

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
MARCH 14, 2012**



AGENDA

SITE VISIT – 4:00 PM

A site visit of Quinn’s Junction Partnership Annexation area will be held prior to the regularly scheduled meeting. Please meet promptly at 4:00 PM at City Hall, 445 Marsac Avenue.

MEETING CALLED TO ORDER - 5:30 PM

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ROLL CALL

ADOPTION OF MINUTES OF FEBRUARY 8, 2012

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ADOPTION OF MINUTES OF FEBRUARY 22, 2012

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PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

Quinn’s Junction Partnership – Annexation

PL-12-01473

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Public hearing and discussion and continuation to March 28, 2012

543 Woodside Avenue – Plat Amendment

PL-11-01417

115

Public hearing and possible recommendation to City Council

920 Norfolk Avenue – Plat Amendment

PL-11-01231

125

Public hearing and possible recommendation to City Council

1790 Bonanza Drive – Conditional Use Permit for a communications facility

PL-11-01406

135

Public hearing and possible action

269 Daly Avenue – Plat Amendment

PL-11-01232

171

Public hearing and possible recommendation to City Council

ADJOURN

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.

MINUTES – SEPTEMBER 8, 2012

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 8, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Mick Savage, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan; Francisco Astorga; Planner;
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

June 11, 2012

MOTION: Commissioner Hontz moved to APPROVE the minutes of January 11, 2011 as written. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously by the Commissioners at the January 11th meeting. Commissioner Worel abstained since she was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that they were invited to a reception with the City Council the following evening from 5:30 to 7:30 p.m. at the Treasure Mountain Inn.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

60 Sampson Avenue – Ratification of Findings for Conditional Use Permit
(Application #PL-11-01369)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to CONTINUE 60 Sampson Avenue – Ratification of Findings for the CUP to February 22, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION – DISCUSSION ITEMS

1. **520 Park Avenue – Discussion regarding a variance**
(Application #PL-11-01391)

Planner Francisco Astorga requested that the Planning Commission review the variance request and provide input and direction to Staff and the Board of Adjustment based on the specifics of character outlined in the proposed and current General Plan

Planner Astorga remarked that the parcel in question is identified as PC124-D-1. The applicants purchased the site in August 2011 and submitted a variance for Lot 43, which does not meet the minimum lot size of 1875 square feet. The lot area is 1829 as identified on the survey. The survey was attached to the Staff report as an Exhibit.

Planner Astorga stated that the issue was that in 2009, through a previous sale in 2007, the portion in question was made part of 550 Main Street, the Talisker Restaurant Building. When the subdivision was created it resulted in three lots of record that no longer comply with the minimum lot size. Planner Astorga explained that a historic addition encroached on to the back property lots. What was perceived as the configuration has existed in the area for over a hundred years.

Planner Astorga stated that if the Board of Adjustment grants a variance they would be able to build two smaller homes, which was more in character with what the City is trying to accomplish through the General Plan amendments for keeping the scale, mass and volume of structures smaller and more compatible with historic architecture.

Planner Astorga reported that Trent Timmons, the applicant, purchased Lot 44, which allows him the option to combine the two lots and have a lot of record. However, that would sacrifice the intent of smaller scale.

Commissioner Savage asked if the variance would preclude a lot combination. Assistant City Attorney McLean answered no. Mr. Timmons, the applicant, stated that it would not preclude a lot combination but he would be willing to agree it.

Planner Astorga requested input as to whether the Planning Commission would support the variance. The Staff felt they could make appropriate findings to recommend that the Board of Adjustment grant the requested variance.

Commissioner Savage was willing to support the variance if the applicant would agree to the condition regarding the lot combination. Assistant City Attorney McLean recognized that it was unusual for a variance issue to come before the Planning Commission. However, in light of the history of the property and the plat amendment, as well as General Plan discussions, it was important to hear whether the Planning Commission supported the Staff position that the variance met the goals of the General Plan.

Commissioner Thomas believed another issue regarding the variance was that the historic structure was inconsistent with the property. Planner Astorga agreed that another argument for the variance was to address the encroachment that has existed over a hundred years.

Director Eddington noted that the Planning Commission previously made recommendations to the City Council to amend the HR-2 Zoning District to allow some commercial to encroach into the HR-2 Zoning District as long as it was basement space that was not visible. Director Eddington pointed out that one reason for that recommendation was to also allow for the fabric to be returned to Park Avenue above ground. The Staff supports smaller houses being located along that portion of Park Avenue to recreate that fabric.

Mr. Timmons stated that over the last 10 years they have built 12 smaller homes. They believe smaller homes are more compatible with the historic character. Commissioner Worel applauded Mr. Timmons for those efforts, instead of combining lots and building larger structures.

Commissioners Hontz and Thomas supported the variance. As the liaison to the Board of Adjustment, Commissioner Hontz would relay their recommendation to the Board.

Bonanza Park Area Plan – revised supplement to General Plan - Discussion

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Planner Katie Cattan highlighted the major changes to the first draft of the General Plan for the Bonanza Park Area and noted that the second draft was available online.

Planner Cattan noted that the first item was the suggestion to add a key terms page. Commissioner Hontz pointed out that under the key terms, Area Medium Income should be Area Median Income. Commissioner Hontz thought the word “zoning” in the Base Plan and Incentivized Plan definitions was confusing. Planner Cattan believed that would be the outcome of the Form Base Code and whether or not it will be an overlay zone option. They should be able to better define that as they delve into the Form Base Code discussion.

Director Eddington stated that an RFP was sent out for both the Form Base Code and the Transportation Plan to make sure that connectivity with State Roads 248 and 224 makes sense. A number of firms would be able to address the issues and provide their recommendations under one RFP. The RFP deadline was February 28th.

Planner Cattan stated that there were three challenges in Bonanza Park. One is soils, which has been ongoing, the second is connectivity, and the third was Form Based Code.

Commissioner Hontz asked about a legal description of the Bonanza Park District. Planner Cattan referred to the image of the Bonanza Park District on page 5 of the report and noted that an entire page was created for the outlined area with a property description. Assistant City Attorney McLean stated that it would also be part of the zoning map based on Form Base Code input.

Commissioner Savage asked if the desire to adopt Form Base Code in Bonanza Park would have ramifications throughout the General Plan, or whether it could be applied on a zone specific basis. Director Eddington replied that it could be zone specific, similar to any other zoning district.

Planner Cattan reported that other changes to the initial draft included formatting, adding graphs that were clearly connected to the demographics, and other graphics and aging information.

Planner Cattan stated that once an RFP is over \$25,000 it must be approved by the City Council.

Commissioner Worel asked how the transportation component was different from the group on the walking tour. Director Eddington explained that the walking tour group was to focus on the Dan's to Jan's trails master plan in an effort to figure out the corridor along State Road 224. The walking tour primarily addressed pedestrian connections between Dan's and Jan's in conjunction with traffic flow. That organization was hired by Public Works a couple of months ago to focus on the trails system and traffic elements. Director Eddington stated that the City went above and beyond that to look at specific intersections on State Road 224, as well as the intersections proposed for Bonanza Drive, Deer Valley Drive and Kearns.

Chair Wintzer stated that his concern with the plan was the number of curb cuts on State Roads 224 and 248, Bonanza Drive and Deer Valley Drive.

Planner Cattan reported that a model was incorporated within the new Transportation Master Plan that was recently adopted through the City Engineer. Inputting information into the model should provide an accurate feel for the impacts.

Planner Cattan stated that the design team met last week and one concern was the property where the Sports Authority is located. It was evident that the Sports Authority would be greatly impacted by the proposed connections. The connection was realigned slightly to create a win-win situation for everyone.

Planner Cattan noted that the design team discussed benefits and options for the community. The 20 options were outlined on page 63 of the Staff report.

Commissioner Savage asked Planner Cattan to define the difference between the base plan and the revised plan. Planner Cattan stated that the base plan was what the developer could achieve if they decided not to utilize any of the options. It included a three-story maximum or 35 feet from existing grade, zero setbacks in right-of-way, maintain a 100 foot setback in the Frontage Protection Zone, and a pedestrian easement component to require circulation through blocks.

Commissioner Savage understood that the base plan would apply to all of Bonanza Park. Director Eddington replied that this was correct, as long as no options were used to go into the incentivized plan. Chair Wintzer asked for the difference between the base plan and the existing zoning. Planner Cattan presented an image of the current LMC. Under the current zoning there are setbacks requirements along the property line. She presented an image under the base plan and identified the building pad within the base plan. Director Eddington stated that a major difference was that the base plan had zero lot lines to work within, which allows more flexibility in laying out the building footprint.

Planner Cattan presented an image of the incentivized plan showing the expanded buildable area. The incentivized plan also allows a fourth story up to 75% of the footprint and a fifth story up to 25% of the footprint. Within the SLO area, building is limited to two stories.

Chair Wintzer asked if affordable housing was currently required on the site. Planner Cattan replied that affordable housing was not part of the density calculation on the site. The City recommends putting the affordable housing on-site, but it is not required by the LMC. Chair Wintzer thought that issue should be revisited because a major fight erupts over affordable housing when someone tries to put it in another neighborhood.

Planner Cattan provided examples of building scenarios to explain the difference between building under the base plan or the incentivized plan. Chair Wintzer asked for additional examples on other pieces of property throughout the neighborhood to see how it would affect Rite-Aid, Fresh Market and other properties in Bonanza Park.

Mike Sweeney wanted to know how they would determine whether the incentivized plan was enough to encourage developers to build what the community wants. Director Eddington stated that when they started the Bonanza Park Plan, one of the most important elements was to make a place for locals. The 20 options for the incentivized plan were things the community, the Planning Commission and the City Council wanted to see. Director Eddington believed that some of the options offer benefits to the developer as well as the community. If it does not work, the developer would not exercise that option and could either build the base plan or utilize another option.

Chair Wintzer felt it was important to understand that the options outlined were what the community wanted. If the developer is building something to sell to the community and he chooses to build what the community wants, the incentivized plan helps the developer achieve that goal.

Mr. Sweeney was unsure if the incentivized plan would achieve what the community in general wants the developer to do. At this point that was still an unknown and he questioned the merit of specifying numbers and caps. Director Eddington remarked that they originally started with seven or eight options and increased that number to 20 to give more variety and opportunity to developers and property owners. Director Eddington did not believe the General Plan document would remain stagnant for 20 years. As Bonanza Park continues to develop and if the needs of the community change, the document would ultimately be changed.

Chair Wintzer asked if there was a mechanism to incentivize the developer if he wanted to build something more favorable to the community, but the cost would be higher than building under the base plan. Commissioner Hontz believed that concern was addressed in Option 20.

Commissioner Hontz thought the proposed options were good; however Option 20 basically states that the developer could approach the City Council to request an additional option for anything he might want. She preferred to reduce the number of options to three or four and keep Option 20. Commissioner Hontz stated that the ratio was important in making this work. People should have the ability to propose to the City what works for them and negotiate that option. The alternative would be to eliminate Option 20 and add five or six additional options to the remaining 19. Commissioner Hontz personally thought the options were too specific to apply to every development, with the exception of Option 6, which needed more specificity.

Assistant City Attorney McLean understood that the options were a rough draft and they had not been reviewed from a legal perspective. She believed some of the options as written may be difficult to enforce. Ms. McLean advised that options should not be a negotiation tool because it needs to be a regulatory framework. Based on Ms. McLean's advice, Commissioner Hontz thought Option 20 should be eliminated.

Craig Elliott liked all the options listed and believed they had a lot of value. Mr. Elliott stated that if they leave in some type of mechanism that allows for dialogue, it would benefit the City, the developer and everyone involved. Chair Wintzer agreed that it was important to create a document that could change with growth.

Planner Cattan noted that in addition to conditional and allowed uses, the Form Base Code allows for similar or compatible uses on approval by the Planning Director.

Director Eddington thought that adding more parameters would balance the legal recommendation to keep it more regulatory with the need to have options. The Staff would work on appropriate language and bring it back to the Planning Commission for review. If they were still not satisfied, Option 20 could be revised or removed.

Chair Wintzer clarified that anyone could request a Code or document change. Assistant City Attorney McLean replied that all the documents from the LMC are living documents. She suggested that the process be explained within the Code for clarity.

Commissioner Savage asked Director Eddington to comment on the exchange ratio. Director Eddington stated that in discussing the incentivized ratios they started looking at rough pro formas, rough real estate proposals and other research to see what things cost and the benefits. Commissioner Savage wanted to know when they would need to codify the deed restrictions associated with each of the development incentives. Director Eddington replied that it would need to be worked out with the Legal Department on an individual basis because each one is unique. He assumed it would be codified in a development agreement at the time of the MPD.

Commissioner Thomas thought it was important to address the five-story limit. Planner Cattan explained how the third, fourth and fifth stories were determined. She asked for input on allowing five-stories in the Bonanza Park District and whether it was appropriate. She noted that the fifth-story could be 25% of the building pad. Planner Cattan stated that the numbers were determined from reading books on design standards and an understanding of towns similar to Park City. She remarked that every Friday Jack Thomas would meet with her, Director Eddington and Kayla Sintz and they had very good conversations about the fourth and fifth story. They had reservations about having a fifth story, but they needed area in which the options could be exercised.

Director Eddington named a few of the sources and architects that were researched in making their decision. He noted that the challenge in saying that four or five stories was the average maximum for the pedestrian experience was that fact that they could end up with everyone exercising the same option. If that occurred, all of the lots would have a fourth story at 100% and a fifth story at 25%. Director Eddington pointed out that the Form Base Code would still create the undulation that they want for an area.

Commissioner Savage asked how much the 25% limitation on the fifth story would mitigate the impact of size. Commissioner Thomas replied that it would depend on the design. Stepping back the façade and the building makes a significant difference. He believed the design would unfold out of Form Base Code.

The Planning Commission discussed the affordable housing requirements for development. Craig Elliott stated that there was an interesting dilemma in the affordable housing component, as well as the housing component in general in Park City. The requirements for affordable housing had pushed all development into four and five star quality products. Mr. Elliott explained that developers can afford to build the affordable housing because of the income generated from the high quality expensive product. If someone wants to build something for the average person who does not qualify for affordable but cannot afford a Deer Valley quality home, there may be a reason for being able to build it somewhere else and move it to Park City to get the additional value. Mr. Elliott stated that he would like to build other things, but the requirements push him into building a more expensive product in order to build the required product. Chair Wintzer believed it was a matter of changing the mindset. If developers only look at the bottom line of their project it will never work.

Mr. Elliott noted that Mark Fischer built 20 units of affordable housing when construction costs were lower. He believes a project is driven by the financial models and the lenders rather than the

developer. Mr. Elliott thought that this matter should be discussed in depth because it is a reoccurring problem in building a market rate product.

Commissioner Savage commented on a nucleation event. He remarked that a creative strategy around the idea of affordable housing in Bonanza Park would be to allow something to happen that had enough mass, momentum and attraction that would cause people to want to move there. They could then begin to create other things around that. In his opinion, the best way to do that would be to provide a service to the community by adding a way to create affordable housing in that location, and in order to do that, they must be able to provide economic incentives. Commissioner Savage thought there were several things to think about as it relates to in-lieu of and affordable housing transition. He used the affordable housing units at the Montage as examples. He believed the people in those units could have a much nicer living style with the right kind of affordable housing product in Bonanza Park. Commissioner Savage remarked that sometimes it is important to think about the objectives rather than the policies.

Mary Wintzer stated that as a property owner and a citizen, if she were building a hotel she would do whatever affordable housing was required in her project, but it would be her responsibility to put nice affordable housing in the project. Ms. Wintzer thought it was wrong to make Bonanza Park the place where all the workers live or turn it into an affordable housing village. She understood that the intent was to make Bonanza Park multi-generational with multi-economic groups.

Commissioner Savage clarified that his intent was to do something important that attracts the community as a way to get things started. He was not suggesting that affordable housing represent a higher percentage of the intended use of Bonanza Park. His idea was to use Form Base Code to create something that sets the stage for how great Bonanza Park could be.

Chair Wintzer thought they were off subject. The discussion was not whether there should be more affordable housing in Bonanza Park, but whether a developer could be incentivized for transferring the affordable housing off the project. Chair Wintzer agreed with Commissioner Savage that affordable housing should be clustered near the amenities to avoid creating traffic and other problems. However, he would not want to give the Montage a bonus for sending their affordable housing to Bonanza Park. Chair Wintzer pointed out that there is a large range of people outside of the affordable housing price range who do not have housing choices. He suggested that the Bonanza Park neighborhood may be a place where people can live with the ability to move up. Incentives could be given for building a variety of price range units.

Planner Cattan stated that as a solution to the conversation of transferring Montage units to Bonanza Park, they could treat it the same as the TDRs. Within Bonanza Park, TDR development credits may be built within the incentivized area, but there would be additional bonus.

Commissioner Thomas liked Commissioner Savage's comments about a nucleation event. However, he did not think it could be accomplished by one thing in the community. Commissioner Thomas believed the nucleation event was transportation and how the community operates as a transportation hub for accessing the resorts, Main Street, and the rest of the community for both

vehicles and pedestrians. Commissioner Thomas stated that historical townscapes grew out of the intersection of two roads for a train station. That was the hub and how towns evolved.

Chair Wintzer asked if there was an incentive for providing a transportation hub on the property. Director Eddington remarked that it could be added as an incentive. Commissioner Thomas thought it should be the number one incentive. Chair Wintzer felt it was important to consider.

Director Eddington liked an earlier suggestion by Chair Wintzer to capture the \$250,000-\$475,000 housing units. There may be an incentive for that type of housing. It is better for the developer because it produces a higher return on investment, but it is also good for the City because middle income housing is where they are most deficient, with the exception of affordable housing.

Chair Wintzer stated that the cost of parking in a parking structure can make affordable housing unaffordable. He suggested finding a way to work in parking requirements. Chair Wintzer was unsure how that could be accomplished, but he thought it was an important element. Planner Astorga remarked that Form Base Code helps with the parking issue because it focuses on the mixed use component where the parking is shared by residents who use it at night and the commercial businesses who use it during the day.

Planner Cattan asked for input on the Zero Carbon option, whereby if a developer opts to build a zero carbon building, they may build to the maximum of the incentivized plan. Planner Cattan explained that a zero carbon building means that the building produces the energy it consumes on-site in a sustainable manner.

Mike Sweeney thought it was a ridiculous idea. Craig Elliott disagreed. He thought it was a good incentive to include in the plan because they have no way of knowing what would be possible in the future. He pointed out that zero carbon buildings are currently being built. Mr. Sweeney argued that whether you use solar energy or wind, it is expensive to get to the point of being able to capture the energy, and it is a net loss. Mr. Elliott pointed out that there may be enough value in the increase in density to cover the additional cost. He thought it was a great challenge for the future.

Commissioner Thomas stated that in terms of volumetrics and percentages, it would be interesting to put the numbers into the Form Base Code to see how it affects the volumetrics. Director Eddington provided examples of what could occur with the Form Base Code and suggested that they might want the variation it creates.

Mike Sweeney had issues with the five-story limit. When he looks around the City and looks at the history, he could not understand why they were singling out Bonanza Park for the fifth story limitation. Planner Cattan replied that in their research, the Staff found several studies that concluded that five stories was the maximum height that still allows a village/neighborhood feel. She explained that the reasoning came from visioning and the desire to maintain a small town feel. Director Eddington stated that height on the Montage or St. Regis was appropriate for their location. However, in a local neighborhood four and five stories cross the line of small town feel. Every

study talks about a sense of disconnect and they do not want that for the Bonanza Park area. The direction that came from the joint meetings with the Planning Commission and City Council was to keep the area local and connected.

Chair Wintzer remarked that Bonanza Park is the view corridor coming into town and defines the first impression of character. Mary Wintzer recalled that during the stakeholders meeting in November, three property owners felt strongly about keeping the height down in order to be successful.

Mark Fischer stated that he and Craig Elliott were very comfortable with the height. He pointed out that it would take a dramatic economic rebound to absorb the density. Mr. Fischer suggested leaving open latitude on types of architectural feature for flexibility. He was comfortable with the suggestions in the proposal. Mr. Fischer had spoken with a number of people, including appraisers, and they believe that splitting the difference between 20- 30% overnight rentals was the right answer. Mr. Fischer suggested that they split the difference and agree on 25%. He was comfortable with the idea that a neighborhood stops being a neighbor where there is too much in and out activity. Mr. Fischer stated that the issue of tenant mix has bubbled to the top could be controversial. In talking to appraisers and financial people, he found that he would be unable to get good financing on his current type of tenant mix because they are not credit tenants. A national chain type tenant has a good balance sheet and is a credit tenant. Mr. Fischer explained that he was not pushing for national chains, but it was important to have a realistic project that could be financed. He commented that a number of tenants along Bonanza Drive were not paying their rent or they were making partial payments. It is impossible to get a loan with those types of leases.

Mr. Fischer requested a discussion on the tenant mix issue. On the undesirable page of must-not-have, national chains were listed. He suggested that the concern could be addressed by limiting the size of the box they are allowed to occupy. Mr. Fischer emphasized the need for credit tenants and if that means national chains, he would like to hear that discussion.

Commissioner Thomas was concerned about scale and size, but also the idea of formulaic design. He believed the national stores were beginning to understand that they have to integrate into the community and respond to the local vernacular and character of the community. He was less concerned about the national chain itself that he was with the actual results of the façade of the building and how it integrates to the community. Commissioner Thomas thought they could be flexible in that regard.

Chair Wintzer agreed with the design issues, but he felt that size was equally important. He commented on a number of national chains that have contributed to the town. Planner Astorga stated that chain stores would work as long as they control the corporate architecture.

Chair Wintzer commented on timing and asked the Staff to look at incremental development so it would not take years to complete a project. He referred to the 20-30% rental issue and suggested that some uses be taken out of that number. He suggested making bed and breakfasts or hotels separate items outside of the 20-30%. Mr. Fischer clarified that the 25% he suggested would apply to homes or condos. A boutique hotel would not be in that calculation. Chair Wintzer pointed out

that currently everything was included in the calculation, which is why he requested that the Staff remove some of the uses.

Mary Wintzer understood the economic issue for national chains, but she thought the community needed to decide their commitment to small business. She would not want a big box chain that would hurt the existing small businesses. Smaller scale chains such as the fly shop and Roots would not impact the small business owner.

Director Eddington stated that the national chain issue could be controlled by restrictions on size, scale and parameters. Planner Cattan remarked that Form Base Code is a solution because it presents itself differently. It has more of an interface of people and connectivity.

Commissioner Thomas thought they should consider an incentive for locally owned businesses. Planner Cattan pointed out that the Bonanza Park Plan does not incentivize big box chains, but it does incentivize a local entrepreneur or the business incubator.

Commissioner Savage asked if there were incentives for hiding the parking. As an example, allowing an extra story to accommodate underground parking. He noted that a visible parking can destroy livability and the village feel.

Mr. Fischer stated that under the current ordinance, anything you dig has to stay within the Soils Ordinance District. He pointed out that once you dig down 18", there is perfectly good topsoil. Chair Wintzer understood that if the soil is tested, it could be removed. Mr. Fischer had received a letter from the City and he believed the requirement needed to be changed. Assistant City Attorney McLean believed the issue was more complicated because it involved the EPA and other things that she was not versed on well enough to discuss.

Mr. Fischer clarified that he would like to over-excavate the garages, put the bad soil under the garages and take the good soil out to the County somewhere. Under the current ordinance that is not possible, but it is done every day because the ordinance has never been enforced. He was certain that it would be enforced on a project this large.

Director Eddington stated that the Staff was working with environmental people to see if there was another solution. The issue was addressed in the Plan in terms of meeting the LMC standards, but the issue needs to be resolved with the environmental group. Director Eddington explained that it would require a change to the Municipal Code.

Director Eddington stated that the Staff would consider the input heard this evening and come back with answers to their questions. Chair Wintzer clarified that the issues for the Staff were timing, percentages, and national chains.

Commissioner Thomas thought it was important to have the Form Base Code and the culmination of their input evaluated carefully. Director Eddington replied that the Staff would not recommend adopting the Plan until the Planning Commission has the opportunity to see how the plan and the form base code interrelate. If everything stays on schedule, he hoped to have it all adopted by the end of June.

Planner Cattan stated that they were also trying to figure out the issues with Rocky Mountain Power. Director Eddington stated that they met with Rocky Mountain Power earlier in the week and everything was going well. Rocky Mountain Power offered to provide the next piece of information by early to mid-March.

The Park City Planning Commission meeting adjourned at 7:30 p.m.

Approved by Planning Commission: _____

DRAFT

WORK SESSION MINUTES – SEPTEMBER 22, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
February 22, 2012**

PRESENT: Julia Pettit, Brooke Hontz, Mick Savage, Adam Strachan, Nann Worel, Thomas Eddington, Kirsten Whetstone, Mark Harrington

Commissioners Wintzer and Thomas were excused.

The Planning Commission met in Work Session at 6:45, following the regular meeting.

WORK SESSION ITEMS

**Quinn's Junction Partnership – Annexation
(Application #PL-12-01473)**

Planner Kirsten Whetstone reviewed the request for the Quinn's Junction Partnership Annexation. The proposed zoning is CTRCO, which is Community Transition Regional Commercial Overlay. The property is located on the southwest corner of the intersection of US40 and Highway 248 in the Quinn's Junction area. The requested annexation is contiguous to the existing city limits at the south boundary, with the Park City Heights annexation. The subject property was within the Park City Annexation Expansion Boundary.

Planner Whetstone noted that the annexation petition was accepted by the City Council on January 26th, which allows the process to move forward. The petition was certified by the City Clerk with the help of the City's Legal Department, Planning Department and City Engineer. Notices were sent for the 30 day protest period for the affected entities. Those entities would be any special service district, school districts, the County, etc. The City had conducted a development review on this annexation.

Vice-Chair Pettit asked the representatives to introduce themselves. Peter Pilman with the IBI Group and the director for Utah Practice, stated that he has lived in Park City for 14 years. His background is in architecture. Mr. Pilman introduced Doug Rosecranz, also with IBI Group, who has lived in Park City for 31 years and Dave Nichols was also part of the design group. Mr. Pilman stated that both Dave Rosecranz and Doug Nichols attended the Park City Leadership classes last season. He remarked that IBI Group was the design firm charged with the task of making this annexation positive for Park City.

Planner Whetstone reported that this was not a typical annexation and it must be reviewed under specific parameters. The master plan development site plan would be reviewed concurrently with this annexation and the Planning Commission would not have an opportunity to revisit the MPD. This application needs to move forward to the City Council with the master plan development. There was also a stipulation for a 90 day review, and the 90 day period began in January. She pointed out that there could be some flexibility with the time frame, but only if the applicant agrees to it.

Planner Whetstone noted that the Staff report contained items for discussion that the Staff thought was important. City Attorney Mark Harrington had history with this project and he was present this evening to help answer questions. Planning Director Thomas Eddington has been involved in

meetings and conversations regarding the annexation agreement that was approved by the City Council in January.

Planner Whetstone remarked that the Planning Commission's role in the process was to make sure this annexation produces the best design, the best site plan, and the best amenities possible, given the parameters. The Staff report asked questions that would help the Planning Commission provide the right input to help the Staff and the design team make this the best project possible.

Planner Whetstone outlined key points to acquaint the Planning Commission with the background of this annexation. She noted that the original petition came in 2005, concurrent with Park City Heights, and it was denied. There was a settlement agreement at that time' therefore, there is vested zoning from 2005 when they first applied. Planner Whetstone noted that if the City does not annex and the property is developed in the County, there is a vested zoning for this Film and Media Center and associated uses up to 355,000 square feet, with additional phases possible. The County Settlement Agreement was included in the Staff report.

Planner Whetstone clarified that the request was considered a re-submitted petition, because the court allowed the applicant to resubmit the petition. Therefore, the City needs to consider this petition under the General Plan in effect at that time.

Planner Whetstone stated that the annexation and the MPD review was subject to the City Annexation Agreement that was approved by the City Council. The agreement was included in the Staff report. She noted that the annexed property was north of Park City Heights, east of the Quinn's Recreation Complex, and south of the IHC Hospital and the USSA building. US40 was on the east side.

Planner Whetstone remarked that if the property is not annexed into Park City, the development would be reviewed by Summit County and subject to the County Settlement Agreement. If the property is annexed into Park City, the Annexation Agreement allows for the development of up to 374,000 square feet for a movie film studio campus limited to a 100 room hotel and associated uses. Many of the uses were specified in the agreement.

Planner Whetstone noted that design standards were attached to the Annexation Agreement. The Staff was looking for input from the Planning Commission to help prioritize those standards. Planner Whetstone named a few of the key design parameters. She noted that per the Settlement Agreement, the final plans would be approved by Staff as an administrative CUP.

Planner Whetstone reiterated that the role of the Planning Commission was to facilitate the best possible site plan and design that was not contrary to the Annexation Agreement.

Commissioner Savage wanted to know who would be the arbiter for deciding whether or not something is consistent with the Annexation Agreement.

City Attorney Mark Harrington stated that in this particular case, the City Council would have the final decision on whether or not to move forward with the annexation. If the City Council approves the annexation, there would need to be another final design approval based on the design guidelines attached to the Annexation Agreement.

Commissioner Savage stated that if the Planning Commission is to facilitate the best possible site plan that is not contrary to the Annexation Agreement, he needed to better understand how the Planning Commission could determine what would or would not be contrary. City Attorney Harrington replied that they could not go beyond any of the entitlements that conflict with the LMC. Commissioner Savage clarified that nothing in the Annexation Agreement imposes a different metric of consideration, other than the LMC that existed in 2005. Mr. Harrington stated that as an example, there were no open space requirements or setback requirements imposed by the County. Therefore, those were built into the agreement as a pre-requisite of City authority.

Mr. Harrington remarked that the second component was the recommendation on the annexation in general. The Planning Commission had the ability to incorporate additional elements; however, the preference would be to work within the parameters stated in the Annexation Agreement. He believed that the applicants in their presentation this evening would express their intent to work diligently to come as close as possible to a development that would be approved, irrespective of the Annexation Agreement.

Commissioner Savage requested a timeline of what the Planning Commission could expect to see in terms of their review over the course of the next few weeks. Planner Whetstone offered to provide that information. She believed that some of that information would be addressed in the applicant's presentation.

Vice-Chair Pettit thought it was important to understand that even though the Planning Commission's role was tied to one aspect of the application, their role was also to evaluate the full set of criteria for purposes of the annexation application and the MPD. She recognized that elements of the Annexation Agreement exempted some of those requirements; however that would not preclude the Planning Commission from doing a full scope review based on the criteria they are required to evaluate as a body. Planner Whetstone agreed, but emphasized that their evaluation needed to be done quickly.

Commissioner Hontz echoed Commissioner Pettit's comments. She felt it was challenging to review a design without having all the information required for a proper evaluation. Providing that information would be imperative before the Planning Commission could take the next step. Commissioner Hontz thought the applicant should understand the importance of submitting all the information per all sections of the Code.

Recognizing the limited time frame, Vice-Chair Pettit wanted to see a matrix of all the criteria tied to the annexation approval process and to the MPD, to enable them to check through each criterion to see how the information is presented, what complies, and what is exempted. It would be helpful for the Planning Commission to begin the process with a clear understanding of the criteria.

Commissioner Hontz pointed out that the Planning Commission was unable to review material they did not have. Therefore, the applicant needed to worry about the limited time frame and submit information so the Planning Commission has time to conduct the proper review.

City Attorney Harrington clarified that the 90 day time frame set by the City Council was the trigger for accepting the site plan within the Annexation Agreement. He remarked that the clock was

already ticking and the Planning Commission had two meetings to make that determination. He believed the applicant understood that additional information needed to be submitted. Mr. Harrington stated that the Staff could provide the matrix Vice-Chair Pettit had requested.

Peter Pilman stated that IBI Group was the design firm for the St. Regis, which was also a complicated annexation that occurred. Mr. Pilman clarified that he had not been involved in the settlement agreements or annexation discussion. He was charged with working collaboratively with the City for the best design. He lives in the community and it was important for him to achieve the best possible facility with connectivity of trails systems and aesthetically pleasing buildings. The intent was to hear what issues the Planning Commission had so they could focus on addressing those concerns as they create the design. The goal is to work with the Planning Commission in the best way to meet the imposed time constraints

Mr. Pilman stated that the applicant was passionate about the design and about resolution and consensus. They would like to visit the site with Director Eddington and Planner Whetstone to work through specific site issues as they move forward. Mr. Pilman explained that the objective was to meet with the Planning Commission and hear their feedback before starting on a design. Their input would be incorporated into the design and presented at the next meeting.

Planner Whetstone reviewed the questions for discussion.

The first question asked which MPD site plan issues the Planning Commission felt would be the most important to focus on for the public hearing. She noted that a public hearing was tentatively scheduled for the March 14th meeting.

Vice Chair Pettit remarked that this development was not envisioned by the community or discussed as part of the General Plan. She believed the challenge was how to bring a project that was not envisioned, into the vision of who they are and what they want to be, and make it fit within their community identity. Vice-Chair Pettit stated that the short time frame presented another challenge. Every applicant who submitted an application for a project of this size and scale in that area went through an extensive, lengthy process, which allowed the ability to collectively make those projects the best they could be. She felt the Planning Commission had their hands tied in this process, and she questioned whether that was in the best interest of the applicant. It would be better to have a project that the community embraces versus feeling like it was forced on them.

Vice-Chair Pettit stated that other applicants in the Quinn's Junction area provided modeling that provides a sense of how the project fits on the site and how it fits within the surrounding projects, as well as visual analysis from different viewpoints. Modeling helps the Planning Commission understand how the project fits on the site and how visible it would be from various vantage points.

Commissioner Worel asked about the possibility of extending the 90 day period. City Attorney Harrington replied that the applicant would have to agree to an extension and it would need to be requested through the applicant. Mr. Harrington clarified that the representatives this evening were

the design team and not the owner, so they would not have that authority. Mr. Harrington stated that the City had tried to negotiate a longer period, but had to settle for 90 days. The time was driven by the desire to have a final decision prior to the end of the Legislative session, due to the State's role in this project. Mr. Harrington suggested that a request for an extension might be better received after the Planning Commission held a few more meetings that showed they were making progress with the design team.

Commissioner Strachan referred to an attachment to the Staff report from Sage Accounting regarding the Quinn's Junction Impact Study. Mr. Pilman clarified that his role was to design the project. Since he had not seen that study he was not prepared to answer questions. Mr. Harrington suggested that the Planning Commission ask questions and if an immediate answer was not available, the Staff would have an answer for the next meeting. Commissioner Strachan requested that the applicant have a representative present at the meetings who could answer questions about the submittals provided by the applicant.

Commissioner Strachan pointed out that the study had handwritten notes and it appeared to be a cut and paste from a report that did not apply to this project. He wanted the applicant to explain the study.

Commissioner Strachan asked if the proposed project meets the transit plan for the area. Mr. Rosecranz explained that the intent was to put one or two transit stops within the site to reduce the parking. They hope to be on the Park City Loop and would like to have a discussion with Staff about using the existing Park and Ride for employee parking. Mr. Rosecranz remarked that the plan is to encourage public transportation as much as possible.

Commissioner Strachan asked if anything was in place that would guarantee that the City would provide public transit. Mr. Rosecranz replied that there was nothing beyond comments from Staff indicating that there would be public transit. Planner Whetstone stated that the Transportation Department was currently reviewing some of the information submitted; and additional information would be provided to them following this meeting. Representatives from the Transportation Department would be available at the public hearing to answer questions. Commissioner Strachan asked if that transportation discussion would also include putting a stop at Park City Heights. Planner Whetstone replied that Park City Heights would have a stop once the Quinn's Park and Ride is in use on a regular basis. Prior to that, several improvements need to be made to the road, including installing a signal at Richardson Flat Road. She reiterated that the appropriate people would be available at the next meeting to address those types of questions, as well as phasing and a true route.

