes over the site which increased the allowed height from the front to the rear lot lines. The area closest to the front lot line along the Lowell Avenue/Empire Avenue switchback was set at a 0’ maximum building height. The maximum building height increases in steps from the front property line. Maximum elevations were also set within the MPD. The mid-station maximum elevation was set at 7420 feet and 7275 feet for Creole. The current application complies with the height requirements set forth in the MPD, yet the design modifies existing grade well beyond the anticipated amounts shown in the exhibits of the MPD.

The following is a portion of the Creole Height diagram from the MPD exhibits page 22.



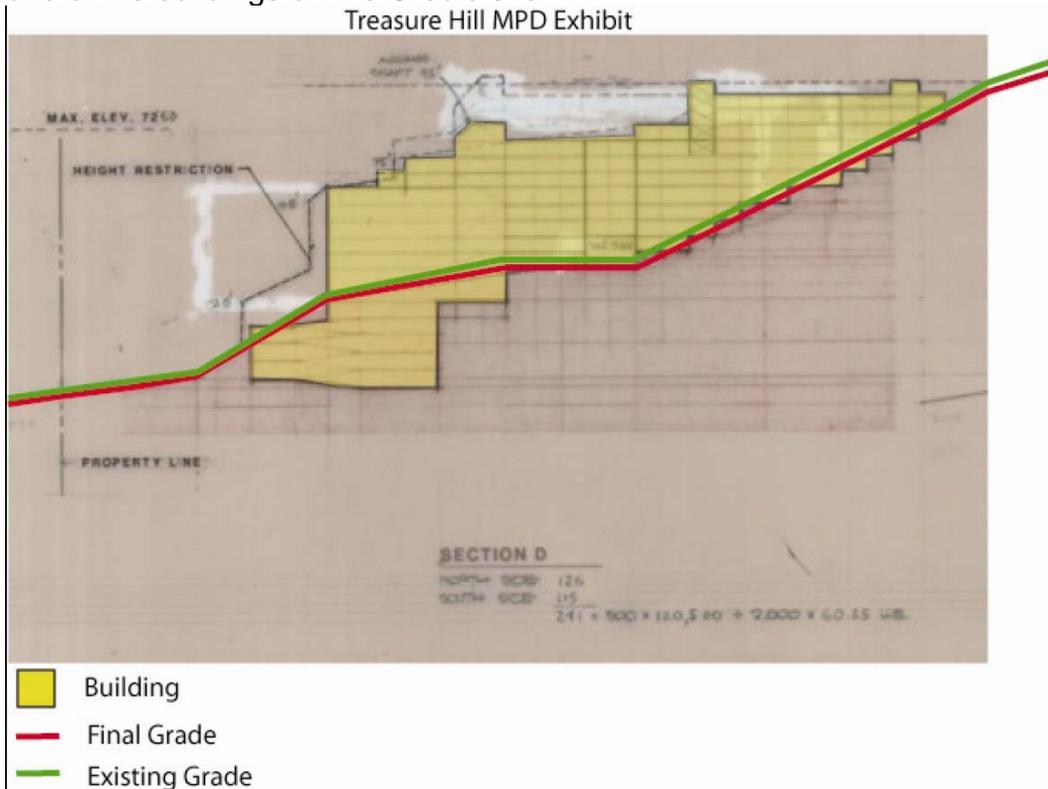
This MPD exhibits designated the areas that the buildings could be built within the development parcel. The second guiding document is the conditions of approval for the MPD in which maximum height envelopes were defined. The following is from the findings within the MPD approval.

* Reflects City Council's 10.16.86 modifications.*

- (d) The Town Lift Mid-Station development is restricted to a maximum height of 35' for at least 90% of the total unit equivalent volume of all above-grade buildings (exclusive of elevator shafts, mechanical equipment, and non-habitable areas) and an overall average height of less than 25' measured from natural, undisturbed grade. Additionally, no portion of any building shall exceed the elevation of 7240' above mean sea level.
- (e) The Creole Gulch site shall be limited to a maximum building height of 75' for at least 83% of the total unit equivalent volume of all above-grade buildings combined. An average overall height of less than 45' shall be provided and no portion of any building shall exceed either elevation 7250' for the eastern-most building or the elevation of 7275' for the balance of the project (above mean sea level).

The above building height restrictions are in accordance with the approved Restrictions and Requirements Exhibits submitted, and are in addition to all other codes, ordinances, and standards.

