



## **AGENDA**

**MEETING CALLED TO ORDER - 5:30 PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF MARCH 28, 2012**

5

**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*

80 Daly Avenue – Plat Amendment

PL-12-01488

27

*Public hearing and possible recommendation to City Council*

12 Oak Court – Plat Amendment

PL-12-01491

49

*Public hearing and possible recommendation to City Council*

269 Daly Avenue – Plat Amendment

PL-11-01232

63

*Public hearing and possible recommendation to City Council*

Quinn's Junction Partnership – Annexation

PL-12-01473

*Public hearing and continuation to April 25, 2012*

**WORK SESSION**

Quinn's Junction Partnership – Annexation

PL-12-01473

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**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 – MARCH 28, 2012**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MARCH 28, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Francisco Astorga; Kirsten Whetstone, 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 who was excused and Commissioner Strachan who was expected to arrive.

**ADOPTION OF MINUTES**

March 14, 2012

Commissioner Hontz was unable to find in the minutes where she if someone was present to present to represent the applicant. She thought that was an important question and should be included in the minutes.

Commissioner Hontz referred to page 19, third paragraph, and recalled that Commissioner Strachan had asked who would pay for the trails connection. If her recollection was correct, it was an important component that should be in the minutes.

Commissioner Hontz recalled a clarification of the open space during the meeting because the number the Planning Commission had been given showed open space with five buildings. If that was also on the record, she felt that reference should be included.

Commissioner Hontz preferred to continue approval of the minutes until her comments could be verified with the recording.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of March 14, 2012 to April 11, 2011. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously by those present on March 14, 2012. Commissioner Savage abstained since he was absent from that meeting. Commissioner Strachan was not present for the vote.

## **PUBLIC INPUT**

There were no comments.

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

Director Eddington reported that a joint meeting with the Snyderville Basin Planning Commission was tentatively scheduled for May 8, 2012. However, Snyderville Basin was still uncertain about that date and it could be changed to early in June, possibly June 12<sup>th</sup>. Commissioner Savage was unavailable on May 8<sup>th</sup>, but could attend in June. Director Eddington stated that he would try to maintain the May 8<sup>th</sup> date; and if not, he would tentatively schedule June 12<sup>th</sup>. He would keep the Planning Commission updated.

Director Eddington stated that the Planning Commission had requested information on 118 Daly Avenue. The Staff was researching the information and would schedule it for the next work session. Chair Wintzer was willing to wait until the last meeting in April to discuss 118 Daly Avenue if the Quinn's Partnership Annexation was on the April 11<sup>th</sup> agenda.

Commissioner Savage announced that he would be unable to attend the Planning Commission meetings on May 9<sup>th</sup> and May 23<sup>rd</sup>.

Commissioner Thomas reported that he had met with the Staff and the IBI Group on the Quinn's Partnership Annexation as requested at the last meeting

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

### 7700 Marsac Avenue – Subdivision (Application #PL-10-01070)

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

MOTION: Commissioner Thomas moved to CONTINUE 7700 Marsac Avenue – Subdivision to April 25, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

### 7700 Marsac Avenue – Condominium Conversion (Application #PL-1001071)

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

MOTION: Commissioner Savage moved to CONTINUE 7700 Marsac Avenue – Condominium Conversion. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA – DISCUSSION, PUBLIC HEARING & POSSIBLE ACTION**

### **1. 455 Park Avenue – Plat Amendment (Application #PL-12-01478)**

Planner Francisco Astorga reviewed the application for the plat amendment at 455 Park Avenue. An existing historic structure was constructed across the existing property line. The structure is a landmark site and it is listed on the National Register of Historic Places. The request is to remove the lot line going through the middle of the structure. Planner Astorga referred to Exhibits 38 and 39 in the Staff report.

The Staff recommended that the Planning Commission review the application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 455 Park Avenue replat, consistent with the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

### **Findings of Fact – 455 Park Avenue – Plat Amendment**

1. The property is located at 455 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 3,750 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The square footage of the structure is approximately 2,944.

8. The building footprint is approximately 1,131 square feet.
9. The maximum footprint for a lot this size is 1,519.
10. There are no other violations or non-compliances found on the site.
11. The current use of the property is a single family dwelling.
12. There is a historic structure on the site.
13. The site is currently listed as a Landmark site on Park City's Historic Site Inventory.
14. The site contains a lot line going through the historic structure.
15. No remnant parcels of land are created with this plat amendment.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 455 Park Avenue – Plat Amendment

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

Conditions of Approval – 455 Park Avenue – Plat Amendment

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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's front on Park Avenue.

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

Peter Pilman with the IBI Group handed out revised packets to the Commissioners.

Planner Whetstone reported that a public open house was held the prior evening at the Ice Rink, and some of the issues and comments would be reviewed this evening. The Staff had outlined questions on page 52 of the Staff report for Planning Commission discussion and direction.

Planner Whetstone provided an overview of the proposal and the requested annexation area. The property is located in the southwest quadrant of the Quinn's Junction Planning Area at the intersection of US40 and SR248. The application is for annexation of approximately 30 acres of property, zoning and an MPD approval to construct a movie studio, hotel and associated uses.

Planner Whetstone presented slides of the site, showing the proposed trails connection. Chair Wintzer wanted to know who would pay for the trails that were off their property. Planner Whetstone stated that in a typical development, connectivity it is part of the MPD in terms of compliance with the General Plan. She was unsure who would pay for the trails connection in this application. She recommended that the applicant pay for it.

Planner Whetstone stated that at the last meeting the Planning Commission talked about the MPD matrix addressing density, setbacks, open space, parking, building height, site plan and site plan characteristics. She presented the site plan from the March 14<sup>th</sup> meeting, at which time the Planning Commission made comments regarding the casitas, the building on the far north, access, and the bus turnaround. In response to their comments the applicant had provided a revised site plan with the casitas removed, and defined atrium areas, which is enclosed outdoor space. The revised site plan also showed direct entrance in and a loop area for the bus to come in and out using the same route for inbound and outbound.

Planner Whetstone noted that the Planning Commission had asked for a height analysis, which was included in the Staff report. The applicants had also provided drainage and a detention concept to address concerns raised at the last meeting. The Staff did not have a technical plan to analyze whether or not it was adequate. Regarding parking, Planner Whetstone pointed out that the Planning Commission had the ability with an MPD to identify a parking number. The Staff would provide sufficient information to help the Planning Commission in their parking discussions. She noted that there are 150 underground parking stalls under the hotel. Planner Whetstone indicated the area with 106 stalls designated as secured parking. Other design issues included fencing, lighting, noise, architectural character and materials.

Chair Wintzer clarified that the issues for discussion this evening were design and architectural elements. Planner Whetstone replied that this was correct. The Planning Commission could also comment on the revisions to the site plan. Chair Wintzer noted that the Planning Commission typically talks about General Plan issues first. He explained that they were essentially doing the process backwards to get as much information as possible in the short time frame they were

allotted. However, he wanted the applicant to understand that it still needs to meet the General Plan.

Planner Whetstone noted that Brooks Robinson from the Transportation Department was in attendance to answer questions and address comments from the open house regarding transportation issues. The primary concerns raised during the open house were traffic, circulation, parking and access to the property. She noted that the public turnout was minimal. Aside from Council members, Staff and the IBI Group, only four other people attended.

Brooks Robinson with the Transportation Department clarified that the purpose of the Park and Ride was to help mitigate traffic and parking throughout town. It was not just intended to mitigate traffic on SR248. Chair Wintzer disagreed with Mr. Robinson. He was on the Planning Commission when the City asked the applicant for Montage to build the Park and Ride, and the purpose for the request was to keep cars from coming into Park City. Part of the ploy was to eliminate some of the parking at the Montague and at some of the resorts. Mr. Robinson noted that he was the principle planner on the project and he had been involved in all the discussions regarding the Park and Ride and the Montage. Mr. Robinson stated that there was no FTA requirement because it was not built with federal funds. Therefore, the Park and Ride is available and it is not limited to a specific use. He thought it was important to have that policy discussion.

Mr. Robinson stated that in addition to the Planning Commission's ability to reduce the parking in an MPD; the question was whether to reduce spaces from this proposal and use the Park and Ride. A parking reduction could allow for a better parking layout and more landscaping within the plan.

Director Eddington asked if the Park and Ride was part of the Montage agreement with the reduction of parking there, or whether it was separate. Chair Wintzer replied that it was both. It was partly a reduction in parking and partly to mitigate traffic going through town. Mr. Robinson stated that everything was reduced 25% from the LMC requirements. The amount of density available that came off the annexation of the lands that PCMR leases for skiing did not equal the amount of density that the Montage wanted to add to the Empire Pass Development Agreement. There was a community benefit discussion and the Park and Ride was the community benefit. It offset the deficiency in unit equivalents at the time. Mr. Robinson explained that the discussion was an effort to reduce some of the Montage employee traffic by having the employees park in the Park and Ride. It would be a particular problem once the Montage is in full operation and fully staffed, which has not yet happened. Mr. Robinson stated that out of the 750 parking spaces, 100 spaces were allocated to Montage which are currently not being used.

Commissioner Savage asked if the current owners of the Park City Heights development were represented at the public outreach meeting the prior evening. Planner Whetstone answered no. Commissioner Savage asked if the City had taken any steps to make sure the Park City Heights owners were aware of this proposal. Planner Whetstone replied that she had spoken with Spencer White, a representative for Park City Heights. Commissioner Savage felt it was important to keep Park City Heights informed since that development would be the most impacted by this proposed use.

Craig Hahn, Peter Pilman, Doug Rosecrans and Joe Geroux from IBI Group were present this evening.

Peter Pilman commented on an error in a prior exhibit regarding the open space. He clarified that the calculated numbers were correct, but the colors in the exhibit were wrong. The exhibit had been updated and changed. The revised exhibit was included in the packet.

Mr. Pilman identified the changes made to the plan based on comments from previous meetings. They included a sheet with building heights and sizes. The modeling and visual analysis was updated. The site plan was changed based on past meetings. Site plan exhibits were included in the packet addressing open space, utilities, drainage, parking, fire access and building setbacks. Mr. Pilman stated that a conceptual grading plan focuses on a section adjacent to SR248 as previously discussed. The plan showed the berming and some of the cross sections in more detail.

Mr. Pilman noted that security fencing was an issue raised at the last meeting. They prepared a plan with visual images of ideas on how to address the fencing. They also had images of their proposed landscape plan and native approach to landscaping. Mr. Pilman was also prepared to present the architectural zones on the site for the Planning Commission to review and provide input. They had additional 3-D modeling images that provide a different look for the project. Mr. Pilman noted that the slides presentation this evening was identical to the hard copy packet handed out this evening.

Mr. Pilman reviewed the site plan presented two weeks earlier and compared it with the revised site plan to show the changes. Based on comments from the last meeting, the casitas were removed from the plan and the square footage of the casitas went back into the hotel. The Atriums were identified in the revised plan. A major issue was relocating Building 7A from the corner. Mr. Pilman explained that the building that was adjacent to Building 8 on the corner was pulled back against the sound stage and it now touches Building 7. Moving the structure visual helps the corner at the edge of the site.

Mr. Pilman referred to the transit discussion in terms of bus access in and out of the site. He stated that adding a bus loop adjacent to Buildings 4, 5 and 7 appeared to be a good location. It would provide good access into the studio side, as well as on the public side. The buses would come in, turn around, and go back out the main entry. Mr. Pilman indicated a turnaround down by Building 2, which could be used for shuttle drop-off. The turnarounds responded to some of the circulation discussions.

Mr. Pilman presented the exhibit that breaks the buildings down, labels them, and identifies the square foot uses for each building and the proposed building height. The tallest building was 60' on the pad 7 site. They were working on site grading to lower that height. The building heights were compliant with the buildings in the 150' setback zone. 70% of the buildings are 40 feet and 38% are 38 feet. He thought the exhibit helped answer their questions regarding the size of the uses and their locations.

Mr. Pilman reviewed the massing study. The image on page 6 was the updated model. It was massing, not architectural design, and the intent was to represent the building heights. Mr. Pilman indicated the corridor treatment along SR248, where they could see the berm and the landscaping, and the green roofs on buildings in that zone. Mr. Pilman presented an image showing Park City Heights in the background. He had sections of potential areas where green roofs could also work to help break up building mass and reduce impacts.

Commissioner Worel asked if the back lot is between the sound stage and Highway 40. Mr. Pilman answered yes. After the last meeting, he and Mr. Rosecrans went to California and met with the studio executives and the hotel management to address questions regarding hours of operation, use, fencing, lighting, and parking. He took a picture from their window of trailers and equipment that was parked in the studio lot. Mr. Pilman remarked that for this project, the trailers would probably go between the sound stage and Highway 40. He believed it would result in a parking reduction. It is currently shown as striped parking, however, one trailer would take six to ten parking stalls.

Commissioner Worel asked if they could build things on the back lot for filming purposes. Mr. Pilman replied that temporary scenery would be possible.

Mr. Pilman presented a view looking back towards the highway. He believed it reinforced the discussion on clustering and tightening up the buildings.

Commissioner Hontz noted that the site plan on page 3 showed an atrium connecting Building 1A and 1E. Another atrium was shown connecting Buildings 3, 4 and 5. She could see what might be an atrium on page 8, but she could not see that same representation for the other buildings. Mr. Pilman replied that they were envisioning some type of glass roof and the connection was either left off for clarity or just not added in. It could be shaded as some type of roof structure linking those buildings. Commissioner Thomas noted that it was indicated as a 28' high glass roof, and he asked if the wall would be open. Mr. Pilman replied that it could be open walls. Commissioner Thomas understood that a wall structure, even if it is a glass structure, qualifies as enclosed square footage. He asked if that was part of the agreement.

Commissioner Hontz could see three atriums. Per the annexation agreement, only one atrium is allowed. Mr. Pilman pointed out that the model did not show the glass piece over the retail area.

Mr. Pilman reviewed the visual impacts from specific vantage points. He presented the open space calculation and exhibit. The green showed the open space calculated to the property line, which was 38.5%. Two other calculations showed it to the top of the cut slope and to the edge of the pavement at 55.4% and 65.9%. Mr. Pilman clarified that the top one was strict adherence to the property line. The other one followed through on the discussion that the parcel used to be 50 acres and UDOT took 20 acres for the road. UDOT told the landowner that the piece that was left would be used for buffering and greenscape as a buffer for their site. That was the reason for doing the calculations that comes past the property line and to the edge of the perceived slope where the property begins to drop off. Chair Wintzer asked if UDOT compensated the landowner when they took the land. Mr. Pilman answered no. Mr. Rosecrans explained that UDOT took the position that

it was going to be commercial space and the value they got from the new interchange would more than offset the change in use.

Mr. Pilman presented a slide showing the water and sewer plan. They met with Scott Adams with the Park City Fire Service District and blue dots represented the fire hydrant locations requested by Mr. Adams. Another exhibit showed the bio-swales and the detention basins. Chair Wintzer understood that the calculations had not been done to know if it was adequate. Planner Whetstone clarified that the Staff had not done the analysis.

Mr. Rosecrans stated that they met with Matt Cassel and the calculations were for a 100 year detention. There is enough volume in those places, but they were still trying to figure out how the water would get there.

Mr. Pilman reviewed the parking scenarios for the site. The triangular secured area of parking would be flex parking that could be opened up for public events. Mr. Pilman presented the fire protection access that was reviewed and accepted by Scott Adams.

Mr. Pilman stated that they had met the 25' minimum setback for all buildings and it exceeds that in some places. They would continue to work on the plan for the next meeting and begin to add in the measurements.

Mr. Pilman reviewed the concept grading plan. He presented the fencing diagram. There were three types of fence. The perimeter security fence that secures the studio compound was identified in red. Other than where the security gates are called out inside the village, the fence can be seen through. Its primary purpose is to stop people from entering the zone. Mr. Pilman stated that the thought was to have a security fence around that zone, and then do visual fencing elements more common to Park City in front. The elements would serve no purpose, but it would be a visual distraction.

Chair Wintzer asked about the height of the security fence and the level of security. Mr. Pilman replied that the discussion was for a 6' to 9' security fence. Razor wire on top would not be necessary because cameras would monitor the fence. The purpose is to provide a barrier to keep people out. Mr. Pilman stated that there was visual concern for the fences on the inside of the project. The sound stages and studios are concerned about people taking pictures of the activities occurring. Because they have to control the release of information, it is important to keep people far enough back from the sets. Those fences would be 9' tall and more solid. It would have a security gate with a guard. They are looking at ideas for screening the visual effects with landscaping or architectural elements. Mr. Pilman remarked that temporary fencing could be added around the lawn area for an event where they would need to control access. It would not be permanent fencing.

Chair Wintzer asked what type of events they were anticipating. Mr. Pilman replied that the lawn area is considered a multi-purpose, multi-function zone. A stage is proposed on the backside so there could be performances. It could be used in conjunction with the hotel for group events, weddings or reunions. Chair Wintzer wanted to know what would govern the number of people who could attend an event. Mr. Pilman was unsure how that would be controlled.

City Attorney Mark Harrington pointed out that each event would need to apply for a special events permit or obtain a permanent CUP for a facility. Chair Wintzer clarified that the approval would not permit events. If the applicant has space for events, they would need to follow the City permit process.

Commissioner Worel asked if a guard house would be built to control the gates. Mr. Pilman indicated the center gate, which would be the guard house location. It is considered the primary entrance in and out of the studio compound. The other gates would be operated from that guard house or manually operated. Chair Wintzer was concerned about traffic backup as employees come into the gate. Mr. Pilman explained that the main access at the signaled intersection is seen as the primary entrance. The gate with the guard house is the primary entrance into the studio site. Therefore, all the employees would come in that gate, which is well inside the site.

Mr. Pilman presented images of fencing ideas for discussion. He also presented landscaping strategies that included evergreen trees, native grasses, and turf grass. The idea is to do natural environment landscaping. Another exhibit was a color-coded diagram breaking the project into zones and the uses and elements proposed in each zone. Mr. Pilman presented an exhibit of neighboring buildings across the street that was referenced in the guidelines. He also presented various images for the Planning Commission to provide feedback.

Commissioner Worel asked if heated walkways were being considered. Mr. Pilman stated that it had not been discussed and he was unsure if it would be necessary. Most of the hotel projects in Park City have heated driveways and drop-off areas. He noted that the auto court for the proposed hotel is tucked underneath the building and sheltered.

Chair Wintzer opened the public hearing.

Sally Warren stated that with this project they were talking location, location, location. She asked the Planning Commission to consider light, lights, lights. She lives at Silver Cloud and that is their view 24/7. In terms of control, she questioned how the hotel would be restricted to no lights at night. In addition, the grounds and buildings would need to be lighted 24/7 for security reasons. Ms. Warren wanted to know why all the parking could not be underground. She spoke with someone who was associated with the studio and found that there were several things that no one else knows or was at least not being discussed. For instance, Structure 7 is the studio and she was told that needs to be larger than what is shown and that the building would be maxed out in size. If that happens, there would not be enough turnaround space for the semis. That was only one example of many other things they do not know about. Mr. Warren suggested that the City get an unbiased consultant that could take note of what goes on at the studio. She noted that the studio in California is surrounded by other studios and industrial buildings. The studio being proposed is out in acreage and the size and scale is out of proportion with the surrounding area. Ms. Warren requested that the City do their due diligence and seen an unbiased opinion and accurate information. Ms. Warren remarked that the back parking lot could be used for multi-purpose and she was told that it could also be used for pyrotechnics, which occur at all hours of the day and night. The noise and activity affects other people and it goes to the point of wildlife and the horses at the National Ability Center.

Ms Warren asked the Commissioners if they would want that type of activity in their backyards. She urged the Planning Commission not to make a hasty decision before they have the opportunity for more education and information.

Chair Wintzer closed the public hearing.

Commissioner Thomas referred to page 3 of the packet, and was bothered by the glass roof that connects buildings 3, 4 and 5 because it appears to increase the footprint of those buildings. He was concerned that the next step would be to add doors, which would be enclosed square footage. Commissioner Thomas assumed that was not part of the development agreement. He was comfortable with Atrium 1F because it was in context with the building. However, it is glass and its reflectivity would be seen from SR248.

Chair Wintzer stated that he lives above one of the buildings in town that has huge skylights, and a lot of light pollution comes out of the buildings during the winter from 4:30 until the lights go off at night. If the proposed connection is enclosed glass space, he asked if the lights would come outside of that space if the building is well lit. That needed to be addressed in response to Commissioner Thomas' concern and public comment.

Commissioner Hontz stated that because the agreements state that only one atrium is allowed, she did not support the two atriums, particularly the larger one in terms of enclosing that space. Commissioner Hontz echoed Commissioner Thomas and Chair Wintzer. However, if the parking could be significantly reduced on each end, she might consider the atrium. Commissioner Thomas concurred.

Commissioner Worel asked if there was validity to what Ms. Warren heard about there not being enough turning space for the semis.

Mr. Pilman stated that the studio reviewed the plan when they were in California and they were comfortable with it. All the turns have a 30 foot radius on them. Commissioner Thomas trusted the IBI Group to know the required turning radius for a semi and their ability to design it properly.