City Attorney Harrington stated that there were two elements to be considered. One was the use of the Park and Ride for employee parking to minimize on-site parking. The second was an acceleration of that extension of true public transit to the area. He pointed out that the second element was still in the future, because there would be a greater transportation demand if this project moves forward as planned and Park City Heights is built out.

Mr. Pilman requested feedback from the Planning Commission on key elements such as connectivity, trails, transit, transit connections, parking, etc.

Vice-Chair Pettit reiterated that the challenge was making this project a part of the Park City community rather than a disconnected stand-alone industrial park. She thought the difficulty would be trying to design this project to fit with the theme and characteristics emphasized by the community, such as preserving the mountain resort and the historic character of Park City. In terms of the parking issues, Vice-Chair remarked that the ratio of hard surface to landscaping and the visual impacts would be key elements for review. She personally prefers to under park a project to minimize vast, hardscape surfaces. She believed the design group was heading in the right direction by identifying the key elements Mr. Pilman had mentioned. Vice-Chair Pettit stated that additional elements tied to a LEED perspective and renewable energy would be seen as benefits, but she still thought the hurdle would be making a connection with the community.

Mr. Pilman noted that the guidelines were included as part of the Settlement Agreement and they were all familiar with the existing buildings in the area. They were interested in hearing comment from the Planning Commission on which buildings were successful, which ones break up the mass and which ones have better architectural treatments. Their intent is to comply with the guidelines provided and to incorporate comments and direction from the Planning Commission and Staff, but at the same time work within the elements required for a studio site.

Commissioner Savage thought this meeting may have been premature because it was difficult for the Planning Commission to make comments without having the necessary framework to ask specific questions. He encouraged the applicant to come back with a dimensional image of a preliminary concept with architectural overlays to show more specifically how the structures would look. With the use of available technology, the Planning Commission could then view the project from different perspectives and vantage points to see how the architectural constellation fits into the neighborhood. Commissioner Savage felt it was important to have that information in order to have constructive dialogue.

Commissioner Savage recognized the consistent tendency to make "sour grape" comments. He believed those comments were pointless based on the scope of their review. He encouraged everyone to look to the future on this project rather than spending time talking about how they got to this point.

City Attorney Harrington asked if the Planning Commission could give the Staff and applicant confirmation on some general principles so they would know if they were proceeding in the right direction.

Commissioner Savage felt the view from Highway 248 was important. The most important view would be the view coming south on US40 because it is an entry corridor into Park City. Commissioner Savage remarked that the entire view corridor and how it relates to Park City Heights should be considered carefully. He would be less in favor of the largest buildings being in the far right hand side of the project, and suggested that they be designed in the center of the project.

Planner Whetstone believed it was important for the Planning Commission to visit the site and get a feel for the topography. Commissioner Savage asked if it was possible to provide two different scenarios for the Planning Commission to have on their site visit. It would be helpful to see the site

in conjunction with two conceptual models.

Mr. Pilman stated that his intent was to come to the next meeting with a sketch of the site showing where they think landscaping and other features would be most beneficial for screen and blocking views. They would also have massing studies of the buildings that looks at building heights and building orientation. Mr. Pilman pointed out that functionally the buildings need to work a certain way for the use and there were constraints that would affect the plan. He would like to come back to the next meeting with a package that everyone could react to.

Mr. Rosecranz remarked that there were two sides to this project. One side is secured and one is unsecured. He noted that IBI Group had spent time working with the studio and other potential tenants. They had a different layout with the County and when they came into the City, the City had different ideas and requirements. Mr. Rosecranz stated that due to the tight time frame decisions need to be made quickly; and they had moved forward with more information than what was presented this evening. Rather than bias the Planning Commission with a design, they preferred to hear comments from the Commissioners to see how it compared.

Mr. Rosecranz stated that the applicant has a settlement agreement with the City Council and they need to be careful not to override the parameters specified in that agreement.

Commissioner Worel referred to the annexation agreement on page 86 of the Staff report, which said that the City would request State funding for structured underground parking. She asked if it was common for the State to fund parking on private property. Mr. Harrington answered no, and explained that it was not common for the State to get involved in local projects. He believed that effort was unlikely; however, the City would continue to explore it in mitigating the impacts of this project. Mr. Harrington believed it would manifest itself in road prioritization and public transit. He did not expect to see State funding for parking. Mr. Harrington clarified that the current plan did not assume underground parking.

Diane Foster, interim City Manager of Park City, stated that there were discussions regarding underground parking, but eventually it did not appear to be possible. She noted that Park City has the Highway 248 improvements, which includes the bus lanes between Sidewinder and Richardson Flat Roads. Those improvements are in Phase 1 of Region 2 long-range strategic plan, which means they are one step away from getting on to the Funded State Transportation Program or STP. Once they are on the STP it is only a matter of time until it happens. Park City is part of a legislative bill requesting that funding be moved into the STP. Ms. Foster remarked that currently the Park and Ride was not used because there is no advantage to taking a bus if you are sitting in traffic. The STP would allow that next step to occur. Because it is not currently in the STP it is not a funded project. The City has made this a priority.

Commissioner Hontz stated that the night lights that exist across the street from this proposed development is too much and she would like to see elimination or reduction on this site. Understanding the specific restraints based on this particular use in terms of height, massing, lighting, and security, Commissioner Hontz asked if there were examples of movie studios that the IBI Group has design massaged in the past that created a better result. After seeing studios in Los Angeles, she had a hard time translating that to the property at Quinn's Junction. Commissioner

Hontz noted that several annexations and MPDs have taken place around Park City that did a good job of setting the quality standard. Her expectations for this proposal would be, at a minimum, that same standard of quality in terms of the information presented.

Mr. Pilman remarked that few hospitals are as attractive as the Park City IHC hospital. That building went through the same process and resulted in a nice facility. He stated that the challenge for the IBI Group were to equal that quality or better it. Mr. Rosecranz pointed out that most of the examples used in the guidelines were pictures of the hospital.

Planner Whetstone understood that Commissioner Hontz was commenting on the quality of the application and requested specific feedback on where the application would not meet those standards. Commissioner Hontz clarified that it was two parts. The first was the quality of facility, and she agreed that the hospital was a good example. The second part was the quality of application, which was moving forward from one drawing to another.

Commissioner Savage was more interested in the Matrix that was discussed earlier. It would be important for the Planning Commission to know that each of the boxes in the Matrix had been sufficiently analyzed and configured. Commissioner Savage thought the focus for the next meeting should be the timeline, the matrix and a model

Vice-Chair Pettit felt the Planning Commission has given as much information as they could based on the limited information they were provided with this evening. She understood that it was early in the process and she appreciated that the applicant had not moved too far prior to getting feedback from the Planning Commission.

City Attorney Harrington summarized the comments this evening. A site visit would be arranged with additional plans provided in advance of the site visit. A public hearing would be scheduled for March 14th. The Planning Commission wishes to continue with the same focus as Park City Heights in terms of view corridors, particularly the SR248 Entry Corridor Impacts from 248 leaving town and coming off the US40 south off ramp into town, concerns related to parking, public transit, night lights, trails connectivity, examples of other studio designs and the quality of application materials, as well as a request for a matrix, 3-D modeling and the timeline. The goal should be a design equal to or better than the IHC hospital.

Commissioner Savage stated that they already know the end game because of the 90 day timeline. The question was how to achieve the end game and fill in the matrix in a way that gives people as much comfort as possible.

City Attorney Harrington stated that if the Planning Commission did not want to go through the process, they should direct the Staff to form a recommendation of denial and focus on the submittals they have to explain why they do not want to go through the planning site design exercise. If that is their interest, they should forward that recommendation to the City Council as soon as possible so the Council could decide whether to terminate the annexation or spend their time on the design. Mr. Harrington understood the angst and anxiety because this was not a traditional process; however, he encouraged them to focus the meeting time on the important issues within their purview. He reiterated that they also had the option to recommend denial to the

City Council.

Vice-Chair Pettit commented on the amount of time spent on previous projects and working through the detailed design elements, which resulted in everyone being happy with the end product. The Planning Commission did not have that benefit for this application, yet they were trying to achieve the same level.

Commissioner Strachan thought the choice was clear. If they do not have sufficient time to develop a worthwhile plan, he questioned why they would spend everyone's time working with the designers. A better approach might be to shape a denial of the annexation petition. He believed the Planning Commission is charged with doing two things when an annexation petition comes before them. One is to determine whether it meets the General Plan and the second is to determine whether it meets the requirements of the Land Management Code. Their role is not to brush those two documents aside and begin the design review. Commissioner Strachan stated that if the Planning Commission recommends denial and the City Council believes they can come up with a great design, then the Council could work with the designers and the public. He had no desire to put much effort into a plan that would be difficult, if not impossible, to comply with the General Plan and LMC. It does not provide open space and affordable housing and it does not have setbacks.

Mr. Pilman understood Commissioner Strachan's position, but he felt this was an opportunity for the applicant and the design group to work with the Planning Commission to address the important issues given the constraints, so they would all know that they did the best they could for the City.

Commissioner Strachan stated that the Planning Commission could not provide the input needed to design the project. Due to the 90 day time constraint, there was not enough time to take input from either the Planning Commission or the City Council to the degree required to develop a project that would meet the community's desires. City Attorney Harrington disagreed that the Planning Commission did not have enough time to influence the outcome of this project. The question was whether or not they wanted to do it, and that was their choice. Mr. Harrington thought it was unfair for the Planning Commission to think it was a waste of time. Commissioner Strachan clarified that he did not think it was a complete waste of time; but there was no way to make substantive changes to the design to overcome all of the inconsistencies of the General Plan. He questioned whether the Planning Commission should even be put in a position to ignore General Plan and LMC mandates. Mr. Harrington believed the Planning Commission had a larger role. They already know the end result and they have a chance to influence that outcome.

City Attorney Harrington pointed out that if this project goes back to Summit County, the design review would be done at a Staff level without a public process. In 90 days the City could have five or six public hearings and over that time they could accomplish a lot. He urged the Planning Commission to consider the pragmatic ability to make the project better to mitigate its impacts on the community and to take advantage of IBI's offer to work with the design.

Commissioner Strachan recognized that the project could be much worse if it was sent back to Summit County, but it was a matter of principle. There was not enough time to design a quality product that adheres to the General Plan and LMC. Commissioner Strachan did not believe the

community was well served by prior pragmatic approaches with respect to projects that did not comply with their vision.

Vice-Chair Pettit agreed that the Planning Commission should decide whether or not to engage in substantive design review. However, they should wait make that decision at the next meeting when Commissioners Wintzer and Thomas would be present to express their views. Waiting until the next meeting would also give the Planning Commission the opportunity to review additional information submitted by the applicant. The majority of Commissioners concurred.

Mr. Pilman remarked that the IBI Group had two clients, the applicant and the Planning Commission; and they would like the opportunity to design a quality product. If the Planning Commission decides to move forward, Commissioner Strachan thought the design team should incorporate the standards required of any other applicant by the General Plan, particularly regarding open space, setbacks and trails.

DRAFT

MINUTES – SEPTEMBER 22, 2012

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 22, 2012

COMMISSIONERS IN ATTENDANCE:

Vice Chair Julia Pettit, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Francisco Astorga, Planner; Matt Evans, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Vice Chair Pettit called the meeting to order at 5:30 p.m. and noted that all of the Commissioners were present except Charlie Wintzer, who was excused.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

There were no communications or disclosures.

CONTINUATIONS – PUBLIC HEARING AND MOTION TO CONTINUE

1. 269 Daly Avenue Plat Amendment
(Application #PL-11-01232)

Vice-Chair Pettit opened the public hearing. There were no comments. Vice-Chair Pettit closed the public hearing.

MOTION: Commission Thomas moved to CONTINUE 269 Daly Avenue plat amendment to March 14, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code- Amendments to Chapter 1, Chapter 10 and Chapter 15 for Special Exceptions (Application #PL-11-01418)

Vice-Chair Pettit opened the public hearing. There was no comment. Vice-Chair Pettit closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the LMC Amendments to Chapter 1, Chapter 10 and Chapter 15 to March 28, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 60 Sampson Avenue – Ratification of Findings for Conditional Use Permit (Application #PL-11-01369)

Assistant City Attorney McLean explained that this item was a ratification of findings for denial of a CUP to allow nightly rentals at 60 Sampson Avenue, based on a 3-2 split vote at the last meeting. Prior to ratification, the Commissioners who were present and voted at the last meeting needed to determine that the findings correctly reflected the basis for their vote. If the motion that carried was represented in the findings, the Commissioners should support the vote to ratify. Ms. McLean clarified that the decision requested this evening was not another vote on the decision to allow nightly rental at 60 Sampson Avenue. It was a vote to accept the findings that correctly reflect the vote of the majority of Planning Commissioners.

Planner Matt Evans corrected the first sentence of Finding of Fact #13 to read, "The Planning Commission finds that Criterion #4 (Emergency Vehicle Access) cannot be mitigated for the same reasons as found in Criterion #2". He noted that the sentence as written incorrectly stated Finding of Fact #2.

Planner Evans referred to Conclusions of Law #1, and deleted the word possibly from the language.

Commissioner Savage referred to Finding of Fact #14, which stated that there were only two parking spaces at the location. He noted that the Finding did not address whether or not the applicant would have been willing to stipulate to restricting the parking to no more than two vehicles if the house was rented. Commissioner Savage asked if that dialogue would only take place during the appeal process. He wanted it clear that the Planning Commission had not engaged in a discussion about willingness to mitigate that concern when it was expressed by the Planning Commission. Commissioner Savage recalled that when the Planning Commission first reviewed the application, the Planning Staff had indicated that there were no unmitigated impacts on many of the criteria that were not considered unmitigated impacts. He pointed out that there was no discussion on possibilities related to strategies for mitigation that would have allowed the CUP. Commissioner Savage asked if that could be addressed in the appeal process or if that discussion would occur at the Planning Commission level.

Assistant City Attorney McLean explained that an appeal of a conditional use permit goes to the City Council. It is a de novo appeal, which means that the City Council would re-evaluate the

conditional use permit and make their determination. Therefore, the City Council is able to evaluate each point in terms of whether or not each criteria was mitigated. Ms. McLean stated that the Findings should be based on the actual discussion that took place.

Commissioner Savage pointed out that Finding of Fact #14 was only one example. He could find similar discrepancies in other findings. Regarding Finding of Fact #14, he did not believe there was a complete discussion in terms of whether the applicant would or would not have been willing to take efforts to mitigate the parking concerns. If that could still occur in conjunction with the appeal process, Commissioner Savage was comfortable ratifying the Findings as written.

Vice-Chair Pettit stated that she was absent from the last meeting and was not part of the discussion. However, she recalled seeing a discussion in the Staff report about using the rental agreement as a mechanism for mitigation. Her interpretation from reading the minutes was that the Planning Commission discussed that element, and from the perspective of enforcement believed that a restriction in the rental agreement was not adequate mitigation.

MOTION: Commissioner Hontz moved to RATIFY the Findings of Fact and Conclusions of Law to deny the request for a conditional use permit for nightly rental at 60 Sampson Avenue according to the Findings of Fact and Conclusions of Law as amended. Commissioner Strachan seconded the motion.

VOTE: The motion passed 4-0-2. Commissioners Pettit and Worel abstained from the vote since they were absent from the February 8th meeting.

Findings of Fact – 60 Sampson Avenue

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. The subject property is located within the Historic Residential Low Density (JRL) zoning district.
3. The house at 60 Sampson Avenue is located on an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008. The house has 4 bedrooms.
5. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
6. Access to the subject property is off at Sampson Avenue with frontage onto King Road, both are public streets.
7. Sampson Avenue and King Road are very narrow roadways. The paved width of Sampson Avenue is 12 feet wide, which is not wide enough for two cars to pass each other. There is also no on-street parking available on Sampson Avenue. Testimony from residents

suggests that this street has had difficulty being accessed by emergency vehicles in the past.

8. There are no legally established nightly rentals on Sampson Avenue. The Finance Department has confirmed that there are no business licenses issued for Nightly Rentals on Sampson Avenue.
9. Requiring additional cars to park in China Bridge in the rental agreement does enforce such a requirement and the Landlord has no incentive to enforce such a condition.
10. There are three separate sets of stairs and over 250 stairs from China Bridge making it unlikely that nightly tenants would actually use China Bridge as an alternative parking area. There is no on street parking in the vicinity of the residence.
11. Trash is a problem with nightly rentals because tenants often leave on a Monday and the trash is put outside; however, the garbage pick-up isn't until Thursday. No mitigation for this impact has been proposed.
12. The Planning Commission finds that Criterion #2 (Traffic) of Section 15-2.1-2, LMC, cannot be mitigated because traffic on the roads leading to the applicant's property, and the street where the proposed nightly rental is located, are narrow roadways that may become subject to closure during a major storm event, such as snow or rain, and that renters may not be able to access the home because there are times when both King Road and Sampson Avenue are not passable by a automobile. One must drive on steep hills to access Sampson Avenue, and it is not possible for two cars to pass each other on the road.
13. The Planning Commission finds that Criterion #14 (Emergency Vehicle Access) cannot be mitigated for the same reasons as found in Criterion #2 that the roads leading to and from the proposed nightly rental are narrow roadways that may become impassable during major storm events, such as snow or rain, and that testimony from the public suggests that emergency vehicles tend to get stuck turning from Sampson Avenue during normal weather, making emergency vehicle access to the nightly rental subject to delay. The Planning Commission further finds that the night rental may increase the need for emergency vehicle access to the area, and that such an increase would burden the neighborhood because of the narrow roadways.
14. The Planning Commission finds that Criterion #5 (Location and amount of off-street parking) cannot be mitigated due to the fact that there are only two parking spaces at the proposed location for the nightly rental, and due to the fact that the existing home is 3,800 square feet, has four bedrooms, five bathrooms and sleeps an undetermined number of people and could potentially accommodate a large gathering of individuals, and there is no way for the City to enforce a maximum gathering of occupants for the nightly rental, and the fact that there is no on-street parking available at this location due to the fact that Sampson Avenue is in essence a 12-foot wide one-way road with no on-street parking near the proposed nightly rental, and that Kind Road has the same physical conditions as Sampson Avenue, causing a potentially dangerous situation for those trying to park near the home.

15. The Planning Commission finds that Criterion #6 (internal circulation system) cannot be mitigated due to the fact that both Kind Road and Sampson Avenue are narrow roadways which in essence function as one way streets, and that circulation in the area is usually difficult even if not complicated by frequent major storm events, and that the nightly rental could generate additional trash or additional service needs, and that those could potentially cause an increase of the level of traffic generated from outside of the area, and that the streets leading to and from the proposed Nightly Rental are local streets that are more than likely at a failing level of service because they do not meet current City Street Standards for asphalt width and snow storage.
16. The Planning Commission is concerned that Criterion #14 (Expected ownership and management of the property) would be difficult to mitigate due to the fact that there are no provisions in the LMC to require that a local property management company oversee the nightly rental. The owner of 60 Sampson Avenue, who's primary residence is in New York, would be an absentee landlord and would not be able to ensure that issues related to trash and loud parties at the home could be taken care of to the satisfaction of the neighbors or the City. The burden of dealing with issues related to trash, loud parties, and other issues related to Nightly Rentals, is unfairly shifted to the neighborhood and the City to handle.
17. The Planning Commission finds that the condition to require off-site parking during times when King Road or Sampson Avenue may become impassable during periods of heavy snow or other inclement weather, un-enforceable, and thus un-reasonable to impose.

Conclusions of Law – 60 Sampson Avenue

1. The proposed conditional use permit has conditions that cannot be mitigated, including those found in criterion #2, #4, #5, #6 and #14 of Section 15-2.1-2 of the Park City LMC.
2. The condition of approval to require off-site parking during heavy snow events or other inclement weather make King Road or Sampson Avenue impassible is un-enforceable by the City, and thus is an unreasonable condition of approval.

Order: The Conditional Use Permit for Nightly Rental at 60 Sampson Avenue is hereby denied for the reasons specified within the Findings of Fact and Conclusions of Law listed herein.

2. Ridgepoint at Deer Valley – Amendment of Record of Survey (Application #PL-11-01328)

Planner Evans reviewed the request to amend the Ridgepoint at Deer Valley record of survey as outlined in the Staff report. The amendment would convert what was originally labeled "balcony" to "limited common ownership". The request would also change the entryways of 26 of the 38 units to enclose their front porch areas shown as private ownership. Planner Evans noted that the amendment would increase the total square footage of private ownership by 926 square feet for a net result of 16-48 square feet of living space for 26 of the 38 units.

Planner Evans presented photos showing the existing entry for most of the units. He then reviewed photos of the proposed entries if the amendment was approved.

Planner Evans stated that the change from 926 square feet and the addition would not create any non-conformities or increase the units to a square footage that would require additional parking. The changes were nominal from the original construction. Planner Evans pointed out that some of the unit owners had already made the proposed changes and those owners would need to obtain building permits to make the changes legal. He clarified that the language change from "balcony" would only rename the decks to what they should have been called originally, which is limited common ownership. Planner Evans referred to areas in pink which identified the areas that would become incorporated into habitable living space. He noted that the Staff report included all the units that would be amended.

Commissioner Thomas clarified that the amendment would create a vestibule entry for 26 units. Planner Evans replied that this was correct.

Commissioner Savage understood that some of the units had already made the change, but it was done so without a permit or approval. Planner Evans answered yes, and pointed out that some of the units may have obtained permits in the past. Commissioner Savage asked if all the owners were required to change the entry or if it was up to each individual owner. Planner Evans stated that the plat amendment would allow owners to enclose the entry, but individual owners could choose whether or not to do it. The only difference would be private ownership with four walls or private ownership with two walls.

Vice-Chair Pettit asked if penalties are imposed when modifications are made illegally without permits or approval. She felt that some owners would be rewarded for their infraction if the plat amendment is approved. Vice-Chair Pettit was concerned about setting a precedent for the community.

Assistant City Attorney McLean stated that it was a question for the Building Department because she was unsure if fines or other penalties were assessed for working without a permit. Ms. McLean remarked that it is always a challenge when faced with the issue of granting forgiveness rather than permission. She understood that some of the units may have had building permits and the Staff signed off on them without realizing that it was not allowed at the time. In those cases, forgiveness was easier. However, she believed the Building Department had some type of ramification for those who did the work without a permit.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the Ridgepoint at Deer Valley condominium plat consistent with the Findings of Fact,

Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Ridgepoint at Deer Valley

1. The property is located at approximately Ridgepoint Lane at Woodland Drive.
2. The property is within the Residential Development (RD) District with Master Planned Development (MPD) Overlay, subject to the Deer Valley MPD.
3. The Plat Amendment allows a total of 926 square feet of “limited common space” to be converted to private ownership in 26 of the 38 units and would allow the front entry ways of each eligible unit to be enclosed.
4. The proposed amendment to the record of survey plat allows the area marked as “balcony” to be re-labeled as “limited common” area.
5. The Trustee of the Ridgepoint Homeowners Association have given unanimous consent to the proposed plat amendment.
6. The Homeowners association voted 91% affirmative to approve the proposed change with none of the affected owners voting not to amend.
7. The proposed plat amendment will not cause any nonconformities or noncompliance with the Residential Development (RD) Zone Designation or the Deer Valley MPD as there is no increase in the total number of units or the building footprint, setbacks, or building height.
8. Although the proposed amendment will increase the habitable living spaces for 26 of the 38 units, the amended plat will not require additional parking because none of the units will exceed 2,500 square feet, which is the maximum square footage allowed before the parking standard increased from two-spaces per unit to three-spaces per unit.

Conclusions of Law – Ridgepoint at Deer Valley

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

Conditions of Approval – Ridgepoint at Deer Valley

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. The approval of this plat amendment does not automatically permit the owners of Ridgepoint at Deer Valley the right to incorporate the newly revised private ownership areas as living space. Each individual owner shall be required to obtain the necessary Building Permits from the Building Department before any construction to enclose the entry areas can commence.
 4. Patio and deck areas shown as "limited common ownership" are not to be converted to living space, nor are additional structures, including new roof covers, etc. allowed within these areas. The limited common ownership of deck and patio space is specifically for the personal enjoyment of each individual owner directly in back of unit as shown on the amended plat, and subject to normal maintenance and repair as deemed appropriate by the Homeowners Association.
3. **1790 Bonanza Drive, Rail Central – Conditional Use Permit**
(Application #PL-11-01406)

Planner Francisco Astorga reviewed the application for a conditional use permit at 1790 Bonanza Drive, Rail Central. The applicant was proposing to attach 12 antennas to the side of the existing elevator shaft tower, which houses the mechanical equipment for the elevator; and to build some type of enclosure with a synthetic material that would hide the antennas from view. The proposed material mimics the appearance of any material and it allows the radio frequencies to travel without being disrupted. Planner Astorga noted that the applicants were also proposing to build a small 10' x 20' addition on the front to house additional equipment associated with the antennas.

The Staff spent a significant amount of time working with Don Shively, Mike Sweeney and Mark Fischer to achieve an appropriate design. The Staff requested that the Planning Commission conduct a public hearing and provide input this evening regarding the height.

Planner Astorga reviewed the exhibits attached to the Staff report showing the site and how the antennas would be installed. He stated that the proposal would increase the height an additional five feet above the existing height of the tower. Currently the tower is 38.5 feet and that would be increased to 43.9 feet. There were no height issues with the proposed addition in the front. Planner Astorga showed how the proposed height would relate to the height on the clock tower, which received an exception by the Planning Director in 2005. At that time, the LMC allowed up to

50% of the maximum height in the District for certain architectural features, per approval by the Planning Director.

Planner Astorga presented simulations that the applicant had prepared to indicate the expansion. He also presented the technical data showing the coverage AT&T would have in that area compared to the existing coverage.

Planner Astorga stated that Mr. Fischer would like to change the parking plan. The proposed plan allows for change without going into any open space. Mr. Fischer would like to add additional parking by changing the configuration of the existing 11 parking spaces. His plan would eliminate two of the existing eleven spaces, but the reconfiguration would add 8 spaces without affecting the current circulation pattern. Planner Astorga noted that the parking plan had been reviewed by the City Engineer, the Fire Marshall and the Building Department.

Mike Sweeney, representing the applicant, presented photos he had taken of current antennas for cell coverage around town. He noted that five different service providers have antennas throughout the City.

Commissioner Savage asked where the existing AT&T antennas were located. Don Shively, representing the applicant, identified the AT&T antennas, which included Quarry Mountain and Park Meadow Resort. He noted that the proposed location on Kearns Boulevard would meet the service demands in that area.

Mr. Sweeney reported that Sundance had asked AT&T to install three temporary antennas in order to handle the increased load of calls during Sundance and to minimize the number of dropped calls.

Commissioner Worel stated that page 32 of the Staff report indicated that the existing cellular sites were not at maximum capacity. Mr. Shively believed that was a typographic error by Staff because that is not the position of AT&T, as evidenced by the request for additional antennas during Sundance. The existing antennas are maxed out and AT&T was looking to provide additional services required by Smart Phones and iPhones.

Planner Astorga clarified that it was a typo when he wrote the report and he apologized for the error.

Commissioner Thomas indicated the stone veneer on the exterior of the building, and he assumed that would not affect the efficiency or operation of the antenna on the inside of the building. Mr. Sweeney explained that the antenna would be placed on the outside of the rock on the elevator shaft. AT&T took a mold of the shaft and they intend to duplicate the rock with a synthetic material. That material is a fiberglass and the signal would transmit through that material. Mr. Sweeney pointed out that the antenna would not be visible.

Commissioner Thomas pointed out that the process would create a synthetic rock, which is prohibited by Code. Mr. Shively stated that AT&T would prefer not to cover or hide the antennas because of the weight load and engineering issues. However, because the ordinance requires

antennas to be hidden, it is necessary to have some type of composite that would cover the antennas without interfering with the transmission. Commissioner Thomas suggested that AT&T use a material that does not look like rock and is allowed by Code. He thought a change in material and shift in elevation would help mitigate the visual impact of the mass and height. Commissioner Thomas struggled with the idea of a synthetic material made to look like stone.

Planner Astorga stated that the applicant chose the rock in an effort to move forward with the existing material. He understood that Commissioner Thomas was suggesting that the applicant look at a different material that would still meet the synthetic component for transmitting radio waves, but not mimic rock. They should look at vertical siding or a different material altogether. Commissioner Thomas referred to the elevation shown on the screen and suggested that changing the material for the last five feet would minimize the visual impact of the tower.

Mr. Shively commented on the ability to make the synthetic material look like brick with a mortar, and painted to match any color. It could also be made to look like stucco. Mr. Shively clarified that AT&T only followed the existing design of the tower, but they were willing to change the look if the Planning Commission preferred something different. Commissioner Thomas stated that was not trying to design the project, but he would favor a transition to stucco with a ledge and detail. It would be consistent with the Code and help the aesthetics.

Vice-Chair Pettit opened the public hearing.

Mary Cook stated that she liked the proposed design and her comments were directed to other issues. She lives in the Homestake Condominium, which is between an eighth and a half-mile away from this location. Ms. Cook was appalled to hear that there would be 12 transmitters in the tower. She wanted to know what studies were done that would assure nearby residents that they would not be affected by the electro-magnetic currents.

Mr. Shively replied that they were following the FCC guidelines.

Ms. Cook was not satisfied with the FCC guidelines. She wanted to know what information AT&T could provide to let the neighbors know what types of transmission would be taking place.

Vice-Chair Pettit informed Ms. Cook that the public hearing was her opportunity to make comments and express her concerns to the Planning Commission, and not to question the applicant. Based on her comments, the Planning Commission could ask further questions of the applicant.

Ms. Cook acknowledged that she should have raised the question several weeks ago when she became aware of the application. However, she initially thought it was a cell phone tower, which is a very different issue from 12 antennas with a much higher transmission. Ms. Cook thought it was important to consider the health impacts to the neighbors, as well as potential future residents, in terms of the amount of electro-magnetic wave energy that would be transmitted from the tower.

Ms. Cook stated that at one time she worked for a defense contractor and her position was to move within different departments and work with them on how to solve particular problems in their

department. She was exposed to a lot of information that most people would not hear about. A study was conducted on radio transmissions and following that study the company she worked for moved all their transmission equipment away from where people were positioned to work all day.

Ms. Cook requested information from AT&T on how much electro-magnetic energy would be generated from this tower. She noted that Homestake residents already experience interruption in their electronic equipment from the one temporary tower in the Yard that was supposed to be removed in May. Ms. Cook emphasized the importance of learning how this particular project would impact the human system.

Vice-Chair Pettit closed the public hearing.

Commissioner Worel asked if there was a potential for the cell phone signals to conflict with the power service if the Rocky Mountain Power Station was relocated to other proposed sites nearby. Mr. Shively answered no, and explained that it is common practice for the telecommunication industry to put communication sites and poles next to substations.

Commissioner Savage wanted to know why AT&T was using the back chimney instead of the clock tower. Mr. Shively replied that the effort was to keep all the antennas in one place so they would not have to split the co-axial cable that transmits the signals from the antenna down to the 10' x 20' shelter. Commissioner Savage pointed out that the clock tower was closer to the 10' x 20' shelter than the chimney. Mr. Shively agreed that it was closer, but they were following the Park City ordinance that required mitigating the visual impacts. For that reason, they felt a better solution would be to hide the antennas with a wall around the tower as opposed to filling out the clock tower.

Commissioner Savage asked if the structure of the clock tower would prohibit the ability to add the antennas to the clock tower. Mr. Shively stated that the antennas themselves are 8' x 12", plus the arm that enables them to adjust the signal. To enclose the clock tower would detract from its appearance. Commissioner Savage stated that if there is open space inside the clock tower and they could simulate the exterior to look however they want, he questioned why they could not build the antennas into the clock tower and make it look like the clock tower. Mr. Shively explained that the clock tower would be sufficient for the direction going up Bonanza Drive and into downtown Park City; however, without the elevated penthouse on the tower, it would drop the signal going down Kearns Boulevard to Highway 40. Commissioner Savage understood that the existence of the elevator shaft precluded the ability to use the clock tower as the antenna site. Mr. Shively replied that it would preclude the ability to accommodate all three sectors.

Commissioner Worel asked if the clock tower would block the signals from the elevator shaft, since the elevator would apparently block the clock tower. Planner Astorga replied that the antennas do not go west. They only go north, south and east. Mr. Shively stated that the system was intentionally designed not to look towards the clock tower. He explained that the design could not be done in reverse because the main goal is to provide coverage on Kearns Boulevard from the main road coming in. Accepting Mr. Shively's position at face value, Commissioner Savage agreed with Commissioner Thomas on achieving a design that would complement the appearance of the tower as opposed to building on what already exists. Mr. Shively reiterated his willingness to accept aesthetic input from the Staff and Planning Commission. The main goal for AT&T is to

provide service for the community and to work towards a design that meets the needs of the community.

Commissioner Thomas was comfortable asking the applicant to submit sketches to the Staff for review. He reiterated his preference to move away from the synthetic stone and to consider stucco or another material.

Vice-Chair Pettit requested additional information on electro-magnetic impacts. Criteria 12 requires the Planning Commission to evaluate noise, vibration, odors, fumes, or other mechanical factors that might affect people and property off-site. She noted that the Staff analysis identified no unmitigated impacts; however, not being an expert on the effects of electro-magnetic signals coming out of cell towers, she wanted to learn more about it to address the public comment this evening and to make a finding. Planner Astorga remarked that the Staff analysis was based on the applicant's submittal. Vice-Chair Pettit assumed this issue was raised all the time. Mr. Shively replied that it rarely comes up because under the 1996 Telecommunication Act by Congress, certain things cannot be excluded or precluded in any decision regarding a communication site. As long as they follow the FCC Guidelines and Operations, the obligation has been met. Mr. Shively stated that AT&T then works with communities to achieve an appropriate design for their community. He clarified that the design followed the ordinance and the application is conditioned on meeting the design criteria imposed by the Planning Commission. Vice-Chair Pettit thought the issue went beyond design criteria.

Assistant City Attorney McLean clarified that Vice-Chair Pettit was asking the applicant to provide the data behind meeting the FCC guidelines so any issue in question could be reviewed to make sure it meets the FCC requirements. Vice-Chair Pettit clarified that based on Criteria 12, it was important to make sure that the installation of the proposed antennas would not impact people off-site. The Planning Commission needs to evaluate the criteria and determine no unmitigated impacts. She was requesting additional information to help make that determination. Vice-Chair Pettit suggested that the applicant provide available data or information on health impacts to help the Planning Commission understand the strength of the frequencies emitted.

Planner Astorga stated that he concluded that there were no unmitigated impacts based on a statement from AT&T. There was no clear evidence to draw that conclusion.

Mr. Sweeney noted that there would be three antennas on three sides. He was unsure why the Staff report indicated 12 antennas. Mr. Sweeney did not believe this proposal was different from what other telecommunication providers have throughout the community. Commissioner Savage clarified that the Planning Commission was asking the applicant to provide quantitative data showing that the proposed system fits within the guidelines required by the FCC.

In response to an earlier comment by the applicant that Park City only allows enclosed antennas, Planner Astorga pointed out that the Code allows a free-standing antenna, a roof mounted antenna, a wall mounted antenna and the enclosed antenna. He wanted it clear that the applicant had requested an enclosed antenna.