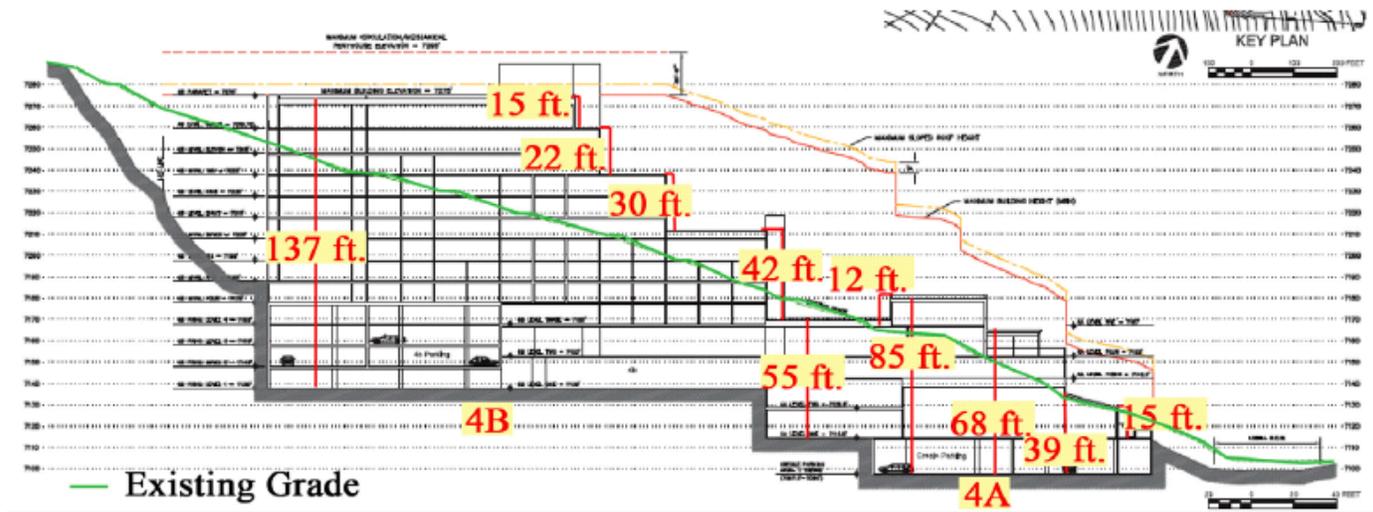
Staff finds that the excess square footage included in the project that is influencing the building massing and bulk. The building mass and bulk is also influencing the orientation of the buildings on the site. The original MPD exhibits were to be utilized as guiding documents. The following is from Exhibit 19 and is an architectural section of one of the buildings on the Creole site.



The building steps with the grade on the site and manages to keep final grade (after construction) close to existing grade (pre-construction). The majority of the area shown below grade is for the parking.

The current application places more massing and bulk below the existing grade. Not only is the massing placed below the existing grade, the grade is then altered dramatically creating taller building walls, taller retaining walls, and greater massing. The following is a section through Creole site plan of the project. The green line is existing grade. The red line is the maximum height envelope. By creating a lower final grade, the buildings appear taller and the bulk and massing becomes larger. The pedestrian walking through the project will experience higher building walls due to the change in final grade. Also, the view from other parts of town (Exhibit B) is of building with greater massing due to the change in final grade from existing.

Building Elevations, 4A & 4B



Staff expects grade to be altered on the unique, steep site in order to accommodate the amount of density allowed on this site, exterior circulation, and parking. The extent to which existing grade is being altered is far beyond the anticipated amount within the MPD and is creating greater impacts to mass and scale. The MPD was clear that the height measurement would occur from natural grade and were within height envelopes. By modifying natural grade over 100 feet, the height envelopes do not serve the purpose for which they were created.

Staff also expects that the hotel use will necessitate storage and accessory use. Planning to have accessory space and additional storage under ground is an effective means to mitigating massing and bulk above ground. Staff finds that the current design is very excessive in the amount of accessory space, storage, and circulation which is creating impacts on the overall massing and bulk of the buildings. Within Exhibit A, staff has calculated the common space, circulation, and accessory space as a percentage of each building. The percentage is up to 41% in some buildings creating an inefficient design. Also, as discussed previously, the application exceeds the possible maximum

support commercial and meeting space. The design is excessive and beyond the limit of the MPD.

Discussion Point

4. Should the design be revised to become more efficient and comply with the limits of the MPD?

Criteria 11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;

Compatibility with the surrounding structures in mass and scale must be considered within the rights of the Sweeney master plan. The master plan created an area of greater height allowances and density next to a historic neighborhood with low height and medium density. The MPD essentially created a new zone with height envelopes and greater density adjacent to the HR-1 zone, Estate zone, and open-space. The Planning Commission must find compatibility with surrounding structures within the higher density already approved.

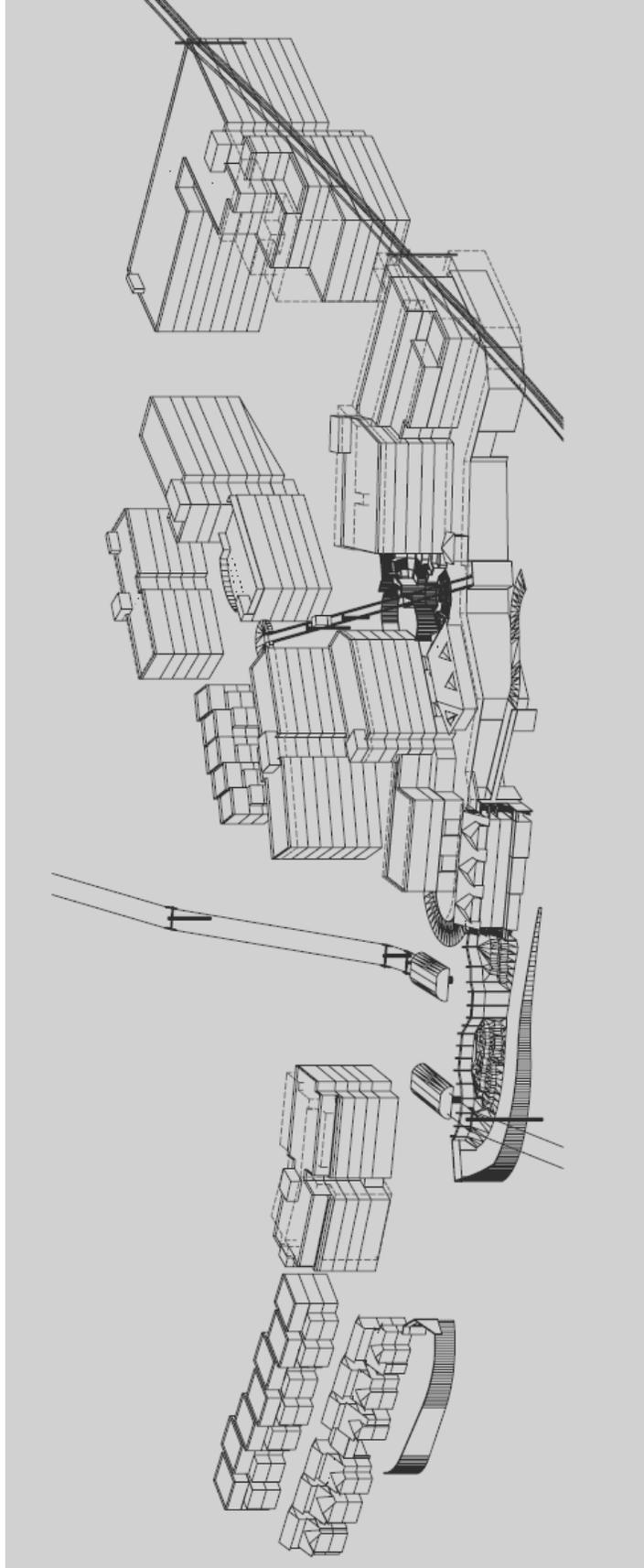
Staff acknowledges that it will be difficult to achieve a project massing that is similar to the existing neighborhood context given the previously approved density and volumetrics set forth in the MPD. The Sweeney Master Plan anticipated the difficulty of designing higher density adjacent to the historic district. The following is from the analysis section of the 1985 Master Plan staff report:

“Scale: The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations. The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach. The sites along Park Avenue have been conceptually planned to minimize scale and have provided stepped facades and smaller-scale buildings to serve as a transition.”

The objective of the administrative application of the CUP criteria is to determine whether or not the proposed project provides sufficient stepping of building masses, reasonable horizontal and vertical separation between the proposed buildings and adjacent structures, and an adequate peripheral buffer so as to limit the potential for larger building masses looming over smaller adjacent structures.

During the 2004 – 2006 review of the conditional use permit, the applicant modified the 2004 submittal once during the review. The changes to mass and scale were presented during the October 13, 2004 Planning Commission meeting. The applicant lowered the

entire project into the ground by 2-3 feet and compressed floor to floor dimensions to reduce entire heights by 5 to 10 feet. The applicant also shifted building volumetrics from the northern edge to the center and back of the project on buildings. The applicant also decreased the wall heights through out the project. The following shows the changes that were made in 2004.



Staff continues to have concerns for massing within specific buildings. The areas of largest concern from a visual massing and streetscape compatibility perspective are circled in the following site plan. The visual massing of buildings 3b and 5a are of concern due to the visible location of these buildings from Main Street and Heber as well as driving up Empire Avenue and Lowell Avenue. Staff continues to have concern with compatibility of the development along the Empire Avenue and Lowell Avenue switchback. There is a dramatic contrast between the project's streetscape and the adjacent residential streetscape. Staff would recommend that the applicant make this area more compatible with the adjacent streetscape.



The following is the streetscape provided by the applicant. Staff recommends that the applicant improve the streetscape to show the entire visual experience for a pedestrian walking by the development with all portions of the development that are visible to be shown.



The applicant has also submitted animations of driving along Empire and Lowell Avenue. These are available online at http://www.treasureparkcity.com/subdocs_d.html within file A.8.1A, file A.8.1B, and file A.8.1C.

relocated from the site. The plan includes moving excavate material up the mountain on a conveyor system to re-grade portions of the ski runs. The excavation management plan includes the areas on the mountain which will be re-graded. This methodology creates less construction traffic on the adjacent streets. The overall impact of excavating 960,000 cubic yards of existing earth will be a great impact to the site and the existing topography.

There is significant mine waste on the development site. The Park City Environmental Coordinator is not in agreement with the applicant's environmental proposal. The development is within the Spiro Drinking Water protection zone. All contaminated materials must be handled to meet local, state, and federal regulations. The letters written between the Environmental Coordinator and the applicant are attached as Exhibit C. The primary focus of this report is mass, scale, and compatibility. Because topography is being drastically altered due to design, it is appropriate to bring the environmental issues into the discussion during this review. The Park City Environmental Coordinator will be attending the Planning Commission meeting.

Discussion Point

8. Are the proposed structures appropriate to the topography of the site?

Summary Recommendations

Staff recommends that the Planning Commission discuss the Conditional Use Criteria 8, 11, and 15 and provide the applicant clear direction on whether or not the plan will need to be amended in order to receive approval. If the Planning Commission seeks further mitigation, staff asks that specific issues be identified which must be mitigation. Staff also requests that the Planning Commission discuss the idea of creating a separate design review task force.

Summary Discussion Points

1. Does the Planning Commission agree with Staff's analysis on support commercial?
2. The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.
3. Staff requests discussion and direction on additional square footage.
4. Should the design be revised to become more efficient and comply with the limits of the MPD?
5. Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings?
6. Does the Planning Commission have other areas of concern not identified by staff?

7. Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?

8. Are the proposed structures appropriate to the topography of the site?

Exhibits

Exhibit A – Computer Model and Sections

Exhibit B – Viewpoint Analysis

Exhibit C – Environmental Correspondences

Exhibit D – Excavation Plan

VOTE: The motion passed unanimously. Commissioner Strachan abstained.