Chair Wintzer referred to page 5. On the plan in the previous packet he had colored in the roof heights. He remarked that the more recent plans were better with more detail, however, he requested more definition on the roofing plan with the heights identified. Building 1A showed a lower triangular roof on the interior court and Building 1E showed a lower roof. He would like those different roofs pulled out in some manner to make sure the roof in between 7 and 7A is lower than the other roofs and it comes back up. Chair Wintzer wanted something that the Planning Staff could look at to identify unexpected changes to the roof heights.

Joe Geroux clarified that they were trying to keep things simple and clear, but they were willing to provide requested information or detail.

Commissioner Thomas stated that the Staff and applicant talked about softening the edge of Building 7 along the south side with trellis elements. He asked if they were still contemplating that

idea. Mr. Pilman noted that the trellis elements were visible on page 8, coming out of the top of the landscape. Commissioner Thomas believed it helped soften the visual impact of that building from Highway 40.

Commissioner Thomas asked if they were contemplating a parking lot full of trailers. He was told that trailer parking would occur in some zones. Commissioner Thomas was concerned about the Walmart effect. Mr. Pilman stated that the drive aisle is quite wide and there is enough room for the truck to pull into the doors. The trellis element on the other side helps screen the building from Highway 40.

Commissioner Savage asked if there was capacity for further berming or visual blocking in the green zone, to address the issue of Highway 40 being substantially above the level of the parking lot. Mr. Rosecrans indicated a 25' area suitable for additional berming, but it is on UDOT property. They would talk to UDOT about using that land.

Director Eddington thought there may be some opportunity to bring another trellis out closer to Highway 40 to have a repetitive element, and incorporate that into potential landscaping for the parking lot. The building is 50-60 feet tall and he was unsure if one trellis would be sufficient screening. Another trellis would also help screen the parked trailers. Commissioner Worel asked if the stars' trailers would be on the right-hand side of that trellis.

Mr. Pilman agreed that the trellis on the outside edge of the property would help screen the parking area. However, the concern was that it would visually build a wall as well, which calls attention a couple hundred feet further out from the building. He suggested that there may be a balance that could help screen the parking without being so dominant. Commissioner Thomas referred to the large parking area south of Building 7 and suggested that if there was a way to subdivide that parking with another row of trellis, it would de-mass the parking and soften the look. Mr. Rosecrans offered to look at his suggestion from a landscape and trellis point of view.

Commissioner Savage understood that the roof heights of the atrium are 28 feet, and that the space was open on each side. Therefore, the surrounding buildings were either 28' or 40' depending on where you look. Commissioner Savage believed the issue associated with how offensive the lighting from an atrium might be, would be dependent on the heights of the atrium versus the surrounding buildings. He suggested that a partial solution might be to lower the roof heights to 20 feet. The difference would be minimal from the inside, but it could make a significant difference from the outside in terms of how well the light is blocked from the adjacent buildings and visibility from view corridors.

Commissioner Worel asked if Atrium A has glass walls all the way around. Mr. Pilman answered yes. She wanted to know why it would not count as square feet if it was enclosed. Commissioner Thomas explained that one atrium is allowed as part of the agreement.

City Attorney Harrington understood from the comments that the atrium needs to meet the requirements of the Annexation Agreement, but the Planning Commission was not willing to consider anything beyond the specifications in the agreement. He pointed out that their thinking followed the Staff recommendation. Mr. Harrington stated that the plan exceeds the agreement

because one atrium was limited to be between two buildings and not three. To answer the question regarding square footage, Mr. Harrington explained that the trigger is habitable space. It cannot be habitable space as defined by the Land Management Code and applicable to any project. That would be reviewed with the final design. Mr. Harrington stated that the concept was to allow connectivity between two buildings that could double as an exterior year-round capability. Commissioner Thomas clarified that from a building permit point of view, that space would be delineated as non-habitable. It would be identified in the plans and Code enforced.

Commissioner Savage stated that if the atrium was something the applicant wanted to do, he personally was open to the idea of considering two atriums if it is consistent with whatever else the Planning Commissions wants incorporated into the plan. Commissioner Thomas understood that in terms of this particular process, the Planning Commission may not see delineated elevations.

Director Eddington asked if the Planning Commission wanted to see a prototype buildings and story boards to get an idea of materials and how they work together. He believed they had a good understanding of the hotel ownership and how it might play out, but not so much with the other buildings. He suggested a prototype of one building because doing it for all the buildings might be too overwhelming considering the time constraint.

Commissioner Worel was concerned about the size of the guard booth and asked if it was so small that the square footage was insignificant. Mr. Pilman replied that the guard booth was approximately 5 'x 10'.

Director Eddington referred to page 6 and asked if Building 8 was the only green roof building. Mr. Pilman stated that there was a green roof on Building 8 and a green roof element on Building 6, which is the sound effect stage. The roof on the stage would also be a green roof.

Chair Wintzer clarified that the green roof on Building 6 was the little brown roof on the lower side. Mr. Pilman replied that there would be a green roof piece on that section because the other roof is up higher. Chair Wintzer asked about 1C. Mr. Pilman stated that it would be another green roof that is sloped back to mitigate the impacts. Director Eddington asked if there was any reason to look at a green roof on 7A. It was not part of the SR248 architectural zone, but as a buffer to the studio. Mr. Pilman replied that 7, 7A and 7B are the three elements of Building 7. In looking at the 3-D massing on page 6, 7A was the closest and that piece should mitigate the impact of the main box of Building 7. He noted that 7B was the smaller two-story element that runs along the front as well, and also helps to break up the massing. Director Eddington asked if 7A should be a green roof because it is close to the property line and to the Highway 40 right-of-way. Mr. Geroux was unsure if the roof would be visible from the highway. Commissioner Thomas concurred with Director Eddington and thought it would be worthwhile to consider. Mr. Geroux offered to do that study.

Commissioner Hontz referred to page 28 and asked for the linear feet of fence. Mr. Pilman did not have that number and offered to provide that calculation. Commissioner Hontz asked Mr. Pilman to include the square feet and acres of parking. In her opinion, the acreage of parking appeared to be the same as the open space. Commissioner Hontz recalled from the last meeting that over 900 parking stalls were proposed; as opposed to the 1,000 plus showing this evening. Mr. Pilman

replied that the number of parking stall had not increased. Regardless of which number was accurate, Commissioner Hontz thought there was too much surface parking. She noted that when the hospital across the street wanted that amount of parking, it had to be structured or garaged. She believed that could also be accomplished for this proposal. Commissioner Hontz pointed out that per the agreements, the Planning Commission did not have to approve that much parking or fencing. She personally dislikes parking and fencing equally, and she was not in favor of the 9-foot wildlife fence along the perimeter of the property. If there was a definite need for the amount of fencing proposed, it needed to be stated; otherwise, she would prefer a smaller secure area and less fencing.

Commissioner Hontz commented on the parked trailers and the amount of generators, pollution and noise that would be generated on this site. Commissioner Hontz was still concerned about the three ingress and egress points. If this moves forward, she would recommend conditions for restricting how those were utilized. She concurred with Chair Wintzer's concern about traffic backup into the site at the first entry coming off Highway 40 and out of SR248. She found it completely unacceptable.

Chair Wintzer felt it was important to see a parking plan showing the exit/entrance from each entrance point so they can understand left and right turns and traffic patterns. That is the fastest way out of town and he was concerned about impacts from people making left and right turns in the wrong places.

Commissioner Thomas favored the security fence shown on the upper left of page 29. It was simple, clean and minimalist. The other fences were too overpowering and would draw more attention. Chair Wintzer concurred.

Commissioner Hontz thought the picture Commissioner Thomas referred to was a nice picture and she questioned whether it would look that nice in reality. Commissioner Thomas stated that the picture was the fence going into Whistler and he has personally seen it. Commissioner Strachan has also seen the fence in person and he thought the photo was shorter than 9-feet. Commissioner Strachan thought the fence could be similar to the fence that was installed two years ago on I-80 going up Parley's to keep the deer off the road. Mr. Rosecrans stated that the fence up I-80 was the standard 8-feet required by UDOT for fencing along highways.

Chair Wintzer requested that the IBI Group or the applicant remove some of the pictures and only include what the Planning Commission was willing to consider for review. Chair Wintzer also expressed an interest in having a wood fence in front of the taller fence. Mr. Pilman referred to page 28 and noted that the yellow squiggly lines were wood fences that would help distract from the security fencing.

Director Eddington asked if the Planning Commission wanted to address the issue of too much parking. He suggested that there may be an opportunity for a parking reduction with the ability to phase in additional parking if necessary. Commissioner Thomas was interested in looking at a parking reduction.

Commissioner Hontz believed the comments from the Planning Commission and the public at the last meeting was enough to indicate their objection to the amount of parking. She was surprised that the applicant had not taken that direction.

Director Eddington asked if the Planning Commission wanted the Staff to work with the applicant on reducing a percentage of the parking on the perimeter and move forward from there. Commissioner Strachan believed the applicant was required to mitigate the parking per the settlement agreement. He thought the parking should be cut by at least a third. If they lobby the State for an underground parking structure and it is approved, but they already put in the parking fields, they would be stuck with it and it would defeat their lobbying efforts. Commissioner Strachan recommended that they limit the applicant to very little parking at the outset to give them an incentive to lobby in good faith for underground parking. If that fails, they could come back and request additional parking.

Chair Wintzer thought it was difficult to do a parking plan without a program of the buildings. Director Eddington summarized that the Planning Commission wanted to see a phasing plan for the buildings, a reduction in parking with the applicant aggressively pursuing a parking structure, and that additional parking could be added if there is no parking structure.

Commissioner Hontz clarified that if the settlement agreement specified a certain number of spaces, she did not want to give a false expectations that additional parking would be granted for no reason. There would need to be another give for the City besides structured parking.

Planner Whetstone reviewed a sheet handed out at the last meeting that talks about the buildings, square footage and uses. It was not included in the current packet, but for the next meeting the Staff would include a planning review of the LMC, with a recommendation on reducing the parking.

Chair Wintzer noted that the Planning Commission had previously discussed that the LMC parking requirements were on the heavy side and they should relook at the requirement for a possible reduction. For this proposal, he suggested a plan with a parking reduction, and another drawing showing future parking if needed, with the burden on the applicant to demonstrate a needed at that time. Director Eddington stated that the Staff would work with the applicant on a parking reduction.

Commissioner Thomas referred to the diagrams of the zones on page 33 and presumed they would begin to attach vernaculars to each of the zones. He requested more specificity to the sketches on page 36. Commissioner Thomas liked the image sketches on page 35, however, he was concerned that the stainless steel reflective element would not work for this community.

Chair Wintzer stated that typically movie studio sets are cheap industrial looking buildings. He felt that was the area where they needed to pay the most attention. It is the largest building and would not want to see a 60-foot stucco building with no breaks. He believed that would be the hardest area to make look good within their budget. Commissioner Strachan pointed out that if the studio ever leaves, the town would not want to be left with 375,000 square feet of cheap looking buildings.

Chair Wintzer noted that due to the imposed time frame, the next meeting would be the last meeting on this proposal. He suggested that they concentrate on the studio area and let the Staff deal with the

other areas and the hotel. He asked the IBI Group to come back at the next meeting with ideas for the studio area. The Commissioners concurred. Chair Wintzer wanted to see the buildings, building materials, massing and a wall section.

Commissioner Thomas stated that based on his meetings with the applicant he believed they were going in the right direction, but it was now time to delineate and hold that accountable to the project.

Mr. Pilman thought they were scheduled to meet with the Planning Commission on April 11<sup>th</sup> and 25<sup>th</sup>. Director Eddington replied that they could meet on April 25<sup>th</sup> if they needed that time. Planner Whetstone stated that the Staff plans to come back with a draft ordinance on April 25<sup>th</sup> with the conditions of approval.

Commissioner Savage commented on existing buildings in the area and how they relate in size to the building in the proposed project. As an example, he asked the Staff to place an overlay of the hospital on the site plan to visually show how the building sizes compare.

Commissioner Hontz referred to pages 36, 37 and 38 and stated that she liked the contemporary feel, the materials, and the design elements shown on those pages. She would like to see more usage of materials that rust or are already rusted. However she cautioned them on how and where to use those materials because sometimes it can look dirty rather than authentic. An example was photo #6 on page 38.

Chair Wintzer referred to page 37, photo 6, and recommended not using corrugated tin as an element on a building that size. Commissioner Thomas thought there could be a way to break down those elevations with a delineation of materials.

Commissioner Savage stated that as he studied the plans and looked at the images, a principle concern was more about what it looks like from the periphery of the project rather than from the inside. He agreed that the view corridor perspectives were particularly important. Commissioner Savage encouraged the applicant to do whatever they could to help the Planning Commission feel comfortable that the view would actually be what the architectural features look like. The better he understands, the more comfortable he would feel about the game plan. Commissioner Savage reiterated his earlier comment regarding a heightened level of sensitivity for reaching out to Park City Heights. Even if Park City Heights is not actively involved, he thought it would be appropriate for them to see view corridors based upon the view from within the Park City Heights development. Commissioner Savage encouraged a heavy emphasis on the landscaping plan. He looks at landscaping from three perspectives; 1) the density of the plantings; 2) size of the plantings; and 3) whether it seems plush or desert like. He noted that the area is very dry and native plants are ugly grass and sagebrush. He believed that berming could provide a buffer that would eliminate many of the negative aspects associated with such a large complex. Commissioner Savage particularly emphasized a landscape buffer as screening from the I-40 corridor. Commissioner Savage supported the comment from Sally Warren to meet with a consultant to talk about real activities within a film studio and a logistical overview of the nature of the commerce that would take place at the development over a 12 month period. Following that, it would be interesting to relate the spread sheet reviewed at the last meeting to the operational plan and take a fresh look at the parking to determine the correct number of spaces.

Commissioner Savage stated that he did not attend the last meeting, but he thought the IBI Group had made tremendous progress compared to where they were at the first meeting. He appreciated their intentions and the effort to work hand in glove with what goes on in the Quinn's Junction area.

Mr. Pilman remarked that Raleigh Studios, would be the best group to respond to the questions regarding logistics, since they would be operating the facility. He could ask them to attend a meeting or submit an explanation in writing. Commissioner Strachan thought it would be better if they could attend a meeting to answer questions. Chair Wintzer preferred to have the City get an outside party involved rather than someone from the studio trying to sell their project.

Commissioner Thomas referred to page 38, photo #3. He and Commissioner Hontz liked the feel and how the elevation was broken up. They would like to see that on the large scale building.

Mr. Pilman responded to questions raised this evening. In term of light, his understanding was that Raleigh would like to provide as minimal lighting as the Code would require, particularly for the parking areas. They were comfortable turning off the lights when areas are not being used. They would work with the City on providing the minimal amount of lighting allowed.

Chair Wintzer favored whatever they could do to reduce the lighting.

Mr. Pilman stated that the intention is to comply with the dark sky policy. Nothing would shine up and everything would be screened and cut off. Low lighting levels was their preference.

Mr. Pilman commented on the sound issue. He confirmed with the operators of the hotel and events that they would comply with Park City's 10:00 p.m. noise ordinance. In most cases events would close down earlier than 10:00 p.m.

Regarding the parking, Mr. Pilman explained that due to time constraints, they parking plan showed all the contemplated parking. If they can work with the City and obtain State funding, the idea is to reduce the on-site, at-grade parking and replace it with structured parking.

Planner Whetstone referred to page 51 and the question of whether the Planning Commission was interested in assigning a Commissioner to be liaison during the administrative CUP review process. The role of the liaison would be to provide communication between the Staff and the Planning Commission. Chair Wintzer supported the idea of a liaison. He would like two people to be the liaison and suggested Commissioner Thomas because of his architectural knowledge and Commissioner Hontz because of her planning skills. Commissioners Thomas and Hontz accepted the position of liaisons.

The Planning Commission discussed timing and whether they would need to further discuss this item on April 25<sup>th</sup>. City Attorney Harrington stated that the Staff envisioned the meeting on April 11<sup>th</sup> to be more of a work session where the Planning Commission could formulate their recommendation to the City Council instead of just reacting to the Staff findings. They would also have the opportunity to review the story boards and additional requested information from the

applicant. The meeting on April 25<sup>th</sup> would be their last meeting and he would like it to be for public hearing and action.

Director Eddington summarized that on April 11<sup>th</sup> they would focus on some design, but primarily on recommendation, conditions, findings, etc.

Chair Wintzer understood that they were working under a different General Plan than the current General Plan. He asked the Staff to make sure every Commissioner had a copy of the prior General Plan. City Attorney Harrington clarified that the settlement agreement dealt with the prior General Plan, but the current LMC applies. He recognized that it was confusing as to how the two documents link. Mr. Harrington noted that the General Plan had not changed since 2004. Chair Wintzer asked if they were using the current LMC and the current General Plan. Mr. Harrington answered yes, with the exception of one change that was made to the map in April 2011 regarding the commercial receiving zone. There have been no other changes to the General Plan.

Commissioner Worel was unable to find language in the LMC that addressed temporary structures. If they intent to build sets on the back lot, she wanted to know the check and balance for that activity. City Attorney Harrington stated that if it was in conjunction with filming, the City would handle that through the filming permit process or special event process. Otherwise, it would be regulated through the Building Code. There were also CUP regulations depending on the activity. Mr. Harrington noted that there are processes in place for temporary events, but he would not be able to delineate them without knowing the activity. Most are governed by LMC provisions. He stated that trailers, generators and noise would be part of the permitted use and not addressed in the LMC, however, the Planning Commission could address those issues with the approval. He believed the program information from the studio would help with those issues.

Commissioner Worel clarified that she was more concerned with structures that might be built. Mr. Harrington replied that the LMC and Building Code regulations address temporary structures.

Commissioner Thomas stated that he previously pushed towards the notion of having pre-wire for trailer hookups. He was now unsure if that was a sustainable choice and thought they may be better off with generators. Chair Wintzer remarked that in the long run, running generators is more expensive that putting in a temporary box and plugging in 20 trailers. Power is also quieter than generators.

Commissioner Thomas stated that the lighting code in the LMC is old and archaic, and they would like to see a lot less lighting that what the LMC suggests. In his experience, lighting and parking have been overwhelming and over sold.

Director Eddington summarized that the Staff would work with the applicant to address a number of design concerns raised this evening and bring back prototypes. The Planning Commission concurred that the studio was more important than the hotel and they would come back with that design information. They would also try to bring back general conditions and findings for discussion. Director Eddington stated that the first half of the meeting on April 11<sup>th</sup> should focus on design and the second half would look at findings and conditions.

Chair Wintzer wanted sufficient time for the General Plan discussion, because the General Plan is the issue that decides whether or not this project comes into the City.

Commissioner Savage understood that the Planning Commission was engaged in a process to try to provide the applicant with as much input as possible on what would be the best possible MPD under the circumstances. The Planning Commission would then have a separate discussion about General Plan compliance and whether or not they could forward a favorable recommendation to annex. Commissioner Savage remarked that whether they forward a positive or negative recommendation to annex, the City Council still has the authority to make the annexation decision independent of their recommendation. He was told that this was correct. Commissioner Savage stated that should the City Council choose to go forward with the annexation even with a negative recommendation from the Planning Commission, they would at least be well-served by all the good work the Planning Commission did in preparation for that process. Commissioner Savage agreed that the General Plan and the annexation decision were important, but where they could make the best contribution was in their work on the design.

Commissioner Strachan believed it was important for the City Council to be as informed about the General Plan discussion as they were the design discussion. In his view, the General Plan discussion was more important than the design discussion. If the Planning Commission spends a lot of time on design with an unmet assumption that it was not allowed by the General Plan but the City Council can do what they want, he would not want the City Council to vote on its own without input from the Planning Commission regarding the General Plan.

Commissioner Hontz stated that like Commissioner Strachan, she had wanted to start with the General Plan discussion at the first meeting. One issue is that the applicant or the applicant's representative has not attended any of the meetings. It was made clear from the very beginning that the Planning Commission needed to limit their comments and discussion points to things that IBI could take back to the applicant, and that it was outside their representation to be discussing other things. She did not want to waste her time talking to IBI about the number one thing that should be talked about in terms of the role of the Planning Commission. She preferred to wait until the end and spend the entire time talking about what this really means.

Commissioner Strachan stated that the audience is not the applicant. The applicant's intention is manifested in the settlement agreement. He believed the applicant would probably give short shrift to their discussion about the General Plan. It is the City Council that needs to hear it. Commissioner Hontz agreed.

Director Eddington stated that the next meeting would be allocated into three parts; design, findings and conditions, and General Plan. Commissioner Strachan thought the meeting on April 11<sup>th</sup> should be design and General Plan only. The findings and conditions should take their form on April 25<sup>th</sup> based on their General Plan discussion. Planner Whetstone stated that the Staff analysis of the General Plan would be provided for discussion at the next meeting.

Commissioner Savage requested the Staff report as early as possible.

Chair Wintzer thanked Sally Warren for attending the public hearing. He is disheartened by how little public input they get. She provided good comments and came with a good attitude. He encouraged her to bring her neighbors next time.