Commissioner Savage understood that the height would increase by five feet, and he asked about an increase in the depth and width. Mr. Shively replied that it would be 3-1/2 feet x 4-1/2 feet. Commissioner Savage referred to an earlier comment about putting a cap on top of the stone, and noted that the expansion and the dimensionality of the cube would go all the way down the base of the cube. It would not be part of the natural stone. Mr. Shively replied that this was correct. Commissioner Savage stated that the applicant needed to come back with a different design that would allow them to use the synthetic material in a way that would complement the clock tower.

Commissioner Hontz concurred with Commissioners Thomas and Savage. She would like to see the synthetic material look different from the rock, as well as a difference from the bottom portion to the top portion. Commissioner Hontz also concurred with Vice-Chair Pettit on the request for additional information to evaluate health impacts. Commissioners Worel and Strachan agreed.

Vice-Chair Pettit asked about the height in conformance with Code. Planner Astorga stated that the height in the GC District is 35'. The Code allows an exception to 40' feet if the roof pitch is 4/12 or greater. The Code then allows an additional five feet for these types of antennas and so forth. Planner Astorga remarked that the issue is based on the sentence, "And similar structures may extend up to five feet above the highest point of the building". The Staff believes that the intention of the Code is the highest point of the roof, even though it was written as "the highest point of the building". The applicant argues that the antenna is a few feet below the highest point of the building. Planner Astorga wanted to make sure that the Staff, the Planning Director and the Planning Commission were all on the same page as far as interpretation of the Code. Planner Astorga stated that an argument could be made that the building is at 34.5 and not built to the highest roof pitch of 40 feet. That allows some leeway of going 40 feet plus 5 feet or staying at the existing ridge at 34.5" and 5 feet from that point. Planner Astorga remarked that the issue comes down to Code interpretation. Director Eddington clarified that the Staff interpretation has always been the height of the roof. He noted that the clock tower itself was an exception and they would not be able to build an exception on an exception.

Vice-Chair Pettit stated that if everyone agreed with measuring from the roof height, what LMC tool would allow the requested structure. Commissioner Hontz believed the applicant would need to request a variance. Vice-Chair Pettit understood that the clock tower was an exception that was granted administratively, because it fell under the church spire, bell tower and a light architectural feature that can extend an additional 50% of the height. Planner Astorga replied that this was correct. Vice-Chair Pettit questioned whether this proposal was a similar architectural feature that might qualify for a height exception that would be administrative versus coming back to the Planning Commission. It would not require a variance because the height exception would be within the purview of the Code. Director Eddington agreed that it could be looked at as a light architectural feature that could extend above the height of the roof.

Planner Astorga remarked that the Code also indicates that an elevator penthouse may extend 8 feet above the roof. However, in looking at the actual definition, it is the minimal area necessary to house the mechanical equipment for the elevator. It could be argued that if the "minimal" is already there, it could not be extended further because a functional elevator exists at that site.

Assistant City Attorney McLean asked if there was consensus among the Planning Commission that the chimney feature was a light architectural feature, subject to administrative approval. Commissioner Savage thought it would depend on the design.

Mr. Shively asked if the proposed site was acceptable as long as they provide documentation showing that that it was within the guidelines of the FCC regulations and meets the design criteria outlined in the Staff report.

Vice-Chair Pettit requested legal analysis on Mr. Shively's question regarding the FCC. Assistant City Attorney McLean stated that typically Federal Law would usurp Local Law. Vice-Chair Pettit thought the matter needed further consideration from the standpoint of health and safety in conjunction with location and proximity to residents. She realized that their hands may be tied by federal regulations, in which case, if the applicant would have complied with all the guidelines, it would be out of their purview. Ms. McLean offered to include information in the next Staff report to address that issue.

Vice-Chair Pettit questioned the similarity to a light architectural feature. Bell towers and church spires are icons that have some meaning to a community. She personally did not believe a chimney would fall in that same category. Commissioner Strachan agreed. Commissioner Thomas disagreed and explained his reasons from the perspective of an architect. He believes the chimney features becomes the anchor of the building. Commissioner Thomas remarked that in his opinion material and height were the issues.

Mr. Shively asked if fiberglass was a permissible material. Director Eddington replied that there is an exception for certain fiberglass materials, but only if a similar material has been used in that area. Mr. Shively referred to an earlier comment by Planner Astorga that the applicant made the decision to enclose the antennas, but enclosure was not required. He understood from that comment that he could put up his antennas if they were similar to other designs throughout the City. Planner Astorga replied that it would still need to meet the height requirements and it would require a conditional use permit.

Director Eddington summarized that Commissioner Thomas was suggesting that the applicant come back with a better designed feature with certain materials that would look appropriate in that space. Director Eddington stated that if the applicant comes back with a design that is truly an architectural feature, he could work with that and he assumed Commissioner Thomas could also.

MOTION: Commissioner Hontz moved to CONTINUE the CUP application for 1790 Bonanza Driver to March 14, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular session and moved into work session. That discussion can be found in the Work Session Minutes dated February 22, 2012.

The Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: QUINN'S JUNCTION PARTNERSHIP
ANNEXATION AND ZONING

Date: March 14, 2012

Project Number: PL-12-01473

Type of Item: Public Hearing – Annexation Including MPD and
Amendment to Zoning Map

Summary Recommendations

Staff requests the Planning Commission conduct a public hearing and discuss the application for annexation, MPD and zoning of the Quinn's Junction Partnership property. After discussion, Staff recommends the Commission continue the public hearing to the March 28th meeting.

Description

Project Name: Quinn's Junction Partnership Annexation

Applicant: Quinn's Junction Partnership ("QJP")

Representative: Michael Martin, General Partner Quinn's Junction Partnership

Location: Southwest quadrant of US 40 and SR 248 intersection

Proposed Zoning: Community Transition and Regional Commercial Overlay (CT-RCO)

Adjacent Land Uses: Dedicated open space, US 40 and SR 248, Quinn's Sports Complex and Open Space, Park City Heights MPD, Park City Medical Center, USSA Center of Excellence, Summit County Health Department, Medical Offices, Rail Trail recreation trail, Quinn's Water Treatment Plant, and vacant agricultural land.

Proposed Uses: Movie studio, hotel, and associated uses

Proposal

The applicant is requesting annexation into Park City with Master Plan Development approval of a 29.55 acre parcel of undeveloped land for the purpose of constructing a movie studio, hotel and associated uses. The property is located in the southwest quadrant of the Quinn's Junction Planning Area, at the intersection of US Highway 40 and State Road (SR) 248 with access to SR 248 (Exhibits A). The applicant submitted additional information and plans (Exhibit B) for Planning Commission review.

Proposed zoning is Community Transition- Regional Commercial Overlay (CT-RCO) for the entire parcel. Property is subject to a Settlement Agreement between Summit County and the applicant.

Park City entered into an Annexation Agreement (Exhibit C) with the applicant on January 26, 2012.

The Agreement acknowledges the vested development right for a Film and Media Campus and acknowledges that the annexation petition is subject to the General Plan in effect at the time of the original petition submittal. Current Land Management Code provisions apply unless they conflict with express terms of the Annexation Agreement. In addition to a maximum density of 374,000 sf and certain commercial use restrictions aimed at preventing direct ambush activity regarding Sundance, two noteworthy planning “gets” were:

- 1) The development and incorporation of design standards for the QJP project drafted to ensure compatibility with adjacent community transitional uses (IHC, USSA and PC Heights).
- 2) Site plan changes which include: a) elimination of water tower/highway sign or billboard; b) elimination of setbacks in exchange for additional height limits and shift of the building pads to provide parking in the back of the parcel, and siting smaller structures so as to step up to and screen the larger studio buildings. The City was less concerned with the northern/front setbacks given the steep grade change close to the interchange, and instead focused on moving the best designed building architecturally (hotel) to the most visible building pad.

Per said Agreement, if developed in the City, parameters include:

- Limited to 374,000 gross commercial square feet, excluding roads, parking lots, parking structures, porches, balconies, patios, decks, vent shafts, and courts.
- An enclosed atrium that serves as a pedestrian connection between two building pads that is not a stand along building and that may not be converted to habitable space is also excluded from the gross commercial square feet.
- The site plan and berming are to be installed as identified in Attachment A of the Agreement.
- Final design approval of the project shall be by administrative Conditional Use Permit reviewed by the Park City Planning Department for compliance with the LMC.
- Building design shall comply with the Architectural Standards as identified in Attachment B of the Agreement.
- Green Building design and construction shall meet minimum Shadow LEED Standards.
- All signs shall comply with the Park City Sign Code, with no icon, water tower, or highway billboard signs permitted.
- No open space, setbacks, or affordable housing requirements may be imposed.

- Uses, including the proposed amphitheater, shall be of the type shown in Attachment C of the Agreement and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the allowed gross commercial square feet. The stage may not be oriented toward City open space and shall be reviewed for compliance with the Architectural Standards.
- The proposed hotel is limited to 100 rooms (keys).
- A maximum building height of 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A (site plan), in the event a major, long –term film production contract necessitates the full studio height.
- No more than 70% of the remaining buildings are allowed a building height of 36-40 feet with all other buildings to be no more than 28 feet in height according to the CT Zone height limit.
- No building shall be greater than 28 feet in height unless it is located more than 150 feet from the center line of a public roadway.
- Smaller buildings are massed and/or placed strategically (from an overall design aesthetic) to break up the volumes of the Sound Stage Buildings to mitigate appearance of the vertical façade of the taller buildings.
- Visual impact of parking shall be mitigated by various methods.
- The Movie Studio portion of the campus may have perimeter and entry security controls.
- The applicant is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.
- Other provisions as outlined in the Annexation Agreement, including requirement that the applicant to create Covenants and Restrictions (CCRs) applicable to the entire property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival and other provisions as stated in said Agreement.
- If annexation is not approved, then development on this parcel will occur in Summit County subject to the County Settlement Agreement.
- Access to the property is from State Road (SR) 248 at the existing intersection of SR 248 and Round Valley Drive. The applicant participated with UDOT during the design and construction of the intersection during the IHC approval process to provide for access to the property. The current proposal has two additional driveways. The City has not received confirmation that these have been approved by UDOT.

Background

On January 20, 2012, the applicant re-filed the annexation petition with the City Recorder for annexation of one (1) 29.55 acre metes and bounds parcel that is currently within the jurisdiction of Summit County.

The petition was accepted by the City Council on January 26, 2012 and certified by the City Recorder on February 2, 2012. Notice of certification was mailed to affected entities on February 2, 2012, as required by the State Code. The protest period for acceptance of the petition ended on March 5, 2012. No protests were filed by that date.

On February 22, 2012, the Planning Commission met in work session to review background information, ask questions, and provide discussion points regarding the annexation and elements of the MPD site plan. The purpose of the work session was to give the Planning Commission lead time to review the submittal information, ask questions, and provide direction to the applicant on important elements of the site plan (Exhibit D- Minutes of the February 22, 2012 meeting).

The Commission requested the following:

- A **site visit** to the property
- Additional **information** related to the submittal requirements, such as site plan details, building massing and setbacks, visuals, 3D models, visual analysis, connectivity, trails, parking numbers, green building elements, quality architectural design elements, and proposed lighting (see Exhibit B for plans, visuals, etc. and Exhibit F for trails map).
- A **matrix** of review criteria
- A **timeframe** for the process
- An update from the City **Transportation** Department regarding issues related to improvements to SR 248, future of Transit Service to the property, and use of the Richardson's Flat Park and Ride
- Possibility of getting an **extension to the 90** day review time frame
- Examples of **other existing movie studio** campuses (will be presented at the Planning Commission meeting)

For additional background information, please see attached Exhibit E, February 22, 2012, Planning Commission work session staff report. (Exhibits to that report are available on the City's web site www.parkcity.org, under the Community Development tab and the Quinn's Junction Partnership Annexation web page or from the Planning Department.)

Site Visit

A site visit is scheduled for prior to work session. Please meet at City Hall and all Planning Commission should ride together in the designated van.

Additional materials

In response to Commission concerns, the applicant made the following modifications:

1. Moved the largest building closer to the interior for better screening by smaller buildings and less impacts to the south HW40 off-ramp view
2. Moved the hotel east with greater setbacks from SR 248 and eliminated the amphitheater in the center, added a more temporary stage with lawn area to the south.
3. Oriented and clustered tighter, the event/film screening building towards internal campus with pedestrian connectivity through the site and to proposed area trails. Reduced entertainment focus.
4. Proposed trails and trail connections.
5. Open space analysis provided.
6. Building schematics and view point photos provided, with visual analysis, building floor area/height/square footage/use breakdown to be provided at the meeting.

Transportation/Transit

City transportation staff has reviewed the traffic studies submitted by the applicant (Quinn's Junction SR-248 Access Study prepared by Horrocks Engineers - Feb 2, 2007, and the MIDA Development Traffic Impact Study prepared by Hales Engineering - Sept 2009). Transportation staff has indicated that the additional traffic created by the project was anticipated and accounted for in the City's current strategic plan for the SR-248 corridor (adopted by City Council March, 2009) and the project will not require any significant modification of this plan.

City Staff has discussed the applicant's project (including the three SR-248 access points) with the Utah Department of Transportation Region II Traffic Operations Engineer. These discussions indicated that the applicant has met with UDOT and held preliminary discussions regarding the three proposed SR-248 access points. City Staff was advised that the applicant's request has yet to complete UDOT's formal review and approval process but that UDOT did not see any fatal flaws in the applicant's request and that it was likely the request would be approved.

It is noteworthy that SB173 (passed by the Utah legislature during the 2012 session and now awaiting the Governor's signature) includes \$2,000,000 in funding for the Utah Department of Transportation to implement some elements of the City's SR-248 strategic plan. Staff has met with UDOT to discuss the specifics and timing of these improvements. These discussions indicate that UDOT will likely improve the section of road between Round Valley Drive and Wyatt Earp Drive to include Bus\HOV lanes and intersection improvements at Richardson Flat Road. These SR-248 improvements could occur as early as 2012.

Park City Transit currently serves Quinn’s Junction with a free Dial-A-Ride transit service (365 days a year 8am to 11pm in winter, 8am to 9pm during summer months). This existing transit service will also serve the applicant’s project. Additionally, the City’s Short Range Transit Development Plan includes provision of fixed route and ADA para-transit service to the Quinn’s Junction area (including the applicant’s project). This service is planned for implementation in conjunction with the completion and occupancy of phase 1 of Park City Heights. Transit staff is working with the applicant to ensure the main entrance road to the project includes adequate road width, turnaround space and a dedicated bus stop to serve the project (inbound and outbound from Park City) at the Round Valley Drive signalized intersection.

The Richardson Flat Park and Ride is available for use by the applicant 365 days a year. The applicant could utilize this lot to further mitigate the project’s SR-248 traffic impacts by requiring employees to park at the park and ride. This approach would require the applicant to provide an employee shuttle between the project and the park and ride. The park and ride is also available to mitigate construction employee traffic impacts during the construction phase.

MPD Review –Matrix

Project review Matrix

<u>Parameter</u>	<u>QJP Proposal</u>	<u>MPD/LMC Compliance</u>	<u>Annexation Agreement Compliance</u>
A) Density	374,000 sf on 29.8 acres	Overlay zone incorporates only the vested density approved by Settlement/Annex Agreement approved in this MPD	374,000 sf is the maximum allowed
B) Footprint within the HR-1 Zone	n/a	n/a	n/a
C) Setbacks	Varies from 20’ to 50’ in the front, 70’ to 400’ in the rear, and 20’ to 80’ on the south side. Sound stage has a 330’ to 400’ setback to front	25’, <u>minimum</u> around perimeter of MPD per LMC, unless within an ECPZ where setbacks are up to 250’.	None required per Annexation Agreement
D) Open Space	Current open space provided is 42.1.8% within property boundary and 60.3 % perceived	MPDs require a minimum of 60% open space	None required per Annexation Agreement.

	(includes UDOT R/w next to site)		
E) Off- Street Parking	920 spaces onsite and 100-150 under hotel (1020- 1070 total proposed)	Per LMC with PC able to increase or reduce based on a parking analysis (3 stalls /1,000 sf =1122 spaces). Parking analysis needed for final plan.	n/a.
F) Building Height	Sound Stages 50 ft. The rest are per the Annexation Agreement at 28- 40 feet.	Zone ht is 28 feet above existing grade, with 5' exception for pitched roof elements. Additional building height is allowed for MPDs per LMC Section 15-6-5 (F).	Annexation Agreement allows 50-60 ft for sound stages. 70% of remaining buildings at 36-40 ft., 30% of remaining no greater than 28 ft per Annexation Agreement
G) Site Planning 1. Cluster density 2. Minimize grading 3. Minimize cut/fill 4. Incorporate trails 5. Separate pedestrian and vehicular circulation 6. Snow storage. 7. Refuse and recycling 8. Transit amenity 9. Service and delivery	<ol style="list-style-type: none"> 1. Project clusters development. 2. &3. Project minimizes grading and cut/fill, except for berm along U-248. 4. Project incorporates internal trails and ties to PC trail system. 5. Project provides separate pedestrian and vehicular circulation. 6. Project will provide snow storage- 15% of hard surface area. 7. Project will provide recycling 8. Project provides a transit stop across from hotel 9. Service and 	(See following write up for additional LMC requirements and standards regarding site planning)	Annexation Agreement addresses some of these site planning elements in the Design Guidelines.

	delivery sites will be provided.		
H) Landscape/ Streetscape and Lighting	Landscape plan will be provided to document lawn area, irrigated area, etc.	Lawn limited to 50% of Area not covered by Buildings and other hard surfaces with no more than 75% of lawn area irrigated. Use of native vegetation and rocks required. Lighting per LMC Chapter 15-5	Annexation Agreement addresses landscaping in the Design Guidelines.
I) Sensitive Lands Compliance	Application materials provided for slope, wetlands, streams, wildlife, vegetation, environmental review.	LMC requires Sensitive Lands Analysis for property within the SLO overlay.	No additional mitigation measures identified in the Agreement. Not proposed to be located in SLO overlay. Not required to comply with ECPO setbacks of 250'.
J) Employee/ Affordable Housing	Not provided	AUE housing for 20% of the employees generated	Not required per Annexation Agreement
K) Child Care	Could be provided within the media campus	Can be required if project creates demand	Not addressed in Annexation Agreement

Master Planned Development Criteria (per Land Management Code)

In accordance with Section 15-6-5 of the Land Management Code, all Master Planned Developments shall contain the following minimum requirements:

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

The Annexation Agreement sets the density for the property at 374,000 square feet. The proposal does not propose more than 374,000 square feet. Density shall be located in the most appropriate locations on the site in order to mitigate impacts of the density. This will be determined by a visual analysis from vantage points outside the property as well as from sight lines within the property.

(B) HR-1 FOOTPRINT. *(Not applicable- not in the HR-1 zone)*

(C) SETBACKS. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. *For all structures, the MPD should meet or exceed the minimum Setbacks of 25' around the exterior boundary, unless within an Entry Corridor Protection Zone where setbacks can be as large as 250' and depend on building heights. The Annexation Agreement does not require setbacks to meet MPD standards, however Building Code standards apply.*

(D) OPEN SPACE. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space. *The MPD includes 42.1.8% open space with the largest area of open space contiguous to existing adjacent open space of Park City Heights MPD. This open space includes the plaza/walkway areas and landscaped areas within the project.*

(E) OFF-STREET PARKING.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.

Plan currently proposes up to 1,070 parking spaces (100-150 spaces within underground parking). Still need a parking analysis from applicant based on proposed uses and building square footages.

(F) BUILDING HEIGHT. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination.

The Annexation Agreement establishes building height limits for the development that are in excess of the zone building height.

(G) SITE PLANNING. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site. *The buildings are clustered toward the center of the*

property to create a campus feel and to maximize external open space and minimize visual impacts. The taller buildings are placed behind shorter buildings and located towards the rear to minimize impacts of overall height.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures. *The proposed plan does not include or require large retaining structures. The natural grade in the developable area is not steep (less than 10%). Low retaining structures (in steps of 4' to 6') are recommended in any area where retaining is necessary to minimize disturbance of existing vegetation, and mitigate visual impacts of these areas. Final grading will be submitted with the utility plan at time of subdivision plat review. Berming along 248 is proposed for screening.*

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized. *Roads and utility lines should work with the existing grades to the greatest extent possible. Annexation Agreement Design Guidelines include language requiring structures to be designed to work with the existing Grades to the greatest extent possible and to minimize cut and fill area. The site is quite flat and retaining walls are not anticipated, except in the SE corner of the site where the site falls away towards Silver Creek.*

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan. *A public pedestrian/bike trail is proposed along the frontage with SR 248. The trail would connect to the existing sidewalk along the northern portion of the property with a future trail along the City Open space connecting back to the underpass at Richardson Flats Road. The existing sidewalk continues to the Rail Trail crossing of SR 248 east of US 40 and provides off street walkway for pedestrians crossing under the underpass. Pedestrian walkways within the campus are an integral element of the site design. A public trail is also shown along the open space on the southern edge of the property connecting the frontage sidewalk/trail to a proposed connector trail within the City open space to the east and south. This connector trail would connect the Rail Trail to the property. A trailhead developed at the southeast corner of the property would provide a community benefit and also draw people to the commercial, entertainment, and educational attractions on the property. All trails will be constructed consistent with the Park City Trails Master Plan. Initial meetings have been held with Staff and the applicant.*

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium

projects if they meet the minimum emergency and safety requirements. *The plan shows a large plaza area that will be available to pedestrians and bicycles. The internal trails plan will allow convenient access for bicycles, walkers, visitors of the hotel, etc. to all non-secured areas of the site.*

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location. *There will need to be sufficient areas identified on the site plan to store snow removed from the parking lots and walkways. City Standards call for 15 % of the hard surfaced area to be provided for snow storage. Final site plans will indicate where those areas will be provided in open space areas and backs of lots.*

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. *Refuse storage and collection and recycling facilities shall be enclosed or screened from view of SR 248 and US 40 with structures, berming, and landscaping*

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable. *A bus stop is proposed within the MPD located near the entry to the hotel. The circulation system will accommodate bus service to and from the site and both inbound and outbound from Park City, utilizing the signalized intersection.*

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas. *Loading/unloading areas for the hotel and studio uses shall be screened from view of SR 248 and from US 40 with structures, landscaping, and berming and separated from pedestrian areas.*

(H) **LANDSCAPE AND STREETScape.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting shall comply with requirements of LMC Chapter 15-5, Architectural Review. *A landscape plan, detailed streetscape views, and lighting plan will be provided for Planning Commission review and final plans will be part of the CUP submittal.*

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21. *A Sensitive Lands Analysis has been conducted by the applicant .The applicant provided information on existing topography, existing vegetation, streams and wetlands, wildlife, and an overall environmental baseline study indicating that there are no environmental hazards on the property that would need to be remediated. There are offsite areas that would require special attention if disturbed for utilities, construction, access, etc.*

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application. *The Annexation Agreement precludes a requirement for affordable housing mitigation, which would be affordable housing for 20% of the employees generated. Any opportunity to locate manager's or caretaker's units on the property would be seen as beneficial.*

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. *The MPD does not preclude development of an on-site Child Care Center for employees within the media campus.*

Annexation Review

The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south boundary with Park City Heights MPD. The property is the entirety of property owned in this location by this applicant. Summit County recently considered their affected entity notice and communicated support for City annexation. **Please refer to Exhibit E, Staff Report for February 22nd, for additional information regarding staff's initial review of the Annexation requirements. (Exhibits to this report, as well as the full binder of submittal information pertinent to the annexation petition are available at the City's website.)**

The focus of this meeting is on MPD site design. Please send any questions regarding any of the other supporting application materials to staff and such matters will be addressed by the applicant in the next report and/or at the next hearing.

Issues for Discussion:

Do the Site Plan changes improve the site design and does the Commission find the changes responsive to their preliminary comments?

Discuss the model and proposed building volumes, heights and site layout.

Does the Commission have additional comments or questions regarding the transportation information?

Does the Commission agree with staff's proposed trail location?

Does the Commission agree that the park-n-ride should be used for employee parking?

What design elements does the Commission want to focus on for the next hearing? Staff will provide a matrix of the design elements for the next meeting.

Are there preliminary recommendations that the Commission would like to direct staff to incorporate in a draft recommendation to the City Council for the next hearing?

Does the Commission agree to continue with MPD design review, or does it want to focus on an annexation recommendation?

Department Review

The application was reviewed by the Interdepartmental Development Review Committee on February 14, 2012. Comments and issues raised at the meeting were provided to the applicant for incorporation into the revised plans. Issues raised included vehicle and pedestrian circulation concerns, utilities and storm water plans, trail connectivity, transportation and transit, required fire protection plan elements, use of Park and Ride for employees only, wetlands/soils, and process related issues.

Notice and Public Input

A public hearing was scheduled and noticed for the March 14, 2012, Planning Commission regular meeting. The property was posted and notices were mailed and published in the Park Record according to requirements for annexations in the Land Management Code and Utah Code.

Future Process- Timeline (90 day review beginning January 26- Day 1)

- The Planning Commission requested a work session review of the annexation prior to a public hearing on February 22, 2012 **(Day 27)**.
- The Planning Commission shall hold a public hearing on March 14th **(Day 48)**.
- Staff recommends the Commission continue the public hearing and discussion to March 28th **(Day 62)** for continued opportunity to improve the final project design, site plan, quality of architecture, connectivity, and other items important to the community.

- The City Council is the final decision maker regarding annexation of land into Park City and is tentatively scheduled for an April 5th **(Day 70)** public hearing and discussion.
- As there is no Council meeting on April 12th **(Day 77)** the Council will likely continue the public hearing and final action to allow additional time for input on the proposal to April 19th **(Day 84)**.
- The 90 Day review period expires on April 25th **(Day 90)** unless an extension is agreed to by the applicant and the City Council.
- Other items required prior to pulling a building permit, include a final subdivision plat, an administrative conditional use permit with CUP and architectural design review, utility plan and site work approval, and building permit review by Planning, Building, Engineering, etc.

Recommendation

Staff requests the Planning Commission attend the site visit, conduct a public hearing and discuss the application for annexation and zoning of the Quinn's Junction Partnership property. After discussion, Staff recommends the Commission continue the public hearing to the March 28th meeting.

Alternative

The Planning Commission could direct staff to prepare recommendations regarding the annexation to the City Council, without further MPD site review.

Exhibits

Exhibit A- Vicinity Map

Exhibit B- MPD Site Plan and Revised Plan documents/visuals (11" by 17" copies attached separately)

Exhibit C- Annexation Agreement with Attachments

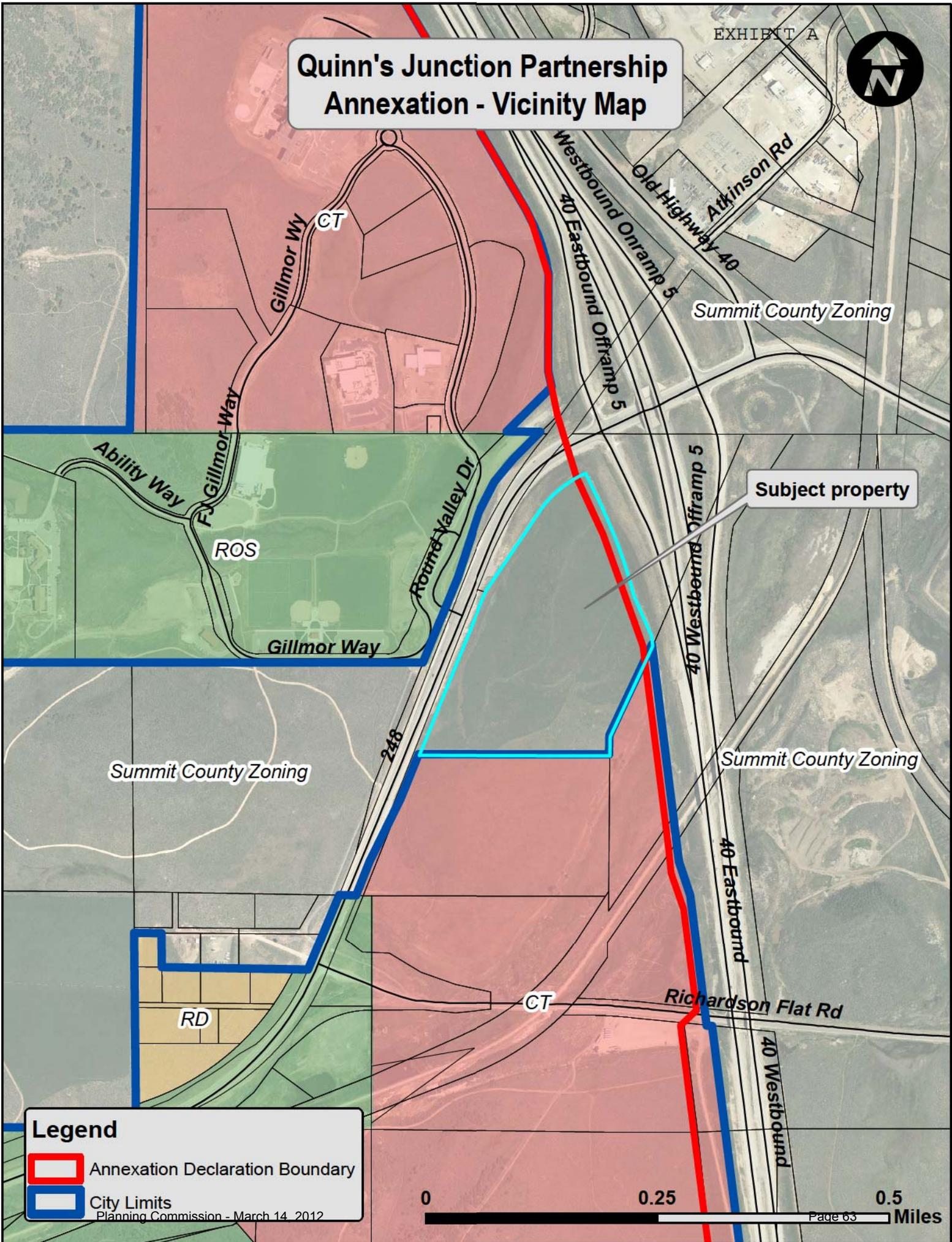
Exhibit D- Minutes of the February 22nd meeting (separately attached to the packet)

Exhibit E- February 22, 2012 PC Staff report (without attachments)

Exhibit F- Trails map



Quinn's Junction Partnership Annexation - Vicinity Map



Summit County Zoning

Subject property

Summit County Zoning

Summit County Zoning

Legend

-  Annexation Declaration Boundary
-  City Limits

Planning Commission - March 14, 2012



Raleigh Studios

Park City, Utah

MPD Submittal
March 2012

Legend

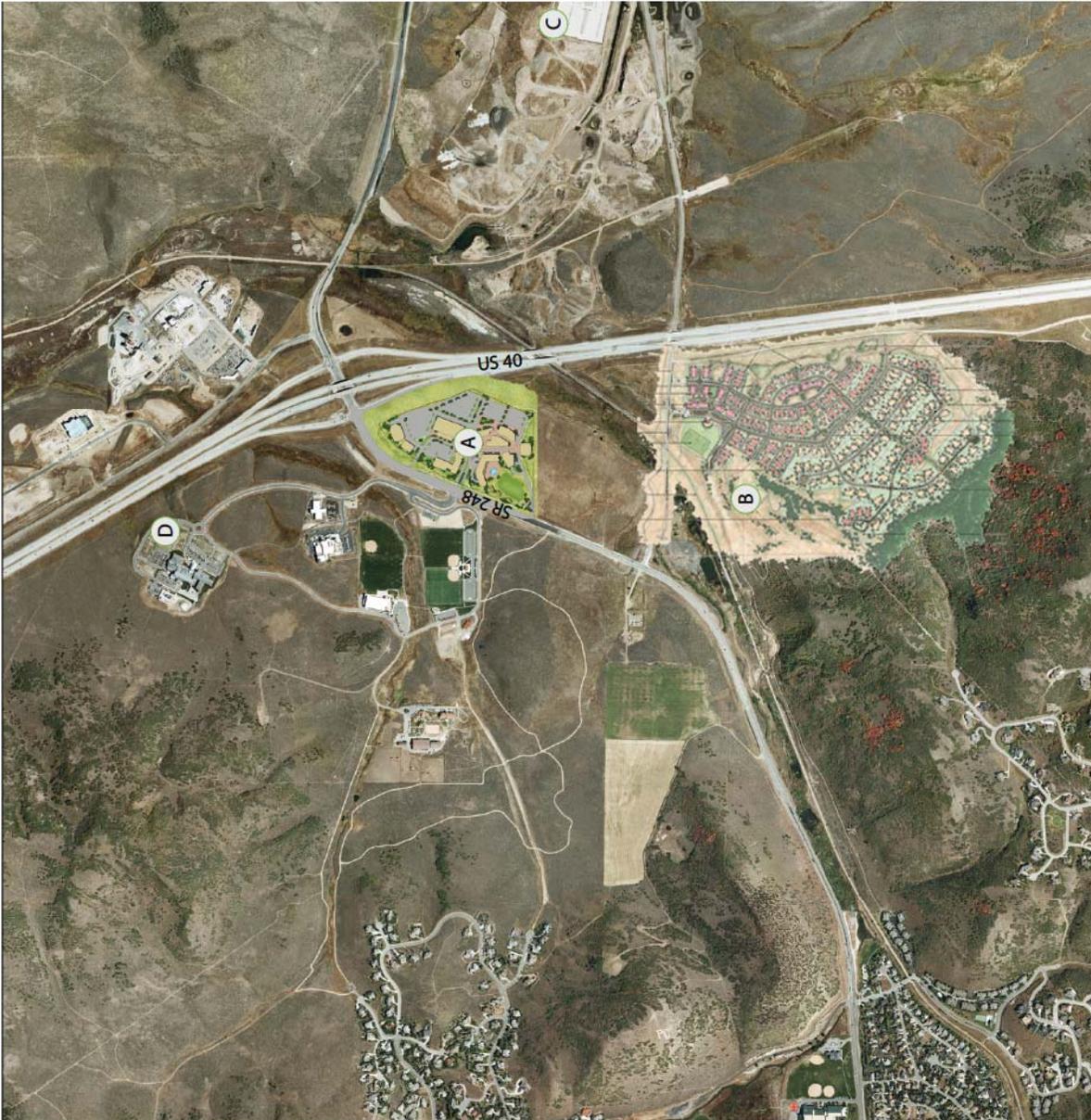
- A** Project Site
- B** Park City Heights
- C** Park & Ride Lot
- D** Hospital



Raleigh Studios
Park City, Utah

CONTEXT MAP

March, 2012



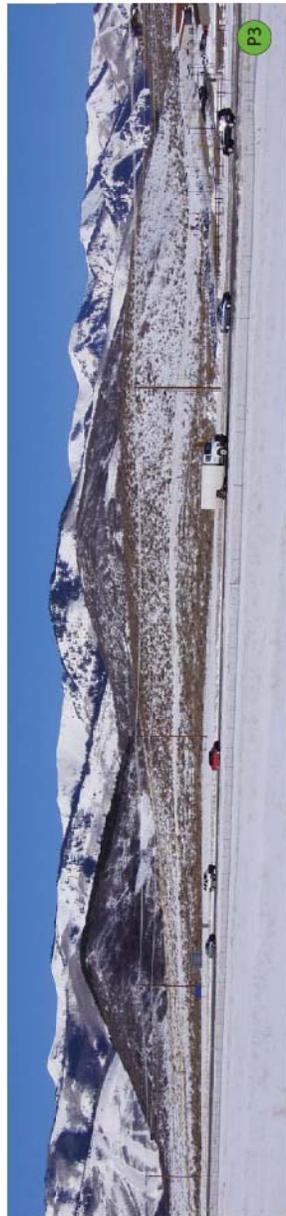
PARK CITY
PLANNING COMMISSION
PARK CITY, UTAH 84302
www.parkcityutah.gov
435.633.8884
March 14, 2012



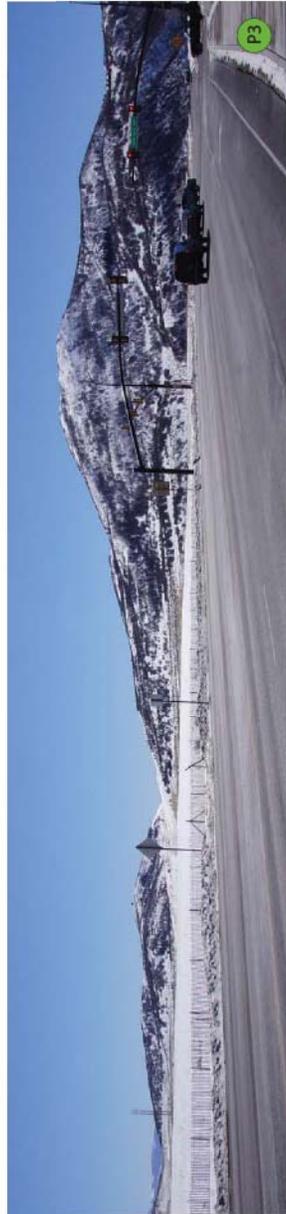
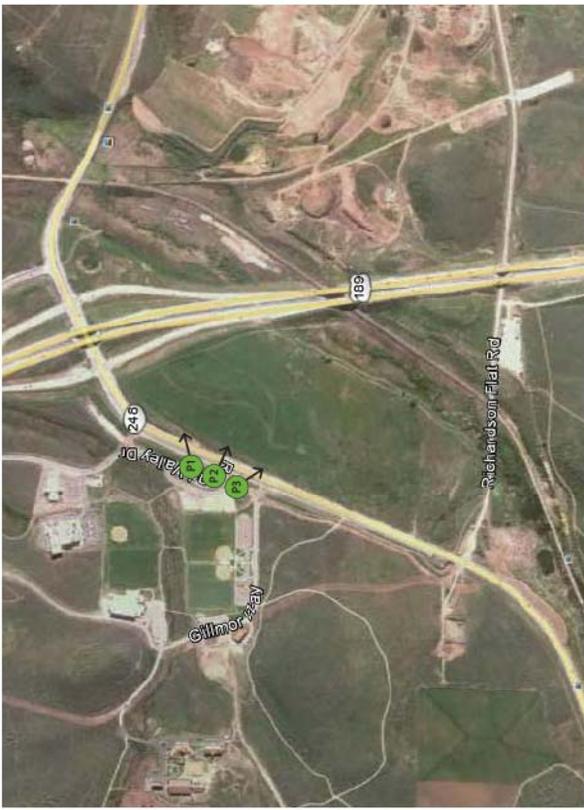








Planning Commission - March 14, 2012



Building Legend

- 1A Lodging
- 1B Recording Studio
- 1C Lodging Casitas
- 1D Stage Venue
- 1E Meeting Rooms
- 2 Screening Rooms/Theater
- 3 Mixed Use--Retail/Office
- 4 Entertainment Venue
- 5 Studio Store, Office
- 6 Studio Tour Area, Office
- 7 Office, Effects Stages
- 8 Sound Stages, Production Support, Offices, Commissary
- 9 Lighting/Grip, Workshops, Offices



MASTER PLAN CONCEPT

March 2012

Raleigh Studios
Park City, Utah









Open Space Calculation

Project Site = 29.55 Acres
Open Space = 12.45 Acres
12.45 Acres / 29.55 Acres = 42.1% Open Space

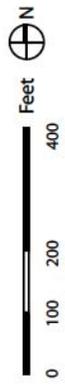


Raleigh Studios
Park City, Utah

PROJECT OPEN SPACE
March, 2012

Parking Summary

- Hotel Parking Access
- Hotel Parking = 150 Stalls
- Public Parking = 280 Stalls
- Secured Parking = 640 Stalls



Raleigh Studios
Park City, Utah

PARKING

March, 2012

PARK CITY
1000 South Main Street, Suite 203
Park City, UT 84060
www.rygroup.com
435.633.8884
435.633.8877



Trails

- 1 To Rail Trail & Park City
- 2 To Round Valley Trails



Raleigh Studios
Park City, Utah

TRAILS

March, 2012

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into as of this 17th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah, by and through its City Manager (the "Park City").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. QJP has asserted claims and commenced litigation against Summit County ("the County") in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts. QJP anticipates consolidating the cases and adding the Park City as a defendant to the litigation.