3. Treasure Hill - Conditional Use Permit
(Application #PL-08-00370)

Kyra Parkhurst, a resident on Empire Avenue, had prepared a model of Lowell and Empire using Legos to address issues regarding Criteria 11, physical design and compatibility with the surrounding structures in mass, scale and design. Ms. Parkhurst was concerned that the development was located in the middle of the historic district surrounded by homes and structures that were built in line with the Historic District Building Codes. She had used the Summit County tax records to find addresses and to determine the square footage of each home. Ms. Parkhurst reviewed the model to show the size and scale of various structures in the area. She felt it demonstrated what Treasure Hill would look like in comparison and what people would visually see as they travel up and down Lowell and Empire to reach Treasure Hill.

Ms. Parkhurst stated that when she did the model she had forgotten the North Star homes, and they would be the most impacted. The model did not include vacant lots and homes that were not found in the tax records. Ms. Parkhurst noted that the average home size in the area was 1700 square feet. She explained that she had used the visuals contained in the Staff report to create models for each building in Treasure Hill and what it would look like standing in front of the structure looking up. She had labeled every building of the project indicating the use and the square footage.

Ms. Parkhurst provided a disclaimer stating that the model was not true to scale and that anyone should refer to all legal documents and the Treasure Hill website for accurate renderings. Ms. Parkhurst did not believe the Treasure Hill project was compatible with the mass and scale of the existing structures.

Rich Wyman stated that more than ten years ago he, Dana Williams, and others started CARG, Citizens Allied for Responsible Growth, to fight the Flagstaff Development. That project exceeded the MPD and for five years the City and the public hashed out the issues. Flagstaff was eventually approved, but the end result was less than half of what the applicants originally proposed. Mr. Wyman remarked that just like the Sweeney's, the United Park City Mining Company told everyone that they had a right to their proposal and everyone needed that development. Just like the Sweeney's, UPCMC tried to tell everyone how much better Park City would be with their development. Mr. Wyman stated that it did not work then and it will not work now.

Mr. Wyman explained that in addition to being approved for less than what was approved, UPCMC ended up putting huge pieces of prime property under permanent open space protection. The project was later sold two or three times before it was purchased by Talisker. With each sell, the new owners came back to the City requesting more than what was originally approved. They now have Talisker's development up Empire Pass, to the objection of many people. Mr. Wyman believed that the Sweeney's hope to do the same. In his opinion, they only care about getting their money rather than what it would do to Park City. Mr. Wyman stated that Park City's historic district would be dwarfed and crushed by this proposal. He noted that the General Plan states that development should not have a negative impact on Park City's

historic district and character. He believes that everything about this development has a negative impact on Park City's historic district and character. The proposed development violates traffic and safety guidelines. It violates zoning guidelines with its massive excavation and excessive height and square footage. Mr. Wyman stated that the proposed development was reviewed in 2004 and 2006 and sent back to the developers for review and revision. The applicant came back with an even larger proposal. Mr. Wyman urged the Planning Commission to require that the applicants scale down the size, lower the heights and reduce the excavation and to be in line with the existing grade. They should be made to address traffic and safety issues. The Planning Commission should send the applicants back to make the project fit within the MPD and to fit with the character and charm of Historic Old Town. He suggested that the applicants establish a price and give the City a chance to purchase it for open space. Mr. Wyman believed the applicants should either comply with MPD, sell the land for open space, or just go away.

John Stafsholt, a resident at 633 Woodside, reiterated his previous sentiment that he has the highest respect for the Sweeney family and that his comments are directed to the project itself and not the Sweeney's personally. He thanked Planner Cattan for a fabulous Staff report. Mr. Stafsholt directed his comments to CUP Criteria 15, impacts on environmentally sensitive lands, slope retention and appropriateness of the proposed structure to the topography of the site. Mr. Stafsholt stated that the topography of the site should be respected by the proposed development; however, he did not believe that was the case in the current version of the Treasure Hill project. He remarked that every tree, bush and blade of grass would be removed from the entire 11-1/2 acre site and not just the building locations. Mr. Stafsholt felt that would destabilize the soils in the project, which is directly above Old Town. Mud slides and snow slides have occurred on that site in the past. Through research, he found a 1926 law titled Protection of Standing Timber on Treasure Hill - Dangerous Excavation. Mr. Stafsholt noted that tree cutting on Treasure Hill at that time and moving forward, was punishable by a \$100 fine and/or up to 90 days of hard labor. Going back in history, Mr. Stafsholt stated that there was a deadly slide in Daly Canyon in 1948 and another large slide on the other side of Daly in the late 1960's.

Mr. Stafsholt believed the unexpected consequence of giving the MPD approval with maximum elevations for buildings has turned into a request for unlimited excavation. He stated that the site plan from the developer's engineer, Alta Engineering, calls for an estimated 960,000 cubic yards of excavation. He noted that an average dump truck carries approximately 12 cubic yards of dirt. Mr. Stafsholt remarked that another example for the scale of this excavation is the Montage development in Empire Pass. That project is only slightly smaller than the Treasure Hill development; however, the expected excavation for the Montage was 50,000 cubic yards. Treasure Hill plans to removed 20 times as much dirt as the Montage. Mr. Stafsholt commented on statements from the developer that no dirt would be removed from the site and would instead be relocated on the mountain. He found that hard to be guaranteed when the site includes four mining sites within close proximity to the development and three mining sites have elevated levels of lead and arsenic. Mr. Stafsholt noted that the developer has not provided full geo-technical data. He pointed out that extensive geo-technical work was done for the Montage project prior to building and only four mine operations were found to exist at the Montage site. After excavation was started, an additional four mining operations were found at the site, which

required the Montage developers to remove another unexpected 40,000 cubic yards of dirt. Mr. Stafsholt noted that there is not yet an approved soil remediation plan for Treasure Hill. The plan originally proposed was to take contaminated soil from the Creole Aided up to the Creole Mine Shaft and then dumped down into the mine shaft, which is also contaminated. He noted that the City rejected that plan in a letter dated August 28, 2006. Mr. Stafsholt read from that letter to explain that the Creole Mine Shaft is within the Spiro Drinking Water Source Protection Zone and it has to be protected.