The Park City Planning Commission meeting adjourned at 8:30 p.m.

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

DRAFT

## **REGULAR AGENDA**



# Planning Commission Staff Report



**Application #:** PL-12-01488  
**Subject:** 80 Daly Avenue Subdivision  
**Author:** Francisco Astorga, Planner  
**Date:** April 11, 2012  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision 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:** Alex Adamson, represented by Jonathan DeGray  
**Location:** 80 Daly Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

This is a request to combine part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The site is currently vacant.

## Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision. The property is located in Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, and part of Lot 11, block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The northern lot identified as Lot A will be 1,875 square feet in size. The southern lot identified as Lot B will be 3,883.84 square feet in size.

## **Analysis**

The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed Lot A	Proposed Lot B
Minimum lot size	1,875 sq. ft.	1,875 sq. ft.	3,893.84 sq. ft.
Minimum lot width	25 ft.	36.09 ft.	41.52 ft.

Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines. The proposed lots will meet the lot and site requirements of the HR-1 District. There are no known violations or non-compliances found on the site. However the site northwest of the subject property, 68 Daly Avenue, has several improvements that encroach onto this property. The applicant will be able to build on each lot according to the development standards of the HR-1 District as summarized below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	3 feet minimum
Footprint	Lot A: 844 square feet maximum Lot B: 1,564 square feet maximum
Parking	2 for unit
Stories	3 stories maximum, with a 10' horizontal step for the third story.

## **Building Encroachments**

The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.

The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

### Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue. See Map below:



The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or affect such temporary easement and the City acknowledges the language and requirements found on such agreement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met or the agreement is renegotiated.

### **Process**

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment 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. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The lots would remain as is and no construction could take place across the existing lot lines.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision 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.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Temporary Easement Agreement with King Ridge Estates

Exhibit D – Aerial Photograph

Exhibit E – County Plat Map

Exhibit F – SBWRD Letter

**Ordinance No. 12-\_\_**

**AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION  
LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 80 Daly Avenue has 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 April 11, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on April 11, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on May 3, 2012, 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 80 Daly Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The 80 Daly Avenue Subdivision as shown in Attachment 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 80 Daly Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. Proposed Lot A will be 1,875 square feet in size.
4. Proposed Lot B will be 3,883.84 square feet in size.
5. The minimum lot size within the HR-1 District is 1,875 square feet.
6. Proposed Lot A will have a lot width of 36.09 feet.
7. Proposed Lot B will have a lot width of 41.21feet.
8. The minimum lot width within the HR-1 District is twenty-five feet (25').
9. Proposed Lot A will have a maximum building footprint of 844 square feet.
10. Proposed Lot B will have a maximum building footprint of 1,564 square feet.

11. The proposed plat amendment creates two (2) lots from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District.
12. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property.
13. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet.
14. The applicant indicated they will work with the neighboring property owner to grant them encroachment easements.
15. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
16. The possible approval of this plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
17. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
18. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
19. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
20. No remnant parcels of land are created with this plat amendment.
21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law:

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

#### Conditions of Approval:

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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Park Avenue.
4. An encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

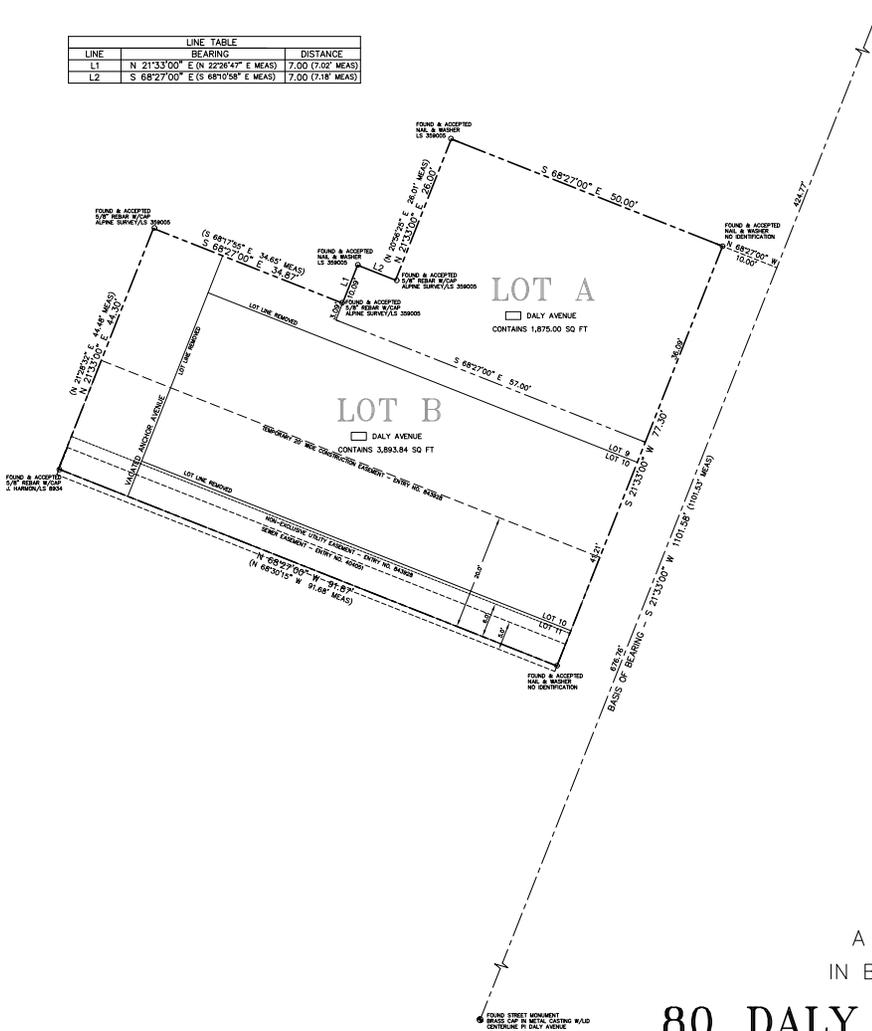
APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment A – Proposed Plat

# Attachment A – Proposed Plat

LINE	BEARING	DISTANCE
L1	N 21°33'00" E (N 22°28'42" E MEAS)	7.00 (7.02' MEAS)
L2	S 68°27'00" E (S 68°10'58" E MEAS)	7.00 (7.18' MEAS)



### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

### BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, Millisite Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 8, Block 74, Millisite Reservation of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County recorder, and running thence South 21°33' West along the easterly line of said Block 74, Millisite Reservation of the Park City Survey 77.30 feet; thence North 68°27' West 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.30 feet actual); thence South 68°27' East 34.87 feet; thence North 21°33' East 7.00 feet; thence South 68°27' East 7.00 feet; thence North 21°33' East 26.00 feet; thence South 68°27' East 50.00 feet to the point of beginning.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Harmeling and Alexander J. Adamson, do hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Taylor Harmeling, Owner

Alexander J. Adamson, Owner

### ACKNOWLEDGMENT

State of \_\_\_\_\_ ss: County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, Taylor J. Harmeling and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Harmeling and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they 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: \_\_\_\_\_

### LEGEND

Address on DALY AVENUE



A PARCEL COMBINATION PLAT  
IN BLOCK 74, PARK CITY SURVEY

## 80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84302-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE _____ TIME _____</p> <p>FEE _____ RECORDER _____</p>
	<p>FILED: X:\ParkCitySurvey.dwg, ar\plat2011\021211.dwg</p>						

# Exhibit B – Topographic Survey



### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4038739 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 herein. 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: Center of water manhole lid. Elevation=7176.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. All property corners were found.
5. Snow coverage at the time of the survey was approximately 6" to 10". 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.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 66°22'00" E	7.00



<p>(435) 649-8447 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 322 Main Street, P.O. Box 2084, Park City, Utah 84060-2084</p>	<p><b>STAFF:</b> MARSHALL KING MARTY MORRISON</p>	<p><b>EXISTING CONDITIONS &amp; TOPOGRAPHIC SURVEY</b> <b>80 DALY AVENUE</b> <b>PARK CITY SURVEY</b></p>	<p><b>SHEET</b> 1 <b>OF</b> 1</p>
	<p><b>DATE:</b> 12/15/11</p>	<p><b>FOR:</b> ALEX ADAMSON <b>JOB NO.:</b> 2-12-11 <b>FILE:</b> X:\ParkCitySurvey\dwg\sr\Topo2011\021211.dwg</p>	

00843928 B: 1928 P: 1614

Page 1 of 8

Alan Spriggs, Summit County Utah Recorder

05/08/2008 02:52:53 PM Fee \$40.00

By US TITLE UTAH

Electronically Recorded by Simplifile

AFTER RECORDING, RETURN TO:  
King Ridge Resources, LLC  
1550 E McKellips #121  
Mesa, AZ 85203

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is entered into as of the 25<sup>th</sup> day of April, 2008, by and among KING RIDGE RESOURCES, L.L.C., a Utah limited liability company, whose address for purposes hereof is 1550 E McKellips #121, Mesa, AZ 85203, and its successors and assigns (collectively, "Parcel 1 Owner"), and Colette Singleton, whose address for purposes hereof is 1167 E South Temple, Salt Lake City, UT 84102, and its successor and assigns (collectively, "Parcel 2 Owner").

RECITALS

A. Parcel 1 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Parcel 1").

B. Parcel 2 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit B attached hereto and incorporated herein by this reference (the "Parcel 2").

C. To facilitate the development of Parcel 1, Parcel 1 Owner is required to manage the drainage of storm water from Parcel 1, and to provide electrical utilities to Parcel 1, and, accordingly, Parcel 1 Owner desires to (i) install a storm drain, which storm drain shall be installed and maintained at Parcel 1 Owner's expense and (ii) install electrical conduit and/or natural gas piping to serve the future homes on Parcel 1.

D. Parcel 2 Owner is willing to enter into an easement agreement to grant to Parcel 1 Owner (i) a temporary, non-exclusive, 20-foot utilities easement and right-of-way on, over, under and across a portion of Parcel 2, which is more particularly described on Exhibit D-1, attached hereto and incorporated herein by this reference for the purpose of taking actions necessary to excavate, construct and install an underground storm drain and electrical utilities conduit and/or natural gas piping to serve and benefit Parcel 1 (the "Parcel 2 Construction Easement Area"), and (ii) continuing after the completion of the work of construction and installation, a perpetual, non-exclusive, 6-foot storm drain and electrical utilities and/or natural gas piping easement and right-of-way on, over, under and across that portion of Parcel 2, which is more particularly described on Exhibit D-2, attached hereto and incorporated herein by this reference (the "Parcel 2 Permanent Easement Area"), and together with the Parcel 2 Construction Easement Area, the "Parcel 2 Easement Area").

AGREEMENT

NOW, THEREFORE, for ten dollars (\$10.00), in hand received and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and based upon the mutual covenants, promises and agreements hereinafter set forth, the parties agree as follows:

1. Grant of Easement. Parcel 2 Owner hereby grants, conveys, transfers and assigns to Parcel 1 Owner (a) a temporary non-exclusive easement and right-of-way on, over, across and under the Parcel 2

ACCOMMODATION  
RECORDING ONLY  
U.S. TITLE

Construction Easement Area for the purpose of allowing Parcel 1 Owner to take all actions and to have such access necessary for the construction and installation of a storm drainage pipe and electrical utility conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, which temporary easement shall expire upon the full and final completion of all of the work necessary to complete such construction, installation, inspection and appropriate testing of the operations of such storm drainage pipe and electrical conduit and/or natural gas piping and any attendant corrective, reparative or finishing work reasonably necessary to assure the final sound and adequate functioning of the completed improvements and for the purpose of repairing and restoring the surface area of the Parcel 2 Construction Easement Area as required under this Agreement, and (b) a perpetual, non-exclusive easement and right-of-way for the subject underground storm drainage pipe and electrical conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, such perpetual easement shall and does include rights of ingress, egress and access for the purpose of servicing, maintaining, repairing, replacing and (within the said borders of the Parcel 2 Permanent Easement Area) expanding, modifying, altering, relocating or otherwise changing the subject improvements ("Permanent Permitted Uses"). In connection with the foresaid easement grants, Parcel 2 Owner also covenants and agrees that any incidental and less than material crossing over onto portions of the surface area of Parcel 2 outside the boundaries of the subject easements shall not give rise to claims of trespass or other violation or wrongdoing of the law or this Agreement, provided that any damage to such non-easement surface area (improvements, landscaping or otherwise) shall be repaired by the Parcel 1 Owner with reasonable promptness, restoring the same to the condition prior to any such incidental crossing over. The foregoing grants of rights and easements and the creation of the Permanent Permitted Uses are intended by the parties to touch and concern both Parcel 1 and Parcel 2, with Parcel 1 being the benefitted real property and Parcel 2 being the burdened real property and both parties covenant, promise and agree that the same are intended to and shall "run with the land" which are attendant, appurtenant and incident to the title and ownership of the subject real property parcels.

2. Construction and Maintenance of Storm Drain, Electrical Utility Conduit and/or Natural Gas Piping. Parcel 1 Owner covenants and agrees to be responsible for and to bear all costs and expenses associated with the construction, installation, use, repair and maintenance of the underground storm drainage pipe, electrical conduit and/or natural gas piping, the restoration of the entire Parcel 2 Easement Area post-construction and installation to the pre-construction and installation state and, thereafter, for the ongoing maintenance of the surface of the Parcel 2 Permanent Easement Area. The parties agree that the restoration of the Parcel 2 Easement Area immediately following the work of installation and construction shall be to restore the surface to a condition reasonably similar to the status pre-installation and construction. Nothing herein shall require the Parcel 1 Owner to engage in any upgrade to surface landscaping to match any such improvements being made by Parcel 2 Owner to other or surrounding portions of Parcel 2, provided that Parcel 1 Owner hereby consents to allow the Parcel 2 Owner to make surface landscaping upgrades to the Parcel 2 Permanent Easement Area, post-construction and installation, so long as Parcel 2 Owner agrees that any increase in the cost of replacement or restoration of such improved or upgraded landscaping that arise in connection with the exercise of the easement and the Permanent Permitted Uses shall be the responsibility of the Parcel 2 owner. In all events, Parcel 2 Owner shall not act in any manner to impair Parcel 1 Owner's ability to discharge water through the storm drainage pipes or to have the continued unimpaired use of the electrical utilities conduit and/or natural gas piping or to exercise the Permanent Permitted uses. Parcel 2 Owner covenants and agrees not to construct any permanent improvements within the boundaries of the Parcel 2 Permanent Easement Area or to plant trees or shrubs or other foliage within a proximity to the subject underground improvements where the root systems of the same could be reasonably expected to impact or affect the said underground improvements or otherwise materially impair the exercise of the Permanent Permitted Uses. Parcel 1 Owner shall perform any construction related activities within the Parcel 2 Easement Area in a manner so as to minimize any negative impact on Parcel 2.

3. Indemnification. Parcel 1 Owner shall hold harmless and indemnify Parcel 2 Owner from and against any claims against Parcel 2 Owner by third parties which arise from Parcel 1 Owner's

negligence or willful misconduct, except to the extent such claims arise from any negligent or intentional act or omission of Parcel 2 Owner. Likewise, Parcel 2 Owner hereby agrees to hold harmless and indemnify the Parcel 1 Owner from and against any claims, loss, damage, expense, suit or action by or consequent to the negligent or intentionally wrongful conduct of third parties with respect to the subject easement, the improvements therein and thereunder or the exercise of the Permanent Permitted Uses. Such indemnity shall not apply if the claims, loss, damage, expense, suit or action is the result of the negligence or intentional wrongdoing of the Parcel 1 Owner.

4. Nature of Provisions. The Permanent Permitted Uses, the easements and rights-of-way granted by Parcel 2 Owner to Parcel 1 Owner and the indemnification, maintenance, repair and other covenants of the respective parties hereunder are covenants, rights, benefits, burdens and interests that touch and concern both Parcel 1 and Parcel 2 and are intended to and shall run with the land (meaning both Parcel 1 and Parcel 2). Neither this Agreement nor the rights granted hereunder shall be transferable to any other property. This Agreement and the covenants, rights, impositions, burdens, benefits, rights and promises shall run with both Parcel 1 and Parcel 2 and shall, as the case may be, bind and benefit every person having any fee, leasehold, mortgage lien or other interest in any portion of Parcel 1 or Parcel 2. Parcel 2 Owner agrees that Parcel 1 Owner may transfer and assign its rights and obligations under this agreement to an owners association comprised of all of the owners of Parcel 1 without the consent or further action of the Parcel 2 Owner or any other person. This Agreement shall be binding upon and inure to the benefit of Parcel 1 Owner and Parcel 2 Owner and their respective successors and permitted assigns.

5. Default. If any party fails to perform its obligations hereunder after the expiration of thirty (30) days after receipt of written notice detailing the nature of such failure; provided, however, if it is not commercially reasonable to cure such breach in a 30-day period, then such 30-day period shall be extended for a period as may be reasonably required to effect a cure (after the expiration of such notice and cure period, an "Event of Default"), the other party shall be entitled to pursue its rights and remedies at law or in equity.

6. General Provisions. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the state of Utah. This Agreement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document. No party shall be deemed to be in breach of this Agreement or have any liability to the other party if it is unable to perform its obligations hereunder to the extent such failure is due to circumstances beyond the control of such party, including, but not limited to, an act of God, fire, flood, earthquake, explosion, wind, storm, tornado, strike (or other labor dispute), riot, act of terrorism, acts or failure to act by any governmental entity, vandalism, or any other cause beyond such party's control. Notwithstanding anything in this Agreement to the contrary, neither party shall be liable to the other party for any consequential damages.

The parties have executed this Agreement on the respective dates set forth below, to be effective as of the date first set forth above.

"PARCEL 1 OWNER"

KING RIDGE RESOURCES, L.L.C.

By: Wesley St.  
Name: WESLEY SEITER  
Title: MANAGING MEMBER.

STATE OF Idaho )  
COUNTY OF Madison ) :ss.

The forging instrument was acknowledged before me this 1<sup>st</sup> day of May, 2008, by Wesley Seiter, the Managing Member of KING RIDGE RESOURCES, L.L.C.

[SEAL]

[Signature]  
Notary Public

RON LARSON  
NOTARY PUBLIC  
STATE OF IDAHO

"PARCEL 2 OWNER"

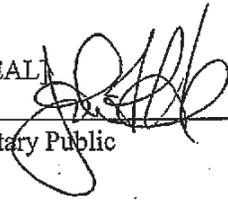
  
Colette Singleton

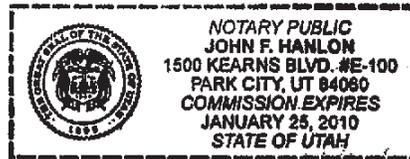
By:  
Name:  
Title:

STATE OF Utah )  
:SS.  
COUNTY OF Summit )

The forging instrument was acknowledged before me this 28<sup>th</sup> day of April, 2008, by Colette Singleton, ~~the~~ personally known ~~to~~ to me.

[SEAL]

  
\_\_\_\_\_  
Notary Public



**EXHIBIT A**

**TO**

**EASEMENT AGREEMENT**

---

**Legal Description of Property**

"Parcel 1" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

All of Lots 35 through 40, inclusive; Lots 66 through 71, inclusive; and the Westerly one-half of Lots 33 and 34, all in Block 75, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

Together with one-half of the vacated Anchor Avenue abutting said Lots 66 through 71, inclusive on the East.

LESS AND EXCEPTING THEREFROM the Westerly one-half of Lot 34 any portion lying Easterly of Ridge Avenue within the bounds of the following described parcel:

Beginning at a point on the platted center line of Anchor Avenue, said point being South 68°27'00" East 12.77 feet from the Northeast corner of Lot 72, Block 75 of the Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence along said platted centerline South 21°33'00" West 37.50 feet; thence leaving said centerline North 68°27'00" West 95.31 feet to the Easterly edge of asphalt of the existing paved Ridge Avenue; thence along said Easterly asphalt edge the following five calls: 1) North 11°25'02" East 0.44 feet; 2) North 08°09'06" East 5.47 feet; 3) North 05°21'47" East 19.77 feet; 4) North 09°58'22" East 7.94 feet; 5) North 02°55'45" West 5.46 feet to a point on the Northeasterly line of Lot 34 of said Millsite Reservation; thence leaving said Easterly edge of asphalt and along the Northerly line of Lot 34 and Lot 72 of said Millsite Reservation South 68°27'00" East 106.02 feet to the point of beginning.

tax FD  
PC-687

**EXHIBIT B**

**TO**

**EASEMENT AGREEMENT**

---

**Legal Description of Property**

"Parcel 2" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Beginning at a point that bears South 21°33' West, 7.50 feet from the Northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the Official Plat thereof, on file and of record in the office of the Summit County Recorder, and running thence South 21°33' West, along the Easterly line of said Block 74, Millsite Reservation of the Park City Survey, 77.30 feet; thence North 68°27' West, 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East, along said centerline of the vacated Anchor Avenue, 44.50 feet; thence South 68°27' East, 34.87 feet; thence North 21°33' East, 7.00 feet; thence South 68°27' East, 7.00 feet; thence North 21°33' East, 26.00 feet; thence South 68°27' East, 50.00 feet to the point of beginning.