C. As a result of this litigation several disputes have arisen between the Park City, the County and QJP.

D. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

E. This Agreement is part of that certain *Settlement Agreement For Film And Media Campus* (the "Settlement Agreement") which is expected to be entered into by and between the County and QJP. This Agreement and the Settlement Agreement collectively implement the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into Park City. In the event of a rejection of the annexation petition, QJP will be vested with certain development rights within unincorporated Summit County as defined in the County Settlement Agreement.

PARK CITY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Property

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached to the County Settlement Agreement as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, Park City hereby recognizes that the Property has a vested development right to the commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus as stated in the County Settlement Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is within the Park City Annexation Declaration Area.

2.2 Petition. Park City shall expedite its review process to decide whether to annex the Property or not within 90 days of acceptance of the petition. The petition shall include the most recent traffic study and the most recent Environmental report on the QJP property.

2.3 Decision on Petition. Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within ninety (90) days. If reasonable circumstances require additional time (such as QJP failure to provide legally required information, third party protest, or state or local mandated notice provisions), both parties shall continue to cooperate to expedite the review and QJP shall provide at least 14 days written notice after the expiration of 90 days of its intent to withdraw the petition unless the City Council votes to annex. QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the above time periods, whichever occurs first.

2.4 Zoning. The annexation petition will propose Regional Commercial Overlay- CT (Community Transition) zoning for the Property, which Park City will adopt

concurrently if the annexation is approved to enable the Master Plan discussed in Section 2.5.

2.5 Master Plan. The intent of the parties is to include such Master Plan components in a development agreement to be approved by the City Council concurrently with the annexation of the Property. The City Council shall receive the recommendation of the Planning Commission regarding the annexation, zoning and Master Planned Development (“MPD”). Due to the pre-existing vesting in the County and the terms of the County Settlement Agreement, QJP shall be exempt from any conflicting Park City Land Management Code provisions as expressly stated in the MPD. The following shall form the basis of the final MPD:

- a. Total Development Activity shall be limited to a Gross Commercial Floor Area of 374,000 square feet. Gross Commercial Floor Area shall include all enclosed areas of a building but shall not include roads, parking lots, or parking structures. Unenclosed porches, balconies, patios and decks, vent shafts, courts and one atrium subject to the restrictions below are not calculated in Gross Commercial Floor Area. As part of the MPD Site Plan in subsection (b), QJP may propose an enclosed atrium which primarily serves as a pedestrian connection between two building pads but which may also be used for studio film/set work provided such atrium is not a stand-alone studio/building and may not be converted to habitable space, is in an area screened from SR 248, and is approved as part of the Annexation, such approval not to be unreasonably withheld.
- b. The Site Plan and berming shall materially be the same as Site Plan included as **Attachment A**, unless modified by the City Council and accepted by QJP. Final design approval shall be an administrative conditional use permit reviewed by the Planning Department in compliance with LMC Chapter 5 and the Architectural Standards attached as **Attachment B**. This Annexation Agreement shall govern in the event of any conflict with Attachment B. Green Building design and construction shall meet minimum shadow LEED standards. All signage must comply with generally applicable Park City codes and no icon, water tower, or highway billboard is permitted.
- c. No open space, setbacks or affordable housing requirements may be imposed. QJP shall post City affordable housing information in a work place accessible to all its employees.
- d. Uses, including the amphitheater, shall be of the type as shown on **Attachment C** and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the limitation of paragraph 2.5 a. above. The hotel shall limited to 100 rooms and keys. The amphitheater stage may not be oriented toward City open space and shall be reviewed for compliance with Attachment B.
- e. Maximum building height 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A in the event a major, long-term film production contract necessitates the full studio height. Non- Sound Stage Buildings:

- No more than 70% of the remaining buildings on the campus are between 36 - 40 feet in height.
 - Remaining building(s) on the campus are not greater than 28 feet in height (the CT Zone height limit).
 - No building shall be greater than 28 feet in height unless located more than 150 feet from the centerline of a public roadway.
 - Smaller buildings are massed and/or placed strategically to break up the volumes of the Sound Stage Buildings. This "stepping" will mitigate the appearance of the vertical façade of the taller buildings.
- f. Park City acknowledges that the Movie Studio portion of the campus shall have perimeter and entry security controls. Otherwise, internal circulation and trails shall otherwise comply with generally required MPD requirements.
 - g. The City shall request state funding for structured/underground parking and QJP shall support the City's request including the use of lobbyists to coordinate such joint request for the 2012 legislative session. Mitigation of the visual impacts of the parking and its relation to public transit planned for the project are acknowledged to be a material element of this settlement. Both parties must agree in advance on any legislative strategy regarding film studios in Park City or in the County or associated parking as stated above.
 - h. QJP shall pay all normal and legally imposed fees associated with planning review, permits and subsequent Development Activity, and all generally applicable impact fees, levies and taxes, all of which shall be nonrefundable unless otherwise provided by Park City ordinance. Park City acknowledges prior receipt of the annexation fee and no additional annexation fee is required.
 - i. QJP is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.
 - j. As a result of QJP's rights vesting as a result of County applications prior to the Quinns Junction Area Study (the "QJAS"), Park City hereby finds the terms of this Agreement exempt from the findings of the QJAS.

2.6 Non-compete and Sundance Sponsorship. QJP shall encourage the owner/operator of the Film Studio (currently anticipated to be Raleigh Studios) to consult with and enter into such sponsorship and use agreement with the Sundance Institute regarding the 2012 Sundance Film Festival (and thereafter so long as the studio is operational) . Any agreements reached between Raleigh and Sundance shall be confidential but shall be provided to Park City prior to the approval of annexation of the property. QJP shall create covenants and restrictions (CCRs) applicable to the entire Property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival. Nothing herein shall prevent independent negotiations and agreements between the film studio operator and Park City or any Park City Master Festival License (MFL) holder. If such agreements are reached either prior to or subsequent annexation of the property, QJP shall incorporate such provisions into the CCRS so as to apply to all commercial tenants or owners. Direct ambush commercial

uses shall be defined to include but not be limited to event rental or subleasing during the dates of the Sundance Film Festival for the purposes of commercial business activity, marketing or promotional gifting not approved by Sundance which directly and materially competes with existing, official Sundance sponsorship. In the event annexation is not approved, this paragraph 2.6 shall apply to the vested development rights as defined in the County Settlement Agreement.

ARTICLE III

Release

3. Mutual Releases. At the time of, and contingent upon approval or rejection of the completed annexation, and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases Park City, council members, officials, employees, agents, attorneys and consultants, and Park City, on behalf of itself and Park City's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Annexation Agreement in connection with the Property or the application for annexation, processing or approval of applications relating to annexation of the Property or the Film Studio, to include any past claims for vested development rights, not including those recognized by Summit County, that are not provided for in this Agreement and any claims or potential claims arising out those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah Nothing herein shall alter or effect the terms and conditions of the Settlement agreement or subsequent agreements if annexation fails as provided herein between QJP and Summit County.

ARTICLE IV

General Terms and Conditions.

4.1 Agreements to Run with the Land. This Annexation Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A to the County Settlement Agreement. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with

state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.5 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

4.6 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.7. City Council Approval. This Agreement is subject to the legislative approval of the City Council at an appropriately noticed open and public meeting.

4.8. Notices. Notices pursuant to this Agreement shall be deemed to have been properly given when deposited, postage prepaid, with the U.S. Postal Service, addressed to the parties as follows:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

Park City Municipal Corporation
Attention: City Attorney
P. O. Box 1480
Park City, Utah 84060
Tel.: (435) 615-5025
Fax: (435) 615-4901

- 4.9 Legislative Decision. The parties acknowledge that the decision to annex is purely a legislative decision by the City Council and nothing herein shall limit the City Council's discretion or power to make that legislative decision. While certain staff members of Park City have provided preliminary input to Quinn's and interested purchasers of the Property, and staff will continue to do so, such input is merely advisory as the final authority and decision to annex rests solely with the legislative body of Park City. Nothing herein shall limit the Park City's ability to annex the Property so long as an annexation petition is in conformance with U.C.A. § 10-2-403, and all other applicable requirements of Park City ordinances, the Park City General Plan, and Title 10, Chapter 2, Part 4 of the Utah Code.
- 4.10 This Agreement is contingent on QJP and Summit County entering into the *Settlement Agreement for Film and Media Campus* referred to in Recital E. above. In the event that *Settlement Agreement* is not entered into within 10 days from the date of this Agreement, this Agreement is null and void.
- 4.11 In the event Park City does not annex the property into the City jurisdiction in good faith as provided in this agreement, the parties hereby agree that QJP may apply to Summit County for development without protest ("protest" does not include public comment on final site planning and aesthetic design) from Park City provided that the application is consistent with the County Settlement Agreement. Nothing herein shall prevent Park City from public hearing participation or submitting comments on Settlement Agreement amendments or any subsequent development plan amendments.

DATED this 17th day of January, 2012.

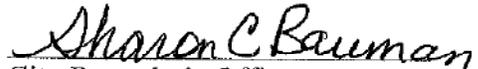
QUINN'S JUNCTION PARTNERSHIP

By:  General Partner
Q.J.P.

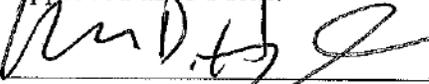
PARK CITY MUNICIPAL CORPORATION

By: 
Thomas Bakaly, City Manager

Attest:


City Recorder's Office

Approved as to Form:


City Attorney's Office



LEGAL DESCRIPTION
EXHIBIT A

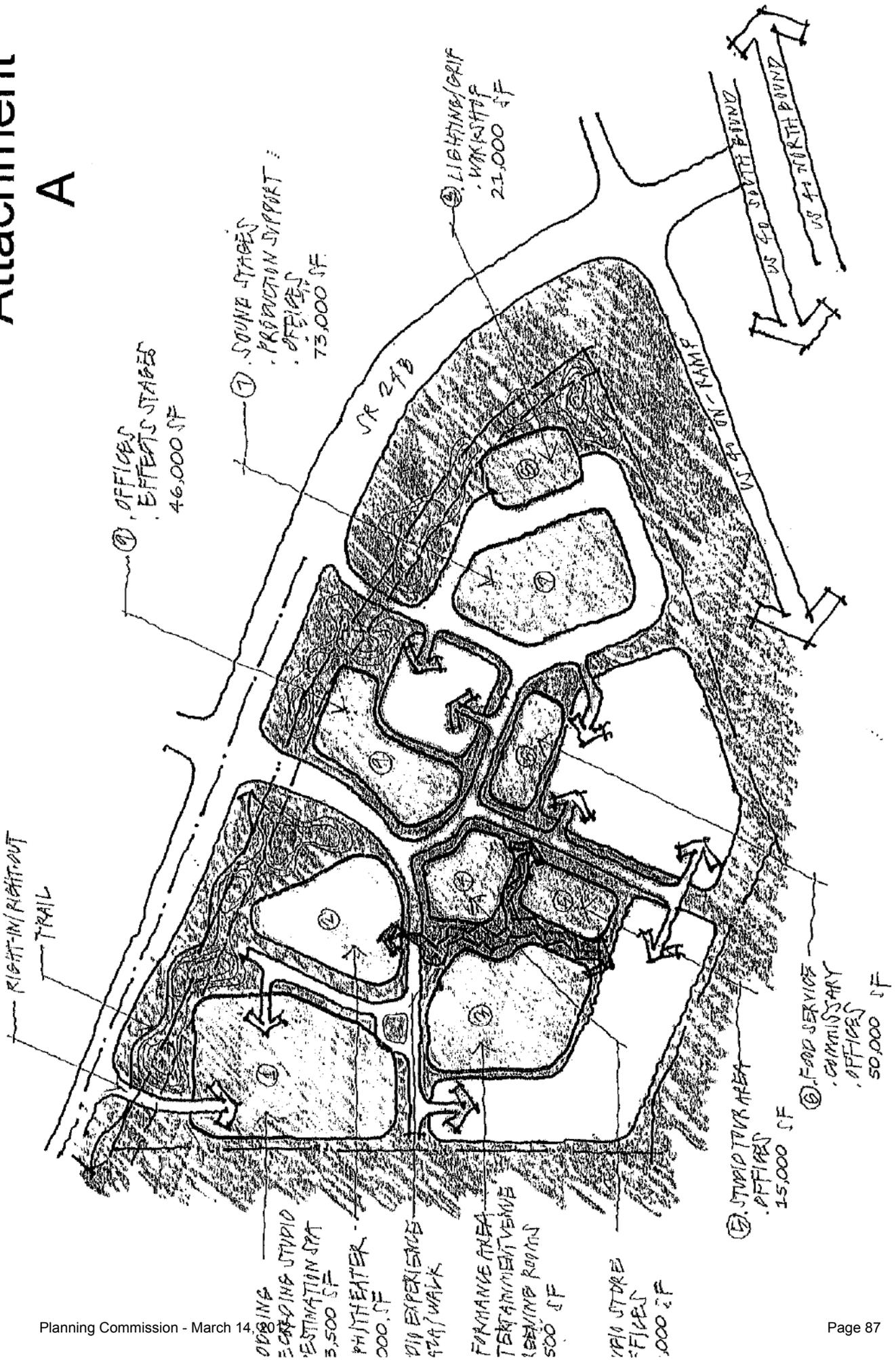
Order No. 161891

The land referred to in this exhibit is situated in the county of Summit State of Utah, and is described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet), thence along the Easterly right of way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument, thence along said right of way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument, thence along said right of way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument, thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument, thence along the Westerly right of way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument, thence along said Westerly right of way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument, thence along said right of way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument, thence along said right of way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2, thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter Section line of said Section 2, thence along said Quarter Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2, thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

Tax ID No: SS-91-A

Attachment A



Architectural Design Guidelines

The purpose of the architectural design guidelines is to provide direction for development of the vertical elements of the Film Studio Campus in order to achieve a built environment that is in harmony with the natural setting, existing structures where appropriate, and provides a comfortable, distinctive, and stimulating environment. The buildings currently located west of the US 40 and SR 248 Interchange and also located in the Park City Municipal limits were developed as a gathering of buildings to support sport, recreation and health.

In the design process, the existing buildings were reviewed by the Park City Planning Staff and Planning Commission. As such, the building designs capture the essence of the mountain setting while at the same time honoring the architecture of the era. Varying examples of this style can be found in the IHC Hospital, Summit County Public Health Center and Park City Ice Arena.

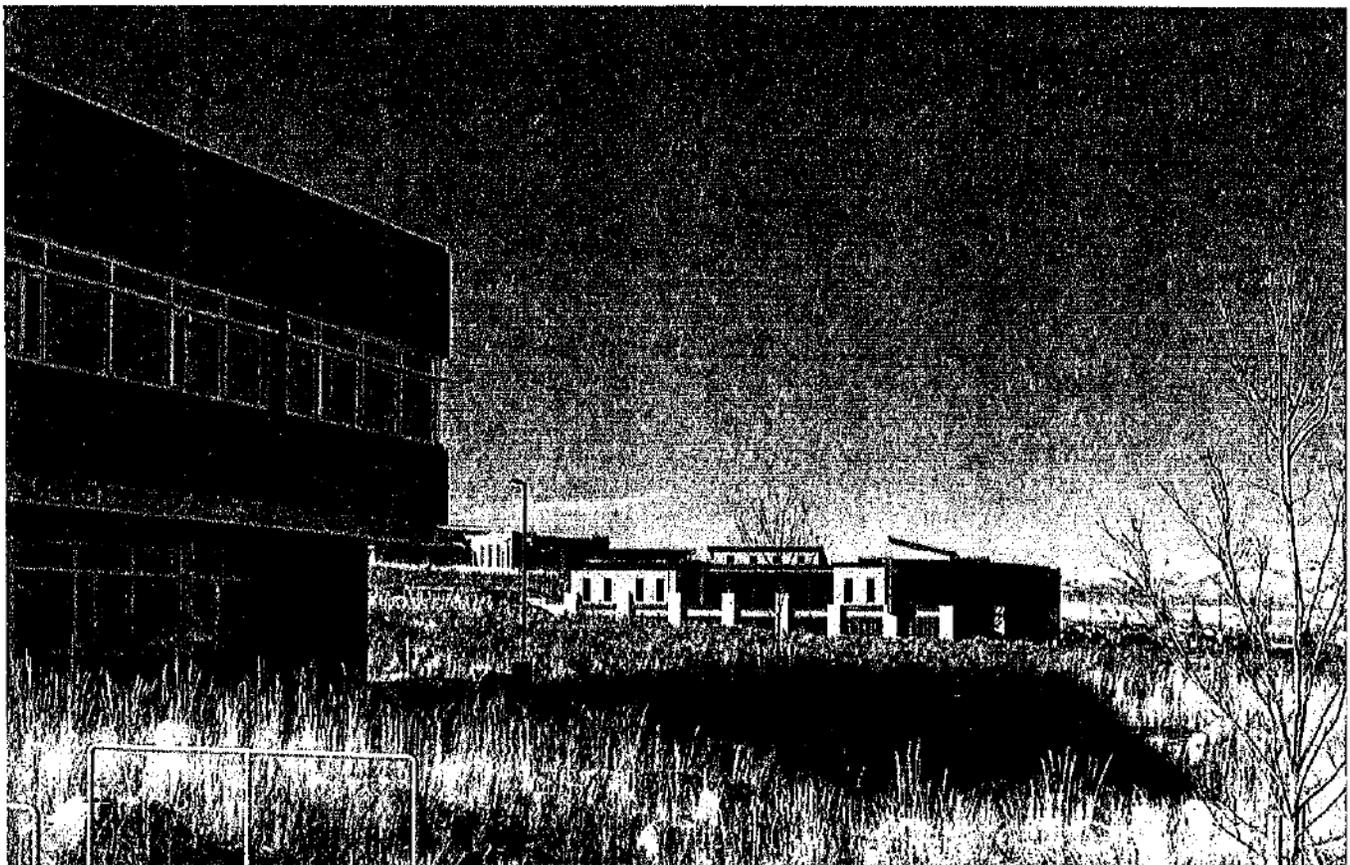
The goal of these design guidelines is to synthesize the proposed Film Studio Campus design into an architectural expression that connects to the surrounding structures and respects the importance of the Park City entry corridor.



November 16, 2011

General Guidelines

- Each new building should have a distinct architectural concept that is consistent in theme but rich in subtle variation.
- Buildings should be designed to provide a clear, unified, and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, colors, and pavement.
- All buildings should relate visually to one another and be compatible with adjacent buildings.
- Encouraged architectural and landscape design qualities and elements for the Film Studio Campus buildings are:
 - Using buildings to screen parking areas, service areas and storage areas;
 - Providing building modulation, entry accentuation and rich architectural details;
 - Incorporation of water conservation site design;
 - Use of shielded exterior lighting, protecting the night sky and creating path illumination; and
 - Natural landscaping to soften building exteriors and buffer between uses.
 - Green Building design and construction to meet minimum LEED Silver Standards.



View of three compatible buildings showing natural landscaping as a buffer between uses.

Height and Mass

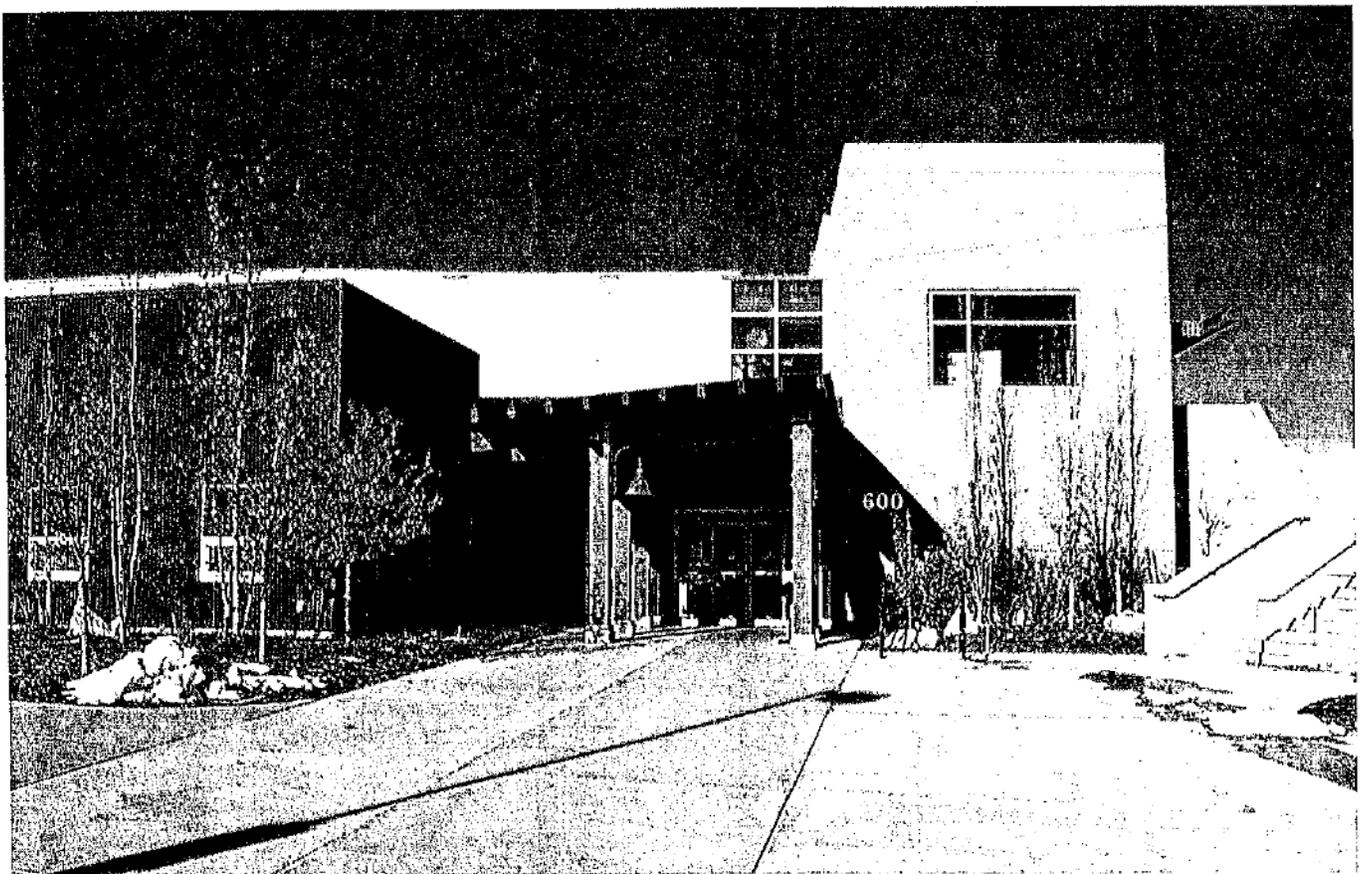
- The height and mass of the Film Studio Campus buildings should consider the visual and physical relationship to adjacent uses. A structure that dominates its environment by its relative size is strongly discouraged.
- The mass of a larger building should be broken down into a group of buildings clustered into traditional building compounds or a campus setting to create a sense of community.
- Building design should employ clean, simple, geometric forms and coordinated massing to produce overall unity, scale, and interest.
- Varying building heights, massing, roof forms and setbacks to define different functions such as offices, residential, hotel, studio and other uses is encouraged.
- Buildings should relate to the terrain and each other in their massing and forms. Larger masses should be located at the centers of building compositions, with smaller forms stepping outwards and down.



IHC Hospital showing variation in building mass and roof form.

Building Design

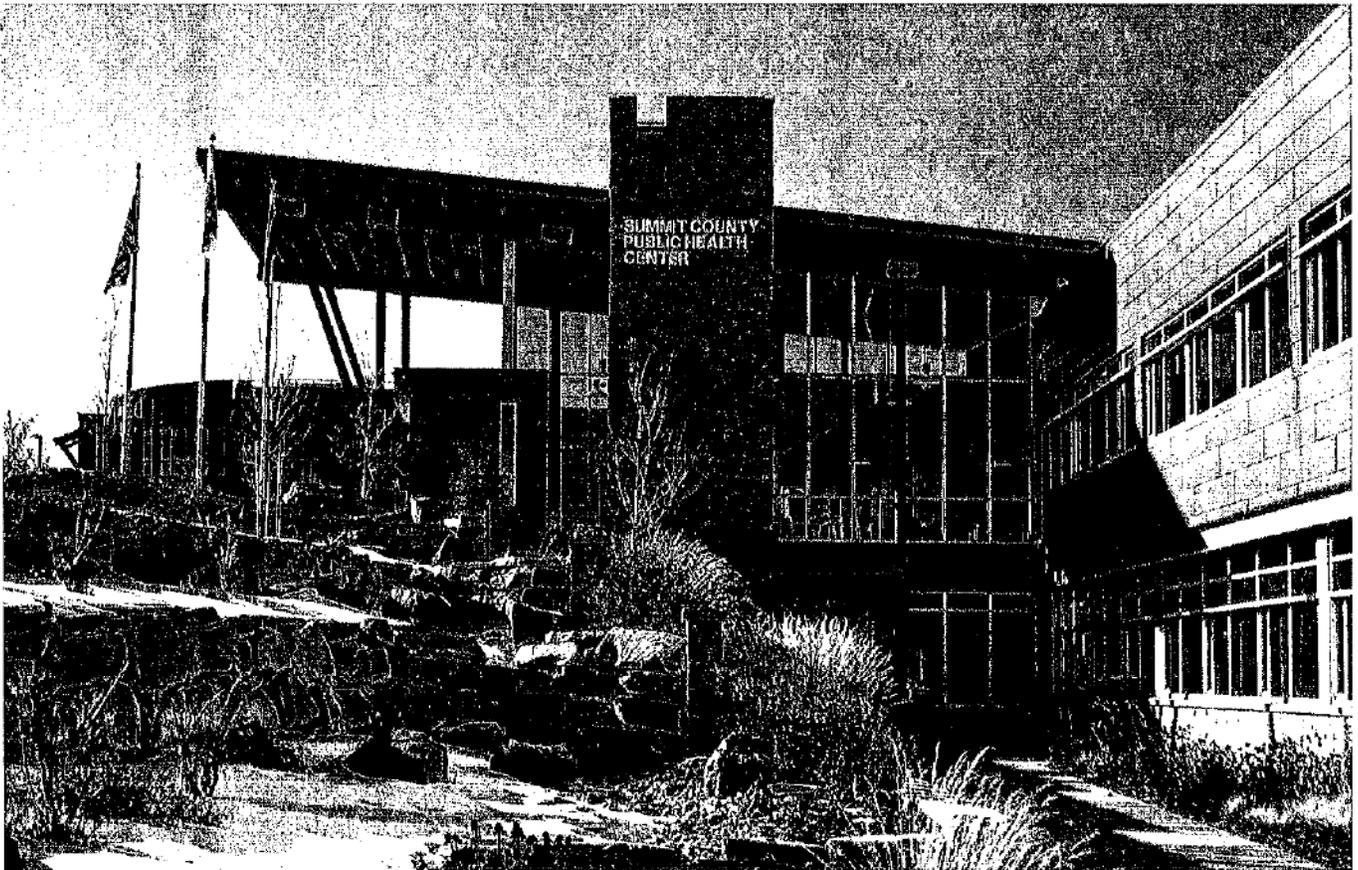
- Variety in building forms should be employed to create visual character and interest.
- Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged. The exterior character of all buildings should enhance pedestrian activity in their immediate vicinities.
- Long building facades should be broken up with architectural details. Facades with varied setbacks are encouraged to provide visual interest.
- Rear and side wall elevations should provide building offsets and architectural details similar to the front facade.
- Entrances to individual buildings should be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.



Park City Ice Arena showing a variety of form and identifiable entry.

Roofs

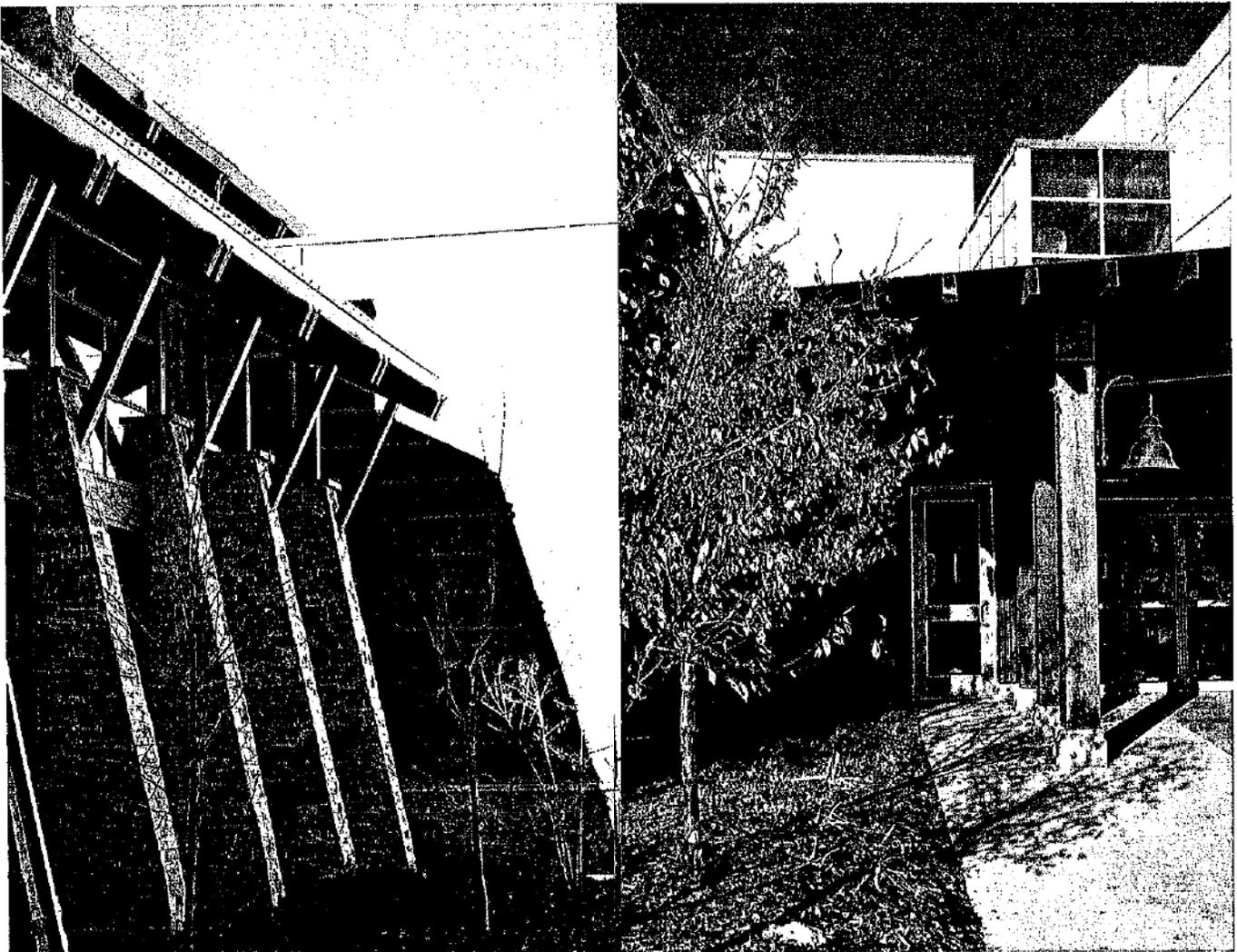
- Roofs should be integral to the architectural theme of the Film Studio Campus buildings and contribute to the visual continuity. Rooflines of buildings should include variations to avoid long, continuous planes.
- Rooftops should be considered as design elements from various viewpoints: at ground level, from other buildings, and from adjacent perimeter roadways. Mixing roof forms on buildings creates variety in the “roofscape.” Roofs should also be interesting when seen from above from upper levels of the mountain terrain.
- Rooftop equipment should be screened from view on all four sides by architectural features integrated with the design of the building.
- Roof design shall allow solar panels to be integrated into the roof design. Building orientation and shading design should minimize solar gain and maximize daylight harvesting.