Due to unprecedented excavation and the potential for additional excavation, Mr. Stafsholt believed this version of the development was not appropriate for the topography of the site and slope retention cannot be guaranteed. In addition, it is an environmentally sensitive site that could potentially harm the Spiro drinking water source.

Richard Hughes, a resident of Thaynes Canyon, agreed with the comments regarding the amount of excavation and the de-stabilization of the mountain above Old Town. He provided a number of examples where an entire hill slid down and destroyed multiple homes. Mr. Hughes was sure the Sweeney's have looked into these things, but experts do not always have the right answers. He was very concerned about the destabilization of the hill with the deep excavation proposed. Mr. Hughes also expressed concern with water runoff. A million square feet in a footprint the size of Treasure Hill sitting on top of Old Town could be disastrous in the event of a 100 year storm. The water would run down on top of the people who live on that hill. He has not heard that point discussed and felt it was an important concern.

Vice-Chair Russack continued the public hearing.

Planner Cattan stated that the Staff report had been reviewed by the City Legal Staff and outside Counsel had reviewed the calculations. She offered to provide additional background information if requested, but wanted the Planning Commission to know that her report was supported by the Legal Staff.

Commissioner Wintzer applauded Planner Cattan for a great Staff report and he agreed with all of her conclusions. He was interested in seeing the Sweeney rebuttal in writing for comparison. Commissioner Wintzer stated that the size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. He felt they needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.

Commissioner Peek agreed with the Staff report. He was open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting. Commissioner Peek deferred to the Legal Staff in terms of which era of the Code applies to this project. Regarding excavation, Commissioner Peek stated that in looking at the original MPD, he found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, Commissioner Peek felt the excavation still needed to be

addressed.

Commissioner Pettit concurred with the comments of her fellow Commissioners. She thought the conclusions from the analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies. Commissioner Pettit commented on how the currently proposed project has grown from what was approved under the MPD. She referred to the tables provided on Page 23 of the Staff report, which showed the differences between the MPD and the current proposal in support commercial and residential. She noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential. As she looks through the plans and flips through each level, she is surprised at how much the back of house circulation square footage is built into the additional support commercial and meeting space. Commissioner Pettit clarified that her concerns regarding the increase are less about the support commercial and residential and more about the other additional uses. Commissioner Pettit stated that parking was still a major issue. She believed that in today's world not everyone needs a car, and in some cases should not be allowed to have a car when they come to visit Park City. Commissioner Pettit favored a parking reduction for this project and felt they needed to think proactively about gaining access to Treasure Hill.

Commissioner Pettit understood that the Planning Commission would discuss environmental concerns at a later meeting. She stated that the Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Commissioner Pettit referred to a drawing submitted by the applicant showing the correlation between the MPD approval and the excavation of pushing the massing back. She stated that in doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD. She felt there was a significant disconnect between what was approved and what was being proposed.

Commissioner Strachan felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. If the answer is no, he felt the Planning Commission needed to take a different path. Commissioner Strachan asked Pat Sweeney if they were willing to change their plan or if the Planning Commission should rule on the current proposal.

Mr. Sweeney replied that they would need time to discuss their options and to respond to the Staff report before making that decision.

Commissioner Strachan stated that his comments would be subject to the answer Mr. Sweeney provides at the next meeting. Commissioner Strachan remarked that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers other impacts caused by the additional excavation required to move the massing back. He was unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria. Commissioner Strachan felt that Commissioner Pettit raised a good point regarding the tables on Page 23 of the Staff report. The MPD limits the amount of commercial space to what is needed for residents and guests on-site. He found it hard to believe that nearly

60,000 square feet of meeting space and support commercial was necessary for on-site users. He was concerned that it would draw people off-site to the project. This was not the intent of the MPD and it was not permissible.

Commissioner Strachan felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.

Commissioner Hontz felt it was important for the Planning Commission to address the discussion points raised in the Staff report at the next meeting. She came prepared to have that discussion this evening, but she was willing to wait until the applicants respond to the Staff report. Commissioner Hontz requested that the City's environmental specialist, Jeff Schoenbacher, give a presentation at a future Planning Commission meeting. She also needed additional materials beyond what was provided in the Staff report.

Vice-Chair Russack reiterated Commissioner Pettit regarding the need for automobiles. He noted that the comment has been made several times, yet nothing has been done to address it. Vice-Chair Russack agreed with Commissioner Strachan about shifting the massing into the hill. He did not believe that was in compliance with the original MPD. He echoed Commissioner Peek's comments about the excavation. He stated that the original illustrations in the MPD show the grade coming back and the building stepping up, and that is clearly not being proposed in the current plan. Vice-Chair Russack agreed with all comments regarding the additional square footage. He also requested an additional streetscape.