PC-653

TAX ID

PC-653

**EXHIBIT C-1**

**TO**

**EASEMENT AGREEMENT**

---

**Legal Description of Property**

"Parcel 2 Construction Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Together with a temporary 20.0 foot wide construction easement over a portion of Lot 10 and Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 6.50 feet to the point of true beginning; thence leaving said point of beginning and said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 20.00 feet; thence South 68°27'00" East a distance of 91.87 feet to a point on said right-of-way; thence continuing along said right-of-way South 21°33'00" West a distance of 20.00 feet to said point of beginning.

**EXHIBIT C-2**

TO

**EASEMENT AGREEMENT**

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**Legal Description of Property**

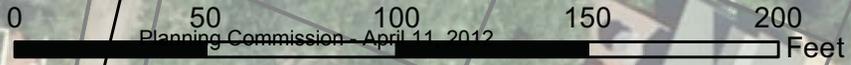
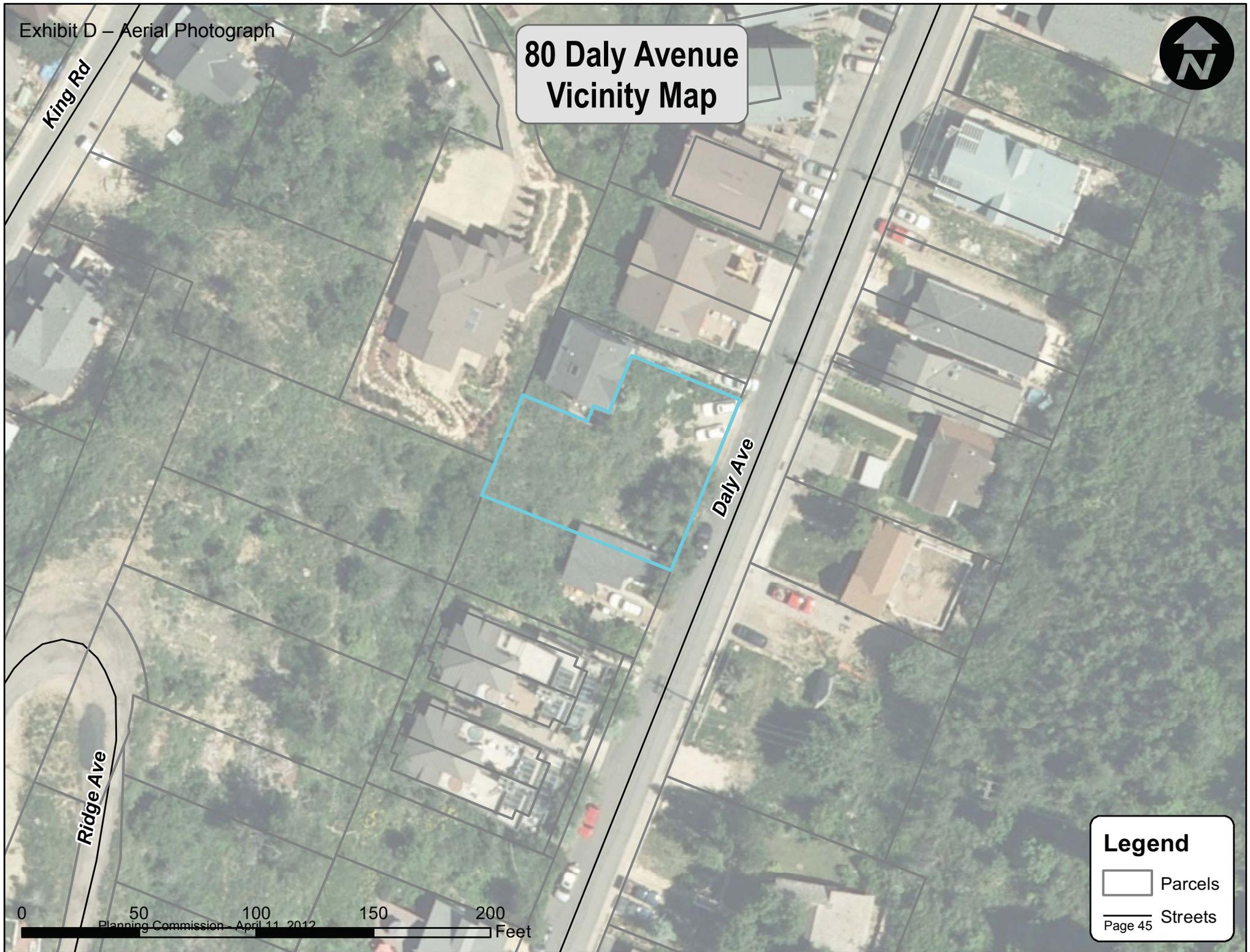
"Parcel 2 Permanent Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

A parcel of land for a 6.0 foot wide non-exclusive utility easement lying within Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 0.50 feet to the point of true beginning; thence leaving said point of beginning and continuing along said right-of-way South 21°33'00" West a distance of 6.00 feet; thence leaving said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 6.00 feet; thence South 68°27'00" East a distance of 91.87 feet to said point of beginning.



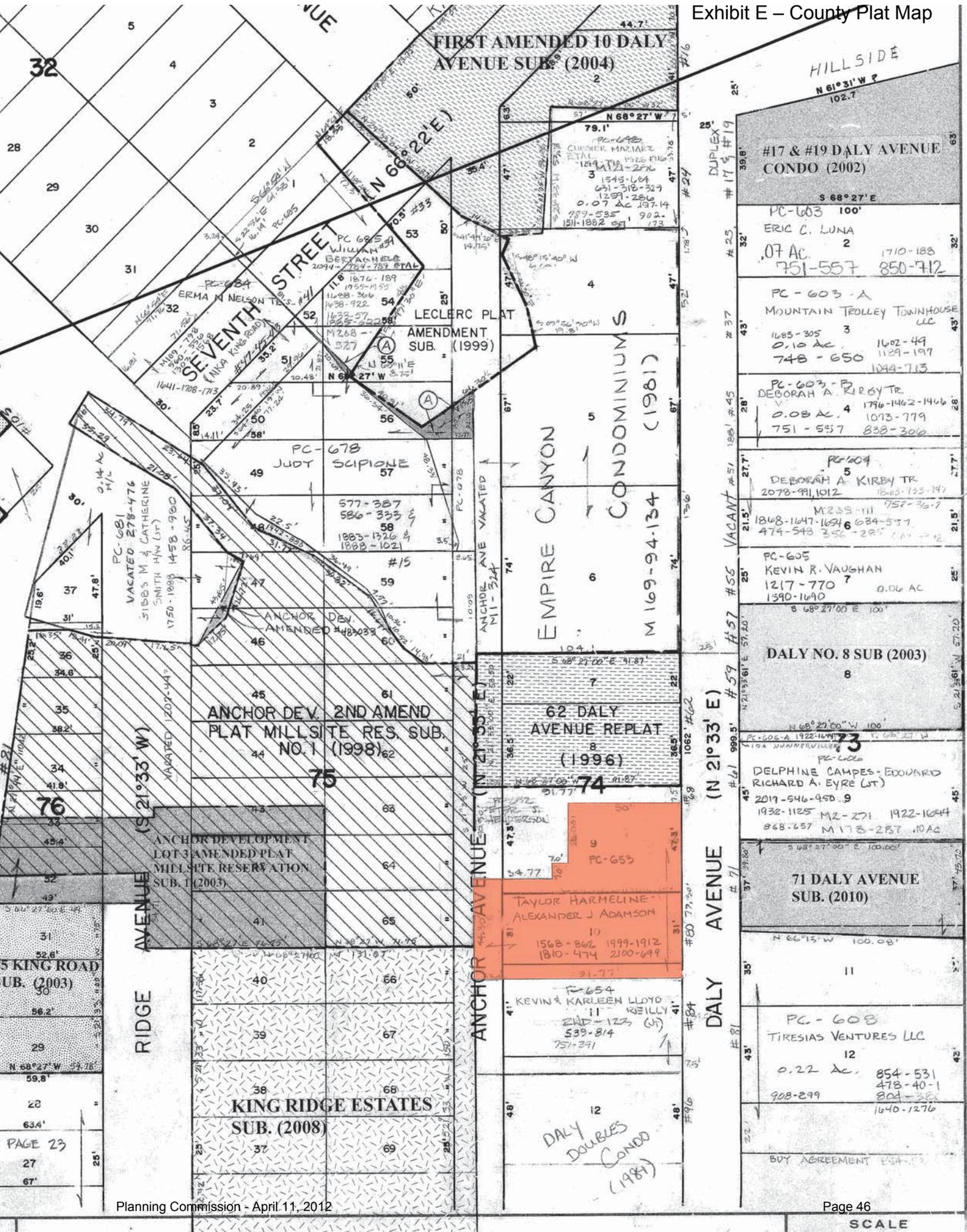
**80 Daly Avenue  
Vicinity Map**

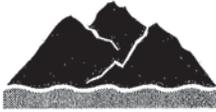


**Legend**

-  Parcels
-  Streets

Page 45





February 29, 2012

Francisco Astorga  
Park City Planning Department  
445 Marsac  
P.O. Box 1480  
Park City, UT 84060

Subject: 80 Daly Avenue Subdivision  
Plat Review

Dear Mr. Astorga,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. We offer the following comments:

1. Based on information in our files, the private sewer lateral for the house located at 68 Daly Avenue runs from the structure to a public sewer line in Daly Ave. generally along the south side of the stairway located on the narrow portion of 68 Daly (see attached copy). Our information is not detailed enough to establish which property the lateral is actually located on. However, since the narrow portion of 68 daily is only 7.5 feet wide, there is a good possibility that a portion of the lateral crosses into the northerly portion of the new proposed lot.

This is an issue between the owners of the two properties since the sewer lateral is private property. SBWRD has no standing on the issue other than to assure that 68 Daly Ave. is not cut off from wastewater service. To address the sewer lateral issue on the plat we will require that one of the following actions be taken:

- (1) Physically locate the lateral (we recommend this option)
  - (a) If the lateral is totally located on 68 Daly, no further action would be needed.
  - (b) If any portion of the lateral is located on the proposed 80 Daly Ave. lot, provide an easement on the new lot for the lateral. The easement would be granted for the benefit of 68 Daly and would describe the rights and responsibilities associated with the easement.
  - (c) If the location of the lateral would require the lateral to be re-routed when a house is built on the new lot, have the owners of the two properties determine and agree now how that re-route would occur and at whose cost. Included in that agreement would be an easement on the new lot for the re-routed lateral.
- (2) Place the following note on the plat:

*"A private sewer lateral serving the home at 68 Daly Avenue may cross the northerly portion of Lot \_\_\_\_\_. Rerouting this lateral around new construction on the lot may be required".*

The intent of this note is to advise future owners of the lot that the situation with the sewer lateral exists.

The owner of 68 Daly should be advised of whatever action is taken.

2. The plat indicates a Sewer Easement across the proposed southerly subdivision boundary, referenced as Entry 404051. This is an easement for a private sewer lateral granted in 1984 to a property that has since been re-platted and connected to the public sewer system by a different route. The easement is, therefore, no longer needed. However, since the easement was granted to a private property owner, the easement would need to be abandoned by the private property owner.

Please have the applicant contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. Atwood". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bryan D. Atwood, P.E.  
District Engineer

Cc: Jonathan DeGray, Architect  
Alliance Engineering  
Polly Samuels McLean, Assistant City Attorney  
Plat Review File

## Planning Commission Staff Report



**Subject:** 12 Oak Court  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** April 11, 2012  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-12-01491

### **Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council to approve the 12 Oak Court Plat Amendment, combining Lots 35 and 36 of the Amended Evergreen Subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Topic**

**Applicant:** Rick Otto, on behalf of Blake Roney, owner  
**Location:** 12 Oak Court  
**Zoning:** Residential Development (RD)  
**Adjacent Land Uses:** Residential and Deer Valley Resort ski runs and trails  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

### **Proposal**

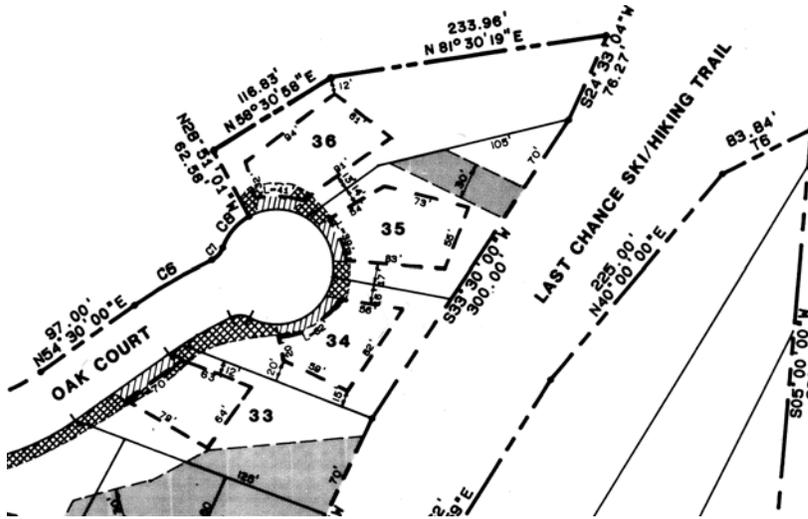
This plat amendment is a request to remove the common lot line between Lots 35 and 36 of the Amended Plat of Evergreen Subdivision and to create one lot of record for the existing house and a proposed addition located at 12 Oak Court.

### **Background**

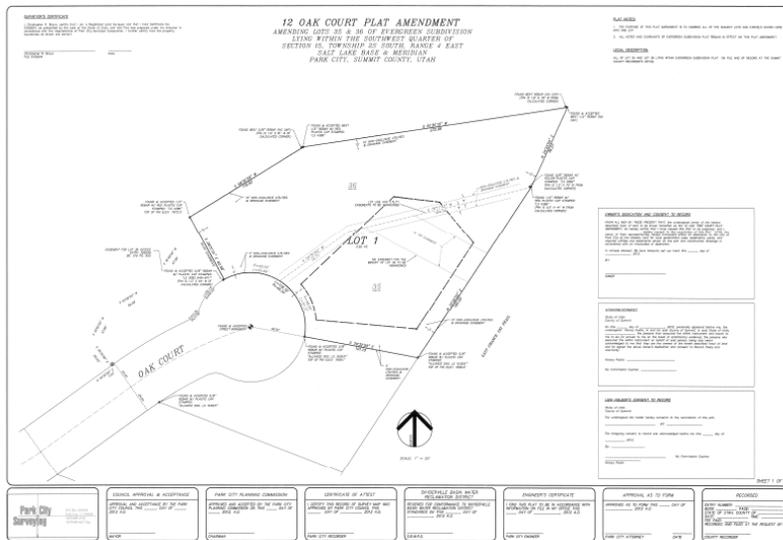
On February 17, 2012, the applicant submitted a complete application for a plat amendment to combine Lots 35 and 36 of the Amended Plat of Evergreen Subdivision (Exhibit A). The Amended Plat of Evergreen Subdivision (Exhibit B) was recorded at Summit County on May 17, 1988. Lots 35 and 26 are located at the end of a cul-de-sac known as Oak Court. The lots are adjacent to Deer Valley Resort's "Last Chance" Ski Trail and the existing plat has a ski easement across Lot 35 to benefit Lot 36 for access to the Ski Trail. The property is located within the Deer Valley Master Planned Development.

There is an existing house located on Lot 35 which was constructed in 1991. The same property owner owns the adjacent Lot 36 and desires to combine Lot 36 with Lot 35. The owner desires to construct an addition to the existing house which would encroach onto Lot 36 which is why the applicant is requesting

removal of the common lot line between the lots. The applicant is also vacating the existing ski easement over Lot 35 because it will no longer be necessary (Exhibit C). Approval and recordation with Summit County of the amended Plat is a condition precedent to issuance of a building permit for any proposed addition that crosses the property line or does not comply with the required building setbacks.



Existing Plat



Proposed Plat

**Analysis**

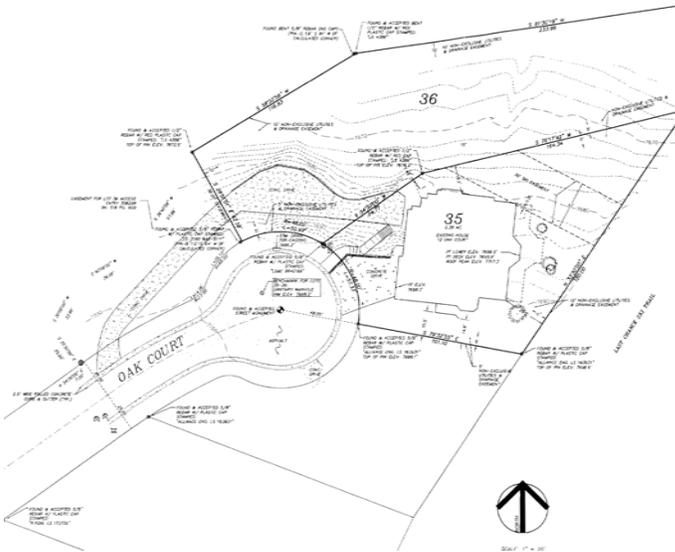
Staff finds good cause for this plat amendment to allow an addition to an existing house and a decrease in the total number of lots in the Evergreen Subdivision. Utility easements and snow storage easements will be granted with the plat at recordation.

	<b>Permitted</b>	<b>Existing</b>
<b>Front setback</b>	10' (per plat note exception from 25' required by LMC)	23'
<b>Rear setback</b>	15'	26'
<b>Side setbacks</b>	12' (side setbacks increase based on the % increase of the house)	14'6 (south) and 12' (north)
<b>Lot size</b>	Per subdivision plat, no minimum, no maximum ranges between 10,124 sf to 54,394 sf.	Lot 35- 16,693.05 sf Lot 36- 23,555.34 sf Proposed Lot Size is 40,248.39 sf
<b>House size</b>	7,500 sf maximum per lot 11,250 sf for combined lots (150%) with an allowance for the garage.	7,343 sf existing (excluding 600 sf for garage and Basement area )
<b>Parking</b>	two spaces	three spaces within garage

The house at 12 Oak Court complies with all existing lot and site requirements of the RD Zone designation, including a condition of approval limiting the house size to 7,500 sf (exclusive of Basement areas and 600 sf for the garage). There is an existing driveway leading to the lower level that is located within a recorded easement from Deer Valley Resort and also located on Lot 36. This driveway crosses the common property line and is non-conforming at this time because there is not a setback to the property line. If the plat amendment is approved the driveway will comply with the required setbacks.

The proposed plat amendment is consistent with the Deer Valley Master Planned Development in that no additional density is created as the number of units/lots is decreased by one. Total floor area for a lot combination in the RD zone, for a lot with a maximum house size, is 11,250 sf. The existing house contains 7,343 sf, excluding 600 sf for the garage. Any additions to the house will be limited to a maximum of 11,250 sf with an allowance for the garage and basement area is not calculated in the house size. The proposed lot size of 25,836.44 sf is consistent with the range of lot sizes in the neighborhood. Lots in the Evergreen Subdivision range in area from 10,124 sf to 54,394 sf.

Building footprint and limits of disturbance areas are indicated on the Amended Plat of Evergreen Subdivision. The proposed plat amendment identifies a revised building footprint and limits of disturbance area for the combined lot. The Amended Plat of Evergreen Subdivision amendment recorded in May of 1995, allows deviations from the area of disturbance with approval by the Evergreen Architectural Committee.



**Existing Site Conditions**

**Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

**Department Review**

This project has gone through an interdepartmental review. Issues raised include: requirements for residential fire sprinklers for new construction, easements for utilities (water and sewer), snow storage easements along the street, documentation for vacation of the ski easement, and maximum house size for combined lots in the RD zone. These issues are addressed with conditions of approval.

### **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**

On April 5<sup>th</sup> a letter from Bob Wells, Vice President of Deer Valley Resort Company was submitted by the applicant confirming that Deer Valley Resort, as the declarant of the Evergreen Subdivision, has no objection to the proposed lot combination or to the vacation and elimination of the ski easement (Exhibit D).

### **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the 12 Oak Court plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to City Council to deny the plat amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue discussion on the plat amendment to a date certain and request additional information.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The lot lines would remain as they are today and any addition to the house would be limited to the allowed 7,500 sf and the driveway would be a non-conforming driveway. The addition could not be constructed across the common lot line and would be required to meet all required setbacks.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council to approve the 12 Oak Court Plat Amendment, combining Lots 35 and 36 of the Amended Evergreen Subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Exhibits**

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Existing Plat

Exhibit C- Existing Site Plan

Exhibit D- Letter from Deer Valley Resort

**Draft Ordinance No. 12-**

**AN ORDINANCE APPROVING THE 12 OAK COURT PLAT AMENDMENT  
COMBINING LOTS 35 AND 36 OF THE AMENDED EVERGREEN  
SUBDIVISION PLAT,  
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 12 Oak Court have petitioned the City Council for approval of the 12 Oak Court Plat Amendment combining Lots 35 and 36, Amended Plat of Evergreen into one lot of record; 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 April 11, 2012, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on April 11, 2012, forwarded a recommendation to the City Council; and

WHEREAS, the City Council on April 26, 2012, held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment as conditioned, thereby creating one lot of record from two lots for an existing house and future addition. Utility easements and snow storage easements will be dedicated with the recording of the 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 12 Oak Court 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 in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code, the amended Evergreen subdivision plat, and the Deer Valley Master Planned Development.
2. The RD zone is characterized by mainly single family homes and resort development condominiums and hotels.