Summit County Public Health Center showing a roof as a design element.

Materials and Color

- Materials should be chosen to withstand abuse or accidental damage by machinery. False facades and other simulated materials and ornamentation are not allowed.
- Clear or lightly tinted low-e glass (glazing) should be used, particularly at pedestrian levels where transparency between indoor and outdoor spaces is desirable.
- The use of various siding materials (i.e. masonry, concrete, metal, or wood siding to produce effects of texture and relief that provide architectural interest) is required.
- The use of compatible colors in a single facade or composition is required. Compatible colors add interest and variety while reducing building scale and breaking up plain walls.
- A color palette should be used on the Film Studio Campus buildings to help reduce their perceived size. Contrasting design elements and material colors that help break up the vertical monotony of large walls is necessary.



Example of Material Palette.

ADG6

Attachment C

FILM AND TELEVISION/RECORDING STUDIO -PARK CITY

	Squae Footage	Bldg Number	Bldg Total SF
STUDIO LODGING	85,000	1	
RECORDING STUDIO	2,500	1	
DESTINATION SPA	6,000	1	
			93,500
AMPITHEATER	6,000	2	
			6,000
SPECIAL EVENT STAGE	15,000	3	
SCREENING ROOMS	14,000	3	
ENTERTAINMENT VENUE	3,000	3	
PERFORMANCE AREAS/ OTHER VILLAGE VENUES	17,500	3	
			49,500
STUDIO STORE/ OTHER VILLAGE VENUES/OFFICES	20,000	4	
			20,000
STUDIO TOUR AREAS	6,000	5	
OFFICES/ OTHHER VILLAGE VENUES	9,000	5	
			15,000
FOOD SERVICES COMMISSARY/ OFFICES ANCHOR TENANT	50,000	6	
			50,000
SOUNDSTAGES	48,000	7	
PRODUCTION SUPPORT/OFFICES	25,000	7	
			73,000
LIGHTING & GRIP	10,500	8	
WORKSHOP/EQUIPMENT STORAGE	10,500	8	
			21,000
EFFECTS STAGE/ OFFICES	46,000	9	
			46,000
		TOTAL SF	374,000

Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: QUINN'S JUNCTION PARTNERSHIP
ANNEXATION
Date: February 22, 2012
Project Number: PL-12-01473
Type of Item: Work session – Annexation and Amendment to Zoning
Map

Summary Recommendations

Staff requests the Planning Commission review the requested annexation application at a work session and provide staff with preliminary feedback to help facilitate Commission analysis at the upcoming public hearing.

Description

Project Name: Quinn's Junction Partnership Annexation
Applicant: Quinn's Junction Partnership ("QJP")
Representative: Michael Martin, General Partner Quinn's Junction Partnership
Location: Southwest quadrant of US 40 and SR 248 intersection
Proposed Zoning: Community Transition and Regional Commercial Overlay (CT-RCO)
Adjacent Land Uses: Dedicated open space, US 40 and SR 248, Quinn's Sports Complex and Open Space, Park City Heights MPD, Park City Medical Center, USSA Center of Excellence, Summit County Health Department, Medical Offices, Rail Trail recreation trail, Quinn's Water Treatment Plant, and vacant agricultural land.
Proposed Uses: Movie studio, Lodging, and associated uses

Proposal

The applicant is requesting annexation and Master Plan Development approval of a 29.55 acre parcel of undeveloped land into the Park City Municipal Boundaries for the purpose of constructing a movie studio, hotel and associated uses. The applicant is requesting Community Transition- Regional Commercial Overlay (CT-RCO) zoning for the entire parcel. The property is subject to a County Settlement Agreement (Exhibit D) that acknowledges a vested development right for a Film and Media Campus up to 355,000 gross commercial square feet if the City denies annexation and the project is developed in Summit County.

Background

Why is the City re-considering Annexation?

The owners of the property have been attempting to develop the property in the County for over twenty years. The owners asserted that these efforts resulted in part from prior representations and assurances in conjunction with UDOT's reconstruction of US 40 and the SR248 intersection and condemnation of some portion of their property. As the various zoning disputes evolved, the owner and the County ended up in litigation in both state and federal court, as well as going through the Utah Private Property Ombudsman arbitration process. Development proposals have run the gambit between a small commercial highway gas station and motel, evaluation as a potential for the IHC hospital, and even a large entertainment and ski resort venue.

In 2005, the applicant petitioned the City for annexation concurrent with (but by separate petition) the Park City Heights project. The City was in the process of considering the adoption of the Community Transition (CT) zone which acknowledged commercial uses for the property at 3:1 unit/acre which was considered an up-zone from Summit County base zoning, but the zoning was still at a much lower density than the owner proposed (over 10:1). The City rejected the petition out of concern for the proposed density and timing of the annexation as it related to other areas, including IHC, Park City Heights and Osguthorpe, which if were not handled correctly may have resulted in lack of contiguity, an unincorporated island, etc. The owner sued the City and the City prevailed in state District Court. The owner appealed.

The owner withdrew the appeal of the dismissal when the property was under consideration for the U.S. Department of Defense/Air Force recreation facility and hotel in an effort to directly engage the City in negotiations towards a global settlement of all issues. While the City fairly successfully defeated federal attempts to circumvent local zoning by preemption, the project got new life under state legislation now known as MIDA (Military Installation Development Act), which extended broad powers of redevelopment authority on existing military bases to military land in other parts of the state, specifically in Summit (and later Wasatch) County. The legislation removed local planning authority over such military project area.

However, after another military hotel project area was chosen by MIDA, the QJP owners re-initiated their state and federal litigation against the County which had been largely stayed pending MIDA negotiations. QJP also secured an option with Raleigh Studios for a film and media campus and began lobbying the state for legislation similar to MIDA for a state economic development movie studio zone, again to remove local zoning authority from the County. Despite defeat of the legislation just last year, state legislative leadership strongly encouraged the County to resolve the matter prior to another legislative session, which likely would re-consider legislation introduced by studio supporters last year.

The City first asked the County if the parties could attempt to find an alternate

location for the studio where it would comply with local zoning. The County agreed to let the City lead this effort and the parties explored several locations but ultimately could not arrange a land trade. When it became clear that QJP and the County were making significant progress towards settling their litigation and the settlement would likely result in density significantly above that previously contemplated, the City asked the County for the right to participate in the settlement so that the City could re-assess whether annexation would be appropriate in light of the newly proposed vested density in the County Settlement Agreement.

Because the County Settlement vests zoning with QJP based upon applications pre-dating the City's last decision on annexation of the project, the City Council determined that the City should have another bite at the apple and reconsider annexation under the original 2005 petition. Therefore, the City entered into an Annexation Agreement which re-opens the original annexation application from 2005, including applying the previously paid application fees towards the current review. Accordingly, the annexation petition is not subject to recent General Plan map amendments or pending changes to the General Plan. The General Plan in effect for the 2005 review is the same as the current version, but for amendments made earlier this year for the CT zone and City boundary updates around the QJP property. Current Land Management Code provisions apply unless they conflict with express terms of the Annexation Agreement.

The City's efforts led to Planning Director Thomas Eddington's participation in refining the proposed site plan prior to its inclusion in the County Settlement Agreement. The "give" was that the City had to consider slightly higher density, although, the applicant asserts the County would be more receptive to an additional phase in the future beyond the 355,000. In addition to commercial use restrictions aimed at preventing direct ambush activity regarding Sundance, two noteworthy planning "gets" were:

- 1) The development and incorporation of design standards for the QJP project drafted to ensure compatibility with adjacent community transitional uses (IHC, USSA and PC Heights).
- 2) Site plan changes which include: a) elimination of water tower/highway sign or billboard; b) elimination of setbacks in exchange for additional height limits and shift of the building pads to provide parking in the back of the parcel, and siting smaller structures so as to step up to and screen the larger studio buildings. The City was less concerned with the northern/front setbacks given the steep grade change close to the interchange, and instead focused on moving the best designed building architecturally (hotel) to the most visible building pad. This also provided the opportunity for an open central area for use as an amphitheater.

City Process

On January 20, 2012, the applicant re-filed an annexation petition with the City Recorder for annexation of one (1) 29.55 acre metes and bounds parcel that is currently within the jurisdiction of Summit County. The petition was accepted by the City Council on January 26, 2012 and certified by the City Recorder on February 2, 2012. Notice of certification was mailed to affected entities on February 2, 2012, as required by the State Code. The protest period for acceptance of the petition runs until March 5, 2012.

The property is located in the southwest quadrant of the Quinn's Junction Planning Area, at the intersection of US Highway 40 and State Road (SR) 248 (Exhibit A). The property is currently undeveloped. The applicant seeks to develop 374,000 square feet of commercial uses, limited to a movie studio and media campus, including a 100 room hotel, amphitheater, and associated uses.

As provided in the Annexation Agreement, the applicant is requesting the property be annexed and zoned Community Transition- Regional Commercial Overlay (CT-RCO). The use of the overlay zone recognizes the unique circumstances of the project and acknowledges the County's vested density determination based upon prior applications as limited to the express terms of the proposed MPD in Annexation Agreement, without creating a precedent for adjacent parcels in the CT zone. A further commercial up-zone of other parcels in the existing City CT zone would remain inconsistent under the current Land Use plan of the General Plan.

The applicant has filed an annexation plat (Exhibit B), an MPD application, and a preliminary one lot subdivision plat as part of an Annexation Agreement with the City (Exhibit C). **The MPD will be approved as part of the annexation decision and will not return for separate action by the Planning Commission.**

Per said Agreement, if developed in the City the MPD is:

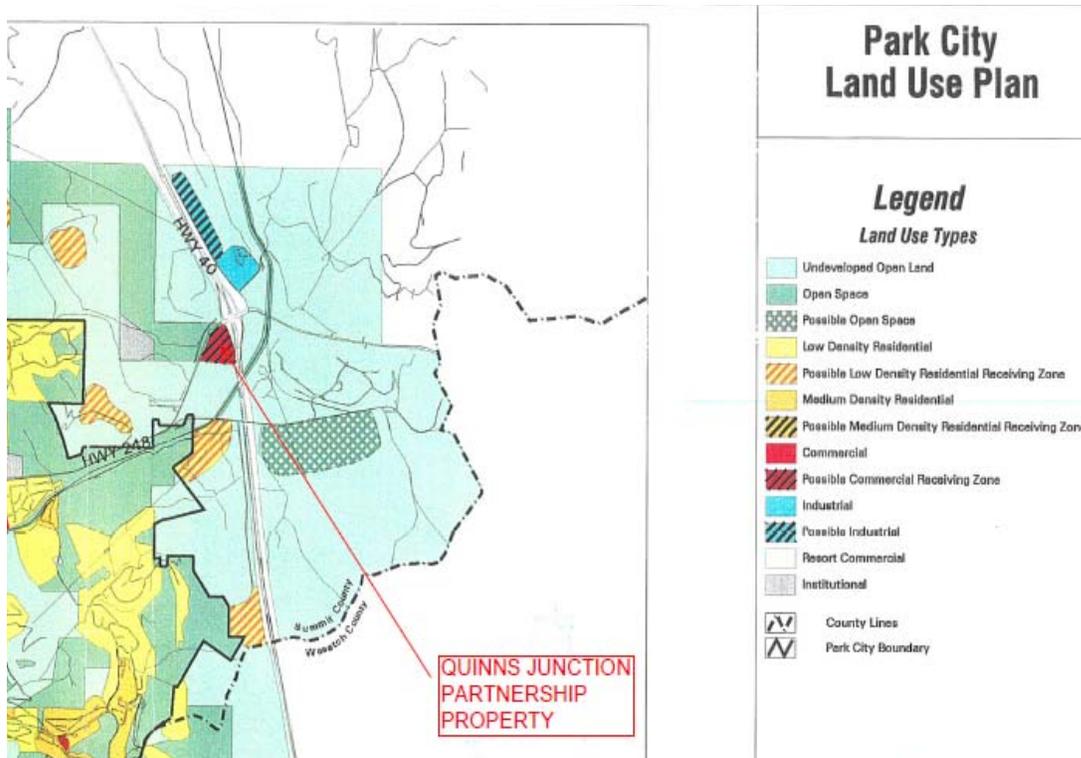
- Limited to 374,000 gross commercial square feet, excluding roads, parking lots, parking structures, porches, balconies, patios, decks, vent shafts, and courts.
- An enclosed atrium that serves as a pedestrian connection between two building pads that is not a stand along building and that may not be converted to habitable space is also excluded from the gross commercial square feet.
- The site plan and berming are to be installed as identified in Attachment A to Exhibit C.
- Final design approval of the project shall be by administrative Conditional Use Permit reviewed by the Park City Planning Department for compliance with the LMC.
- Building design shall comply with the Architectural Standards as identified in Attachment B to Exhibit C.
- Green Building design and construction shall meet minimum Shadow

LEED Standards.

- All signs shall comply with the Park City Sign Code, with no icon, water tower, or highway billboard signs permitted.
- No open space, setbacks, or affordable housing requirements may be imposed.
- Uses, including the proposed amphitheater, shall be of the type shown in Attachment C to Exhibit C and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the allowed gross commercial square feet. The stage may not be oriented toward City open space and shall be reviewed for compliance with the Architectural Standards.
- The proposed hotel is limited to 100 rooms (keys).
- A maximum building height of 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A (site plan), in the event a major, long-term film production contract necessitates the full studio height.
- No more than 70% of the remaining buildings are allowed a building height of 36-40 feet with all other buildings to be no more than 28 feet in height according to the CT Zone height limit.
- No building shall be greater than 28' in height unless it is located more than 150' from the center line of a public roadway.
- Smaller buildings are massed and/or placed strategically (from an overall design aesthetic) to break up the volumes of the Sound Stage Buildings to mitigate appearance of the vertical façade of the taller buildings.
- Visual impact of parking shall be mitigated by various methods.
- The Movie Studio portion of the campus may have perimeter and entry security controls.
- The applicant is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.
- Other provisions as outlined in the Annexation Agreement (Exhibit C), including requirement that the applicant to create Covenants and Restrictions (CCRs) applicable to the entire property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival and other provisions as stated in said Agreement.
- If annexation is not approved, then development on this parcel will occur in Summit County subject to the County Settlement Agreement (Exhibit D.)

Analysis

The General Plan (1997/2005) designates the QJP parcel as a potential “Commercial Receiving Zone” as part of the Park City Land Use Plan.



Obviously, the Annexation Agreement (as part of the broader County Settlement Agreement) waives several conditions typically applied to annexations by local code. The Council determination that these provisions are inapplicable due to the vested rights of prior County applications is consistent with LMC § 15-8-5(C), which provides that “unless the City Council finds that the circumstances of the annexation are such that a condition or conditions do not apply,” and goes on to indicate that such a finding may happen when “unusual or unique circumstances may emerge from time to time where special conditions may apply.”

This is not the first time the City was forced into a pragmatic decision whether to attempt to improve and mitigate a proposed project on its borders which already had vested rights in excess of City standards and code provisions. The Deer Crest Annexation (including the St. Regis Hotel) is another example where the project had density and height approvals in Wasatch County in excess of those identified in our annexation planning area and proposed zoning. The City determined that control of access through old Keetley Road and protection of the Deer Valley resort brand outweighed normal planning conditions and entered into a similar settlement agreement with Wasatch County, Queen Ester HOA and the applicant which resulted in a compromised solution that achieved the City's primary planning objectives, while reducing impacts of the development to the

greatest degree possible. The Planning Commission and Council are tasked with a similar difficult balancing act here. The City must decide whether local authority over site planning and design, and limiting commercial uses consistent and hopefully in partnership with Sundance Film Festival, are worth waiving certain conditions in exchange for others.

As a legislative act, qualified by the express conditions of a settlement agreement, the annexation decision is a unique tool for the City to protect its entry corridor and fundamental general plan and sustainability principles.

The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south boundary with Park City Heights MPD. The property is the entirety of property owned in this location by this applicant. Summit County recently considered their affected entity notice and communicated support for City annexation.

Access to the property is from State Road (SR) 248 a major highway and entry corridor to Park City. Proposed access point to the property is on the east side of the existing intersection of SR 248 and Round Valley Drive. The applicant participated with UDOT during the design and construction of the intersection during the IHC approval process to provide for access to the property. Staff is in the process of obtaining the scope of UDOT approvals for the property. The current proposal has two additional driveway cuts that may have to obtain additional UDOT approvals.

The applicant has submitted an annexation plat (Exhibit B), prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code.

As part of the County Settlement Agreement, the Council agreed to enter into the associated Annexation Agreement between the City and QJP. This Annexation Agreement stipulates that the Annexation shall include an approved Master Planned Development. MPD application material and supporting information were also submitted (Exhibits C, E, F, and G) to the Planning Department. However, detailed site plans and building pad plans and elevations were not reviewed for this report.

Review pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403.

The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

Review pursuant to the Annexation Policy Plan- purpose

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;*
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;*
- (C) To facilitate the consolidation of overlapping functions of local government;*
- (D) To promote the efficient delivery of services; and*
- (E) To encourage the equitable distribution of community resources and obligations.*

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Review pursuant to the Annexation Policy Plan- requirements

The Annexation Policy Plan (see Section 15-8-5 (B)) requires an annexation evaluation and staff report to be presented that contains the following items:

1. General Requirements of Section 15-8-2

See below for detailed analysis of the annexation as it relates to Section 15-8-2. Staff is in the process of reviewing two traffic studies submitted by the applicant and will include specific discussion with input from City transportation team members at the public hearing.

2. Map and natural features

The property consists of a 29.55 acre parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The property is undeveloped pasture land.

The Pace-Homer irrigation ditch traverses the center of the property in a north-south direction. Staff will provide additional analysis of the Baseline Survey for the public hearing.

A small area of designated wetlands is identified on the far northeast boundary within the UDOT ROW. This area appears adjacent to the property and staff will likely recommend conditions as part of the Construction Mitigation Plan to mitigate any potential impacts.

There are no steep or very steep slopes as the property is relatively flat with an overall slope of less than 15%. The property is bordered by highways on three sides and open space along the south side.

The Baseline Survey did not indicate areas of flood plain hazard.

3. Density

The applicant seeks to develop 374,000 square feet of commercial uses, including a movie studio, a 100 room hotel, amphitheater, and associated uses. No residential density or population exists on the property and no new residents are proposed.

4. Land Uses-existing and proposed

Wildlife - The applicant provided wildlife information from the Utah Division of Wildlife (Exhibit G). A specific wildlife study was not conducted. Deer, elk, and moose may be found on the property, which is adjacent to areas of undeveloped lands and designated open space. The area is also bounded on three sides by major highways and has very little cover for wildlife protection. Native and non-native grasses and low shrubs cover the property. In terms of species of special interest, the property is not within areas identified as critical sage grouse habitat.

Environmental Issues – The applicant provided a copy of an Environmental Baseline Survey for Quinn’s Junction (Exhibit G) completed in May 2007 by URS Corporation for Hill AFB. The baseline survey was completed for the property per ASTM Standard Practice for Environmental Site Assessments, E 1527-05. The intent of the survey was to determine if there are any documented environmental conditions on or near the subject property that provide a potential for contamination of the property.

The survey found no listed database findings for the subject property and two sites with environmental conditions were identified within a one-mile radius. These sites include the Richardson Flat Tailings, listed as a National Priority List, as well as a Comprehensive Environmental Response, Compensation, Liability

Information System (CERCLIS) ENG, ROD site. Both sites are outside of the subject property boundaries and at lower elevation, down gradient from subject property and therefore unlikely that these sites pose an environmental threat to the groundwater on the subject property.

The annexation is outside the City's Soils Ordinance District. The baseline survey did not find evidence of contamination from mine tailings or other contaminants that would have been brought to this property by the ditch and that would cause soil or groundwater contamination concerns. The sources for this ditch include Dority Spring, Pace Homer Spring, and other small springs in the Park City area to the west of the property. While the ditch parallels Silver Creek for most of its length, it is at a higher elevation protecting it from possible contamination by the waters of Silver Creek, and does not appear to have been used for many years.

The survey indicates that the annexation property has not been contaminated by historic mining impacts or other industry and though near contaminated sites, it is unlikely to be impacted by those sites (Exhibit G).

Utility & Access

- At this time the applicant has proposed a preliminary utility and access strategy to serve the property. Water is proposed from Summit Water Distribution with lines stubbed in from the north. Sewer service is provided by SBWRD who shall approve the utility plan and plat prior to recordation. A line extension agreement with SBWRD to extend sewer to the Property is the applicant's responsibility and shall occur prior to recordation of the final subdivision plat. Other utilities are available in the area and will need to be extended to this site.
- A utility plan is required to be submitted with the final subdivision plat, for review and approval by the City Engineer, as a condition precedent to recordation of the subdivision plat.
- Appropriate guarantees for any public improvements associated with development on this property will be required prior to issuance of any building permits. Fire hydrant locations will need to be addressed to the satisfaction of the City Engineer and Fire Marshall.
- Access to the property is from State Road (SR) 248 a major highway and entry corridor to Park City. Proposed access point to the property is on the east side of the existing signalized intersection of SR 248 and Round Valley Drive.

5. Character and Development of adjacent property

The applicant submitted information regarding surrounding areas within one mile of the annexation property. This information is described and mapped in the Environmental Baseline Survey (Exhibit G). Information in the Survey includes land uses, topography, natural areas such as streams and wetlands, wildlife

areas, historic and cultural sites, environmental sites, photos of existing conditions, utilities and roads, hydrology and flood plains, wells (water, gas, oil, other), radon, and FCC and FAA sites.

Surrounding land uses include dedicated open space, highways US 40 and SR 248, Quinn's Sports Complex and City open space, Park City Heights MPD, Park City Medical Center, USSA Center of Excellence, Summit County Health Department, Medical Offices, Rail Trail recreation trail, Quinn's Water Treatment Plant, and vacant agricultural land.

The character of development on adjacent properties is generally large buildings in a campus like setting, surrounded by connected open space, with a pattern of trails and connections providing an alternative to roadways. Adjacent properties also include Highways, utilities, Rail Trail, future residential development (Park City Heights), and open space.

6. Zoning- existing and proposed

The property is subject to a Settlement Agreement which acknowledges a vested development right for a Film and Media Campus up to 355,000 square feet. The applicant is requesting the property be annexed and zoned Community Transition- Regional Commercial Overlay (CT-RCO). This zoning designation is Community Transition zoning with a Regional Commercial Overlay. The purpose of the RCO zone is to allow, through an MPD, commercial development and land uses per LMC Sections 15-2.17.3 – 15-2.17-5. The 2012 Annexation Agreement (Exhibit C) further defines development parameters of the MPD for this property.

7. Goals and Policies of the Park City General Plan

(See (B) below.)

8. Assessed valuation

Annexation of the proposed area will have a positive impact on the property's assessed valuation and additional property tax revenue will be generated.

9. Demand for municipal services

All essential services will be provided by existing entities, with the exception of water. These services include: Park City Fire District, Snyderville Basin Water Reclamation District (SBWRD - sewer), Park City School District, Questar gas, Rocky Mountain Power- power, Comcast - cable, Qwest - gas, and BFI trash removal. The property is subject to the Annexation Agreement that allows a third party water provider. A final utility plan will be submitted for approval by the City Engineer, as a condition precedent to recordation of the final subdivision plat.

10. Effect on City boundaries

This annexation does not create an island, peninsula, or other irregular shaped City boundary. This annexation provides contiguity to the City Limits along the south boundary contiguous with the Park City Heights Annexation and MPD. The property is within the City's Annexation Expansion Area boundary and the City

has expectations that this Property will be part of the City.

11. Timetable for extending services

The property is subject to an Annexation Agreement that allows a third party water provider. Other utilities are to be extended from utilities in the area. A final utility plan will be submitted for approval by the City Engineer, as a condition precedent to recordation of the final subdivision plat. A timetable of extending these services shall be provided with the final subdivision plat application. Sewer service is provided by SBWRD who shall approve the utility plan and plat prior to recordation. A line extension agreement with SBWRD to extend sewer to the Property is the applicant's responsibility and shall occur prior to recordation of the final subdivision plat.

12. Revenue versus costs

Staff will provide additional economic analysis for the public hearing.

13. Tax consequences

The property will be entirely privately owned. Revenue will be generated through property taxation, sales taxation, and other forms of taxation specific to the uses (resort sales and lodging taxes, transit taxes, etc) The City will gain revenue if this parcel is annexed and developed within the City limits.

14. Impact on Summit County

Summit County will lose that portion of sales tax revenue that will be paid to Park City; however Park City not Summit County will be responsible for providing municipal services.

15. Historic and cultural resources

The Environmental Baseline Survey (Exhibit G) identified the area as adjacent to a Federal Historic Area due to the existence of the Union Pacific Park City Branch Railroad Grade in the area, which is on the National Register of Historic Places. No other historic or cultural resources were mapped. No historic sites or structures are on the property.

Review pursuant to the Annexation Policy Plan- Section 15-8-2- General Requirements

City Staff has reviewed the proposed annexation and preliminary plat against the following general requirements established for annexation to Park City as presented in LMC Section 15-8-2, as follows:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

***The property is contiguous to the Park City Municipal boundary at the southern boundary with Park City Heights Master Planned Development.
The property across SR 248 is within the Park City Municipal Boundary.
The property is a logical extension of the City boundaries and is within the***

Park City Annexation Expansion Area boundary.

(B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

This annexation proposal has been submitted and processed consistent with the intent and purposes of LMC Chapter 8, the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J). Affected entities have been noticed of the petition acceptance by the City Council.

The property will be posted for the March 14, 2012, public hearing. Affected property owners will be notified of the public hearing and legal notice of the hearing will be published in the Park Record. The property falls within the Park City Annexation Expansion Area boundary.

The property is within the Highway 40/248 Southwest planning area of the Park City General Plan (p 43-45). Applicable objectives and goals of this planning area are as follows:

- ***There may be an opportunity to create a special development concept at the southwest corner for some anticipated neighborhood or resort support commercial uses.***
- ***This area should not be developed with commercial uses that substantially increase traffic on Highway 248.***
- ***Establish guidelines for mixed-use, clustered, commercial development on the southwest corner parcel.***
- ***The design of future structures in this area should be in scale and character with the rural mountain character of the area. This area when developed should enhance rather than detract from the aesthetic quality of the entry corridor. A standard highway strip commercial development would not be favorably considered.***
- ***Parking should be at the back or sides of the buildings to avoid a foreground of asphalt for the visitor traveling along the entry corridor (SR 248).***
- ***Landscaping will be critical along the entry corridor to soften the view toward the commercial structures.***
- ***Landscape material native to the region should be used as the dominant material.***
- ***Focus on gateway aspects of site design.***
- ***Modify the existing entry corridor overlay zone (ECOZ) as necessary to assure adequate setbacks for structures, parking standards, lighting regulations, design criteria, and landscaping. (These items were incorporated in the ordinance creating the CT zone).***

- **Enhance the visual experience for visitors and residents using this entrance to the City.**
- **Improve vehicular access to this Planning Area (i.e. with signalized intersections, grade separated trail crossing, etc.).**
- **Limit driveways and intersections on Highway 248.**

Additionally, the General Plan established goals designed to address foreseeable problems and express community aspirations (General Plan p. 5-10). The applicable key goals include:

- **Preserve the mountain resort and historic character of Park City.**
- **Preserve environmental quality, open space, and outdoor recreational opportunities.**
- **Maintain the high quality of public services and facilities.**
- **Work effectively with other governmental agencies to achieve the goals of the General Plan.**
- **Maintain the unique identity and character of an historic community.**
- **Manage the amount, rate, form, and location of growth.**
- **Involve the community in decision making.**
- **Plan for realistic population growth consistent with the City's vision**

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

The annexation includes the greatest amount of Property possible that is a contiguous area and that is contiguous to Park City's boundaries.

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

The annexation area constitutes the largest area possible owned by the applicant (see above) and is not a piecemeal annexation of individual small Properties.

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

This annexation does not create an island or peninsula of County property. The proposed annexation boundary follows the City's Annexation Expansion Area boundary and is not an irregular boundary. A separate annexation petition has been filed for the adjacent SR 248, Osguthorpe and all of the City-owned Round Valley open space.

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to the annexed Areas:

- Police protection - **City Police protection will be provided if annexed.**
- Snow removal on Public Streets- **The City will provide snow removal from Public Streets within the property, however all private roads and driveways are to be maintained by the property owner.**
- Street maintenance- **The City will not be financially responsible for providing maintenance of private property.**
- Planning, zoning, and Code enforcement- **Currently Summit County Planning and Building Department and would transfer to the City departments of planning, building, and engineering.**
- Availability of municipal sponsored parks and recreational activities and cultural events and facilities **Parks are public and open to County and City residents. This annexation ideally would provide trail connections to existing trails within the City and to future open space and recreation parcels, such as a connection to the Rail Trail recreational trail system and a continuation of the existing sidewalk system along SR 248 to the intersection with Round Valley Drive.**
- Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of the annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. **The property is subject to an Annexation Agreement allowing a third party water provider. A final utility plan will be submitted for approval by the City Engineer, as a condition precedent to recordation of the final plat.**

(G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the Applicant(s). The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area. **The property is subject to an Annexation Agreement that allows a third party water provider. A final utility plan will be submitted for approval by the City Engineer, as a condition precedent to recordation of the final subdivision plat. Sewer service is provided by SBWRD who shall approve the utility plan and plat prior to recordation.**

(H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the

City can economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered.

The property is subject to an Annexation Agreement the purpose of which is to facilitate development of a movie/film studio and associated uses, with local influence over the design, construction, and restrictions of the CCRs. Impacts of this development have been taken into consideration in said Agreement. Review of the MPD site plan will consider issues of traffic, fire protection and access, open space, trails, protection of Sensitive Areas, protection of view corridors, and whether adequate water and sewer capacity exist to serve the future needs of the annexed area.

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state. ***The property of this annexation does not contain existing Geologic Hazards, excessive Slopes, or flood plains. The property is currently vacant pasture land with native grasses and an existing irrigation ditch.***

- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area. ***The property is within the annexation expansion Area.***

- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex. ***The property is not within another municipality and the annexation is not solely for the purpose of acquiring municipal revenues or for retarding the capacity of another municipality to annex this property.***

- (L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and community facilities are preferred.
 - ***The purpose of this annexation is to facilitate a well designed movie/film studio complex that meets established Design Guidelines***

of the LMC as well as specific guidelines that are part of the Annexation Agreement (Attachment A of Exhibit C).

- *A movie/film studio and associated uses could contribute to an expanded resort and/or tourist economy and help diversify the predominantly seasonal economy depending on the quality of the final development.*
- *Being able to influence the design of a development at one of Park City's primary entry corridors is a consideration of this annexation.*
- *If the development is constructed within the Park City municipal boundary the project will be built to LEED Shadow Standards and per the Annexation Agreement will be required to create CCRs that protect the Sundance Film Festival from direct ambush uses, thus further enhancing the existing tourist economy.*
- *The site has few environmentally Sensitive Lands and is adjacent and across from existing public open space and community facilities.*

Discussion – Focus on Site Plan and Design

Staff requests Planning Commission discussion of the following:

- What MPD site plan issues does the Planning Commission find as the most important to focus on for the public hearing?
- What additional information does the Planning Commission need for the public hearing?
- Are there specific external trail connections or internal circulation that need to be incorporated into the site plan?
- Does the Commission agree that the support commercial uses should include an element of neighborhood support commercial/basic grocery?
- The Planning staff intends to utilize a team approach to focus analysis on design, traffic, circulation and lighting. Does the Commission have any other particular areas of concern which it would like to direct the staff to focus additional analysis on?

Department Review

The application is scheduled to be reviewed by the Interdepartmental Development Review Committee on February 14, 2012. Any additional comments will be included in the Staff Report for the public hearing.

Notice and Public Input

A public hearing will be scheduled and noticed for the March 14, 2012, Planning Commission regular meeting. The property will be posted and notices will be

mailed and published in the Park Record according to requirements for annexations in the Land Management Code and Utah Code.

Future Process

- The Planning Commission requested a work session review of the annexation prior to a public hearing (**February 22, 2012**). **Review of the annexation is at this point.**
- The Planning Commission shall hold a public hearing (**March 14, 2012**) on the matter and shall consider forwarding a recommendation to the City Council.
- The City Council is the final decision maker regarding annexation of land into Park City and shall hold a public hearing prior to making a decision on the matter (**tentatively scheduled for March 22, 2012, conditioned upon the Planning Commission forwarding a recommendation at the March 14th meeting**).

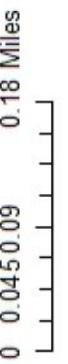
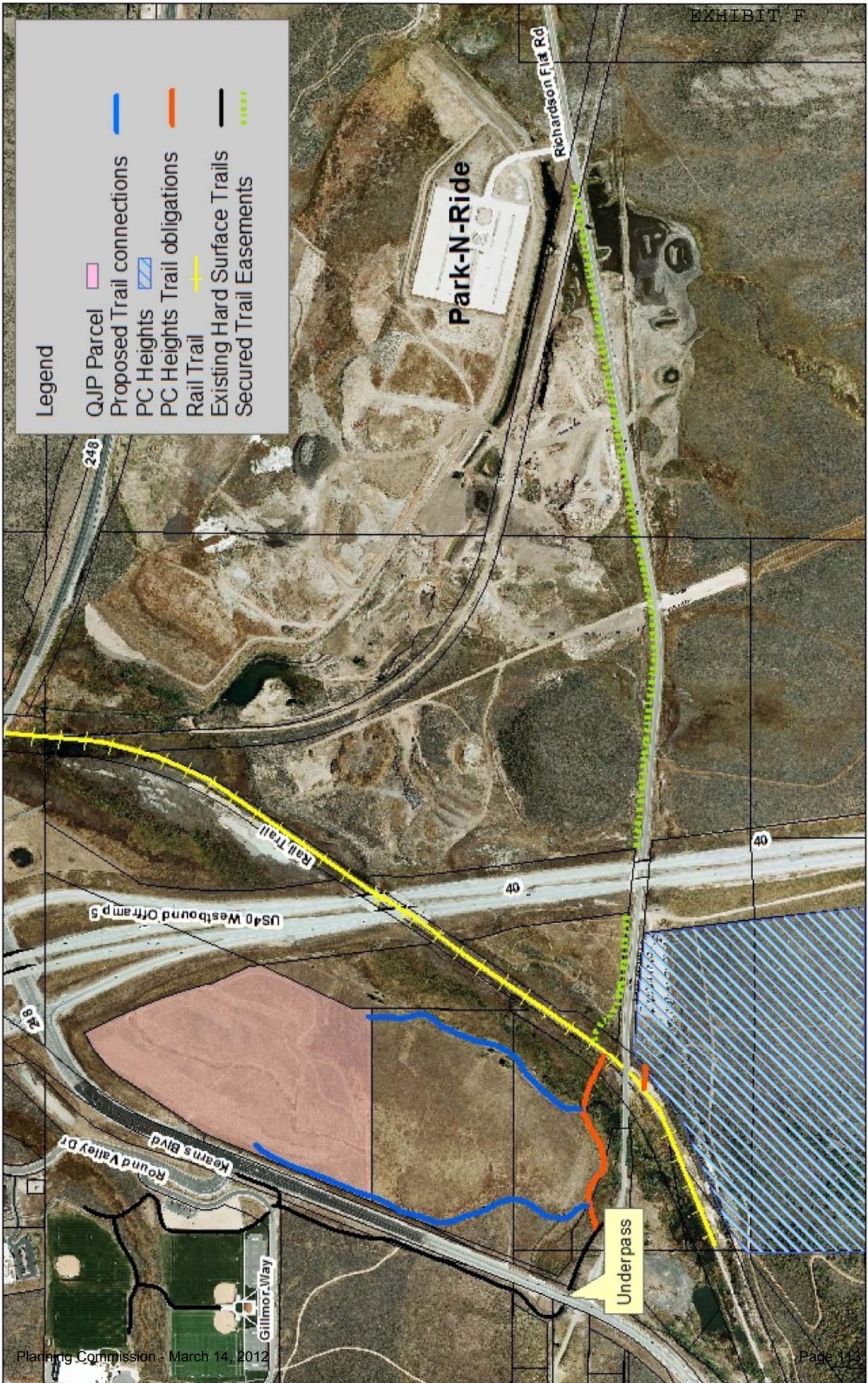
Recommendation

Staff requests the Planning Commission review the requested annexation application at a work session and provide staff with any comments.