Commissioner Peek noted that Page 29 of the MPD document shows the Creole area and the Town Lift area. At the border of those areas is the Town Lift Mid-station development boundary. He noted that the excavation is substantially within the development boundary of the Town Lift portion of the MPD. However, the Creole portion is significantly outside the development boundary. Commissioner Peek asked if significant excavation was allowed outside of the development boundary, since that area borders open space. He suggested that the Staff and the applicant research that question for the next meeting.

Commissioner Wintzer encouraged the applicants to provide a massing model of the project with topography as part of the streetscape. Commissioner Pettit remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. She requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.

The Commissioners were interested in another site visit and Planner Cattano offered to schedule a visit before the October 28th meeting.

MOTION: Commissioner Peek moved to CONTINUE the Treasure Hill CUP to October 28, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

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September 23, 2009
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density and height for a project. He felt those two purpose statements were polar opposites.

The Commissioners agreed with the second point for discussion, "Are MPDs, per Chapter 6 requirements, appropriate as a potential redevelopment tool in the HR-2 zone for properties that are also bifurcated by the HCB zone".

The third point, "Consider that there are many properties between Third and Sixth Street that currently, or could in the future, meet the requirements." Commissioner Strachan remarked that Commissioner Pettit's comments particularly relate to the property owners between Third and Sixth Street.

There were no comments on the fourth and fifth points for discussion.

Vice-Chair Russack thought the proposed amendments were a good idea, but he thought it should be looked at from a more global view and focus on the HR-2 neighborhood.

Director Eddington offered to schedule a charette to involve the public.

Treasure Hill - Conditional Use Permit **(Application #PL08-00370)**

Planner Katie Cattan stated that the objective this evening was to begin the discussion on the design of Treasure Hill and the mass, scale, compatibility and how the project works with the existing slope.

Planner Cattan reported that under the Sweeney MPD, 197 residential unit equivalents are allowed and 19 unit equivalent of commercial. That equates to 394,000 square feet of residential and 19,000 square feet of commercial. Planner Cattan noted that it was 2,000 square feet for each unit of residential and 1,000 square feet for commercial. Under the 1985 Code, there is an additional allowance of up to 5% of the hotel area which, under this plan, would equal approximately 11,000 square feet.

The Staff report contained the analysis of the calculations for additional support commercial. Planner Cattan stated that when the Staff compared the proposed project versus what is allowed, they found that the existing project exceeds the additional 5% of hotel area by 37,599 square feet. The Staff report outlined a list of discussion points for the Planning Commission. Planner Cattan noted that the impacts from additional support commercial must be mitigated. Those impacts would include mass, size, traffic, water use, etc.

Planner Cattan remarked that the square footage of the project has changed since the original CUP was submitted. The numbers in the top table of the Staff report were the original numbers from the 2004 application. In 2006 the Planning Commission requested that the applicant provide greater detail. When the plan came back in 2008 it was revised and included an additional 186,010 square feet. The bottom table in the Staff report was the breakdown of the current submittal.

In addition to the increased square footage, the Staff had questions regarding the efficiency of the

design and how the circulation areas are included in the mass and scale. Planner Cattan requested that the Planning Commission focus their review this evening on Criteria 8, 11 and 15 as outlined in the Staff report. The issues for discussion are compatibility, massing and scale. She requested that they avoid talking about mining and environmental issues this evening, since those would be addressed at a later meeting.

Vice-Chair Russack pointed out that this was a work session discussion only, but the public would have the opportunity to make comments during the regular meeting.

Commissioner Strachan wanted to know where the Code or the MPD indicate that circulation and parking do not count against the UE's. Planner Cattan stated that the MPD section in the Land Management Code breaks down the way UE's are calculated.

Pat Sweeney, the applicant, introduced himself and Steve Perkins, the land planner for the project. He noted that Mr. Perkins had also been the land planner for the Town Lift Base. Mr. Sweeney stated that he received the Staff report a few days prior and there were several issues he did not understand. He needed additional time to respond to the Staff report, and did not intend to cover all the issues this evening. Mr. Sweeney felt there had been a wholesale change by this Staff, with respect to items that are key to the success of this project, different from previous Staffs dating back seven years. This is a grave concern because they relied on those previous positions and spent seven years and over \$2 million on that reliance. Mr. Sweeney stated that they could have built a new detachable lift to the top of Pay Day into town with the money spent on the plans for Treasure Hill.

Mr. Sweeney remarked that they came to the City in 2002 with a plat amendment and preliminary design. During a meeting, Kelly Gee, the Fire Chief, stated that he did not think they could make the project safe. Ron Ivie thought they should be given a chance. Mr. Sweeney stated that they spent two years working with the Chief Building Official and the Fire Department to reach a point where both were comfortable with the plan and believed it was one of the safest projects designed in Park City. Mr. Sweeney remarked that they proceeded with that fundamental design concept.

Mr. Sweeney reiterated that he needed additional time to fully understand the impact of the wholesale changes suggested by Staff. He intended to move forward with the work session agenda and focus his presentation on mass; explaining to the Planning Commission and the public why they designed the project the way they did.

Mr. Sweeney noted that the idea for this project occurred in 2002 prior to the Olympics. He believed that the master plan approved certain parameters, and that process took nine years from 1977-1986. Their agreement with the City came down to parking requirements, height zones, density, the requirement for 70% open space and an average height. They were confident that those parameters have been met. Mr. Sweeney pointed out that two subsequent changes were made in response to Planning Commission feedback. Considerable mass was moved away from the frontage on Lowell and from the border to the northeast.