3. The property is located at 12 Oak Court in the North Silver Lake neighborhood of the Deer Valley MPD. The property is located next to the "Last Chance" ski run of the Deer Valley Resort.
4. There is an existing ski easement across Lot 35 to provide ski access for Lot 36 to Last Chance ski run. The ski easement does not connect any other lot or common area to this ski run. The applicant is pursuing a vacation of this easement as it would no longer necessary if the lots are combined. If vacated, the recording information regarding the vacation should be noted on this amended plat.
5. The property consists of Lots 35 and 36 of the Amended Plat of Evergreen Subdivision. The amended plat was recorded at Summit County on May 17, 1988. A plat amendment to combine the two (2) lots into one (1) lot of record is required before final building permits for any new construction can be issued if that construction increases the size of the house on Lot 35 beyond the 7,500 square foot maximum, crossing onto Lot 36, or is not in compliance with required setbacks to the common lot line.
6. Building footprint and limits of disturbance areas are indicated on the Amended Plat of Evergreen Subdivision. The proposed plat amendment identifies a revised building footprint and limits of disturbance area for the combined lot.
7. Maximum house size is 11,250 sf for a combination of 2 lots. The existing house contains 7,343 sf of floor area, excluding 600 sf for the garage. A revised building pad is identified on the plat amendment.
8. There is no minimum or maximum lot size associated with the Amended Plat of Evergreen subdivision. The combined lot resulting from this plat amendment is 40,248.39 square feet in area.
9. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.
10. The proposed plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
11. The applicant stipulates to the conditions of approval.
12. The discussion in the Analysis section is incorporated herein.

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 plat amendments.
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; requirements for utility, snow storage, ski easement vacation, and any encroachment agreements; as well as any conditions of approval that apply to this property, 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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat prior to plat recordation stating that the maximum house size and building setbacks for new construction on a combined lot shall be determined by the LMC Section 15-2.13-6 (B).
4. A note shall be included on the plat prior to recordation stating that the conditions of approval and plat notes of the Deer Valley MPD and Amended Plat of Evergreen subdivision continue to apply to this lot.
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Oak Court.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. Modified 13-D residential fire sprinklers are required in all modifications or new construction.
8. If the applicant pursues a vacation of the ski easement, the recording information of the easement vacation shall be noted on the amended plat prior to recordation. Otherwise the dedicated ski easement shall be shown on the amended plat.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of April 26, 2012.

PARK CITY MUNICIPAL  
CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

**12 OAK COURT PLAT AMENDMENT**  
 AMENDING LOTS 35 & 36 OF EVERGREEN SUBDIVISION  
 LYING WITHIN THE SOUTHWEST QUARTER OF  
 SECTION 15, TOWNSHIP 2S SOUTH, RANGE 4 EAST  
 SALT LAKE BASE & MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

**SURVEYOR'S CERTIFICATE**  
 I, the undersigned, being duly sworn, depose and say that I am a duly licensed and qualified surveyor in the State of Utah, and that I am the duly authorized representative of Park City Municipal Corporation. I further certify that the property described herein is the same as that shown on the plat.

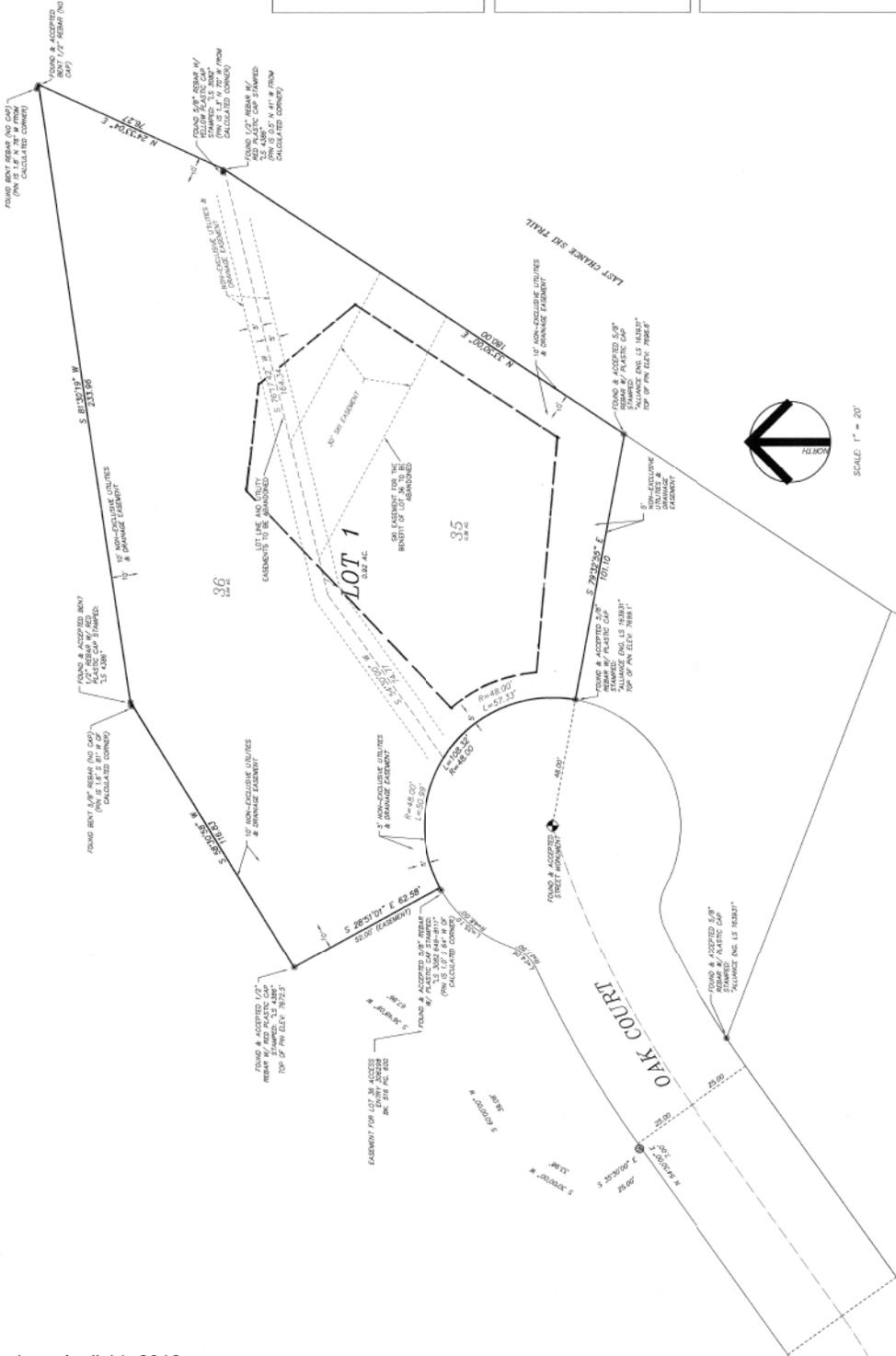
DATE: \_\_\_\_\_  
 SURVEYOR: R. BRON  
 U.S. 5150814

**PLAT NOTES**

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE ALL OF THE SUBJECT LOTS AND PARCELS SHOWN HERE INTO ONE LOT.
2. ALL NOTES AND CONDITIONS OF EVERGREEN SUBDIVISION PLAT REMAIN IN EFFECT ON THIS PLAT AMENDMENT.

**LEGAL DESCRIPTION:**

ALL OF LOT 35 AND LOT 36 LING WITHIN EVERGREEN SUBDIVISION PLAT ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDER'S OFFICE.



**OWNER'S DECLARATION AND CONSENT TO RECORD**  
 I, the undersigned, being duly sworn, depose and say that I am the owner of the above described property, and that I have read the foregoing plat and understand the contents thereof. I hereby consent to the recording of this plat and the amendment to the subdivision map shown hereon, and I authorize the same to be recorded in the office of the county recorder of this county, and to be filed in the office of the county recorder of this county.

**ACKNOWLEDGMENT**  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, personally appeared before me, the undersigned, \_\_\_\_\_, a duly qualified and authorized notary public in and for the State of Utah, \_\_\_\_\_, the owner of the above described property, and he acknowledged to me that he is the owner of the above described property, and that he has read the foregoing plat and understands the contents thereof, and that he consents to the recording of this plat and the amendment to the subdivision map shown hereon, and that he authorizes the same to be recorded in the office of the county recorder of this county, and to be filed in the office of the county recorder of this county.

**NOTARY PUBLIC**  
 My Commission Expires: \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

**OWNER'S CONSENT TO RECORD**  
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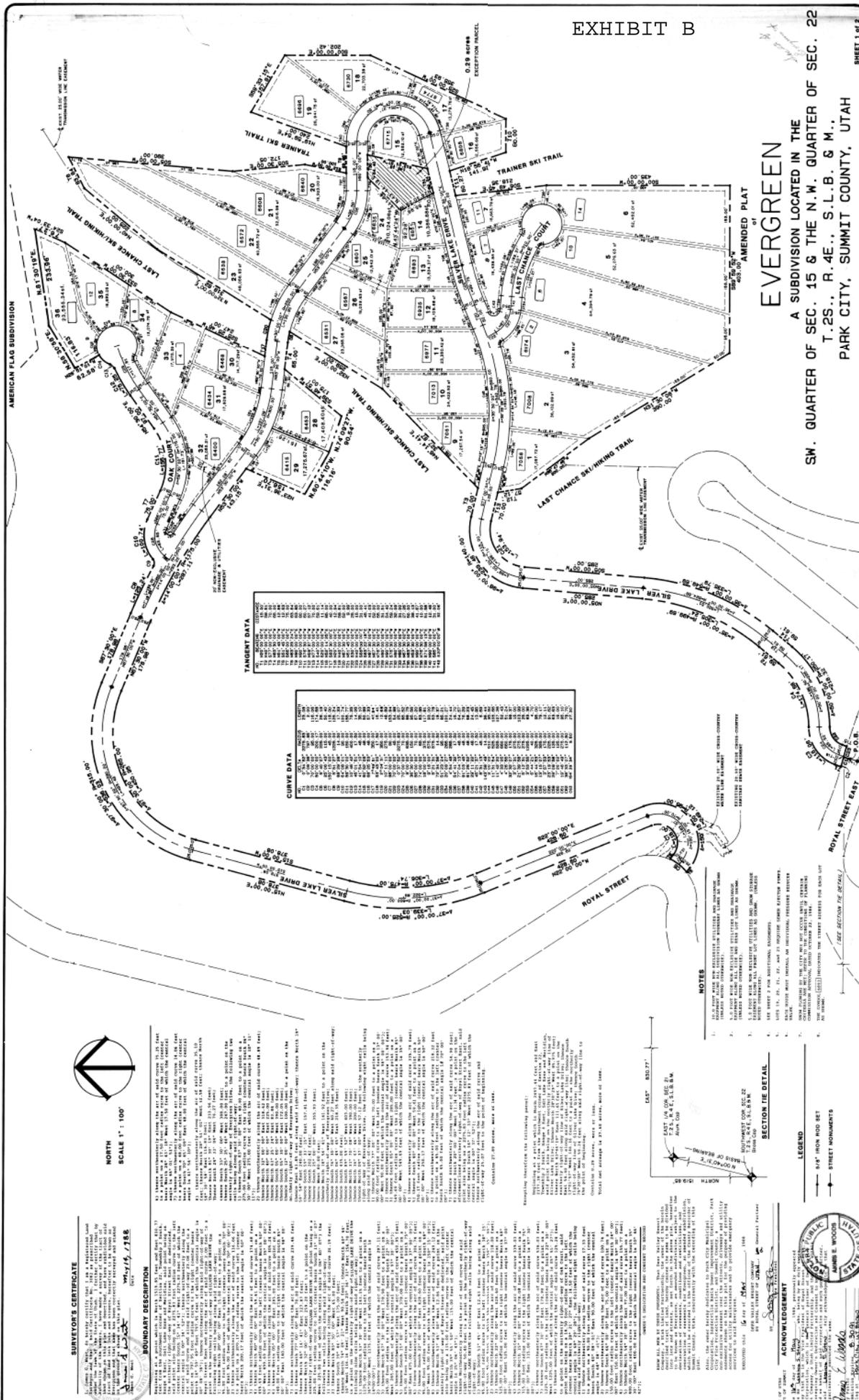
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**NOTARY PUBLIC**  
 My Commission Expires: \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

<p><b>APPROVAL &amp; ACCEPTANCE</b>                  APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL, THIS _____ DAY OF _____, 2012 A.D.                  _____ MAYOR</p>	<p><b>COUNCIL APPROVAL &amp; ACCEPTANCE</b>                  APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2012 A.D.                  _____ CHAIRMAN</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.                  _____ PARK CITY RECORDER</p>	<p><b>ENGINEER'S CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH SURVEYING INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.                  _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.                  _____ PARK CITY ATTORNEY</p>	<p><b>RECORDED</b>                  ENTRY NUMBER _____                  BOOK _____ PAGE _____                  DATE OF UTAH COUNTY BOOK _____                  DATE _____                  FEE PAID _____                  RECORDED AND FILED AT THE REQUEST OF: _____                  COUNTY RECORDER</p>
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# EVERGREEN

A SUBDIVISION LOCATED IN THE SW. QUARTER OF SEC. 15 & THE N.W. QUARTER OF SEC. 22 T.2S., R.4E., S.L.B. & M., PARK CITY, SUMMIT COUNTY, UTAH

**J.Johnson & Associates**  
 Park Meadows Plaza  
 Highway 248  
 Park City, Utah 84080  
 (801) 649-9811

RECORDED  
 NO. 20010  
 STATE OF UTAH 5/17/88  
 COUNTY OF SUMMIT TRAP 3.38  
 RECORDED AND FILED AT THE REQUEST OF  
 HIGH COUNTY & TITLE  
 FEE \$ 8.00 COUNTY REC'D

APPROVAL AS TO FORM  
 APPROVED AS TO FORM ON THIS 17th DAY OF MAY A.D. 1988  
*Jane D. Coker*  
 CITY ATTORNEY

CITY PLANNING COMMISSION  
 APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 10th DAY OF MAY A.D. 1988  
*Rose D. Ogden*  
 CHAIRMAN

CITY ENGINEER  
 APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS 17th DAY OF MAY A.D. 1988  
*Eric W. Johnson*  
 CITY ENGINEER

CITY COUNCIL APPROVAL  
 PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS 17th DAY OF MAY A.D. 1988 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED  
*Eric W. Johnson*  
 MAYOR  
*Rose D. Ogden*  
 CITY CLERK

**SURVIVOR'S CERTIFICATE**  
 I, the undersigned, being the duly qualified and licensed Surveyor for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original record of survey as the same appears in my office.

**BOUNDARY DESCRIPTION**  
 The following is a description of the boundary of the subdivision as shown on the attached map and as the same appears in my office.

**CURVE DATA**  
 CURVE NO. 1  
 BEARING OF TANGENT TO POINT OF BEGINNING 112° 30' 00" E  
 DISTANCE FROM TANGENT TO POINT OF BEGINNING 100.00  
 DISTANCE FROM TANGENT TO POINT OF BEGINNING TO POINT OF BEGINNING 100.00  
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**TANGENT DATA**  
 TANGENT NO. 1  
 BEARING OF TANGENT TO POINT OF BEGINNING 112° 30' 00" E  
 DISTANCE FROM TANGENT TO POINT OF BEGINNING 100.00  
 DISTANCE FROM TANGENT TO POINT OF BEGINNING TO POINT OF BEGINNING 100.00

**NOTES**  
 1. HOLD-FAST AND THE DISTRICTS UTILIZED FOR THIS SURVEY WERE APPROVED BY THE CITY PLANNING COMMISSION ON THIS 10th DAY OF MAY A.D. 1988.  
 2. THE DISTRICTS WERE APPROVED BY THE CITY PLANNING COMMISSION ON THIS 10th DAY OF MAY A.D. 1988.  
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 10. THE DISTRICTS WERE APPROVED BY THE CITY PLANNING COMMISSION ON THIS 10th DAY OF MAY A.D. 1988.

**SECTION 10E DETAIL**  
 EAST 830.37'  
 EAST 1/4 OF SEC. 21, T.2S., R.4E., S.L.B. & M.  
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 MARK 100

**LEGEND**  
 6" x 6" IRON ROD SET  
 STREET MONUMENTS

**ACKNOWLEDGMENT**  
 I, the undersigned, being the duly qualified and licensed Surveyor for the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original record of survey as the same appears in my office.







DEER VALLEY®

April 5, 2012

Rick Otto  
Otto Walker Associates  
2200 Park Avenue  
Suite C201  
Park City, Utah 84060

Re: Combination of Lots 35 and 36 Evergreen Subdivision

Dear Rick:

This will confirm our previous discussions to the effect that Deer Valley Resort Company, as the declarant of Evergreen subdivision, has no objection to the proposed combination of Lots 35 and 36. Further, Deer Valley Resort Company has no objection to the vacation and elimination of the ski easement shown on the Evergreen subdivision plat as crossing Lot 35. The sole purpose of the platted easement was to provide for access across Lot 35 to access Lot 36 from the Last Chance ski run and hiking trail. The combination of Lots 35 and 36 eliminates the need for the easement. Please advise if any questions.

Sincerely,

DEER VALLEY RESORT COMPANY

Robert W. Wells, Vice President



## Planning Commission Staff Report



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

### **Background:**

This item was last before you on March 14, 2012, The Planning Commission was concerned with the impacts of the development on the combined lots on a site which is very steep in the rear on the east side of Daly Canyon and directed Staff to meet with the applicant to discuss the possibility of selling the development rights of the rear parcel as a “Transferable Development Rights” (TDR) or the option of having the applicant consider a smaller footprint and a reduced total floor area.

The applicant has proposed to limit the total structure size to 2,000 square feet, and has also proposed a “maximum building line” (no building zone) approximately twenty feet (20’) from the existing lot line that separates the two parcels, to ensure that no building will take place on the upper portion of the lot.

The applicant’s current plans are for a simple addition to the rear of the home, with no immediate plans to encroach onto the portion of the lot that exceeds 30% slope. The applicant has considered the “TDR” option and a size restriction option but decided against it in favor of a footprint restriction and a “building” line delineated on the plat. Attached hereto is the original Staff Report with a modified Ordinance that reflects the proposed structure size and building limit on the plat.

# 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 feet<sup>1</sup>
- Total Building Footprint: 912 square feet
- Stories: 1
- Setbacks: Front – 40’, Rear - 13’, Side (n) 4’, Side (s) 11’
- Height: 18’ approximately

### **HR-1 Zone Designation Lot Requirements**

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

**(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

Exhibit B – Vicinity map

Exhibit C – Proposed Plat

Exhibit D – Record of Survey

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 and April 11, 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 April 26, 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 Design Review Team and any exterior remodels are additions would be reviewed under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
11. The applicant has proposed a plat note limiting the maximum structure size not to exceed 2,000 square feet, and is also proposing a maximum building line approximately 20 to the rear of the existing lot lines that separate the two parcels.

#### 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.
7. The maximum structure size shall not exceed 2,000 square feet,
8. The maximum building line (no building zone) shall be established as shown on the current plat date stamped April 5, 2012.