Exhibits

- Exhibit A- Existing Zoning and Municipal Boundary Map/Annexation Expansion Area Boundary Map
- Exhibit B- Annexation Petition and Plat
- Exhibit C- Annexation Agreement MPD-2012
- Exhibit D- County Settlement Agreement
- Exhibit E- General Project Description
- Exhibit F- Existing conditions
- Exhibit G- Additional submittal information summaries (The entire binder of submittal information, including appendices to the various reports and studies is available for review at the Planning Department and will be posted to a Quinn's Junction Partnership Annexation page on-line at www.parkcity.org. The page will also include links to the LMC zoning sections).

Quinn's Junction Partnership Proposed Trail Connections



Planning Commission Staff Report



Subject: 543 Woodside Avenue Plat
Amendment
Author: Mathew W. Evans, Senior Planner
Date: March 14, 2012
Type of Item: Administrative – Plat Amendment
Project Number: PL-11-01417

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 543 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Jonathan Degray on behalf of Steve Maxwell
Location: 543 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is proposing to combine Lots 11 and 12, Block 28 of the Park City Survey, into one new lot which will be known as 543 Woodside Plat. There is an existing home which now straddles both lots, and the owner would like to make future additions to the home, thus the plat amendment is required.

The applicant is proposing the plat amendment because they intend make additions to the home which will ultimately require a Historic District Design Review. The original proposal by the applicant included the addition of a third “basement” level addition to the home for a garage and stairwell leading to the main floor of the home, as well as other improvements.

Background

Originally constructed in 1894, the 543 Woodside Avenue home is shown on the Historic Sites inventory as a “Landmark Site”. The original mining-era home was originally noted to be a one-story home of 1,000 square feet with a 940 square foot basement, but has been altered overtime to include additions totaling 760 square feet. There is also a detached accessory structure located in back of the historic home. On September 3, 2008, the Historic Preservation Board (HPB) determined that the rear “outbuilding” was historically significant due to the fact it was originally constructed

sometime between 1900 to 1927, and was noted on the Sanborn Insurance maps from that era.

On June 16, 2011, the applicant applied for a HDDR pre-application meeting before the Design Review Team (DRT). The applicant proposed adding a garage below the ground level floor of the home, as well as other improvements to the existing home. The DRT noted that a plat amendment would be necessary due to the fact that the home was built over two lots.

Analysis

Planning Staff finds there is good cause for the application as the subdivision will bring the parcels into compliance with state law by creating two lots of record. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The applicant ultimately plans to request a full HDDR to improve the building by lifting the home, constructing a new foundation under it, remodeling the interior and adding a small addition to the rear of the historic building. Listed below are the existing conditions and the lot requirements for the property:

Existing Conditions - 543 Woodside Home

- Lot Size: 3,750 square feet (lots 11 and 12 combined)
- Home Size: 1,942 square feet
- Footprint: 971 square feet
- Accessory Structure: 277 square feet¹
- Total Building Footprint: 1,248 square feet
- Stories: 2 (Main level at grade, basement)
- Setbacks: Front – 11', Rear - 29', Side (north) 5', Side (south) 9'
- Height: 26' (approximate – 28' approximate for a portion of the accessory structure)

HR-1 Zone Designation Lot Requirements (Based on 3,750 square foot lot)

- Maximum Building Footprint: 1,519 square feet
- Side-yard Setback Requirement: 5 feet minimum, 10 feet combined
- Front and Rear-Yard Setbacks: 10 feet minimum, 20 feet combined.
- Max Height: 27 feet

¹ Accessory Structure is considered "Historic" and does not count against the maximum allowed footprint per LMC Section 15-15-1.35 "Building Footprint" definition.

The existing home meets all of the setback and height requirements established within the HR-1 Zone. The accessory structure meets current setback requirements but exceeds the established height requirements by one-foot (1').

The calculated total footprint of 971 square feet is based on the fact that the accessory building has been deemed "historic" and does not count against the total building footprint per the definition of "Building Footprint" found in LMC Section 15-15-1.35 which states:

"The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building."

Any future applications for additions or improvements to the home will have to meet the LMC and Historic District Design Review requirements as adopted by the City, as well as those the building footprint maximum and height as listed above. Based on the analysis of existing conditions and HR-1 Zone Designation requirements, the applicant does possess the ability to add addition square footage to the building footprint.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting March 29, 2012.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 543 Woodside Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 543 Woodside Avenue Plat Amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on 543 Woodside Avenue Plat Amendment to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and two existing lots would not be adjoined. The applicant would not be permitted to make any substantial changes to the existing historic structure.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 543 Woodside Avenue Plat Amendment and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Record of Survey

Exhibit C - Aerial photo vicinity map

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 543 WOODSIDE AVENUE PLAT AMENDMENT
LOCATED AT 543 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 543 Woodside Avenue have petitioned the City Council for approval of the 543 Woodside Avenue Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2012, to receive input on the 543 Woodside Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on March 29, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 543 Woodside Avenue Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 543 Woodside Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 543 Woodside Avenue within the Historic Residential (HR-1) Zoning District.
2. The HR-1 Zoning District allows for detached single-family dwelling units as a permitted use.
3. The property is shown on the Historic Sites inventory as a "Landmark Site" and includes a 971 square foot mining era home constructed in 1894. The property also contains a 277 square feet detached accessory structure that was built between 1900 and 1927, and is also on the inventory as a historic structure.
4. The applicants are requesting to adjoin two lots of record into one Lot for the purpose of a future additional development and improvement of the home.

5. The plat amendment is necessary in order for the applicant to obtain a building permit for the proposed addition, which includes the addition of a garage under the existing main level, and a small addition to the rear of the home.
6. The amended plat will create one new 3,750 square foot lot.
7. The existing historic home and accessory building meet all current setback requirements, the existing home meets current height requirements, and the existing accessory structure exceeds the maximum height requirement by one-foot (1).
8. The applicant has a concurrent Historic Design Review application for a significant remodel of the home, including the addition a third level for a new garage and additional living space to the rear of the existing home. Compliance with adopted Design Guidelines for Historic Districts and Historic Sites shall be required.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits for the expansion of the existing home will be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for renovation of the existing structure.
5. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

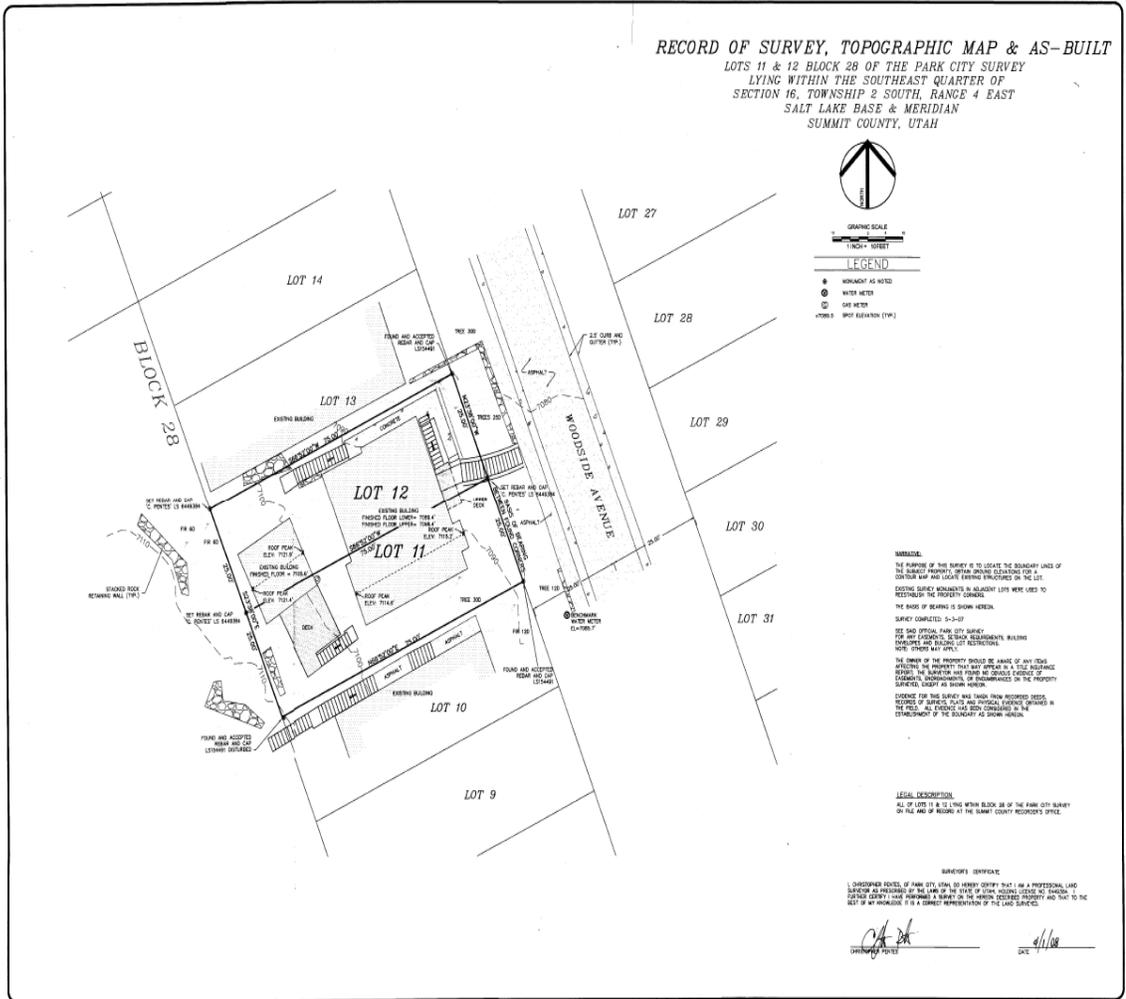
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



PARK CITY SURVEYING
 PARK CITY, UTAH 84301
 (435) 765-1234

RECORD OF SURVEY, TOPOGRAPHIC MAP AND AS-BUILT
 LOTS 11 & 12 BLOCK 28 OF PARK CITY SURVEY

DATE: MAY 2007

SHEET 1 OF 1

EXHIBIT C



Planning Commission Staff Report



Subject: 920 Norfolk Ave Plat Amendment
Author: Mathew W. Evans, Senior Planner
Date: March 14, 2012
Type of Item: Administrative – Plat Amendment
Project Number: PL-11-01231

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 920 Norfolk Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Craig Elliot on behalf of Jack Mahoney
Location: 920 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is proposing to combine four (4) existing lots of record, and one half lot of record (south half of lot 27 and all of lots 28, 29, 30 and 31) located within Block 10 of the Snyder's Addition to Park City, into three (3) lots. Proposed Lot 1 is 3,750 square feet, proposed Lot 2 is 2,812.5 square feet, and proposed Lot 3 is 1,875 square feet. The total acreage of the proposed Amended Plat is 0.19 acres or 8,437.5 square feet.

Lot 1 is the result of the combination of the south half of lot 27, lot 28 and the north half of lot 29 where an existing historic home currently straddles the lot lines, and Lots 2 and 3 are vacant and will ultimately result in two buildable lots. The HR-1 Zone allows one single-family dwelling unit per (legal) lot as a permitted use. The applicant is proposing no changes to the existing home or footprint at this time.

Background

The existing 1,840 square foot home located at 920 Norfolk Avenue is known as the "Fred Larson House". Built in 1892, the house is shown on the Historic Sites inventory as a "Landmark Site". The existing home straddles the southern half of Lot 27 and all of Lot 28 of Block 10 of the Snyder's Addition to Park City. South of the home are three (3) additional vacant lots, which include half of Lot 29 and all of Lots 30 and 31. The other half of Lot 27 is adjoined to a neighboring property owner. As part of this proposal, the new lot will include the south half of lot 27, lot 28 and the north half of lot 29.

On March 23rd, 2011, the applicant came before the Design Review Team (DRT) with a Pre-HDDR (Historic District Design Review) application. The applicant requested feedback on the possibility of building two new homes on the adjacent lots. The DRT noted that a Plat Amendment to combine the lots would be required, and that the applicant should also combine the lots underneath 920 Norfolk as well to bring the existing home into compliance.

Analysis

Planning Staff finds there is good cause for the application to combine the five (5) lots into three new lots. Part of Lot 27 and 28 are straddled by an existing home located at 920 Norfolk Avenue, and the applicant wishes to build two additional homes on the vacant land which is currently comprised of the other three (3) lots. The proposal combines the south-half of Lot 27 and all of lots 28, 29, 30 and 31 of Block 10, Snyder’s Addition. Combining these lots will allow the applicant better utilize the vacant land for the placement of the new homes.

The applicant is also subject to current Land Management Code and Design Guidelines for Historic Districts and Historic sites. Although there are no other applications contemplated at this time, the applicant will be required to go through the Historic District Design Review process for both new homes, and will be required to meet the design standards as outlined within the aforementioned design guidelines for new construction in Park City’s historic districts.

The proposed lots will be subject to the following Historic Residential (HR-1) Zone designation requirements found in the LMC:

HR-1 Zone Designation Lot Requirements

Lot Analysis	Proposed Lot Size in square feet:	Maximum Allowed Building Footprint in Square feet	Existing Building Footprint in Square feet	Side Yard Setback	Front and Rear Yard Setback
Lot 1	3,750	1,519	1,116*	5' total of 10'	10' both
Lot 2	2,812.5	1,201	N/A	3' total of 6'	10' both
Lot 3	1,875	844	N/A	3' total of 6'	10' both

*Estimate

The proposed plat amendment will combine the existing Block 10 Snyder’s Addition Lots 27, 28 and half of Lot 29 into one parcel. Currently the existing historic home straddles the property lines of Lots 27 and 28, and is currently setback one-foot (1’) away from the property line between Lots 28 and 29. This plat amendment will remedy the existing nonconformities by erasing those lot lines, and creating a 38 side-yard setback on the south property line between the existing historic home and the new Lot number 2.

The existing historic home currently has an 11-foot (11') front-yard setback, a 14 foot rear-yard setback, and four and a half foot (4.5') side-yard setback on the north side of the home. The existing nonconforming setback between the historic home and the north property line will not be mitigated through this plat amendment process due to the fact that the applicant does not own the north half of Lot 27.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed,

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting March 29, 2012.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 920 Norfolk Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 920 Norfolk Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 920 Norfolk Avenue Plat Amendment to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the five existing lots would remain as such, and the nonconformities associated with the existing historic home would remain.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 920 Norfolk Avenue Plat Amendment and forward a positive recommendation to the City Council

based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Record of Survey/Existing Conditions
- Exhibit C – Aerial photo vicinity map

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 920 NORFOLK AVENUE PLAT AMENDMENT
LOCATED AT 920 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 920 Norfolk Avenue have petitioned the City Council for approval of the 920 Norfolk Avenue Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2012, to receive input on the 920 Norfolk Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on March 29, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 920 Norfolk Avenue Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 920 Norfolk Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 920 Norfolk Avenue within the Historic Residential (HR-1) Zoning District.
2. The HR-1 Zone District allows for detached single-family dwellings as a permitted use.
3. The existing 1,840 square foot home known as the "Fred Larson House" was built in 1892 and is shown on the Historic Sites inventory as a "Landmark Site".
4. The proposed amended plat will solve existing nonconformities associated with the existing home, including the fact that the home currently straddles two (2) property lines and has a one-foot (1) side-yard setback between it and the existing lot line. The new amended plat will erase the lot lines the home now straddles, and will create a new thirty-eight foot (38') side-yard setback.

5. The existing home will continue to have a legal-nonconforming 4.5 side-yard setback to the north property line of proposed Lot 1. Five feet is the current setback requirement in the HR-1 Zone.
6. The proposed amended plat combines existing Lot 27 through 31 of Block 10 of the Snyder's Addition (five existing lots) into three new lots.
7. There are existing street improvements currently existing in front of the property along Norfolk Avenue, including asphalt, gutter and a sidewalk.
8. Any new construction on any of the Lots will require approval through the Historic Design Review (HDDR) process, as well as any future additions to the existing historic home.
9. Conformity with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009 will be required for any new construction or additions and exterior remodeling of the existing historic home.
10. The existing historic home has no available off-street parking, however none are required due to the fact that the home is historic, and historic homes are exempt from off-street parking requirements.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits shall be issued for additions to the existing home, or for new homes on the adjoining lots, until the subdivision is recorded.
4. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 12461, as prescribed by the laws of the State of Utah, and that by authority of the aforesaid, I have prepared the Record of Survey map of the 920 NORFOLK AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on the plat. I further certify that the information on the plat is accurate.

John Demkowicz _____ Date _____

LEGAL DESCRIPTION

PARCEL 1
The south 1/2 of Lot number Twenty-Seven (27), all of Lots Twenty-Eight (28) and Twenty-Nine (29), and the north 1/2 of Lot number Thirty (30), in Block Number Ten (10), Snyder Addition to Park City, Summit County, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2
The westerly one half of Lot 30, and all of Lot 30, Block 10, Snyder's Addition to Park City Survey, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that MANKEY ENTERPRISES, L.P., a California limited partnership, the undersigned owner of the herein described tract of land to be known hereafter as 920 NORFOLK AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. MANKEY ENTERPRISES, L.P., a California limited partnership, hereby consents to the incorporation of this Plat Amendment.

ALSO, the owner, or its representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, assessments, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day of _____, 2011.

MANKEY ENTERPRISES, L.P., a California limited partnership
Jack Mahoney, Manager

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2011, Jack Mahoney personally appeared before me, the undersigned Notary Public in and for said state and county. Having been duly sworn, Jack Mahoney acknowledged to me that he is the managing member of MANKEY ENTERPRISES, L.P., a California limited partnership, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah
Printed Name _____
Residing in _____
My commission expires: _____

A PARCEL COMBINATION PLAT
BLOCK 10, SNYDER'S ADDITION TO PARK CITY SURVEY
920 NORFOLK AVENUE SUBDIVISION
LOCATED IN SECTION THE NORTH HALF OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

10' 0' 20'

SHEET 1 OF 1
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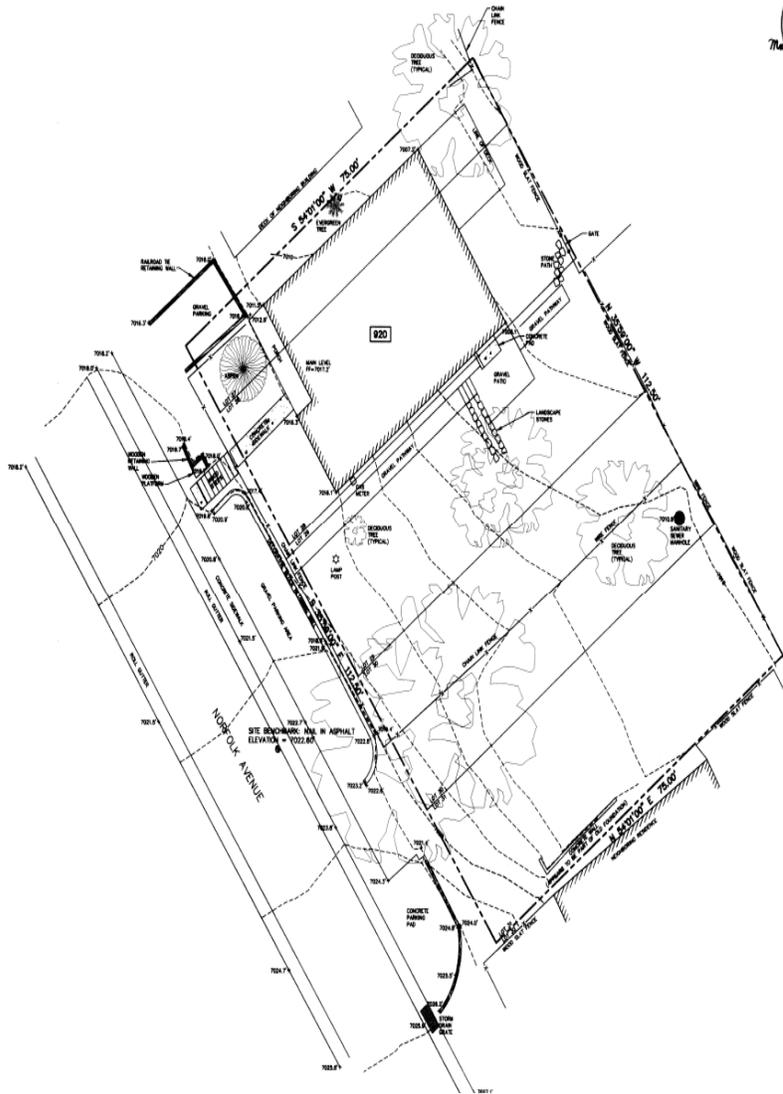
<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ CHAIRMAN</p>	<p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____</p> <p>FEE _____ RECORDER _____</p>
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Exhibit B



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4438738 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

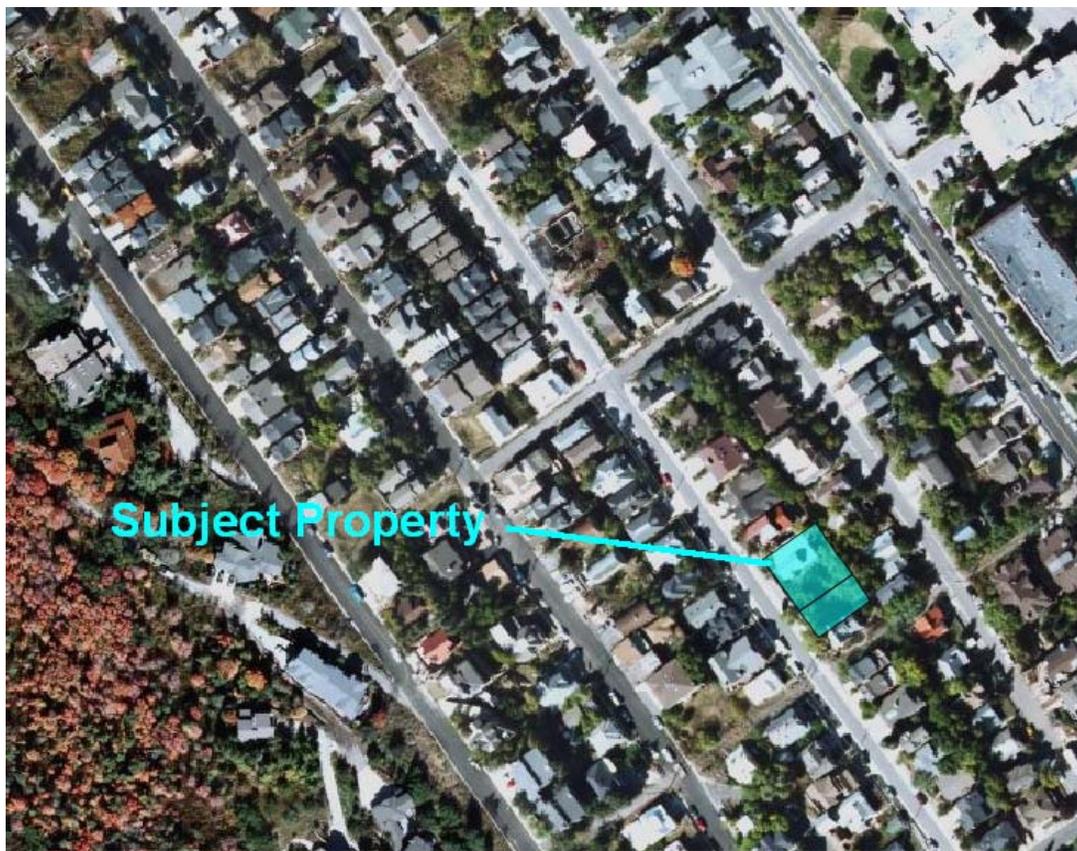
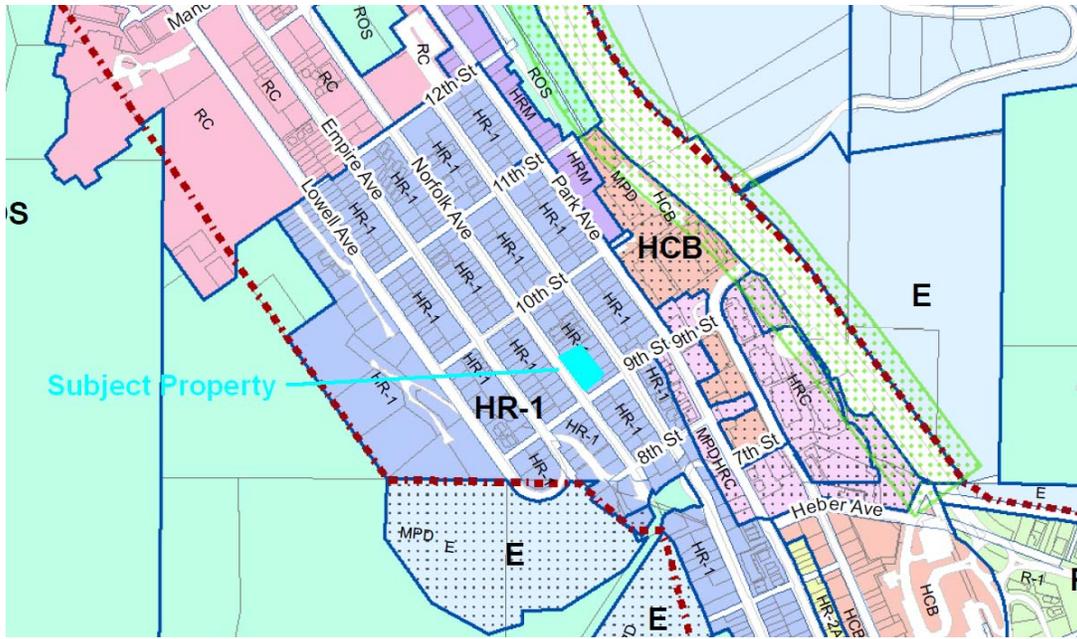


NOTES

1. Site Benchmark: Nail in asphalt
Elevation=7022.86'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 4, 2003 and updated on March 16, 2011.
4. Property corners were set during the 2003 survey.
5. Snow coverage at the time of the survey was approximately 1' to 2'. As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



EXHIBIT C



Planning Commission Staff Report



Application #: PL-11-01406
Subject: Rail Central Telecommunication Antenna
Author: Francisco Astorga, Planner
Date: March 14, 2012
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Telecommunication Facility at Rail Central and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval found on this staff report.

Description

Applicant: Mark Fisher, 1790 Bonanza Drive, LLC represented by Don Shively, AT&T Wireless, and Michael Sweeney, New Ideas Company, Inc.
Location: 1790 Bonanza Drive, Rail Central
Zoning: General Commercial (GC) District
Adjacent Land Uses: Commercial and mixed-use residential
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

This is a Conditional Use Permit (CUP) request for a Telecommunication Antenna to build an enclosed antenna facility at Rail Central located at 1790 Bonanza Drive. In addition to the enclosed antenna, the applicant is requesting to build a 10'x 20' addition on the front façade, west side, of Building One to locate the necessary equipment associated with the requested use. Equipment shelters located outside of existing buildings require a public hearing and Planning Commission review.

Background

On December 20, 2011 the City received a completed application for the Rail Central Telecommunication Antenna CUP. The property is located at 1790 Bonanza Drive in the General Commercial (GC) District. The proposal includes twelve (12) antennas to be placed on the elevator shaft tower located towards the east side of Building One. The current use of the property is a two (2) story mixed use office and retail building.

The applicant proposes to build an enclosure/addition which will be designed to resemble existing material already located on the building. The equipment that will

operate the antennas will be located in a proposed outbuilding built to resemble a mining shack located on the front, west end, of the Building One.

This proposed cellular site will serve city residents, tourists, and customers in the Bonanza Park area. According to the applicant, AT&T's customers continue to embrace the expanding features offered in smart phones that require large amounts of data transmitting through its cellular sites and these existing surrounding cellular sites are now at maximum capacity.

In the course of locating the new site in Park City, AT&T has taken efforts to mitigate the visual impact of the communication site. The applicant has followed the City's request by specifically designing its proposed communication site for location on a commercial building. This site does not have the ability to offer colocation capabilities like a monopole does. The applicant faces unique challenges with the topography surrounding Park City. They explained that a critical design element is "line of site" that frequency radio waves adhere to. Park City residents that subscribe to AT&T suffer as a result of this topography which prevents existing cellular sites from providing "line of site" coverage.

The applicant identified several properties as possible candidates on which to locate a communication facility. AT&T's radio frequency design requested a height of fifty feet (50') which places the "line of site" above the ground clutter. (See Exhibit A - Explanation Letter). Operation of the site will run twenty-four (24) hours a day seven (7) days a week 365 days a year. When repair service is required, it is AT&T's plan to perform the service during off peak hours.

In July 2002 the Planning Commission approved the Rail Central Master Planned Development (MPD) and CUP for a mixed-use development. In November 2003 the Planning Commission reviewed and approved an amended MPD application and required approval of a parking plan for restaurant use within Building One. In December 2006 the Planning Commission held a public hearing and provided staff and the applicant direction regarding a parking plan for a restaurant use pursuant to MPD conditions of approval that required ratification of a parking plan by the Commission prior to allowing a restaurant use. In October 2007 the Planning Commission approved the parking plan to allow a restaurant use within the approved MPD, in Building One, subject to numerous conditions. In February 2008 the Planning Commission reviewed and approved another amended MPD application to allow the basement area of Building One to be used for general, non-intensive, offices and storage. In June 2010 staff recognized that a proposed use, a tire service and repair shop to be located at Rail Central, did not increase the parking requirement for the MPD.

Staff has determined that the expansion/addition of the elevator shaft tower to house the enclosed antennas and the proposed outbuilding to house the equipment associated with the antennas does not trigger an MPD amendment due to the small scale of the additions/expansions and due to the fact that the primary use of the property remains the same.

On February 22, 2012 the Planning Commission held a public hearing and provided input and direction to both Staff and the applicant. The hearing was continued to the March 14, 2012 Planning Commission meeting. The specific direction and input provided by the Commission was related to the height of the elevator shaft tower, its visual impact, material, design, scale, and compliance with the standards set by the Federal Communication Commission (FCC).

Purpose of the GC District

The purpose of the General Commercial (GC) District is to:

- a) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- b) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- c) protect views along the City's entry corridors,
- d) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- e) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- f) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- g) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

Analysis

According to Land Management Code (LMC) § 15-2.18-2(B) a Telecommunication Antenna is a conditional use in the GC District. The Commission must make a determination that the proposed use meets the CUP criteria found in LMC § 15-1-10 as follows:

1. Size and location of the site. **No unmitigated impacts.**

Enclosed antennas

The twelve (12) telecommunication antennas are proposed to be placed on the existing elevator shaft tower located towards the east end (rear) of Building One within the Rail Central development. The table below illustrates the following width/depth/height expansion of the existing elevator shaft tower:

	Existing elevator shaft	Proposed expansion	Proposed elevator shaft with expansion
Size	width: 9'-0" depth: 7'-7"	1'x9" x 2 = 3'-6" 2'x3" x 2 = 4'-6"	width: 12'-6" depth 12'-1"
Height	38'-5" above ground level	5'-4"	43'-9" above ground level

The applicants choose to pursue an enclosed antenna addition to mitigate the impacts of exposed antennas. The proposed location of the enclosed antennas meets all standard setbacks. The height of the enclosed antenna addition is discussed on the height section of site requirements found in this staff report.

Addition for ground equipment

Staff finds that the size and location of the addition to the west end of the building to house the associated equipment does not need additional mitigation due to its small size. It meets all development standards found in the LMC.

2. Traffic considerations. **No unmitigated impacts.** There are no traffic impacts associated with the project.
3. Utility capacity. **No unmitigated impacts.**

No significant utility capacity is required for this project.

4. Emergency vehicle access. **No unmitigated impacts.**

There are no emergency vehicle access impacts associated with the project.

5. Location and amount of off-street parking. **Impacts mitigated.**

In June 2010 staff conducted an analysis of the existing parking located in the Rail Central development due to a building permit request for a tire service and repair shop to be located within Rail Central, an allowed use within the District and also within the MPD. At that time Staff identified a total 85 parking spaces. After carefully reviewing the approved MPD and the subsequent MPD amendments, Staff identified that the site required a total of 84 parking spaces.

Currently the applicant requests to build an addition to the west façade of Building One to locate the necessary equipment associated with the antennas. The addition is proposed to be placed over two (2) parking spaces. To mitigate the loss of two (2) parking spaces and to also improve the existing circulation the applicant proposes to reconfigure the existing layout of the parking throughout the project. This would be accomplished by not making any physical improvements other than re-striping the parking layout. The restriping would place parallel parking (8 spots) along the sidewalk directly north of Building Two, convert some of the perpendicular parking to angled parking and remove the two spots where the accessory building will be.

Staff has analyzed the applicant's proposed parking layout which adds a total of two (2) parking spaces (See Exhibit J) creating a total of 87 spaces. The newly proposed layout also improves circulation of the site. The rail trail parking spaces are not being affected in any way shape or form.

6. Internal circulation system. **Impacts mitigated.**

The applicant proposes to remove the eleven (11) perpendicular parking spaces located north of Building Two to be able to accommodate nine (9) angled parking spaces in the same area. The applicant also proposes to add eight (8) parallel parking spaces directly north of Building Two adjacent to the existing sidewalk. The applicant proposes the re-configured parking and the additional parking and also maintaining a twenty foot (20') drive aisle. This parking layout and circulation plan has been reviewed by the City Engineer, Chief Building Official, and Fire Marshall (See Exhibit J).

The angled parking also allows drivers to become better acquainted with the one-way drive aisle currently existing on the site. The internal circulation will remain the same.

7. Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

Fencing is not proposed at this time. No changes to the exterior landscaping are part of this application as the addition to house the associated equipment is being placed over two (2) parking spaces.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

The applicants choose to pursue an enclosed antenna addition to mitigate the impacts of exposed antennas. The proposed location of the enclosed antennas is designed to take advantage of the existing elevator shaft tower. The expansion of such element to house the enclosed antennas mitigates the exposure of the antennas. See Exhibit B Site Plan, Exhibit C Enlarged Site Plan,

Exhibit D South & East Elevation, Exhibit E North & West Elevation, Exhibit F Tower Photographic Simulations, Exhibit G Addition Photographic Simulations, Exhibit I Photographs, and Exhibit K Conceptual rendering.