Steve Perkins remarked that the presentation this evening was a follow-up to the site visit last month. During that site visit, Mr. Sweeney commented several times on the attempt to move the

massing on the site from where it was anticipated in the original master plan. Mr. Perkins stated that one of the initial measures to mitigate mass was the removal of all the massing that would have occurred on the 97% of the property that is now proposed to be dedicated open space. The massing was moved to parcels that represent only 3% of the total parcel. He believed everyone understood that this was a challenging massing problem. There is a significant amount of density on a difficult site and the options are limited.

Mr. Perkins stated that when he and Mr. Sweeney first looked at the site they came up with three principles that guided how they would address mitigating the mass and height on site. The first one was to shift the mass away from Lowell and the Old Town area, and to shift as much mass as possible to the back portions of the site, furthest from public visibility.

In order to do that, they were required to excavate some of the higher back portions of the site to accommodate that density. Mr. Perkins noted that doing that lessened the density in the areas closer to Lowell and the neighbors. He believed the section drawings would show the advantages to that approach.

Mr. Perkins stated that at the direction of the Planning Commission and Staff, the mass was further reduced and additional density was pushed further back into the site. A second principle used was to express the mass in multiple building footprints. The idea was to break up the mass in a collection of buildings, as opposed to a single monolithic building, and let the smallest footprint be connected by parking structures for circulation. Mr. Perkins used the Montage building currently under construction as a comparison of a single building equivalent to the Treasure Hill project being proposed. He stated that if they could imagine that building sitting 60-80 feet away from Lowell and Empire, they would see the impact of having that mass forward.

Mr. Sweeney clarified that the Montage is a great building for its location and he did not want the comparison to be misunderstood. The location of the Treasure Hill project is very different and the mass was broken into smaller building footprints. The original plan used for the Master Plan was a monolithic building.

Mr. Perkins noted that breaking the mass into smaller building footprints also provides better opportunity for views both in and out of the project. It is also more consistent with the existing pattern in Old Town of mixed and varied sizes of buildings and structures.

Mr. Perkins stated that the third principle was to orient the mass to be more consistent with the existing town grid. The major mass is more parallel to the existing street grid as opposed to the earlier proposal in the 1985 master plan, which placed the building at a 45 degree angle to the existing street grid.

Mr. Perkins presented exhibits and section drawings. One drawing identified in yellow the sample building that was done to test the density in the 1985 master plan. Identified in white was the massing currently being proposed, which showed a substantial amount of building mass being moved back into the site. Mr. Sweeney identified the Garda home on the plan. He noted that based on the revisions made over the years, the Garda residence is slightly above the connection. A green line identified the natural grade. Mr. Sweeney pointed out that there is a large difference between where the Garda homes sits in conjunction with the old plan versus the new plan.

Mr. Perkins noted that the height on 4A had been reduced in the area directly in front of the neighbors, and he compared the old plan with the new plan to show the reduction. At the request of the Staff and the Planning Commission the height was reduced and the mass was pushed into the site. Mr. Perkins presented a drawing showing the most sensitive cross canyon view. He reiterated that additional grading would be necessary in order to make the massing work. Although it would be more expensive, it appears to be a logical approach for mitigating the mass approved for this site.

Mr. Perkins commented on grading issues and presented a drawing showing that the earlier plan proposed had substantial grading in order to make the building fit on the site. Mr. Sweeney pointed out that in the earlier samples that were on the table years ago, there was a significant amount of mass below natural existing grade. One reason was to accommodate the ski runs. Mr. Sweeney stated that the excavation below natural grade and the building mass was anticipated by the Sweeney Master Plan.

Mr. Sweeney remarked that he has been talking to the Planning Department since the 1980's, and it was hard to accept what was written in the Staff report this evening. Mr. Sweeney read the vesting of zoning rights from the 1984 Code, Section 1.22, "The project owner may take advantage of changes and zoning that would bring greater density or more intense use of the land, provided, however, that these changes may be deemed as a modification of the plan and subject to the payment of additional plan review fee".

Commissioner Peek clarified that the vesting of zoning rights refers to and all the MPD rights. Mr. Sweeney stated that the language basically says that when the applicant applies for a conditional use, they can take advantage of the changes in place at that time, as long as they do not clearly violate the master plan. He noted that it was also the reason why they need to honor the employee housing requirement.

Commissioner Strachan asked Mr. Sweeney if he was taking the position that invoking Section 1.22 would be a modification of the plan because that would re-open the MPD. Mr. Sweeney felt it was the exact opposite. Language in another section says that the MPD would be re-opened if the plan is modified. He believed the Code would simply use that language and not have the language he read if the intention was to re-open the MPD.

Mr. Sweeney read language previously written by the City Attorney and felt it pertained to the current discussion. "Subject to the time of submission of the pre-application for a conditional use approval, which is prepared with the development parameters and additions of the Sweeney MPD, the Sweeney's or their successors can develop the Mid-station site up to a density of 39 Unit Equivalents...." He further read, "Under applicable codes and ordinances, square footage and floor areas for unit equivalents are calculated as provided in the Land Management Code and Uniform Building Code adopted by Park City at the time of the application". Mr. Sweeney believed that to mean the time of the conditional use application, which was 2004. He stated that using the 2004 Code, they were asking for 7% additional space. Five percent is support commercial and three percent is meeting space. Mr. Sweeney remarked that the application has been on the table since 2004 and several Staff reports were written by seasoned Staff members. Until recently, none of the Staff saw it as an issue because it was standard practice. He felt that the practice had flipped 180

degrees and it caused him great concern.