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

PASSED AND ADOPTED this 26th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

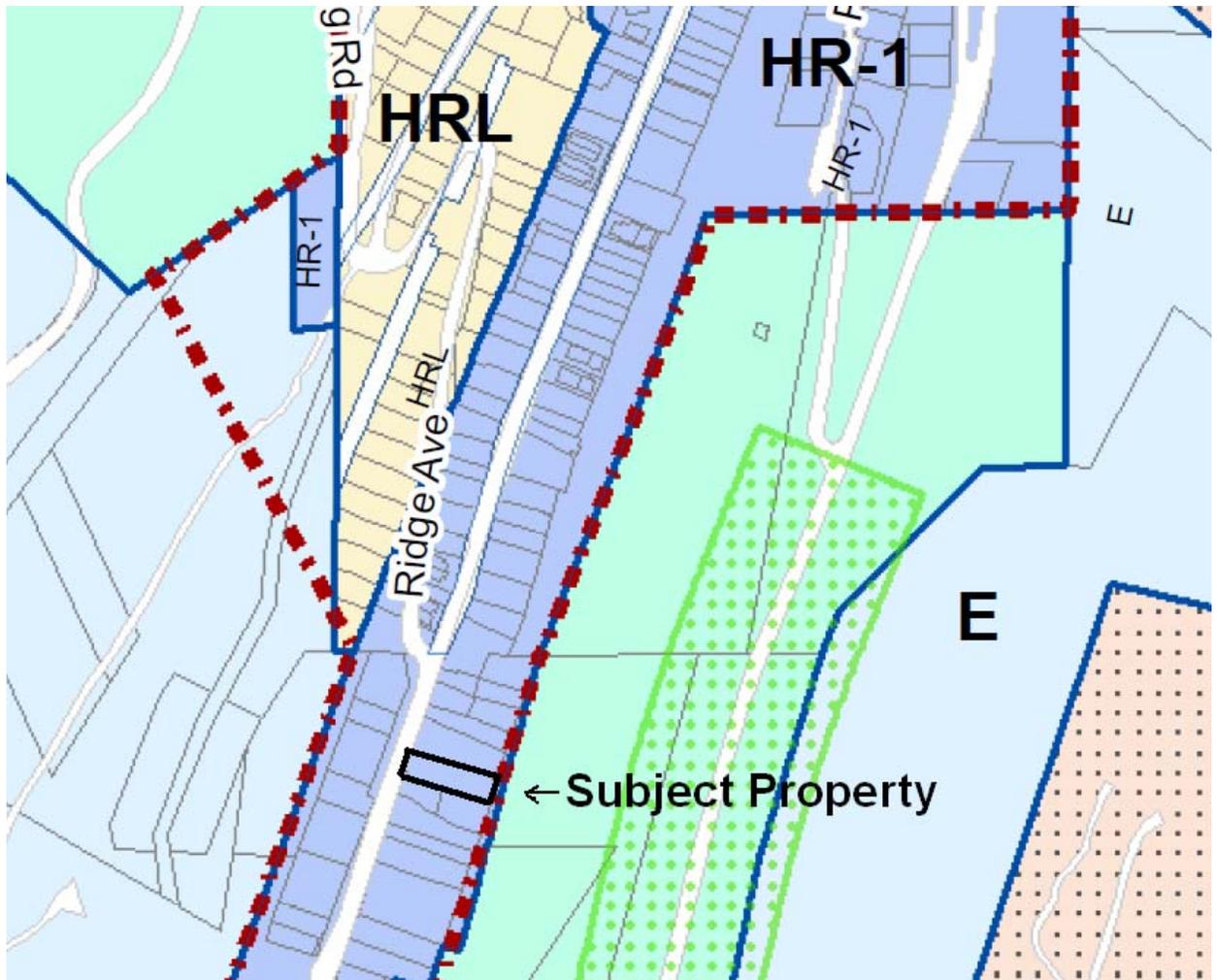
ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Exhibit B









## **WORK SESSION**





# Planning Commission Staff Report

PLANNING DEPARTMENT

**Subject:** QUINN'S JUNCTION PARTNERSHIP  
ANNEXATION AND ZONING

**Date:** April 11, 2012

**Project Number:** PL-12-01473

**Type of Item:** Annexation Including MPD and Amendment to Zoning  
Map

## Summary Recommendations

Staff requests the Planning Commission conduct a public hearing and continue the public hearing to April 25<sup>th</sup>. Staff also requests the Planning Commission discuss in work session the application and items enumerated by the Planning Staff and provide input to Staff.

## 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, offices/retail, hotel, and associated uses

## Proposal

The applicant is requesting annexation into Park City, with a Master Plan Development, of a 29.55 acre parcel of undeveloped land, for the purpose of constructing and operating 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. Proposed zoning is Community Transition- Regional Commercial Overlay (CT-RCO) for the entire parcel. The property is subject to a Settlement Agreement between Summit County and the applicant as well as an Annexation Agreement between Park City and the applicant. **(Please refer to previous staff reports for additional information regarding the proposal and associated agreements. All previous**

**staff reports, exhibits, and minutes are available on the City's web site [www.parkcity.org](http://www.parkcity.org) (Living Here/ Community Development/ Quinn's Junction Partnership Annexation web page) or from the Planning Department).**

### **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.

On January 26, 2012, the City Council approved the Annexation Agreement for the Quinn's Junction Partnership Annexation.

In reviewing the Agreement the Council based this decision on the following "*Advantages to the City of Annexation*" as stated in the January 26, 2012 staff report:

- Influence the design: Where the proposed project is quite large and located at one of the City's two entry points, it is in the City's interest to ensure the project is well designed and consistent with the Park City brand. The design guidelines found in the agreement (Exhibit A) will ensure that the look of the project will be similar to that of other large buildings in the area, such as the hospital and requires the design and construction to meet at minimum shadow LEED Silver standards.
- Better manage the impacts: Where this project is currently within Park City's Annexation Declaration Area and located at one of Park City's two egress points, the project will have a greater impact on Park City than on the County as a whole. Additionally, given this proximity, it is likely the City will have a greater concern about strict adherence to this agreement; and
- If the City will receive the impacts; the City should get the funds to mitigate those impacts: If the project is located within City limits, the City can use the tax revenue associated with the project to offset the impacts.
- A potential for a partnership with Sundance could result in a long term win-win for the state and local economies and cultural offerings of the City.

On January 26, 2012, the annexation petition was accepted by the City Council and was certified by the City Recorder on February 2, 2012.

On February 22, 2012, the Planning Commission met in work session to review the application, background information and provide discussion points regarding the annexation and elements of the MPD site plan.

On March 14<sup>th</sup> the applicant's directed a site visit and the Planning Commission conducted a public hearing and provided input regarding the general site layout, proposed uses, trails and connectivity, security fencing, and ways to mitigate impacts of the buildings along the SR 248 corridor, the mass grading, and the vast areas of surface parking (in terms of visual, run-off, and lighting impacts), (see March 28<sup>th</sup> report additional items).

On March 28<sup>th</sup>, the Planning Commission re-opened the public hearing and received input regarding impacts due to noise, traffic, studio and event activities, lighting, and the surface parking. The information and plans submitted to the Planning Commission at the meeting on March 28<sup>th</sup> are attached as Exhibit B. Revisions responding to comments made at the March 28<sup>th</sup> meeting are included in Exhibit A.

The Commission requested additional information regarding:

- A visual analysis from the South (PC Heights area) (will present at meeting).
- A mock-up of the sound stage building utilizing materials and colors from the design concepts and precedent images (will present at meeting). Provide specific sample materials, colors, and architectural details.
- A visual showing comparison in scale of other buildings in the area, i.e. footprint of the medical center, USSA, Summit Medical showing building and parking to compare with proposed layout. (will present at meeting).
- Add details regarding specific heights of some of the lower building elements (Exhibit A).
- A reference to the 3 D massing drawings from the site plan to provide better direction regarding building articulation and mitigation of massing (presented at the meeting).
- Details regarding the proposed atrium areas (clarified in Exhibit A with details to be provided at the meeting).
- Additional information regarding the movie studio portion, in terms of what occurs, when it occurs, and how the site will be used. (will present at the meeting).
- Details regarding total perimeter fencing proposed.

The Planning Commission requested that the Park City Heights property owners be notified of the current proposal. Planning Staff contacted the PC Heights owners/developers and provided them with the timetable of public hearings and links to the Quinn's Junction Property Annexation web page.

The City's Transportation Staff updated the Commission on the history, stipulations, funding, and parameters for use of the City's Park and Ride on Richardson's Flat and indicated that it was not inappropriate for the property owners to enter into an agreement with the City to be able to utilize the Park and Ride to mitigate parking and transportation issues.

### **Items for Discussion**

Based on input received at the public hearings on March 14<sup>th</sup> and March 28<sup>th</sup>, and to address recurring concerns, Staff has drafted a list of items that require further discussion by the Planning Commission. These items include: 1) General Plan, 2) Master Plan Matrix (Exhibit D), 3) Architectural Design (Exhibit E), 4)

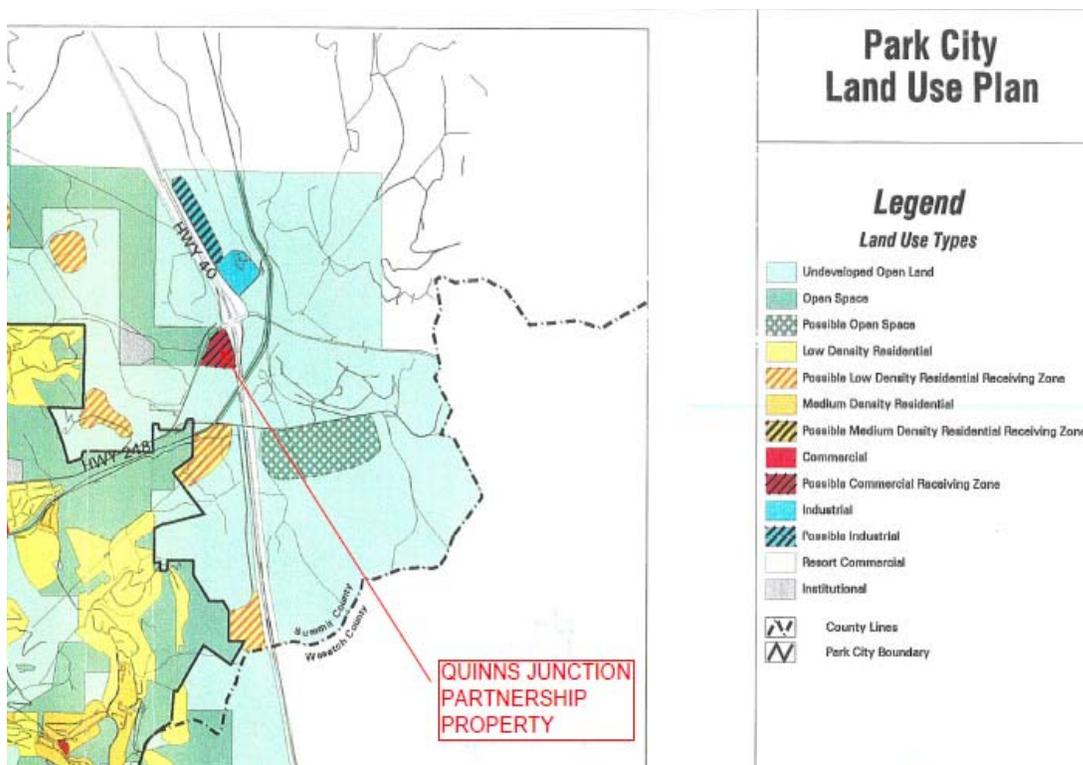
Transportation and Traffic, 5) Parking, 6) Site Design.

In discussing these items, the Planning Commission should take into consideration the Annexation Agreement that the City Council entered into with the Applicant on January 17, 2012 (Exhibit C). This Agreement includes language that forms the basis of the final MPD (Section 2.5) as well as Architectural Design Guidelines (Attachment B of Exhibit C) and a table of typical Film Studio and Campus uses and square footages (Attachment C of Exhibit C).

### 1. General Plan

In consideration of General Plan compliance, Staff requests the Commission consider the Analysis presented in the February 22<sup>nd</sup> Staff Report and reiterated here:

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 be warranted 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 planning and sustainability principles.

Objectives and Goals of the Highway 40/248 Southwest planning area of the Park City General Plan (p.43-45) 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. ***Proposed uses include some resort commercial support uses- hotel, conference facilities, and tourist retail; however the primary use is a movie studio complex with offices.***
- This area should not be developed with commercial uses that substantially increase traffic on Highway 248. ***Proposed use will increase the traffic on Highway 248, however the traffic studies indicate because traffic is already significant the use may not substantially increase traffic and the area of bottleneck is beyond this property. Lane widening to allow bus rapid transit (BRT) lanes could reduce traffic on 248 to where the anticipated traffic from this development becomes substantial, unless employees, conference attendees, and special event participants are required to utilize alternative modes of travel.) An updated traffic study is anticipated to be provided before the April 25<sup>th</sup> meeting. The Planning Commission should consider requiring the Applicant to use the City’s off-site parking facility for, at a minimum, event parking. Also talk about overall parking reduction***

**to keep cars outside the City.**

- Establish guidelines for mixed-use, clustered, commercial development on the southwest corner parcel. **Applicants have specific guidelines for development that the CUP shall comply with.**
- 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. **While the proposed mass and scale exceeds that allowed by the LMC (or anticipated by the GP) the ability to enforce the design guidelines can make this a better project. This would not occur if processed through the County. The CUP will be required to comply with and be consistent with the Proposed Final MPD Conceptual Plan package that provides design standards, building massing and articulation, site plan requirements, landscaping and buffering, materials, and other specific items that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor.**
- 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). **The Proposed Final MPD Conceptual Plan package site plan generally provides for parking behind buildings to avoid a foreground of asphalt when viewed from SR 248. There is significant parking that can be viewed from Route 40. This should be mitigated.**
- Landscaping will be critical along the entry corridor to soften the view toward the commercial structures. **The Proposed Final MPD Conceptual Plan package includes perimeter landscaping, berming, and undulation along the 248 frontage to soften the view of the commercial structures. Final landscape plan, including irrigation details, is required at the time of the Conditional Use Permit.**
- Landscape material native to the region should be used as the dominant material. **The Proposed Final MPD Conceptual Plan package includes landscaping materials that are native to the region and indicates that these will be the dominant plant materials. Again, the final landscape plan, including proposed plant materials and sizes, is required at the time of the CUP with all final site and architectural drawings.**
- Focus on gateway aspects of site design. **The Proposed Final MPD Conceptual Plan package focuses design elements on the gateway aspects of the property. The plan shows buildings moved toward the inner portion of the site in an attempt to mitigate the size/scale as proposed the additional square footage proposed makes it very difficult to fully screen the buildings from the rights-of-way. If a CUP is submitted to Staff for review the design guidelines established**

***with the Annexation Agreement and Final MPD Concept Plan will be adhered to in detail. Design of buildings, as well as landscape design, will be essential to mitigate the scale of this project.***

- 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). ***Except where exempted by the Annexation Agreement, the Proposed Final MPD Conceptual Plan addresses these items. The proposal does not meet the ECOZ setbacks; however a height setback from the centerline of SR 248 was included in the Agreement. The Parking standards that were incorporated into the CT zone are not met by the proposal. Design Criteria, lighting, and landscaping requirements can be included in the Final MPD Concept Plan.***
- Enhance the visual experience for visitors and residents using this entrance to the City. The ***Proposed Final MPD Conceptual Plan addresses the visual experience along this corridor by focusing berming, landscaping, building articulation, showing cross sections, providing sloping green roofs, placing parking behind the buildings, stipulating fencing materials and emphasizing quality exterior building materials.***
- Improve vehicular access to this Planning Area (i.e. with signalized intersections, grade separated trail crossing, etc.). ***This goal was addressed during the intersection and highway improvement made for the IHC and Quinn's Recreation Complex developments.***
- Limit driveways and intersections on Highway 248. ***This goal was addressed by the adoption of a Highway Corridor Preservation Agreements specific to SR 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.

- Encourage a diversity of housing opportunities.
- Involve the community in decision making.
- Develop an integrated transportation system to meet the needs of our visitors and residents.
- Plan for realistic population growth consistent with the City's vision

***Some of these key goals are general enough that an excellently designed and executed, high quality project at this property could meet them but a poorly executed project focused only on the bottom-line would fall short. The Proposed Final MPD Conceptual Plan package provides a well-thought out design, which could possibly, along with other restrictions and conditions, come close to meeting these key goals, depending on execution and follow-through.***

***The aforementioned goals of General Plan, the overarching goals of the entire document (pp. 5 – 10 of the GP), include language ranging from the preservation of the mountain resort and historic character of Park City to managing the amount, rate, form and location of growth to working effectively with other governmental agencies to achieve the goals of the General Plan. When assessing how the proposed project meets these goals, the ultimate analysis will indicate goals which are met and goals that remain unmitigated.***

***There are other goals within the General Plan where this project falls short and where the portfolio approach of the recent visioning exercise (see Visioning Filter below) may be a better way to measure the pros and cons of this project. Given that annexation is a legislative act and that, qualified by the express conditions of the Settlement Agreement and Annexation Agreement, it is a unique tool for the City to utilize to protect its entry corridor and fundamental general plan and sustainability principles.***

***This project is a unique situation. Both Staff and the Commissioners have always said the remaining development opportunities in Park City will be the most challenging; this project is an example of that. Given the Settlement Agreement that has placed this annexation before the Planning Commission, Staff recommends that the Planning Commission consider an analysis of the pros and cons of annexing this project. This analysis is not intended to replace the assessment of the General Plan, but rather serve as an additive analysis given the unique characteristics and existing agreements made regarding this annexation.***

***This project is likely to be built on this site, regardless of whether it is in the County or annexed into the Park City city limits. The Annexation Agreement contains a set of Design Guidelines that will allow City Staff to***

***address site design, building design, landscaping, parking, lighting, and a number of other concerns. City Staff does not believe that the County Staff will address these issues to the same degree as the City, primarily because this project is at one of the City's main entry ways. The structures will likely be built in this location and the City/County boundary line will be lost on the average passersby – what you see is what you get as you come upon the City's second entry corridor.***

***City Staff believe that the opportunity to effectuate good design and planning outweigh the strict interpretation of the General Plan and should not be missed; there is a real community benefit to annexing this property and incorporating our Design Guidelines, etc. to realize a site that comes as close as possible to meeting the Park City "brand."***

***The opportunity to work with the developer utilizing OUR tools to control land use, create a well-designed product, realize possible economic development opportunities, implement protections for Sundance and the film festival, et al. is significantly better than having no control over development in our entry corridor. If we are not part of the solution, we are part of the problem.***

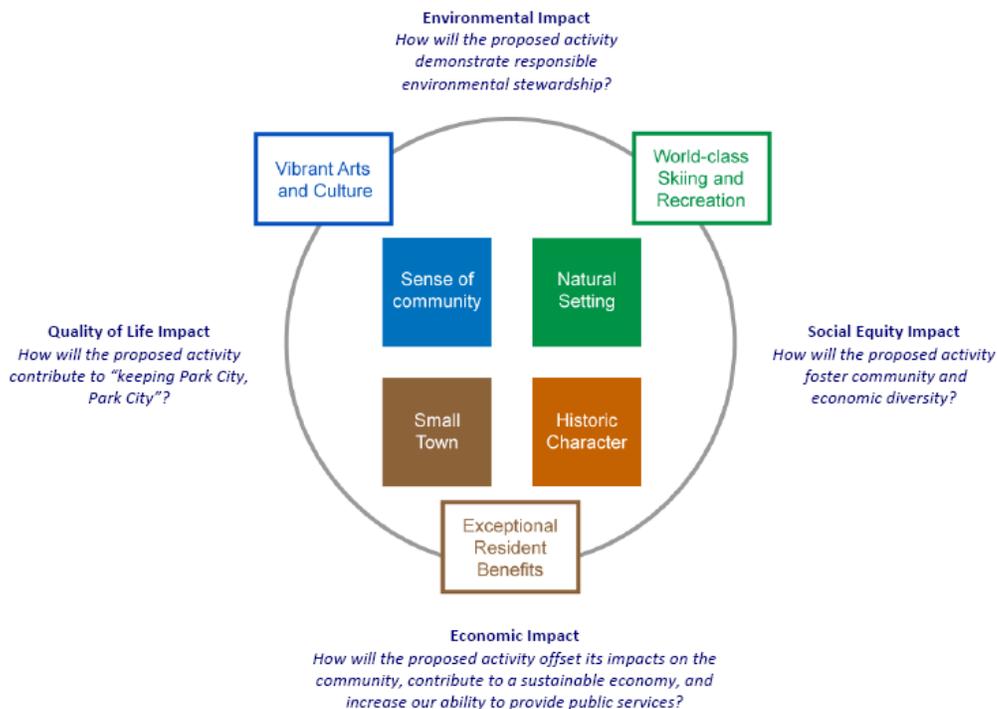
***Staff recommends that the Planning Commission consider the annexation in light of the fact that the proposed project will likely be built regardless of annexation. This is not the first time that Park City has had to address a difficult annexation proposal; the Deercrest Settlement Agreement and subsequent annexation was a similar situation that resulted in a better product for Park City.***

***Again, this project may not meet all of the goals of the General Plan; however with the right controls and design requirements, we get a whole lot closer to meeting those goals than if we do nothing. This is especially true given the unique characteristics and existing agreements made regarding this annexation.***

**VISIONING FILTER**  
(Revised January 2010 at Council Visioning)

The center of the graphic identifies those Park City qualities identified through the visioning process reflecting the core, or heart, of Park City: small town, sense of community, natural environment and historic character. These core qualities are enduring and if significantly altered would affect the essence of Park City. Initially historic character had been described as "historic small town". This was modified following discussion with the Planning Commission who felt strongly that our historic character should be represented individually.

The middle ring identifies the attributes and qualities that make Park City unique and sets us apart from other communities that may also have similar core qualities: world class skiing and recreation, vibrant arts and culture and exceptional resident benefits and amenities. These attributes are part of who Park City is today. Unlike our core qualities, these attributes may evolve and change over time.



## 2. Master Plan Matrix

- A matrix of the MPD requirements and Annexation Agreement items was presented previously and is included as Exhibit D.
- Require Final MPD Conceptual Plan package to comply with all MPD requirements that the Annexation Agreement does not restrict.