9. Usable open space. **No unmitigated impacts.**

The proposed improvements, including the proposed addition to house the associated equipment and the proposed parking layout, do not encroach onto the existing open space found throughout the development.

10. Signs and lighting. **No unmitigated impacts.**

No signs are proposed at this time.

11. Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

The applicants choose to pursue an enclosed antenna addition to mitigate the impacts of exposed antennas. The proposed location of the enclosed antennas is designed to take advantage of the existing elevator shaft tower. The expansion of such element to house the enclosed antennas mitigates the exposure of the antennas (Exhibit B Site Plan, Exhibit C Enlarged Site Plan, Exhibit D South & East Elevation, Exhibit E North & West Elevation, Exhibit F Tower Photographic Simulations, Exhibit G Addition Photographic Simulations, and Exhibit I Photographs).

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **Impacts mitigated.**

The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the General Commercial District. The applicant has also submitted a letter which indicates that the letter will be constructed in compliance with the radio frequency (RF) exposure regulations mandated by the FCC with regard to the general public. The FCC and AT&T guidelines regarding maximum permissible exposure will not be exceeded as a result of the activation of the site. See Exhibit L.

13. Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

No deliveries are anticipated. Operation of the site will run 24 hours a day seven days a week, 365 days a year. When repair service is required, it is AT&T's plan to perform the service during off peak hours.

14. Expected ownership and management of the property. **No unmitigated impacts.**

The building is owned and managed by 1790 Bonanza Drive, LLC, Mark Fisher.

15. Sensitive Lands Review. **No unmitigated impacts.**

The proposal is not located within the Sensitive Lands Overlay zone.

The LMC also contains additional criteria for a Telecommunication Facility outlined in LMC 15-4-14 as follows:

Site Requirements

1. Setbacks. The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures. **Complies.**

The proposed location of the expansion/addition of the enclosed antennas and the addition associated with the equipment meet all setbacks per the GC District.

2. Height. The Telecommunications Facilities shall comply with the base height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware whichever is higher. The following exemptions shall apply:
 - a. Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna. **Not applicable.**
 - b. Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure. **Complies as mitigated.**

The zone height of the GC District is thirty-five feet (35'). Gable, hip, and similar pitched roofs, 4:12 or greater, may extend up to five feet (5'), forty feet (40'). The LMC indicates that antennas, chimneys, flues, vents, and similar structures may extend up to five feet (5') above the highest point of the building. It also indicates that water towers, mechanical equipment, and associated screening, when enclosed or screened, may extend up to five feet (5') above the height of the building.

During the February 22, 2012 the Planning Commission and Planning Director clarified that the height exception related to the maximum height in the GC District relates to the existing highest point of the roof and that a height exception could not be granted from another height exception. The table below illustrates the existing and proposed heights:

	Height
Main ridge	34'-5"
Existing elevator shaft tower	38'-5"
Proposed elevator shaft tower with expansion	43'-9"

The applicant proposes to expand the height of the elevator shaft tower to be able to house the eight foot (8') antennas. The height of the existing tower is four feet (4') above the main ridge. The applicant proposes to expand the height to nine feet four inches (9'-4") above the main ridge.

The Planning Director approved the proposed concept (Exhibit K) to be in compliance with LMC § 15-2.18-4 (4) which indicate the following:

Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

The Planning Director considers the submitted conceptual rendering of expansion/addition element a "like architectural feature". The height of the expansion/addition of the elevator shaft tower to house the antennas extends up to twenty-seven percent (27%) above the existing height of the main roof ridge. It extends 9.3 % above the zone height and does not contain habitable space above the zone height.

The Planning Director has approved the preliminary concept and will finalize the final design of the "like architectural feature with the applicant before a building permit is issued. See Exhibit B Site Plan, Exhibit C Enlarged Site Plan, Exhibit D South & East Elevation, Exhibit E North & West Elevation, Exhibit F Tower Photographic Simulations, Exhibit G Addition Photographic Simulations, Exhibit I Photographs, **and Exhibit K Conceptual rendering of "like architectural feature"**.

3. Use of Property. The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use. **Complies.**

The main use of the site is a commercial and mixed-use residential development.

4. Design.
 - a. Equipment Shelters located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the

Architectural Design Guidelines if applicable, and Park City Design Guidelines. **Complies.**

The proposed addition located on the west end of Building One is an ancillary addition which does not detract from the current architectural style of the building. See Exhibit E and G.

- b. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment. **Complies.**

The proposed antennas are stealth and will not be viewed.

- c. Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face. **Not applicable.**
- d. Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole. **Not applicable.**

Site Disturbance

Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation. Not Applicable. **Not applicable.**

Zoning Restrictions

Roof mounted/enclosed antennas located within the GC District may be approved by the Planning Commission on its consent agenda. However, the location of enclosed antennas, which requires an increase in height or exterior wall modification to the existing structure, shall require a public hearing.

Technical Necessity Exception

If the Application does not meet the criteria as stated in Site Requirements, Site Disturbance, and Zoning Restrictions Sections above, the Applicant may apply to the Board of Adjustment for a technical necessity exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to approve the variance.

Abandonment

The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

Process

The applicant will have to submit a Building Permit application. The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

This project has gone through an interdepartmental review.

Environmental Protection

The City's environmental manager indicated that the site is within the Soils Ordinance boundary and the property has been issued a Certificate of Compliance. If soils are disturbed as part of the construction of the addition the applicant will have to comply with the ordinance requirements for soil disturbance. Prior to construction, the Applicant will need to submit a soils handling plan that describes how soils will be handled during construction and how any soils will be disposed/handled if excess soils are generated as part of construction.

Snyderville Basin Water Reclamation District

The proposed routing for the underground wiring will cross the sewer lateral from the building that comes out on the south side of the building. The contractor will need to be aware that the lateral is there and will need to be protected.

Questar Gas

Questar Gas has a service line on the west end of the clock tower building and two (2) gas lines either in the road or behind the curb. Depending on the size of the building they might need to have the service line moved.

All of the comments above have been forwarded to the Applicant prior to the public hearing. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for a Telecommunication Facility at Rail Central and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval found on this staff report.

Findings of Fact

1. The site is located at 1790 Bonanza Drive.
2. The site is with the General Commercial (GC) District.
3. The current use of the property is a two (2) story mixed use office and retail building.
4. A Telecommunication Antenna is a conditional use in the GC District
5. The applicant requests to build an enclosed antenna and also an addition on the front façade, west side, of Building One to locate the necessary equipment associated with the requested use.
6. Telecommunication antennas require a Conditional Use Permit (CUP) to be reviewed by the Planning Commission.
7. The proposal includes twelve (12) antennas to be placed on the elevator shaft tower located towards the east side of Building One.
8. The applicant faces unique challenges with the topography surrounding Park City.
9. Operation of the site will run twenty-four (24) hours a day seven (7) days a week 365 days a year.
10. The expansion/addition of the elevator shaft tower to house the enclosed antennas and the proposed outbuilding to house the equipment associated with the antennas does not trigger an MPD amendment due to the small scale of the additions/expansions and due to the fact that the primary use of the property remains the same.
11. The applicants choose to pursue an enclosed antenna addition to mitigate the impacts of exposed antennas.
12. The proposed location of the enclosed antennas meets all standard setbacks.
13. The size and location of the addition to the west end of the building to house the associated equipment meets all development standards found in the LMC.
14. There are no traffic impacts associated with the project.
15. No significant utility capacity is required for this project.
16. There are no emergency vehicle access impacts associated with the project.
17. The addition is proposed to be placed over two (2) parking spaces.
18. To mitigate the loss of two (2) parking spaces and to also improve the existing circulation the applicant proposes to reconfigure the existing layout of the parking throughout the project. No physical improvements other than re-striping the parking layout will be necessary.
19. The rail trail parking spaces are not being affected in any way, shape or form.
20. The proposed parking layout and circulation plan has been reviewed and approved by the City Engineer, Chief Building Official, and Fire Marshall.
21. The internal circulation will remain the same.

22. Fencing is not proposed at this time.
23. The applicants choose to pursue an enclosed antenna addition to mitigate the impacts of exposed antennas.
24. The proposed improvements do not encroach onto the existing open space found throughout the development.
25. No signs are proposed at this time.
26. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the General Commercial District.
27. The applicant submitted a letter which indicates that the letter will be constructed in compliance with the radio frequency (RF) exposure regulations mandated by the FCC with regard to the general public.
28. The FCC and AT&T guidelines regarding maximum permissible exposure will not be exceeded as a result of the activation of the site.
29. No deliveries are anticipated.
30. When repair service is required, it is AT&T's plan to perform the service during off peak hours.
31. The building is owned and managed by 1790 Bonanza Drive, LLC, Mark Fisher.
32. The proposal is not located within the Sensitive Lands Overlay zone.
33. The proposed location of the expansion/addition of the enclosed antennas and the addition associated with the equipment meet all setbacks per the GC District.
34. The zone height of the GC District is thirty-five feet (35'). Gable, hip, and similar pitched roofs, 4:12 or greater, may extend up to five feet (5'), forty feet (40').
35. Antennas, chimneys, flues, vents, and similar structures may extend up to five feet (5') above the highest point of the building.
36. During the February 22, 2012 the Planning Commission and Planning Director clarified that the height exception related to the maximum height in the GC District relates to the existing highest point of the roof and that a height exception could not be granted from another height exception.
37. The height of the main ridge is thirty-four feet five inches (34'-5") above existing grade.
38. The existing elevation shaft tower is thirty-eight feet five inches (38'-5") above existing grade.
39. The proposed elevator shaft tower with the expansion will be forty-three feet nine inches (43'-9") above existing grade.
40. The Planning Director approved the proposed concept to be in compliance with LMC § 15-2.18-4.
41. The proposed addition located on the west end of Building One is an ancillary addition which does not detract from the current architectural style of the building and is an equipment shelter.
42. The proposed antennas are stealth and will not be viewed.

Conclusion of Law

1. The proposed application as conditioned complies with all requirements of the Land Management Code.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval shall continue to apply.
2. All conditions of approval of the Rail Central MPD shall continue to apply.
3. The applicant will work with the Planning Director to make sure that the approved preliminary concept is finalized to the satisfaction of the Planning Director prior to building permit sign off by the Planning Department.
4. The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.
5. If soils are disturbed as part of the construction of the addition the applicant shall comply with the ordinance requirements for soil disturbance. Prior to construction, the Applicant shall submit a soils handling plan that describes how soils will be handled during construction and how any soils will be disposed/handled if excess soils are generated as part of construction.
6. The proposed routing for the underground wiring will cross the sewer lateral from the building that comes out on the south side of the building. The applicant shall contact the contractor to make sure they are aware that the lateral is there and will need to be protected.
7. Questar Gas has a service line on the west end of the clock tower building and two (2) gas lines either in the road or behind the curb. Depending on the size of the building they might need to have the service line be moved.
8. Applicant must comply with the use of only approved materials pursuant to the Land Management Code.

Exhibits

- Exhibit A – Explanation Letter
- Exhibit B – Site Plan
- Exhibit C – Enlarged Site Plan
- Exhibit D – South & East Elevation
- Exhibit E – North & West Elevation
- Exhibit F – Tower Photographic Simulations
- Exhibit G – Addition Photographic Simulations
- Exhibit H – Coverage Analysis
- Exhibit I – Photographs
- Exhibit J – Parking Layout Plan

Exhibit K – Conceptual rendering of “like architectural feature”
Exhibit L – FCC compliance Letter

Exhibit A - Explanation Letter

AT&T Wireless
Attn: Don Shiveley
10256 S. Sage Spring Circle
South Jordan, UT 84095
December 17, 2011

Francisco Astorga
Planner
Park City
445 Marsac Ave
Park City, UT 84060

Dear Mr. Astorga:

AT&T Wireless is proposing to build a roof mounted communication facility to be located at 1790 Bonanza Dr. Park City. The unmanned communication facility will include twelve (12) - eight (8) foot antennas mounted on the roof and screened behind material that will resemble existing stone work at the site. The antennas will be connected to radios located in a 10' X 20' shelter at the west end of the building. This shelter will be designed to have a look resembling a weathered mining shed.

Attached for your records is a coverage map of the proposed location that documents the current coverage with its existing communication sites in and around the city. I call your attention to the Kearns Blvd. corridor and the lack of sufficient coverage. The second map indicates what AT&T is projecting coverage will be when the proposed site is completed. AT&T receives numerous complaints regarding this "dead zone" from its customers residing in and visiting Park City and as demonstrated, there is a tremendous need for the proposed site.

In the course of locating the new site in Park City, AT&T has taken every effort to mitigate the visual impact of the communication site. AT&T has followed the city's request by specifically designing its proposed communication site for location on a commercial building. This site does not have the ability to offer colocation capabilities like a monopole does.

AT&T faces unique challenges with the topography surrounding Park City. A critical design element is "line of site" that frequency radio waves adhere to. Park City residents and visitors that subscribe to AT&T suffer as a result of this topography. Topography in and around Park City prevents AT&T's existing cellular sites from providing "line of site" coverage. The maps that are included show this challenge.

In AT&T's due diligence, several properties were identified as possible candidates to locate a communication facility. AT&T's radio frequency design requested a height of 50' which places the "line of site" above the ground clutter. Three sites were identified and are identified on one of the attached maps. AT&T rejected one of the candidates because it did not meet its objective. The other two candidates were approved with

Francisco Astorga
December 19, 2011
Page 2

conditions. The two approved candidates are on properties own by the same property owner.

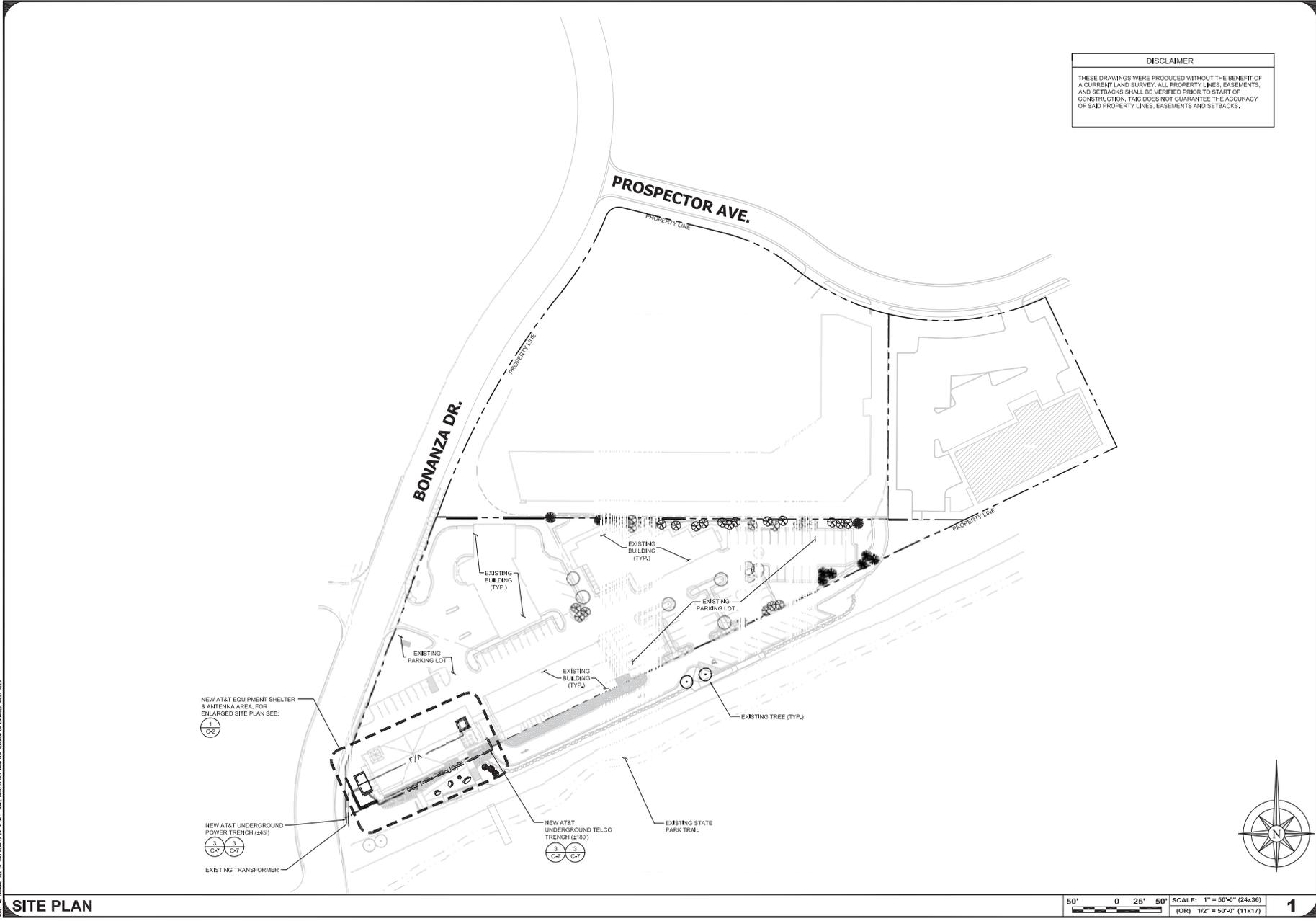
The proposed AT&T location will provide coverage along the Kearns Blvd corridor and enhance in-building coverage in the vicinity of the proposed site. At this point in time, AT&T does not have any other permanent build out plans for Park City in the next twelve months.

Should you have any questions about AT&T's proposed communication facility please do not hesitate to contact me.

Sincerely,

Don Shiveley
Site Acquisition and Zoning Specialist

Exhibit B - Site Plan



REV	DATE	DESCRIPTION	BY
0	12/09/11	90% CONSTRUCTION	ST
1	01/11/12	90% CONSTRUCTION	NSV
2	01/18/12	95% CONSTRUCTION	ST

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO AT&T. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO AT&T IS STRICTLY PROHIBITED.

Technology Associates

UTAH MARKET OFFICE
 9847 SOUTH 500 WEST
 SANDY, UTAH 84070

BLACK & VEATCH
 960 LEVY DRIVE, SUITE 200
 SALT LAKE CITY, UTAH 84123
 PHONE: (801) 201-6215

at&t

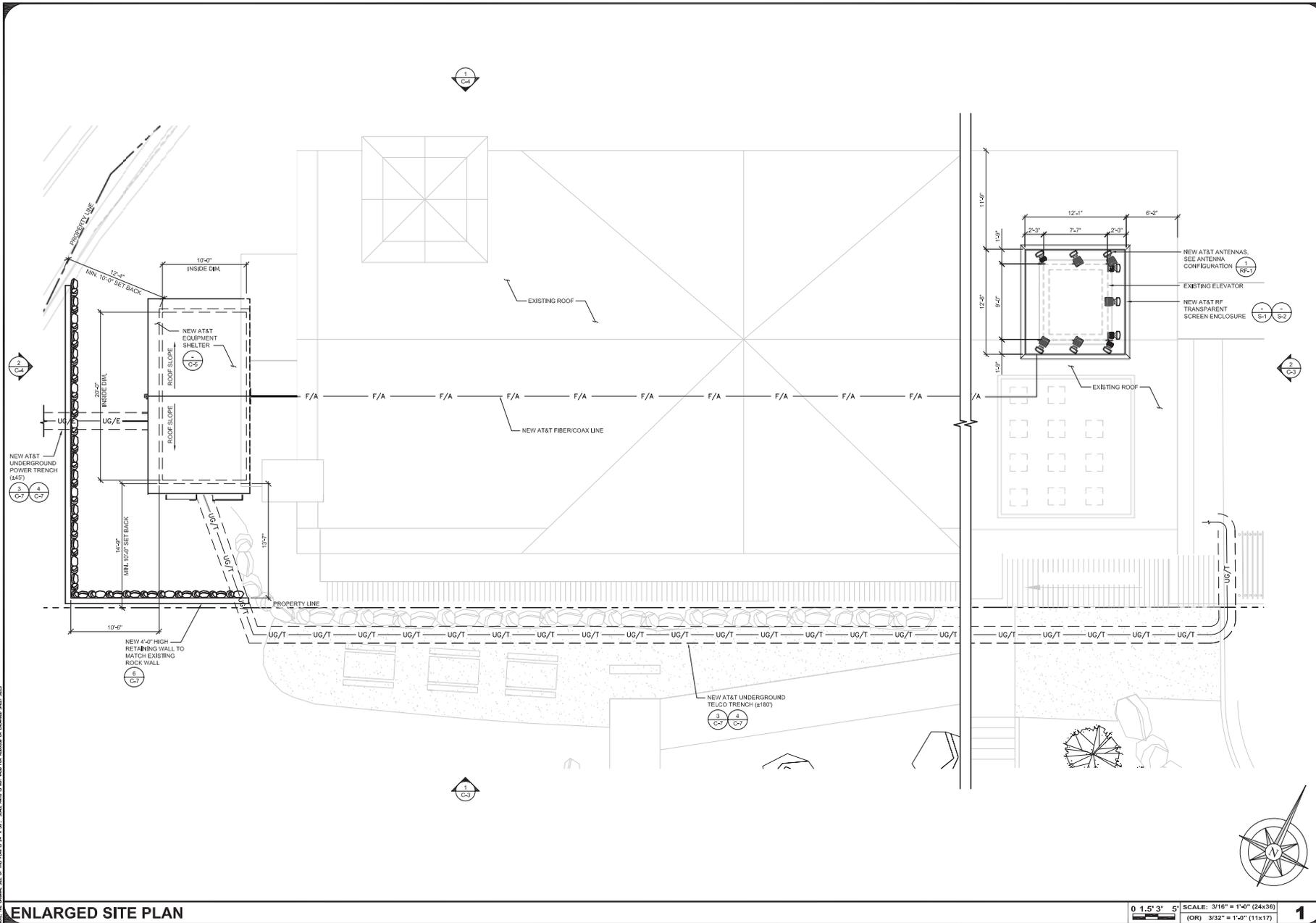
PROSPECTOR SPRINGS
 SLK CUTU6006
 1790 BONANZA DRIVE
 PARK CITY, UTAH 84060

SHEET TITLE:
SITE PLAN

C-1

NOT TO SCALE. SIZE OF THIS SHEET IS 24" x 36". SCALE HERE IS NOT VALID FOR MEASUREMENT OF DIMENSIONS SHOWN HEREON.

Exhibit C - Enlarged Site Plan



REV	DATE	DESCRIPTION	BY
0	12/09/11	90% CONSTRUCTION	ST
1	01/11/12	90% CONSTRUCTION	NSV
2	01/11/12	95% CONSTRUCTION	ST

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO AT&T. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO AT&T IS STRICTLY PROHIBITED.

Technology Associates
UTAH MARKET OFFICE
9847 SOUTH 500 WEST
SANDY, UTAH 84070

BLACK & VEATCH
960 LEVY DRIVE, SUITE 200
SALT LAKE CITY, UTAH 84123
PHONE: (801) 201-6215

at&t

PROSPECTOR SPRINGS
SLKCUU6006
1790 BONANZA DRIVE
PARK CITY, UTAH 84060

SHEET TITLE:
ENLARGED SITE PLAN

C-2

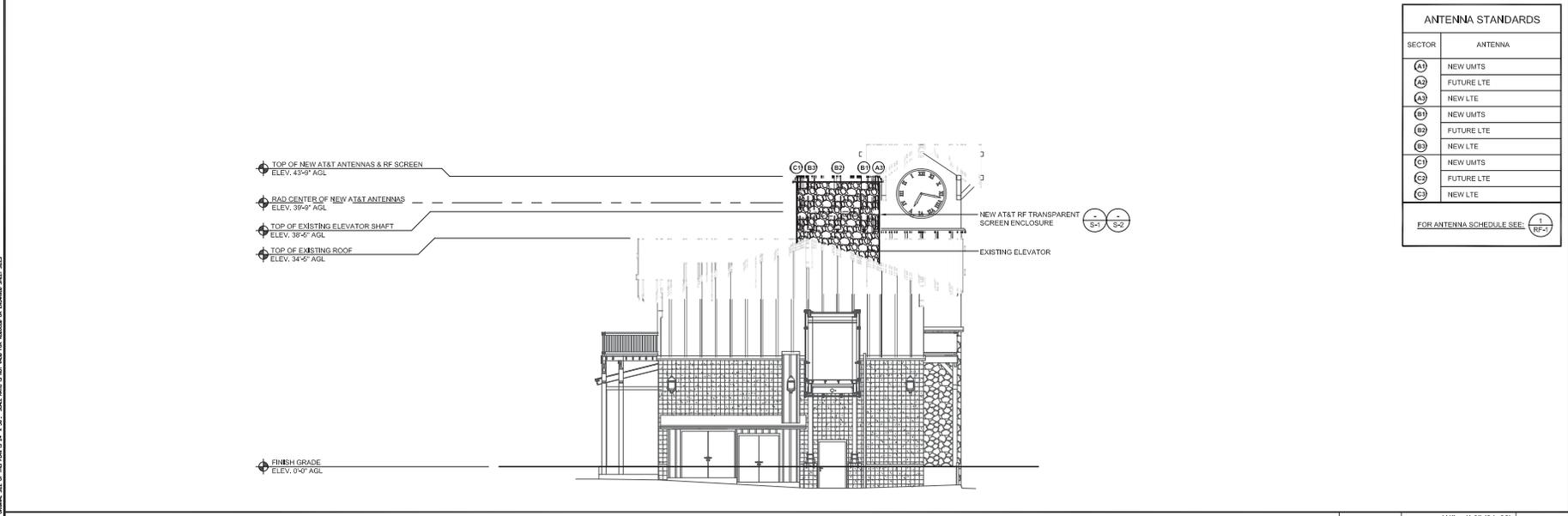
0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)
(OR) 3/32" = 1'-0" (11x17) 1

ENLARGED SITE PLAN

Exhibit D - South & East Elevation



SOUTH ELEVATION SCALE: 1/4" = 1'-0" (24x36) (OR) 1/8" = 1'-0" (11x17) **1**



EAST ELEVATION SCALE: 1/4" = 1'-0" (24x36) (OR) 1/8" = 1'-0" (11x17) **2**

REV	DATE	DESCRIPTION	BY
0	12/09/11	90% CONSTRUCTION	ST
1	01/11/12	90% CONSTRUCTION	NSV
2	01/11/12	95% CONSTRUCTION	ST

PROPRIETARY INFORMATION
 THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO AT&T. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO AT&T IS STRICTLY PROHIBITED.

Technology Associates
 UTAH MARKET OFFICE
 9847 SOUTH 500 WEST
 SANDY, UTAH 84070

BLACK & VEATCH
 960 LEVY DRIVE, SUITE 200
 SALT LAKE CITY, UTAH 84123
 PHONE: (801) 201-6215

at&t

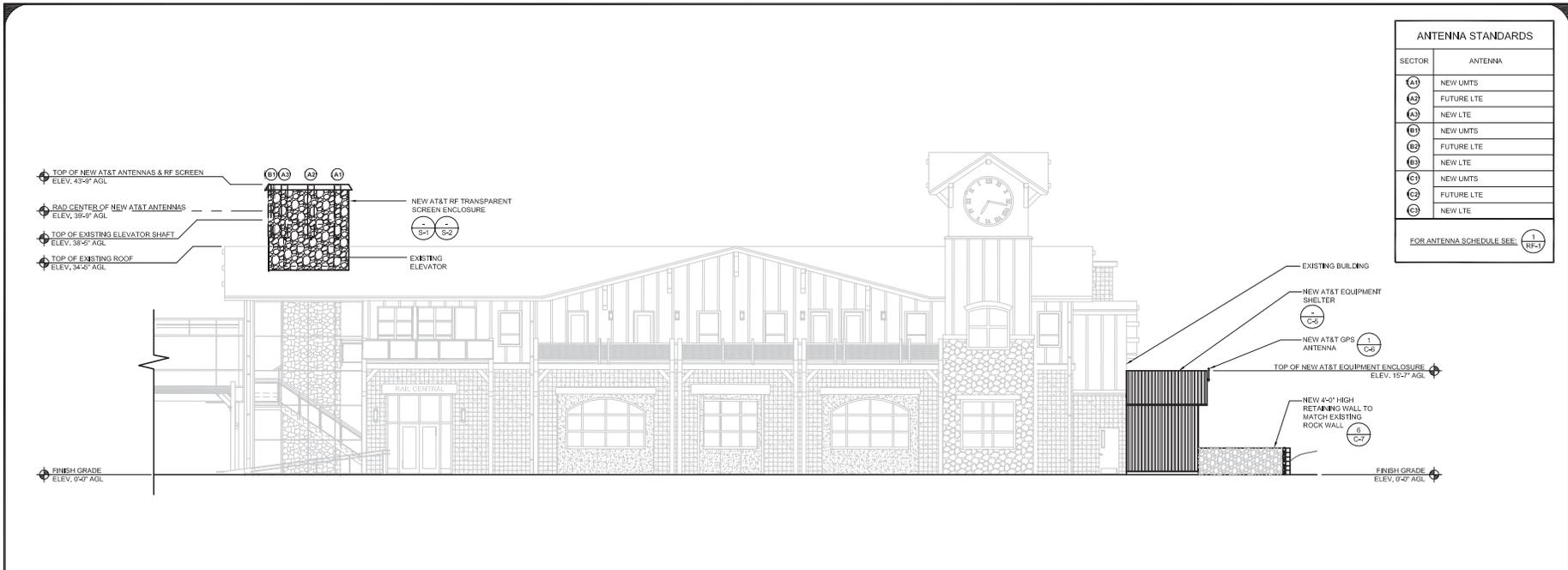


PROSPECTOR SPRINGS
 SLKUTU6006
 1790 BONANZA DRIVE
 PARK CITY, UTAH 84060

SHEET TITLE:
SOUTH & EAST ELEVATION

C-3

Exhibit E - North & West Elevation



ANTENNA STANDARDS	
SECTOR	ANTENNA
(A1)	NEW LIMITS
(A2)	FUTURE LTE
(A3)	NEW LTE
(B1)	NEW LIMITS
(B2)	FUTURE LTE
(B3)	NEW LTE
(C1)	NEW LIMITS
(C2)	FUTURE LTE
(C3)	NEW LTE

FOR ANTENNA SCHEDULE SEE: (1) RF-7

ISSUE STATUS			
REV	DATE	DESCRIPTION	BY
0	12/09/11	90% CONSTRUCTION	ST
1	01/11/12	90% CONSTRUCTION	NSV
2	01/11/12	95% CONSTRUCTION	ST

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO AT&T. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO AT&T IS STRICTLY PROHIBITED.

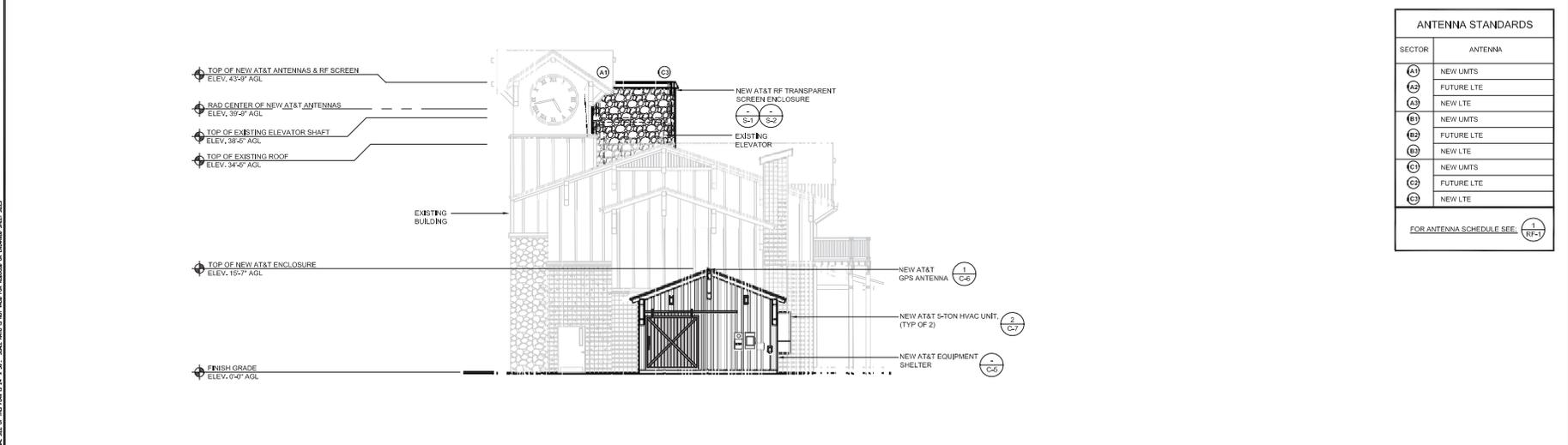
Technology Associates
UTAH MARKET OFFICE
9847 SOUTH 500 WEST
SANDY, UTAH 84070

BLACK & VEATCH
960 LEVY DRIVE, SUITE 200
SALT LAKE CITY, UTAH 84123
PHONE: (801) 201-6215



NORTH ELEVATION

0 1' 2' 4' SCALE: 1/4" = 1'-0" (24x36)
(OR) 1/8" = 1'-0" (11x17) **1**



ANTENNA STANDARDS	
SECTOR	ANTENNA
(A1)	NEW LIMITS
(A2)	FUTURE LTE
(A3)	NEW LTE
(B1)	NEW LIMITS
(B2)	FUTURE LTE
(B3)	NEW LTE
(C1)	NEW LIMITS
(C2)	FUTURE LTE
(C3)	NEW LTE

FOR ANTENNA SCHEDULE SEE: (1) RF-7

WEST ELEVATION

0 1' 2' 4' SCALE: 1/4" = 1'-0" (24x36)
(OR) 1/8" = 1'-0" (11x17) **2**

PROSPECTOR SPRINGS
SLKUTU6006
1790 BONANZA DRIVE
PARK CITY, UTAH 84060

SHEET TITLE:
NORTH & WEST ELEVATION

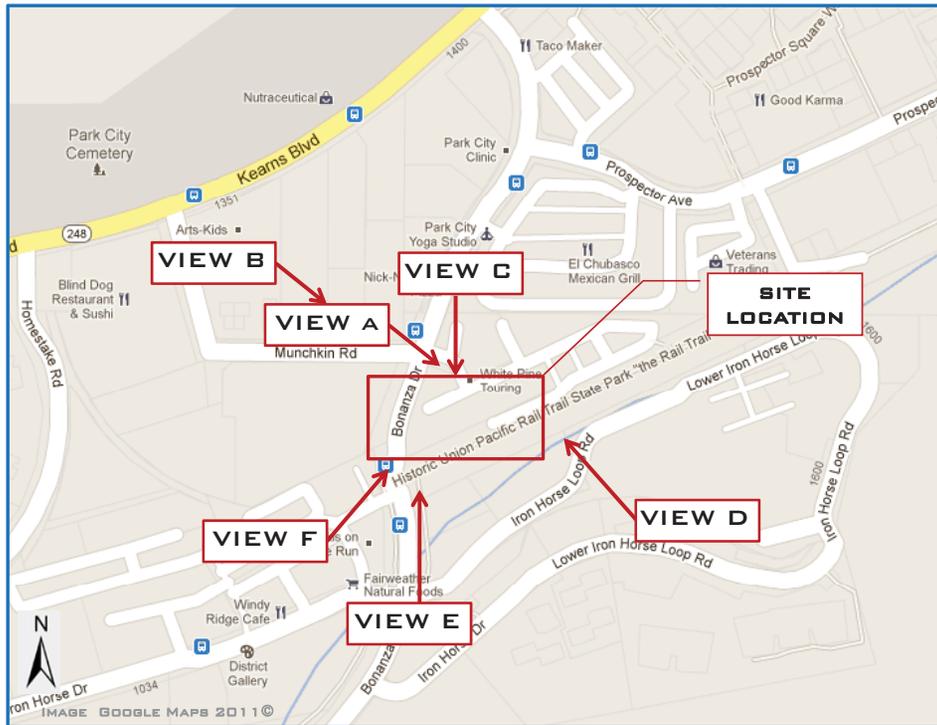
C-4



PHOTOGRAPHIC SIMULATION

PROPOSED WIRELESS COMMUNICATIONS FACILITY

SITE LOCATION MAP



SITE NAME: PROSPECTOR SPRINGS

SITE ADDRESS: 1790 BONANZA DRIVE
PARK CITY, UT 84060

DATE: 12/14/2011

APPLICANT: AT&T WIRELESS

CONTACT: DON SHIVELEY
SHIVELEY & ASSOCIATES
801-550-7739

THE INCLUDED PHOTOGRAPHIC SIMULATION(S) ARE INTENDED AS VISUAL REPRESENTATIONS ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. THE MATERIALS REPRESENTED WITHIN THE INCLUDED PHOTOGRAPHIC SIMULATION(S) ARE SUBJECT TO CHANGE.