Mr. Perkins stated that the Staff report implies that reducing the support commercial would reduce the mass of the project. He disagreed based on the location of the support commercial and how the project is massed. Most of the support commercial occurs in areas below what would be visible from outside the project. Therefore, if the support commercial was reduced, it would come out of the bottom and not the top and the mass would not be affected.

Mr. Sweeney stated that in response to direction from the Planning Commission that they needed to do more, they changed the mass adjacent to Lowell and to the Garda side of the property. He presented a view of the project and explained how they shifted a significant amount of mass and height. In order to affect that shift and still be able to sell to someone who wanted to enjoy their property, the parking was placed under the building with a long ramp. It was very expensive but it was the only way to make it a first-grade experience. Mr. Sweeney noted that the mechanical space, storage space and service space were added below, which created additional square footage. It was done to create a city underneath the buildings that would not operate on the surface and disturb the neighbors. Mr. Sweeney emphasized that the plan was not an attempt to gain additional space for underground bars or other uses, and it does not affect the mass.

Vice-Chair Russack suggested that the Planning Commission hold their comments until the regular meeting and after the public hearing. Planner Cattan noted that the applicant intended to have a dialogue with the Planning Commission since this was a work session. Mr. Sweeney stated that since he was not completely prepared to respond to the Staff report, he was willing to wait until the next meeting to have that dialogue with the Planning Commission.

Commissioner Pettit noted that in his presentation, Mr. Sweeney had offered rebuttals to some of the points raised in the Staff report. She thought it would be helpful if the Commissioners could have his comments in writing to help fully evaluate which position to take. Mr. Sweeney agreed.

Katie Cattan

From: Terri Loriaux [loriauxfamily@earthlink.net]
Sent: Tuesday, February 02, 2010 1:32 PM
To: Katie Cattan
Cc: 'Lynn Loriaux'; loriauxt@earthlink.net
Subject: The Treasure

To Ms. K. Cattan, Senior Planner, Park City:

We are very concerned about the proposed development, The Treasure. As property owners since 1988, we purchased our property because we fell in love with Park City as a quaint mining town. The historical nature and the way the town revolves around Main Street is enchanting. This is what makes Park City different from all other ski towns. If Park City Planning permits The Treasure to be developed, you will be changing the face of Park City. To allow one developer the opportunity to change the mountain will appease one and displease all of the current owners who appreciate the quaint charm Park City has to offer.

We need our City Planners to represent current residents and taxpayers. How can it be fair to make such drastic alterations while facing such strong opposition from those who will be affected? Residents purchased property in Park City for many reasons and they should not be forced to accept a change that would significantly alter their enjoyment of the mountain and their current lifestyle in the town where they reside. We hope you will fairly represent those who have paid taxes for so many years and those who have contributed to the successful controlled growth of the Park City area. There are many ways to develop Park City, but it should be done in a way that complements the appeal of Main Street and the mining history of Park City. Large hotels and condominium complexes on the mountain side will permanently alter the natural beauty of our mountains, and this can never be retrieved. We will all be forced to look at The Treasure whether we like it or not. Development in this manner will be a shot in the foot when the charm of our town is destroyed. Development should complement what already exists or we will all suffer. It will be just another ski resort.

We are vehemently opposed to permitting the construction of The Treasure. Please do your best to represent the citizens of Park City.

Sincerely,

Dr. D. Lynn Loriaux
Teresa C. Loriaux
PO Box 181
245 Norfolk Ave
Park City, UT 84040
loriauxfamily@earthlink.net
503-638-3311

Information from ESET NOD32 Antivirus, version of virus signature database 4829
(20100202)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Katie Cattan

From: mthealix@cox.net
Sent: Saturday, January 30, 2010 10:31 AM
To: Dana Williams
Cc: Katie Cattan; Alex Butwinski; Candy Erickson; Cindy Matsumoto; Joe Kernan; Liza Simpson; thincpc@gmail.com; mthealix@cox.net
Subject: Treasure Project

Dear Mayor, Council and Planning Department Representatives, I am writing today to once again voice my opposition to the out-of scale, out of character proposed project that is ironically named "Treasure". My wife and I have a condo on Lowell Ave just below the proposed project location and to say we would be impacted is an understatement. The increased traffic, where snow removal is currently a challenge, would result in gridlock and put pedestrians at risk. When we remodeled our kitchen a few years back we had to delay the delivery until the company could transfer the boxes to a smaller truck because they could not deliver to our place in a standard tractor trailer - and this was in summer! Adding in ten times the vehicle traffic to this small road plus endless delivery trucks would be a nightmare, not to mention the potential for delayed emergency vehicle response. What becomes of the businesses near the Town Lift when the lift is replaced by a Cabriolet to the new retail hotel plaza with its own ski lift? What becomes of "Historic Main St" when no matter where you stand you have a view of this giant sore thumb sticking out in the midst of colorful quaint historic miner's homes? I have never questioned the right that the Sweeney's have to develop on their own land, however, I do not believe this 1 million square foot behemoth with ten story high rise "boxes" was ever a part of the original vision - if it was - please produce the schematic drawings that back that "vision". I hope that the architect who created the "3D" representation includes a representative slice of the existing homes in the display to see the difference in scale-I'm guessing they won't. I also hope the engineering takes into consideration the load that this huge complex will put on this slope (above our property) in the middle of a relatively unknown labyrinth of mine tunnels that travel up to a mile below the surface. My advice is to re-bury this "Treasure" deep in one of those abandoned mine tunnels and replace it with a tasteful, scaled down resort that reflects the character of the community we all care about so much.

Sincerely,
Paul Sirois and Belinda Bencomo 907 Lowell Ave