## 3. Architectural Design

- Require CUP to comply with the Final MPD Conceptual Plan package (Exhibit B)- (this Exhibit still being refined, but when it is finalized for April 25, that will be the document by which the CUP application is measured) and the Annexation Agreement, that includes shadow LEED silver standards.
- Security fencing on the property perimeter shall not exceed 7' in height and shall not include razor wire or other details that read as "high security" fencing. Use of electronic monitoring is allowed. Fencing details shall be provided with the CUP application and shall be consistent with the Final

MPD Concept Plan Package in terms of design, materials, colors, and extent. Fence on upper left, page 29 of Exhibit B is acceptable.

- Noise and other disturbances to the surrounding properties from studio activities and concerts shall not exceed the City's Noise ordinance unless special event permits are reviewed and permitted by the City according to City policies.
- Require all mechanical equipment, including roof top mechanical equipment to be painted, screened and otherwise mitigated from public view.
- Requested applicants explore ways to further mitigate the mass and height of buildings using the topography, stepping, articulation, roof forms, green roofs, etc. Use of berming up to buildings, locating smaller buildings in front of larger ones, etc. Would like to see proposal/samples for colors and materials that also can mitigate massing.
- Only one atrium feature, which does not count towards the total floor area, is allowed per the Annexation agreement. Additional atriums maybe incorporated into the design, if impacts can be mitigated and area enclosed is counted toward the total floor area. This is essentially enclosed, non-habitable, space.
- Take into consideration how certain materials weather, rust, fade, etc. to arrive at materials that provide authenticity of design, form and function. Example on page 38 of Exhibit B, number 3, is great. Also consider disparate elements using disparate materials.

#### 4. Transportation and Traffic impacts

- Require all vehicular access points from project to SR-248 to be in compliance with any and all existing Corridor Preservation Agreements and further must be approved by the Utah Department of Transportation working cooperatively with Park City Municipal Corporation. Applicant will be responsible for filing application for required access approvals with the Utah Department of Transportation.
- Require Traffic Management Plans to be approved by the City's Special Events staff as well as by the City's Police Departments of Transportation and Public Safety.
- Require applicant to coordinate with UDOT and adjacent property owners to pursue alternative access to the Park and Ride facility from SR 248 east of US 40. This access would provide a true benefit.

#### 5. Parking Issues

- Staff calculated a parking requirement of 957 spaces based on the LMC Parking requirements, which the Planning Commission can increase or decrease based on the MPD.
- Reduce LMC required parking spaces (100 space reduction) by 50% for conference and assembly/theater uses (to account for shared uses, shuttle service, satellite parking, transit service, valet service, and trail connections).

- Reduce LMC required parking spaces for all other uses by 25% to account for shared parking, etc. (189 space reduction).
- Staff recommends 668 parking spaces with 150 underground and 518 surface spaces.
- Require a parking lot construction phasing plan to be submitted with the CUP that outlines how the parking will be phased and that explores ways to reduce the total amount of surface parking at final build out. Explore ways of reaching a goal of providing 60% of the total parking within a structure or as underground/tiered parking consistent with the CT zone.
- Require best management practices for storm water run-off and require a storm water plan prepared by a licensed engineer to be submitted with the CUP application.
- Require parking lot lighting (and all exterior lighting) to meet current best lighting practices, including LEED standards for exterior lighting.
- Require a lighting plan at time of CUP that is designed and submitted by a professional lighting engineer/professional. Plan needs to identify pole heights, fixture types and photometric data, light sources, average horizontal luminance levels, uniform lighting ratio over the site, reflectors and shield mechanisms, electrical details, and automatic control information. Zone lighting should be part of the plan.
- Require the lighting plan to address lighting from all parking lots buildings, walkways, and outdoor filming and concert activities and shall consider impacts on neighboring properties, the night sky, and turtle migration along the wetland areas.
- Require physical features within the parking lots and along the perimeter, such as trellises, to provide significant mitigation of the view of parking areas.
- Require a landscape plan that provides significant screening and mitigation of parking areas, such as landscaped islands, shade trees, perimeter plantings, etc.
- Require native plant materials, tall grasses, shrubs, and other elements native to this area.
- Install conduit for power for trailer in areas where contemplated to mitigate noise and environmental concerns.

## 6. Site Design

- Require CUP to comply with and be consistent with the Final MPD Conceptual Plan package (Exhibit B) - (this Exhibit still being refined, but when it is finalized for April 25, that will be the document by which the CUP application is measured) and the Annexation Agreement.
- Focus on mitigation of impacts along SR 248 frontage
  - setbacks, landscaping, berming, cross-sections showing building stepping, sloping green roofs, fencing, and quality exterior building materials, low lighting, quality entry features and signs in compliance with the Park City Sign Code.
- The landscaped/building edge is critical- the rest of the design shall follow

- the character established at the main edge.
- Require construction of both connector trails from the Rail Trail to the interior trails on the property and along the 248 Frontage prior to issuance of a certificate of occupancy for either the Hotel or the first movie studio building.
  - Require use of sloping green roofs for the smaller buildings along 248 to compliment the character of this edge and to reduce impacts of larger building masses in the center.
  - Provide safe pedestrian connections through the site, separated from vehicles to the greatest extent possible.
  - Require a grading plan be submitted with the CUP application. Encourage use of all soil on the site, to reduce trucking it off and impacting surrounding roads and properties. Consider ways the grading of the site can further mitigate the building mass and parking lots
  - Require a table be submitted with the CUP that identifies all of the square footages that add up to the 374,000 square feet and provide information regarding what the exemptions add up to and where they are located within the buildings. The floor area calculations shall comply with the Annexation Agreement requirements. .
  - Define and show the atrium area or any other proposed structures or development activity as part of the CUP application consistent with the Final MPD Conceptual Plan package and as required by MPD submittal requirements.

### **Annexation Review**

Please refer to Staff Report for February 22<sup>nd</sup>, for additional information regarding staff's review of the Annexation requirements of the LMC and State Code.

**(Previous reports and Exhibits, as well as the full binder of submittal information pertinent to the annexation petition, are available at the City's website.)**

### **Discussion Items**

The applicants are continuing to work on an architectural mock up for the sound stage, additional visuals from the south (US 40), an updated traffic analysis and report, and a graphic showing comparison to other buildings and parking lots in the area (at same scale). These will be provided to the Planning Commission as separate attachments as soon as they are available, with additional drawings provided at the meeting.

1. **Site Design**- revisions to the Site Plan (Exhibit A) and additional revisions to the MPD Conceptual Plan package (Exhibit B) that are presented at the meeting- additional views, sound studio mock up, etc.
2. **General Plan compliance** as outlined in this staff report.
3. **MPD and Design Matrices** (Exhibits D and E)
4. **Transportation** Issues
5. **Parking Lot** Issues

### **Department Review**

This item has been reviewed by the Development Review Committee and issues raised by the Committee and by the Planning Staff have been provided to the applicant and incorporated into the plans.

### **Notice and Public Input**

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**

**The applicants have agreed to a 30 day extension of the deadline to May 25<sup>th</sup> (Day 120) from January 26<sup>th</sup> (Day 1). Staff outlines the possible timeline as follows:**

- On April 11<sup>th</sup> the Planning Commission will be asked to provide additional feedback on the site plan, specific design details (concept elevations, materials, specific landscaping, entry feature, security fencing, and other items that are provided at the March 28<sup>th</sup> meeting. Discussion will continue to April 25<sup>th</sup> **(Day 90)**.
- Final public hearing and discussion with Planning Commission on April 25<sup>th</sup> **(Day 90)**. Staff will provide a draft ordinance for Planning Commission review for recommendation to City Council.
- Staff will communicate an update on the Annexation and MPD at the Council meeting on April 19<sup>th</sup>.
- The City Council is the final decision maker regarding annexation of land into Park City. An introduction and work session with Council will be scheduled for May 3<sup>rd</sup>. Staff will notice public hearings for May 17<sup>th</sup> and 24<sup>th</sup> **(Day 112 and 119)**.
- Final action by the City Council on the Annexation, including the zoning and MPD review is anticipated on May 24<sup>th</sup> **(Day 119)**.
- Other items required prior to issuing a building permit, include a final subdivision plat, an administrative conditional use permit with CUP criteria and architectural design review, utility plans and site work approval, and building permit review by Planning, Building, Engineering, etc.

### **Recommendation**

Staff requests the Planning Commission conduct a public hearing and continue the public hearing to April 25<sup>th</sup>. Staff also requests the Planning Commission discuss in work session the application and items enumerated by the Planning Staff and provide input to Staff.

**Exhibits**

Exhibit A- Revisions to the March 28<sup>th</sup> site plan

Exhibit B- MPD Plans that were handed out at the March 28<sup>th</sup>

Exhibit C- Annexation Agreement and Attachments

Exhibit D- MPD Matrix

Exhibit E- Design Matrix

Building Legend

- 1A Hotel Lodging
- 1B Recording Studio
- 1C Stage Venue
- 1D Residence - omitted
- 1E Grand Ball Room
- 1F Atrium
- 2 Screening Rooms/Theater
- 3 Entertainment Venue
- 4 Mixed Use
- 5 Mixed Use
- 6 Sound Effects Stage
- 6A Office, Effects Stage
- 7 Sound Stages
- 7A Workshop
- 7B Production Support/Offices
- 8 Workshop Office



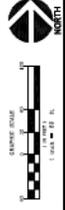
Raleigh Studios  
Park City, Utah

MASTER PLAN CONCEPT  
April 2012

IBB GROUP  
 PARK CITY  
 100 West 20th St  
 Park City, UT 84002  
 www.ibbgroup.com  
 435.638.8100  
 435.638.8101



- BUILDING LEGEND**
- 10 BUILDING
  - 11 HOTEL/LODGING
  - 12 RECORDING STUDIO
  - 13 STAGE VENUE
  - 14 RESIDENCE - DETACHED
  - 15 GRAND BALLROOM
  - 16 ATHLUM
  - 17 SCREENING ROOM/THEATER
  - 18 ENTERTAINMENT VENUE
  - 19 MIXED USE
  - 20 SOUND EFFECTS STAGE
  - 21 OFFICE EFFECTS STAGES
  - 22 SOUND STAGES
  - 23 WORKSHOP
  - 24 PRODUCTION SUPPORT OFFICES
  - 25 WORKSHOP OFFICE



**Raleigh Studios**  
 Park City, Utah  
 04/08/12

Plan C-1  
 Park City, Utah  
 Park City, UT 84302  
 www.ibigroup.com  
 Tel: 435-613-8387  
 Fax: 435-613-8387

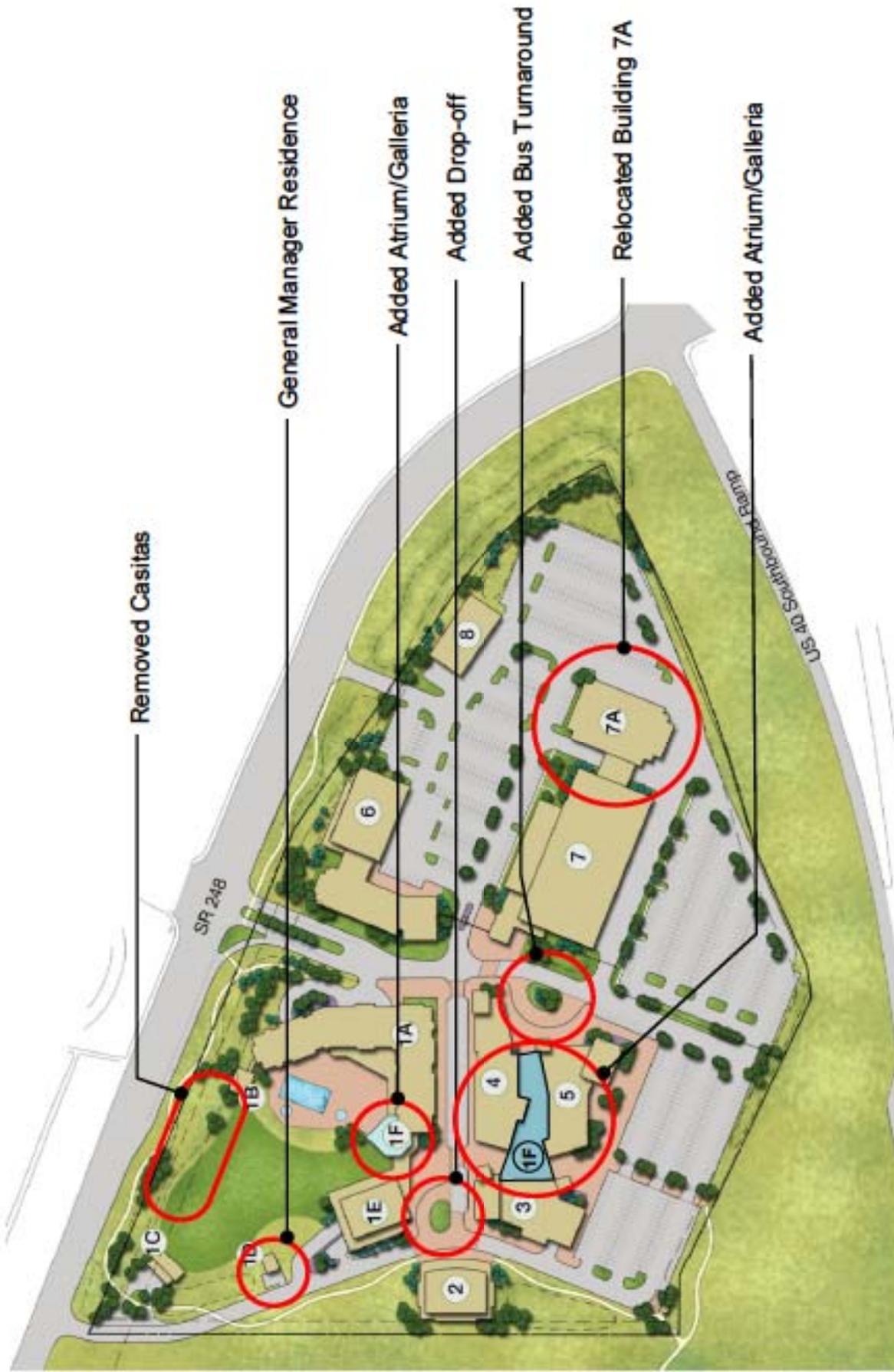


- 1 Project Modifications/Revisions
- 2 Buildings – Heights and Sizes
- 3 Visual Impact – Modeling/Visual Analysis
- 4 Site Plan Exhibits – Open Space/Utilities/Drainage/Parking/Fire Access/Setbacks
- 5 Conceptual Grading – Berm Grading/Sections
- 6 Fencing – Fencing Plan/Precedent Images
- 7 Landscape – Landscape Plan/Precedent Images
- 8 Architecture – Architectural Zones/P precedent Images



Conceptual Site Plan  
03/14/2012 Planning Commission





## Building Legend

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



# Raleigh Studios – Building Heights/Sizes

- 1A) Hotel – 110,250 sf, 40' height
- 1B) Recording Studio – 2,500 sf, 16' height
- 1C) Stage Venue – 700 sf, 16' height
- 1D) General Manager Residence – 750 sf, 16' height
- 1E) Meeting Rooms – 16,000 sf, 28' height
- 1F) Atrium Galleria – 0 sf, 28' height
- 2) Screen Room/Theater – 15,000 sf, 40' height
- 3) Entertainment Venue – 33,350 sf, 28' height
- 4) Mixed-Use – 14,500 sf, 40' height
- 5) Studio Store/Office/Tour – 25,675 sf, 28' height
- 6) Effects/Sound Stages – 15,900 sf, 40' height
- 6A) Office – 38,000 sf, 30' height
- 7) Sound Stages – 71,375 sf, 60' height
- 7A) Lighting/Grip/Workshop – 20,000 sf, 28' height
- 7B) Stage Offices – 21,000 sf, 28' height
- 8) Lighting/Grip/Workshop/Offices – 10,000 sf, 28' height



Building heights and percentages comply with requirements of the Annexation Agreement



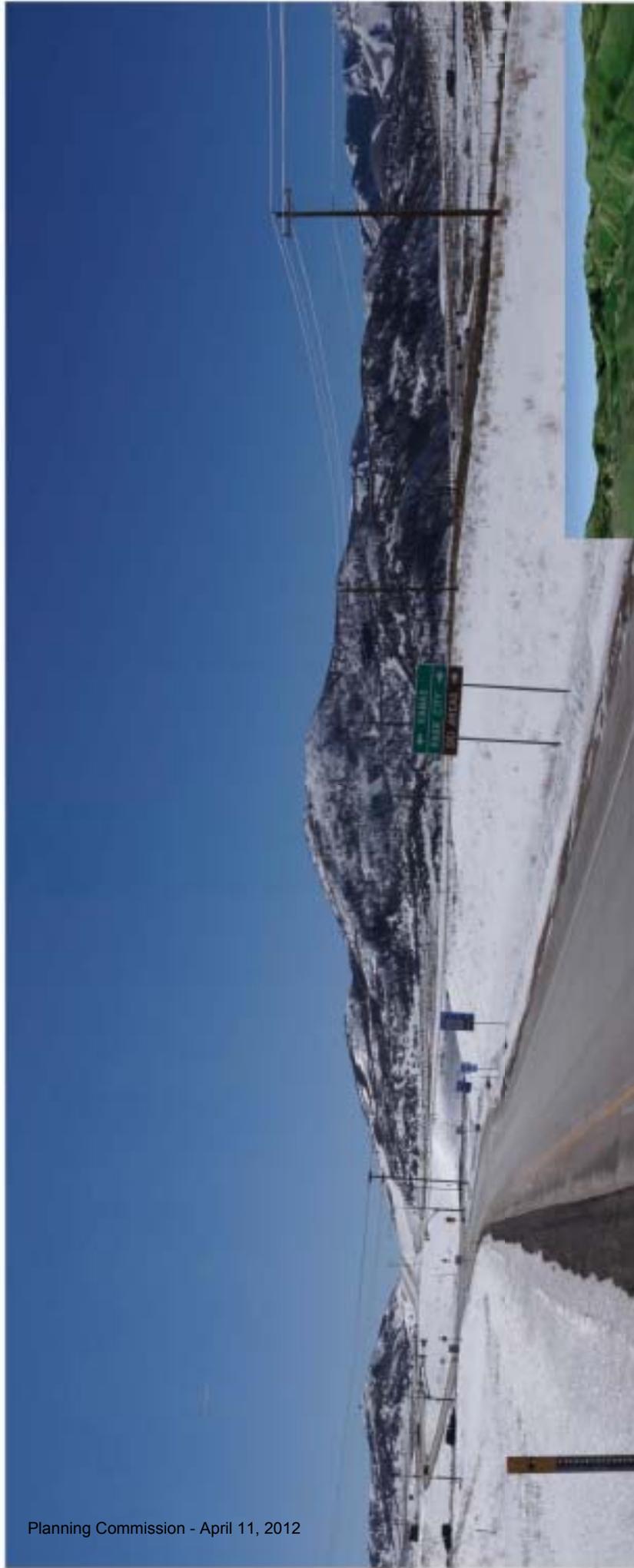
Massing Study Looking South



Massing Study Looking SE

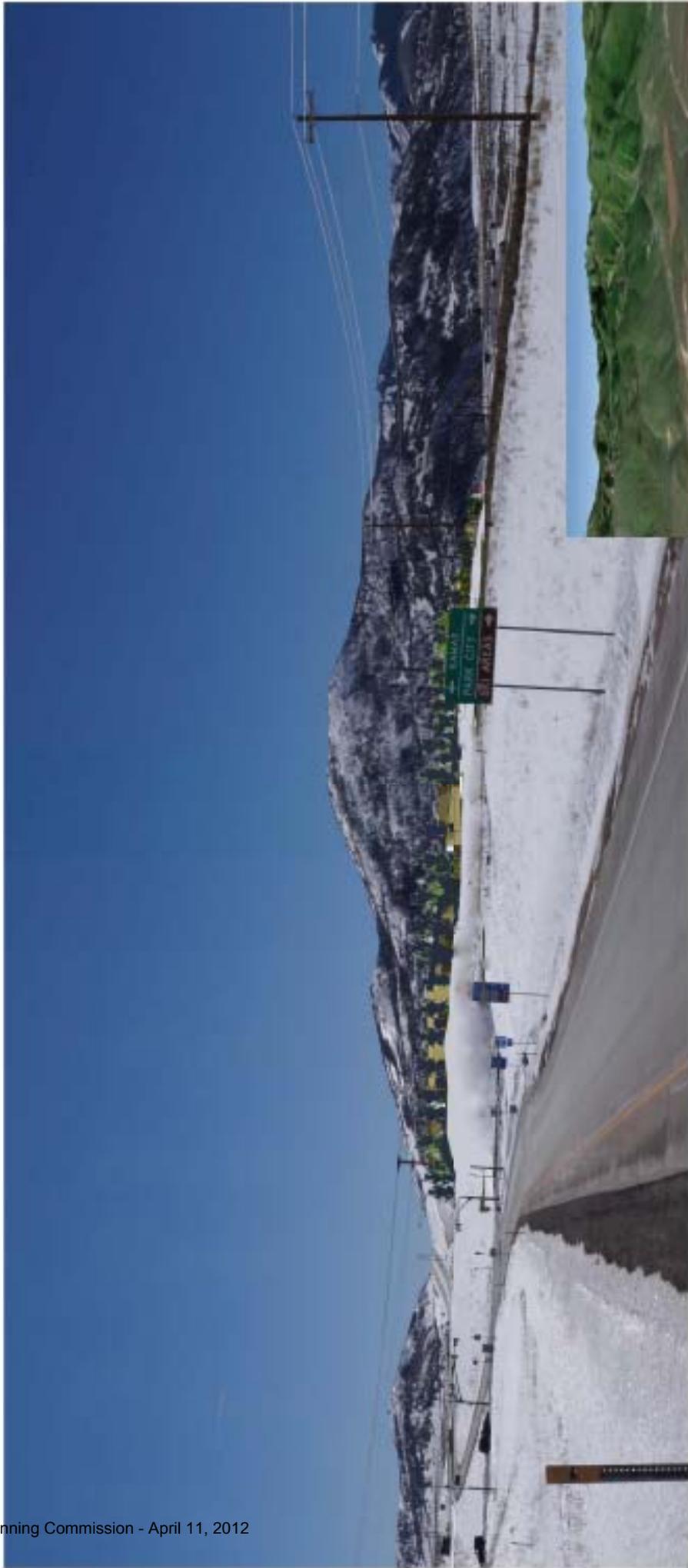


Massing Study Looking NE



EXISTING CONDITION

VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



PROPOSED PROJECT WITH BERM

VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



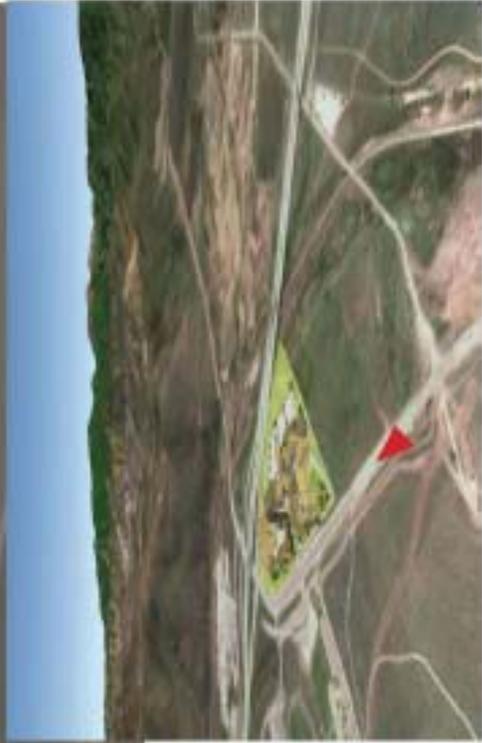
EXISTING CONDITION  
VIEW LOOKING SOUTHWEST AT INTERSECTION  
OF SR 248 & Hwy 40