EXISTING CHIMNEY

**EXISTING VIEW A -
LOOKING SOUTHEAST FROM 100 FEET**

**PHOTOGRAPHIC SIMULATION A -
LOOKING SOUTHEAST FROM 100 FEET**



**PROPOSED RESIZED
STEALTHING
CHIMNEY**





EXISTING CHIMNEY

**EXISTING VIEW B -
LOOKING SOUTHEAST FROM 500 FEET**

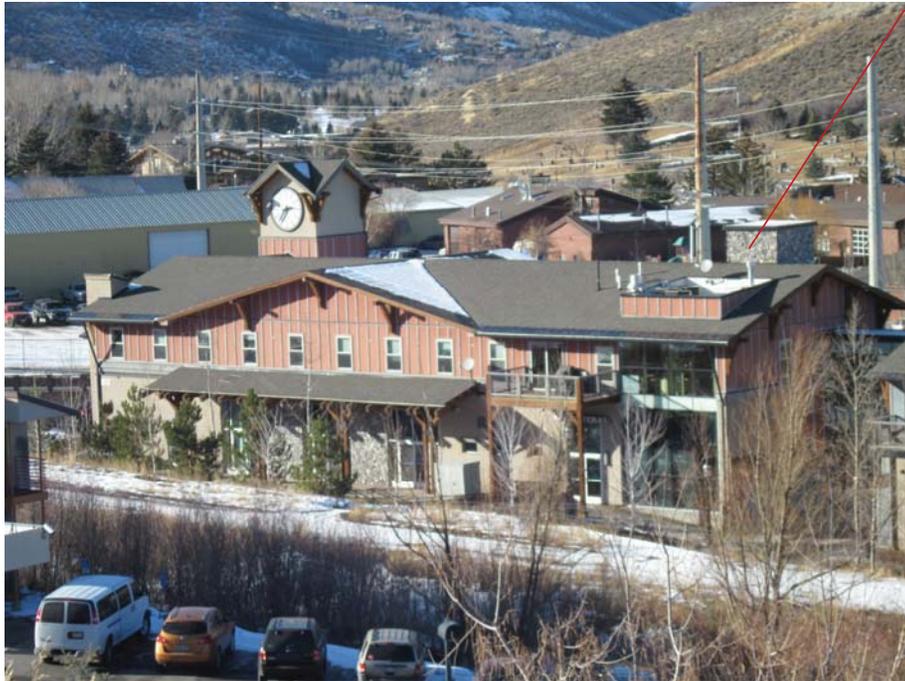


**PHOTOGRAPHIC SIMULATION B -
LOOKING SOUTHEAST FROM 500 FEET**

**PROPOSED RESIZED
STEALTHING
CHIMNEY**

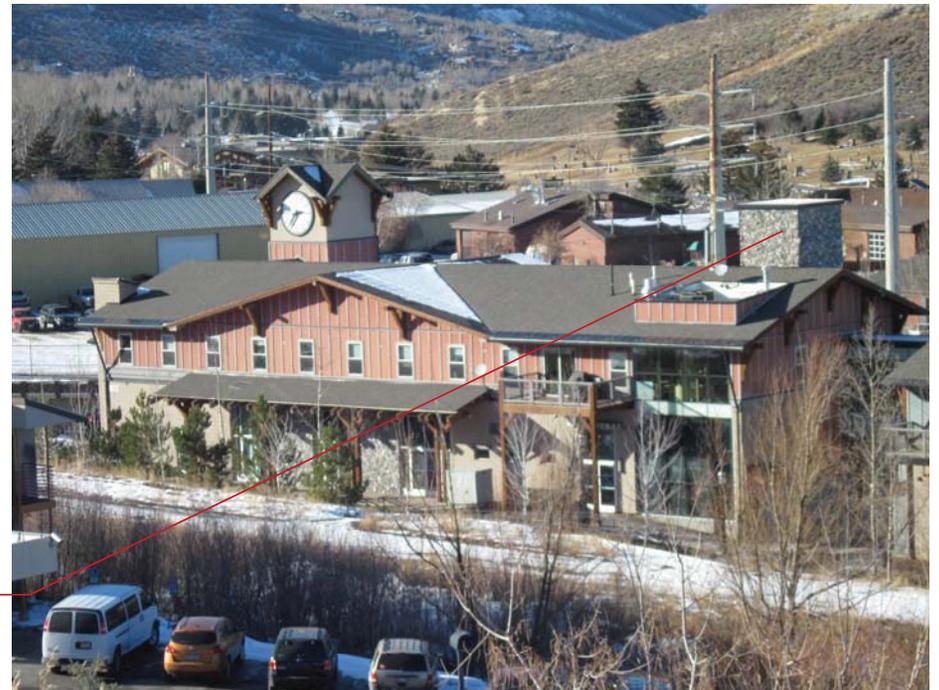
**PROPOSED MINE
SHAFT BUILDING
EQUIPMENT SHELTER**





EXISTING CHIMNEY

**PHOTOGRAPHIC SIMULATION D -
LOOKING NORTHWEST FROM 500 FEET**



**EXISTING VIEW D-
LOOKING NORTHWEST FROM 500 FEET**

**PROPOSED RESIZED
STEALTHING
CHIMNEY**





EXISTING BUILDING

**EXISTING VIEW C -
LOOKING SOUTH FROM 200 FEET**

**PHOTOGRAPHIC SIMULATION C -
LOOKING SOUTH FROM 200 FEET**



**PROPOSED MINE
SHAFT BUILDING
EQUIPMENT SHELTER**





EXISTING BUILDING

**PHOTOGRAPHIC SIMULATION E-
LOOKING NORTH FROM 100 FEET**

**EXISTING VIEW E-
LOOKING NORTH FROM 100 FEET**



**PROPOSED MINE
SHAFT BUILDING
EQUIPMENT SHELTER**





EXISTING BUILDING

**EXISTING VIEW F -
LOOKING NORTHEAST FROM 100 FEET**

**PHOTOGRAPHIC SIMULATION F -
LOOKING NORTHEAST FROM 100 FEET**



**PROPOSED MINE
SHAFT BUILDING
EQUIPMENT SHELTER**



Exhibit G - Addition Photographic Simulations



PROSPECTOR SPRINGS
1790 BONANZA DRIVE
PARK CITY, UTAH 84060



Composite Coverage of Area (Through 2011)



Composite Coverage with Prospector Springs

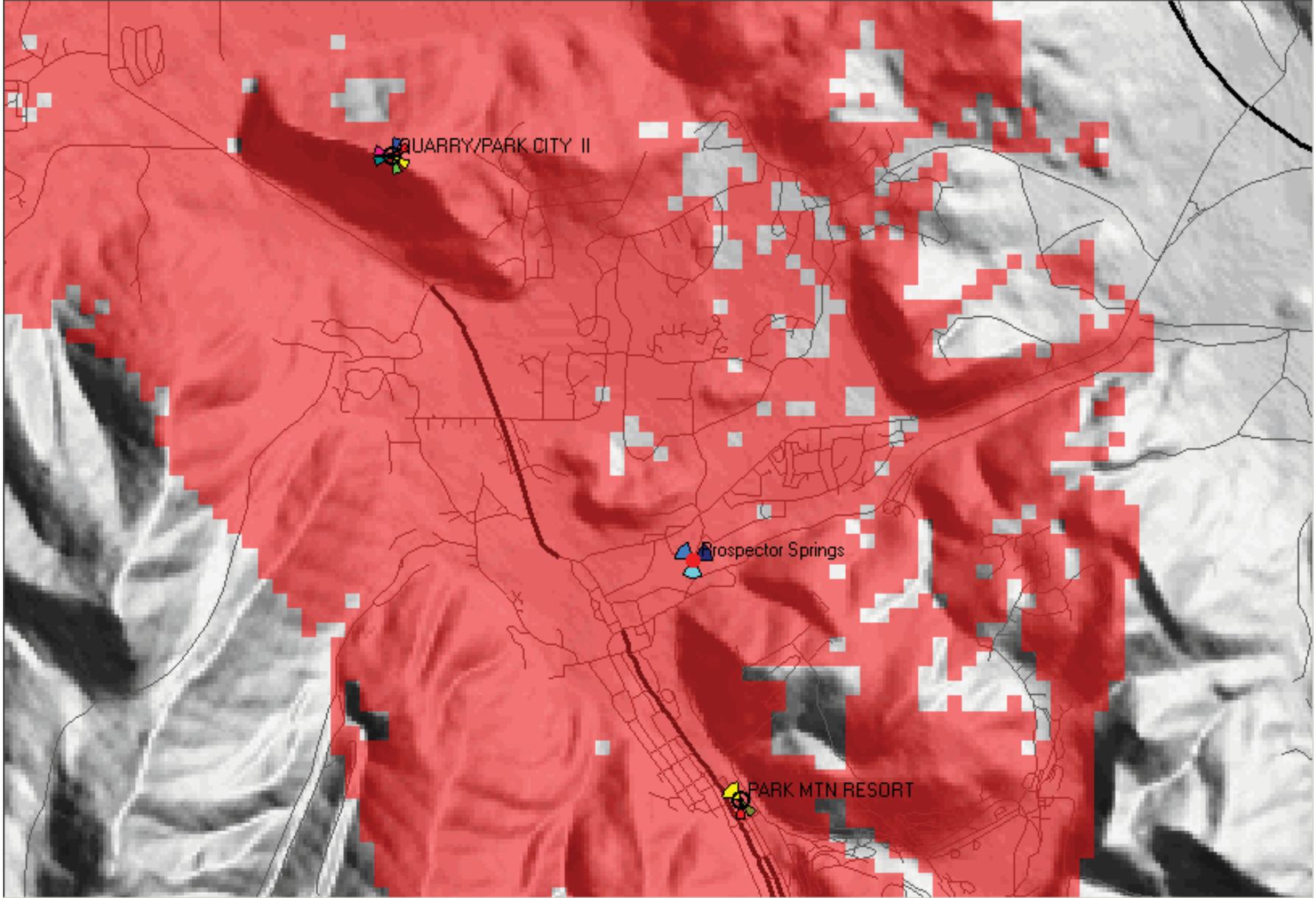


EXHIBIT I - SITE PHOTOGRAPH



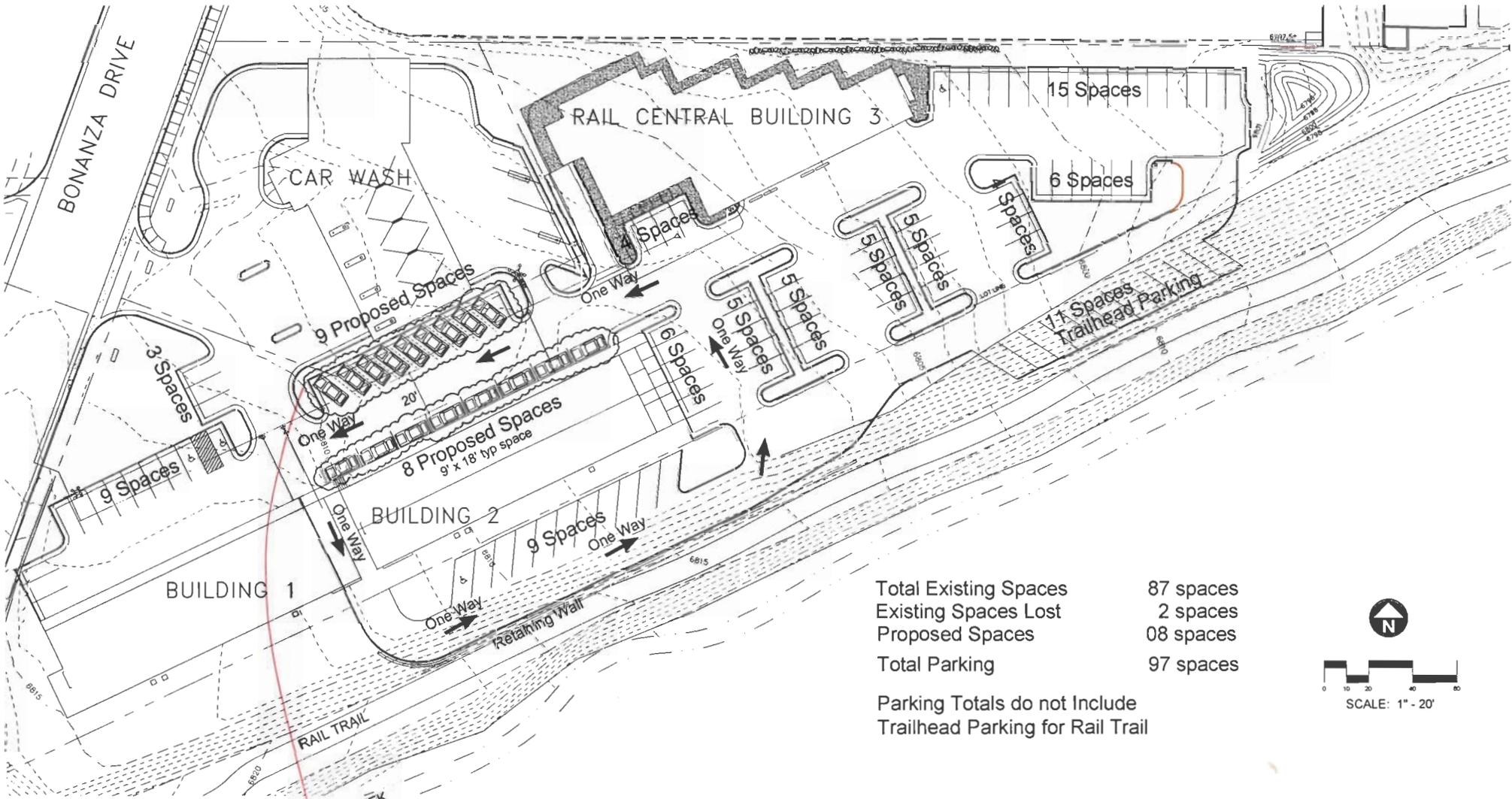
EXHIBIT I - SITE PHOTOGRAPHS



EXHIBIT I - SITE PHOTOGRAPH

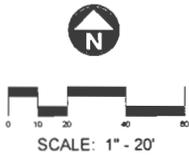


EXHIBIT J - PARKING LAYOUT PLAN



Total Existing Spaces	87 spaces
Existing Spaces Lost	2 spaces
Proposed Spaces	08 spaces
Total Parking	97 spaces

Parking Totals do not Include Trailhead Parking for Rail Trail



Site Plan may not reflect actual building footprints
Current site condition verified during site visits

DECEMBER 14, 2011
JANUARY 13, 2012
JANUARY 20, 2012
JANUARY 25, 2012

PARKING STUDY

IF ANGLE PARKING IS @ 60° - 20' FOOT WIDE AISLE IS ADEQUATE

RAIL CENTRAL

BONANZA DRIVE
BONANZA PARK
PARK CITY, UTAH

[Signature] 1/26/12



land planning • landscape architecture
Post Office Box 663173
1645 Bonanza Drive, Suite 206
Park City, Utah 84098
435.645.0623 435.908.3776
pavi@lavisolutionspc.biz

EXHIBIT K – CONCEPTUAL RENDERING OF “LIKE ARCHITECTURAL FEATURE”



at&t

PROSPECTOR SPRINGS
1790 BONANZA DRIVE
PARK CITY, UTAH 84060

Technology  Associates
International Corporation



AT&T Mobility
(insert office address)
(City, ST ZIP)
www.att.com

February 29, 2012

Park City
ATTN: Francisco Astorga, Planner
445 Marsac
Park City, Utah 84060

RE: Proposed Site – SLKCUTU6006 – Prospector Springs

The undersigned certifies that this site will be constructed in compliance with the RF exposure regulations mandated by the FCC with regard to the general public. The FCC and AT&T guidelines regarding Maximum Permissible exposure will not be exceeded as a result of the activation of this site. The undersigned is accountable for any mitigating activities, including but not limited to RF survey and posting proper signage, if required.

DATE: 2/29/2012

NAME (PRINT): Eniko

TITLE: Bartha

SIGNATURE:

A handwritten signature in blue ink, appearing to read "Eniko Bartha".

EXHIBIT L – FCC COMPLIANCE LETTER

Planning Commission Staff Report



Subject: 269 Daly Avenue Plat Amendment
Author: Mathew W. Evans, Senior Planner
Date: March 14, 2012
Type of Item: Administrative – Plat Amendment
Project Number: PL-11-01232

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 269 Daly Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Dirk De Vos on behalf of Theodore Pistorius
Location: 269 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is proposing to combine two metes and bounds parcels located within Block 73 of the Millsite Reservation, into a lot of record; parcel 1 is 3,575 square feet and parcel 2 is 3,708 square feet. Parcel 1 does not have access to Daly Avenue and is east of parcel 2. The plat amendment to combine these parcels will create a new 7,283 square foot lot of record.

The existing house and detached carriage house (garage) which is on the Historic Sites inventory as a "Landmark Site" is on parcel 2, which has frontage onto Daly Avenue. Ultimately, the owners wish to renovate and restore the existing home and garage, as well as a build an addition to the rear of the home, which would ultimately cross the existing property line between parcels 1 and 2. The existing home located on parcel 2 is approximately 13 feet away from its rear property line. The rear yard requirement for both parcels (including the new proposed lot) is ten-feet (10'). Only a small three-foot (3) addition would be allowed to extend into the rear yard setback unless the parcels are combined. The combination of the two parcels does not grant approval for the future home addition, as the applicant will still be required to go through the Historic District Design Review (HDDR) Review prior to any approvals to expand the home. Any addition that extends into the hillside area will require a Steep Slope Conditional Use Permit.

Background

The 269 Daly Avenue property is on the Historic Sites inventory as a “Landmark Site” which includes a small Mining era home constructed in 1901. The 720 square foot home is considered an “L” Cottage design, and includes a historic 192 square foot detached carriage house (garage) and storage area. The home also includes a small front porch that, according to the Historic Inventory Survey, is not considered “historic”.

In May, 2011, the applicant applied for a HDDR pre-application meeting before the Design Review Team (DRT). The applicant proposed to clean, repair and replace items on the Landmark Historic home which are in disrepair, as well as place an additional 500 square foot single-story addition to the rear. The applicant also indicated that the existing accessory structure, which is also identified as historic, would be repaired.

Analysis

Planning Staff finds there is good cause for the application as the rear parcel alone is not buildable, and combining parcels will adjoin the ownership of both as one lot. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The back lot (parcel1) has no frontage onto Daly Avenue, and has no possibility of adjoining other property with frontage elsewhere. All of parcel 1 is located on the upward slope of Daly Canyon, and has more than a thirty percent (30%) slope. There is little or no economic viability for the rear parcel to remain un-adjoined to the primary parcel. The applicant will be required to continue through the HDDR process to gain approvals for any proposed addition to the home. It also appears that any rear addition to the home would likely encroach into the 30% slope area. Below is a table which shows the applicable zone requirements for the subject property:

Existing Conditions - 543 Woodside Home

- Lot Size: 7,283 square feet (parcels 1 and 2 combined)
- Home Size: 720 square feet
- Footprint: 720 square feet
- Accessory Structure: 192 square feet¹
- Total Building Footprint: 912 square feet
- Stories: 1
- Setbacks: Front – 40’, Rear - 13’, Side (n) 4’, Side (s) 11’
- Height: 18’ approximately

¹ Accessory Structure is considered “Historic” and does not count against the maximum allowed footprint per LMC Section 15-15-1.35 “Building Footprint” definition.

HR-1 Zone Designation Lot Requirements (Based on 3,750 square foot lot)

- Maximum Building Footprint: 2,418 square feet
- Side-yard Setback Requirement: 10 feet minimum, 24 feet combined
- Front and Rear-Yard Setbacks: 10 feet minimum, 20 feet combined.
- Max Height: 27 feet

The existing 4 foot side-yard setback between the north property line and the home is legal-nonconforming. The subdivision does not increase the degree of nonconformity. The home is historic, and thus the current setbacks are automatically considered legal-conforming. However, additions to the home would be required to meet the new setbacks.

Development on the steep slope portion of the lot would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception. The applicant has not given Staff specific plans for the rear addition so it is unknown if future development will require the CUP. A majority of the lot exceeds 30% slope.

Previous applications for plat amendments on Daly Avenue where two or more lots were being combined into one, have also included gross floor area restrictions and non-buildable areas recorded on the plat for areas that exceed 30% slope. There is nothing in the code to allow the city to require these restrictions, and there were different circumstances attached to those applications. The main difference at this location is the fact that there is an existing historic home and garage that cannot be removed or moved to another location on the lot. The existing home is situated 40 feet away from the front property line. The adopted 2009 Design Guidelines for Historic Districts and Historic Sites, as well as the current LMC (15-11 Historic Preservation) would not allow the home to be moved forward or to another location on the lot, nor would it allow any additions to the front of the house, or in front of the house within the setback area. Included as Attachment "D" was the last amended plat on Daly Avenue that addressed the issue of restricting home size. However, Staff would also point out that the Steep Slope CUP requirements have since been amended, and the Planning Commission can consider size restrictions and other similar considerations as part of the Steep Slope process. Any future development at this site beyond 1,000 square feet will require the Steep Slope review by the Planning Commission.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting March 8, 2012.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 269 Daly Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 269 Daly Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 269 Daly Avenue Plat Amendment to a date certain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and two existing parcels would not be adjoined. Any additions to the historic house would be limited to the existing rear lot line.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 269 Daly Avenue Plat Amendment and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Record of Survey

Exhibit C – Vicinity map

Exhibit D – Staff Report - Plat Amendment for 313 Daly Avenue

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 269 DALY AVENUE PLAT AMENDMENT
LOCATED AT 269 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 269 Daly Avenue have petitioned the City Council for approval of the 269 Daly Avenue Plat Amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2012, to receive input on the 269 Daly Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on March 29, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 269 Daly Avenue Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 269 Daly Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 269 Daly Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Landmark Site" and includes a 720 square foot mining era home constructed in 1901.
3. The applicants are requesting to adjoin two metes and bounds parcels into one Lot for the purpose of a future expansion of the home.
4. The plat amendment is necessary in order for the applicant to obtain a building permit for the proposed addition to the rear yard due to the location of an existing lot line.
5. The amended plat will create one new 7,283 square foot lot.

6. Currently the property is two separate parcels. The front parcel is where the existing home is located, and has frontage onto Daly Avenue, and all of the rear lot exceeds 30% slope and has no street frontage, and thus no separate development potential without the lot combination.
7. The existing garage is also listed on the historic sites inventory and does not count against the maximum building footprint square footage.
8. A majority of the lot exceeds 30% slope and any addition beyond 1,000 square feet will require a Steep Slope Conditional Use Permit to be reviewed and approved by the Planning Commission.
9. The existing historic home and garage cannot be moved or relocated to another site on the lot.
10. Any addition to the existing historic home would require review by the Desing Review Team and any exterior remodels are additions would be reviewed under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits for the rear expansion of the existing home will be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. More than half of the new lot will exceed 30% slope and future development may be subject to a Steep Slope Conditional Use Permit.
5. Modified 13-D sprinklers will be required for renovation of the existing structure.
6. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of March, 2012.

PARK CITY MUNICIPAL CORPORATION

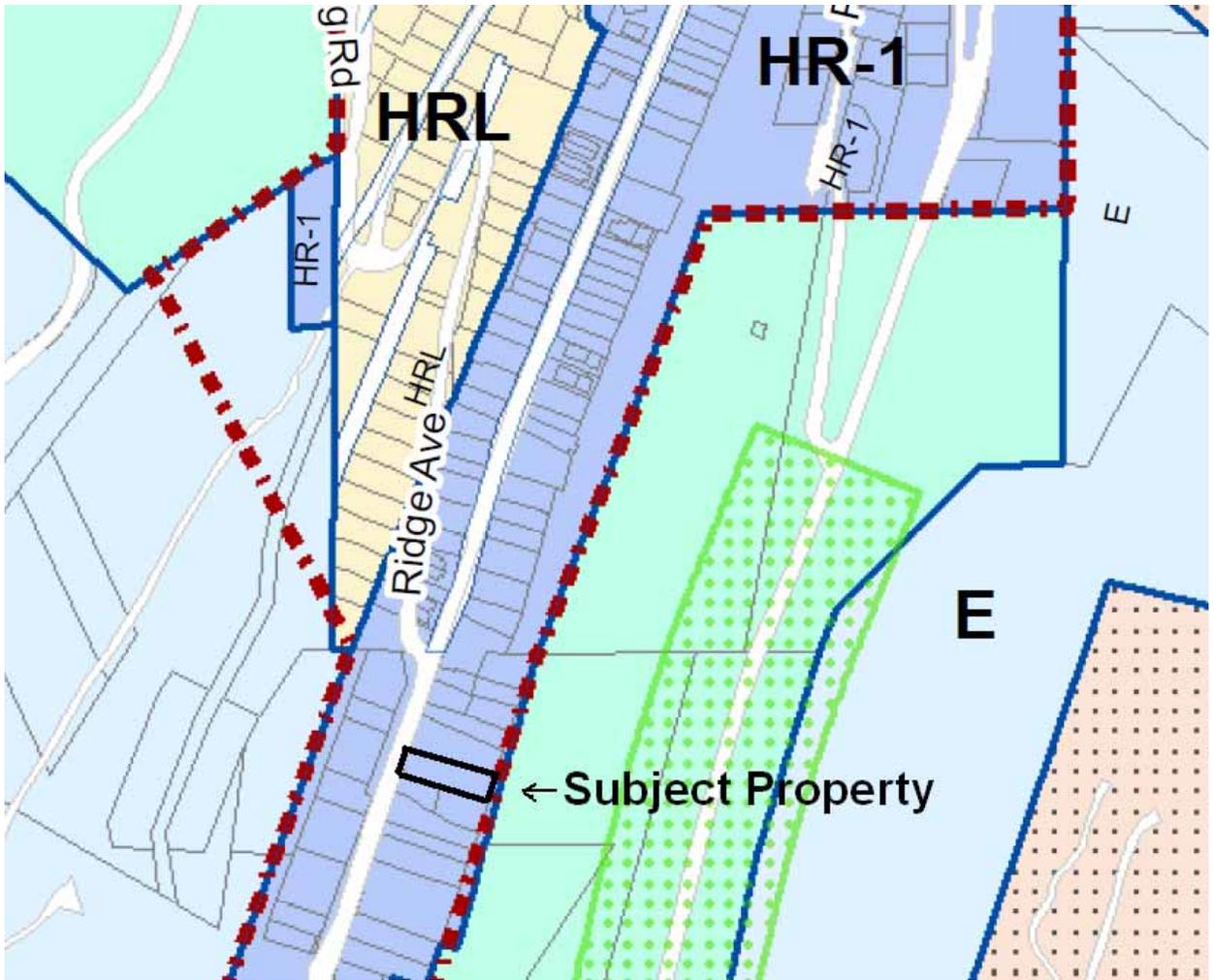
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney





City Council Staff Report

Subject: 313 Daly Avenue Subdivision Plat
Author: Francisco Astorga
Date: May 15, 2008
Type of Item: Administrative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 313 Daly Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance (Exhibit A).

Topic

Applicant: Russ & Kate Henry
Location: 313 Daly Avenue
Zoning: HR-1
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Background

On February 4th, 2007 the City received a completed application for the 313 Daly Avenue Subdivision Plat. The property is located at 313 Daly Avenue in the Historic Residential (HR-1) zoning district of Park City. The proposed plat amendment combines two metes and bounds parcels (parcel 1 and parcel 2) in Block 74 of the Park City Survey into two (2) platted lots (Lot A and Lot B). The proposal is to combine the two parcels and create two new lots of record. The two parcels are located in a tandem configuration off Daly Avenue. There is an existing historic single family home on the front parcel. There are no existing structures on the rear parcel. Parcel 1 is approximately .20 acres and parcel 2 is approximately .19 acres.

The plat amendment will create two legal lots of record in a North/South configuration. The applicant has also submitted a Historic District Design Review application with the Planning Department for an addition to the existing Historic home. Included in the HDDR application is a preservation plan with details of moving the Historic home permanently onto Lot A of the 313 Daly Avenue Subdivision Plat. The addition as well as the Historic house will meet all current Land Management Code requirements. The Historic house currently sits on the proposed lot line. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way. It would also require a steep slope Conditional Use Permit due to existing topography of the lot.

This application was reviewed at the March 26, 2008 Planning Commission Meeting. During this meeting a motion was passed to continue this item to the April 23, 2008 Planning Commission meeting to allow Staff to come back to the Planning Commission with additional information on upper Daly Avenue. The requested information included a survey of Daly Avenue in terms of lot size, maximum footprint allowed, and square footage of each house.

Analysis

The proposed plat amendment would create two lots of record within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

	LMC Requirement	Proposed
Lot A Area	1,875 square feet minimum	8,241.1 square feet
Lot B Area	1,875 square feet minimum	8,636.6 square feet
Lot A Width	25 feet minimum	49.95 feet
Lot B Width	25 feet minimum	49.82 feet

Staff finds good cause for this plat amendment as it will create two legal lots of record. The proposed plat amendment would allow the owner to build an addition onto the home in the future. All future construction must comply with the LMC requirements for the HR-1 zone. The property is currently within the Flood Zone X. Under the current LMC the following site requirements would be allowed on the proposed new lots:

	Permitted
Height	27' maximum from existing grade
Front Setback	15' minimum
Rear Setback	15' minimum
Side Setback	5' minimum
Footprint	
Lot 1	2,593.2 square feet maximum
Lot 2	2,657.9 square feet maximum
Parking	None required for Historic House

Discussion

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by the proposed two lots. The building footprint is calculated by the building footprint formula within the Land Management Code. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint, house size area, or developable area within the plat to mitigate the possible impacts of the neighborhood. On a previous proposal in the neighboring Historic Residential-Low Density district, a study was prepared showing lot size, maximum footprint

allowed, and square footage of each house. This survey showed that the floor area was approximately 141% of the maximum allowed footprint.

In response to the Planning Commission request on March 26th for further analysis, Staff prepared a survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit C. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study shows that the average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and that the average square footage is 50% of the average lot size. In consideration of Upper Daly Avenue alone the average square footage is approximately 91% of the average maximum footprint allowed and the average square footage is 30% of the average lot size. Based on this analysis and previous Planning Commission recommendations to limit house size to be compatible with the surrounding neighborhood, the Planning Commission recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to 115% of the average maximum footprint allowed. This limitation was based on the entire street analysis and on the upper Daly Avenue analysis, see table below.

	Max. Footprint Allowed	Gross Floor Area restriction per Daly Ave. ratio (137%)	Gross Floor Area restriction per upper Daly Ave. ratio (91%)	Gross Floor Area restriction recommended by Planning Commission (115%)
Lot 1	2,593.2 square feet	3,553 square feet	2,360 square feet	2,982 square feet
Lot 2	2,657.9 square feet	3,641 square feet	2,419 square feet	3,056 square feet

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet. Duplex could potentially be built on these lots with a Conditional Use Permit.

During the April 23, 2008 Planning Commission meeting the application was reviewed with the requested additional study. The study was utilized to analyze the lot sizes, maximum footprint allowed, and square footage of each home along

Daly Avenue. The Planning Commission passed a motion to forward a positive recommendation to the City Council with an additional condition of approval to be added. The condition was a note to be added to the proposed plat indicating that the building footprint be restricted to areas of 30% slopes or less and that the gross floor area be calculated at 115% of the Daly Avenue Study average ratio. This means that Lot 1 will be restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 will be restricted to a maximum gross floor area 3,056 sq. ft. (condition of approval no. 5 in draft ordinance).

Department Review

On February 26th, 2008 this project was discussed at an interdepartmental review meeting. Two issues regarding the existing Historic home were identified and resolved through placing conditions of approval on the plat application; A preservation plan for the historic home must be approved prior to plat recordation, and also, the existing historic home must be moved onto one of the proposed lots prior to plat recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

No public input has been received at the time of drafting this report.

Alternatives

- The City Council may approve the 313 Daly Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 313 Daly Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 313 Daly Avenue plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The parcel configuration would remain as two metes and bounds parcels at 313 Daly Avenue. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way.

Recommendation

Staffs recommends the City Council hold a public hearing and consider approving the 313 Daly Avenue plat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Historic Building Inventory Sheet

Exhibit C – Daly Avenue Study

Ordinance No. 08-

**AN ORDINANCE APPROVING THE 313 DALY AVENUE SUBDIVISION PLAT,
AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 313 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 26, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 313 Daly Avenue Subdivision Plat, as shown in the attachment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.

5. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
6. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8636.6 square feet for lot A and 8241.1 square feet for lot B.
7. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
8. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
9. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
10. An existing historic home is located on the front parcel (parcel 1) of land.
11. The proposed lots create a snow storage easement 10 feet wide along the front property lines off Daly Avenue
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it will create two lots of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.
4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to

the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the Daly Avenue Study average ratio, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Existing Conditions & Topographic Survey
Attachment 2 - Proposed Plat Amendment

Attachment 1 – Existing Conditions & Topographic Survey

Exhibit B – Historic Building Inventory Sheet

Park City Historic Property Inventory - 2007

ADDRESS: 309 Daly Avenue
PARCEL #: PC-636



15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE

...It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:



Criteria	Evaluation
(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or	Yes, mining industry era.
(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or	Yes, the structure embodies the distinctive characteristics: 1 1/2 -story, frame, modified hall-parlor (now a side passage), drop siding, full-width porch, porch elements.
(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or	Yes, the historical and architectural value of the structure contributes to the significance of the property and area.
(4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or	Yes, c. 1905
(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or	Yes, the historic and architectural features are comparable to those on other significant sites in the surrounding area.
(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.	Typical mining era home in scale and massing.

In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

Tax Photo	Planning Office, in binder and @ SHPO
1982 Survey Evaluation	Qualified Contributory. No mention of accessory structures. Smaller one appears to have been moved from another location.
Permit Files	
SHPO¹	Utah Historic Sites Database Record #57534. Listed at "313 Daly Avenue". No individual property file.
Tax Assessor	
PCHS&M²	
Other	Virtually unchanged from date of the tax photo. Seems a hall-parlor may have been modified to a side passage and a rear addition made a simple side-gable form into a saltbox form. Unclear if changes were very early or originally built this way.

¹ State Historic Preservation Office

² Park City Historical Society and Museum

Prepared by Dina Williams-Blass