PROPOSED PROJECT WITH BERM  
VIEW LOOKING SOUTHWEST AT INTERSECTION  
OF SR 248 & Hwy 40



© 2009 Google



EXISTING CONDITION  
VIEW LOOKING NORTH ON SR 248



PROPOSED PROJECT

VIEW LOOKING NORTH ON SR 248



PROPOSED PROJECT

VIEW LOOKING NORTH ON SR 248



EXISTING CONDITIONS  
VIEW LOOKING WEST ON SR 248 FROM  
RICHARDSON FLATS



PROPOSED PROJECT  
VIEW LOOKING WEST ON SR 248 FROM  
RICHARDSON FLATS



Planning Commission - April 11, 2012

View Looking SW on SR 248

Page 111



Raleigh Studios  
Park City, UT

Conceptual Site Plan  
March 28, 2012

### Proposed Open Space

- 495,713 sf = 11.38 acres = 38.5% (On-Site)
- 713,077 sf = 16.37 acres = 55.4% (Top of Cut Slope)
- 841,579 sf = 19.32 acres = 65.9% (Edge of Pavement)



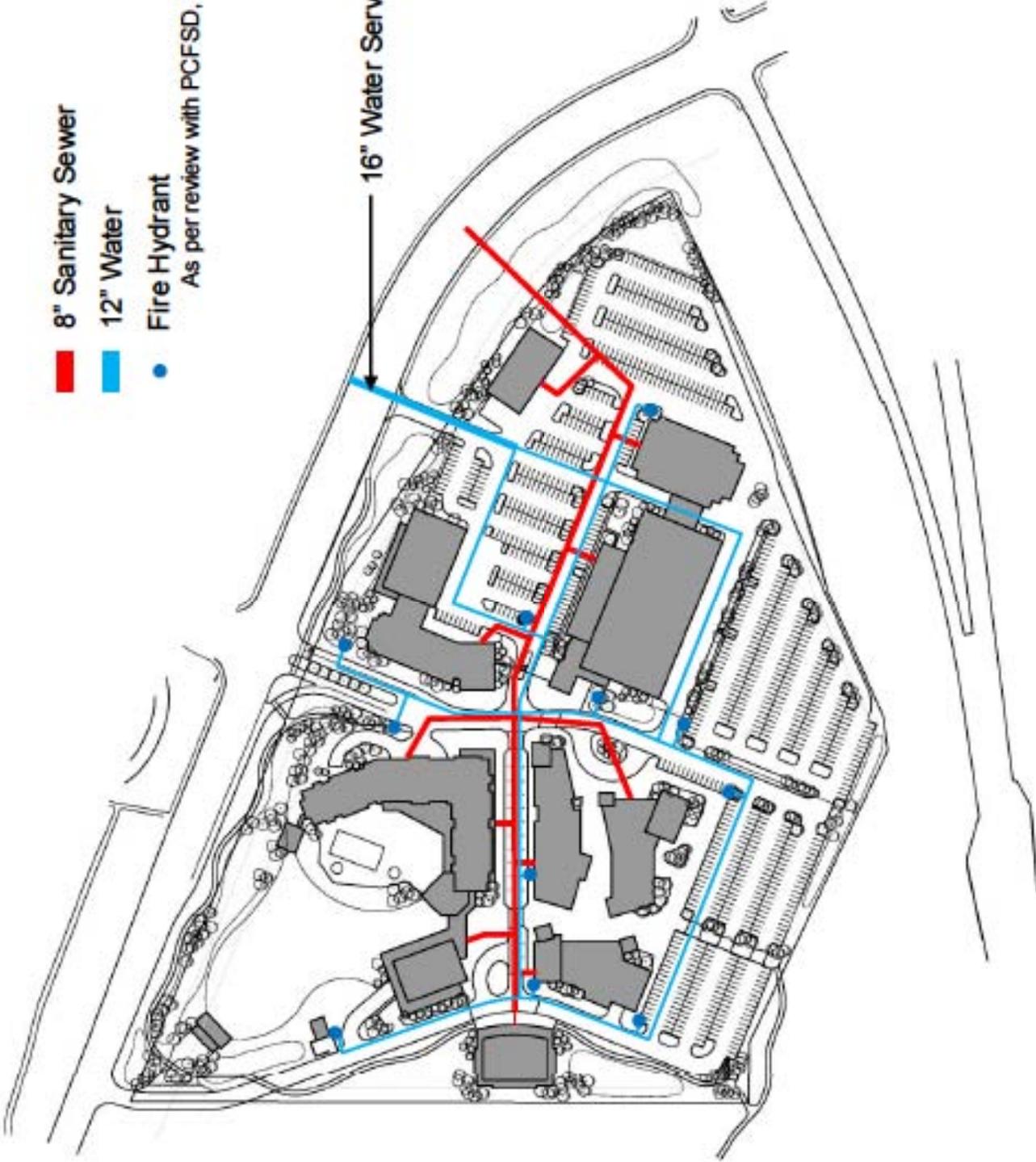
8" Sanitary Sewer

12" Water

• Fire Hydrant

As per review with PCFSD, Scott Adams

16" Water Service



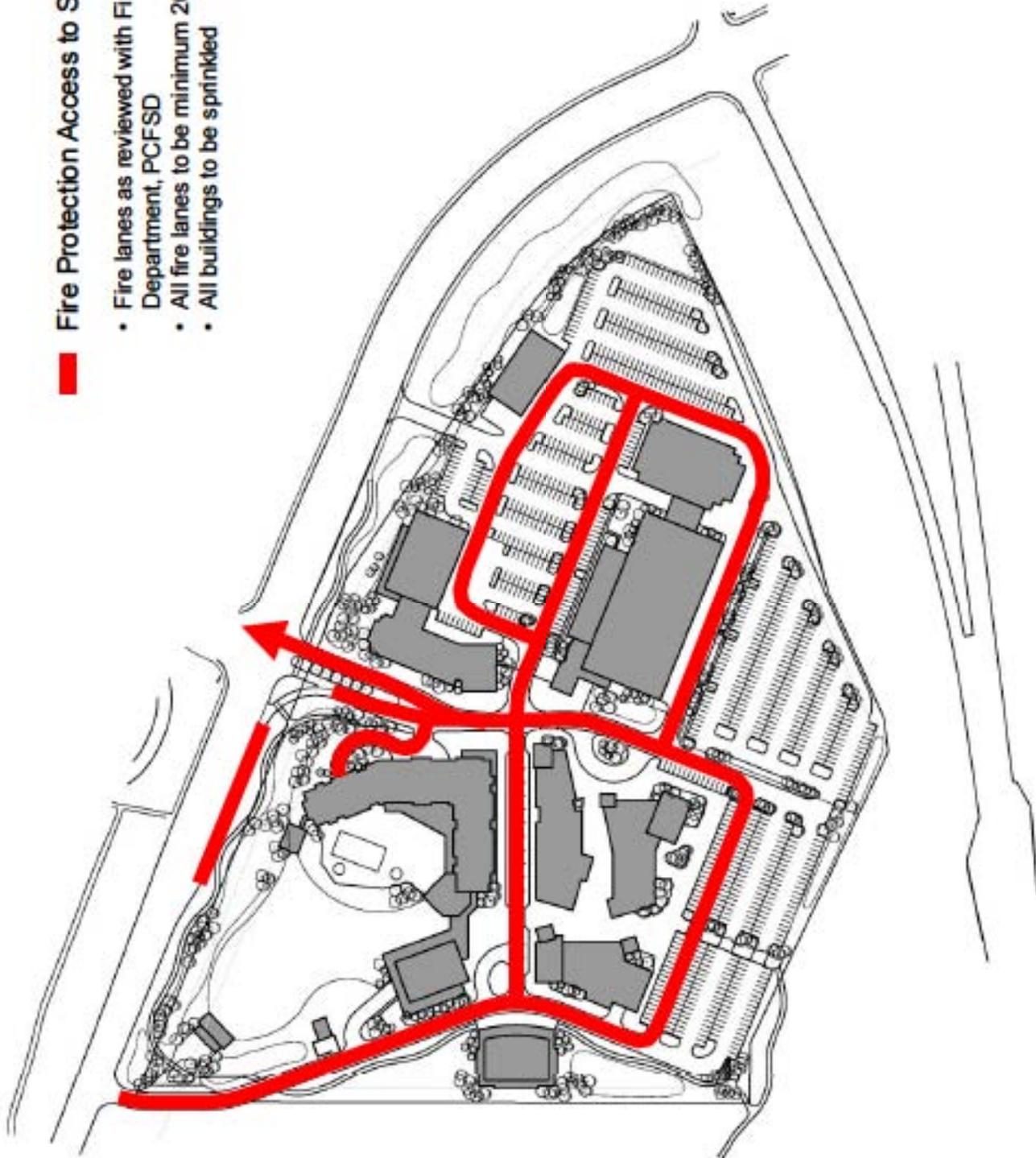


-  Hotel Parking – 150 stalls  
(underground)
-  Public Parking – 287 stalls  
(Includes on-street parking)
-  Secured Parking – 606 stalls  
1043 total stalls

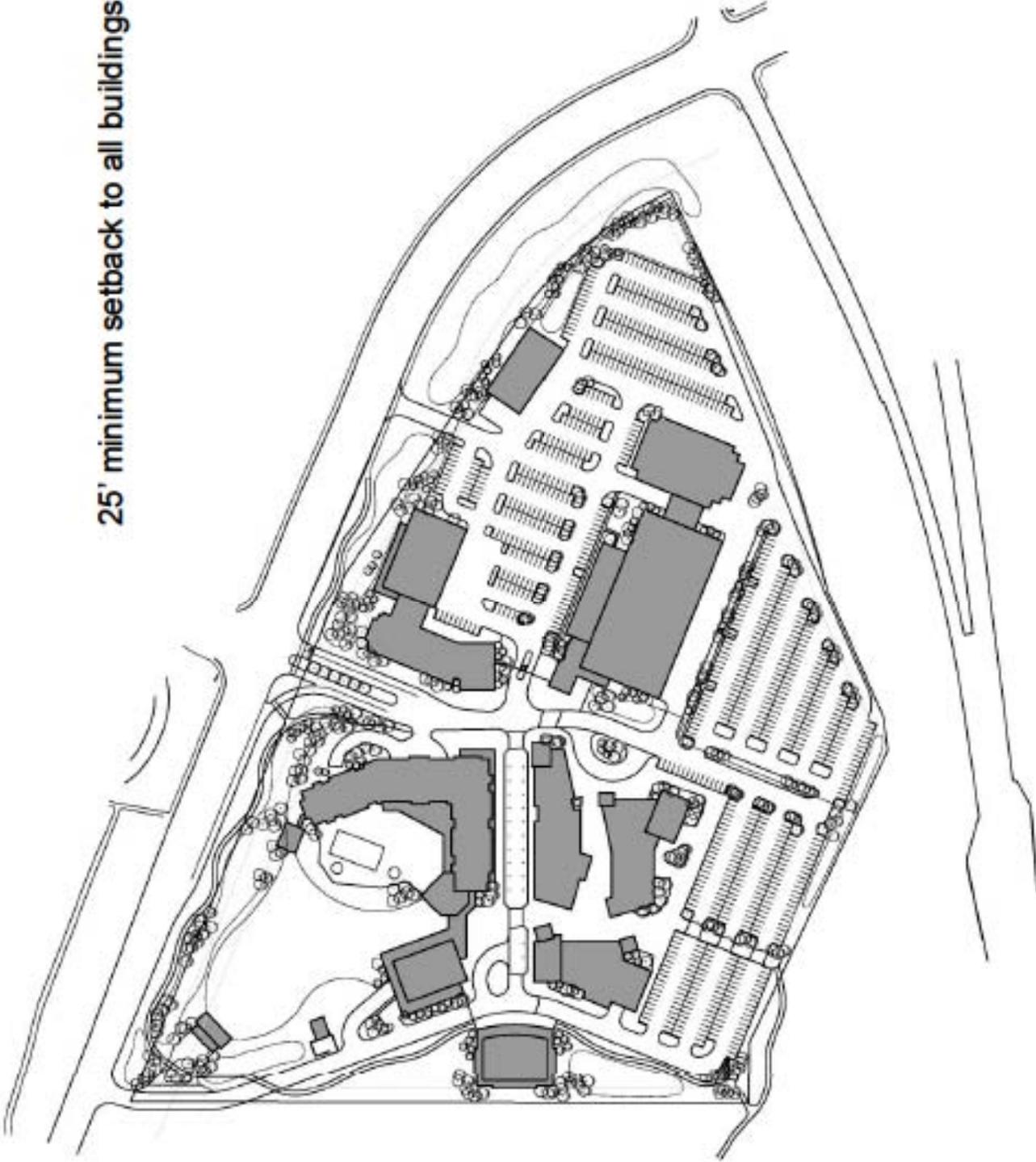


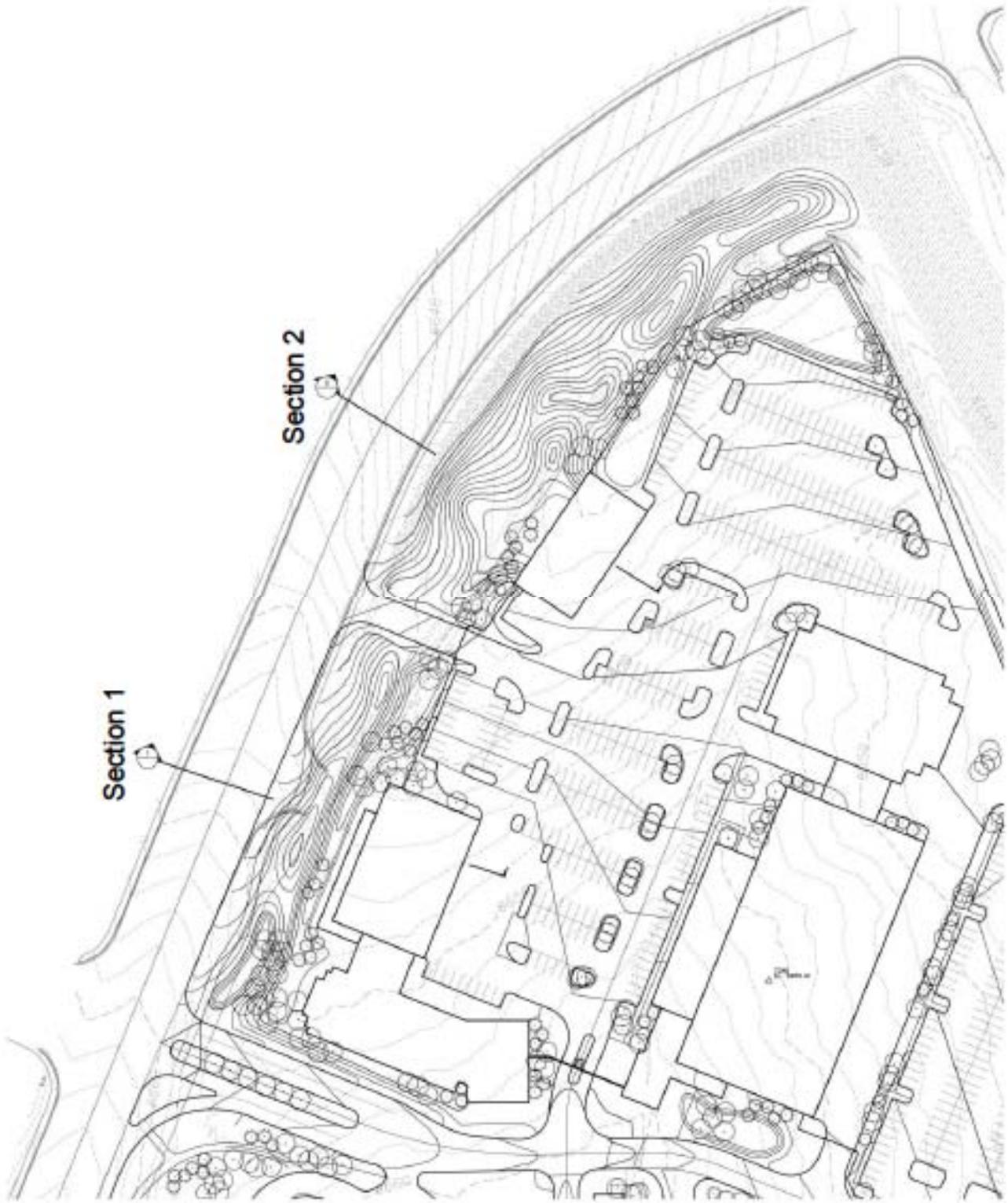
■ Fire Protection Access to Structures

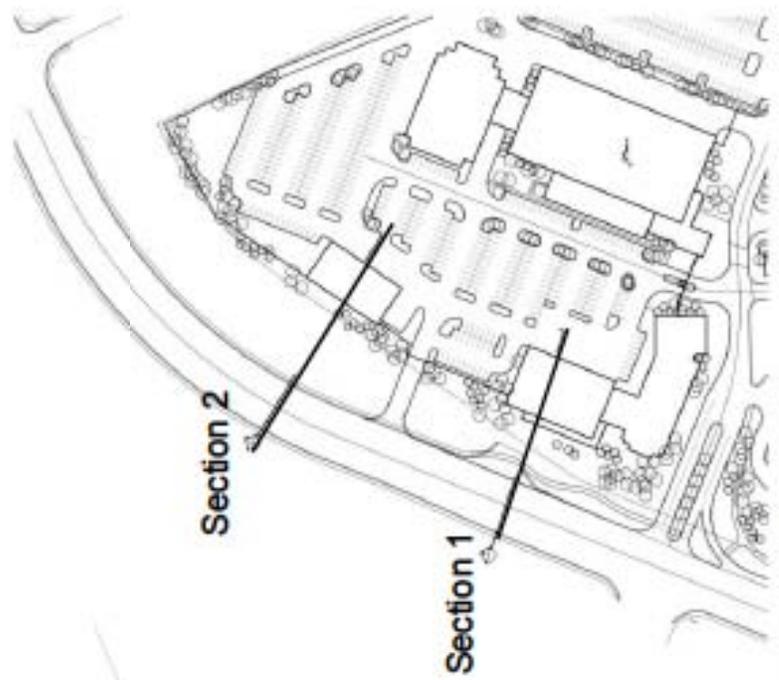
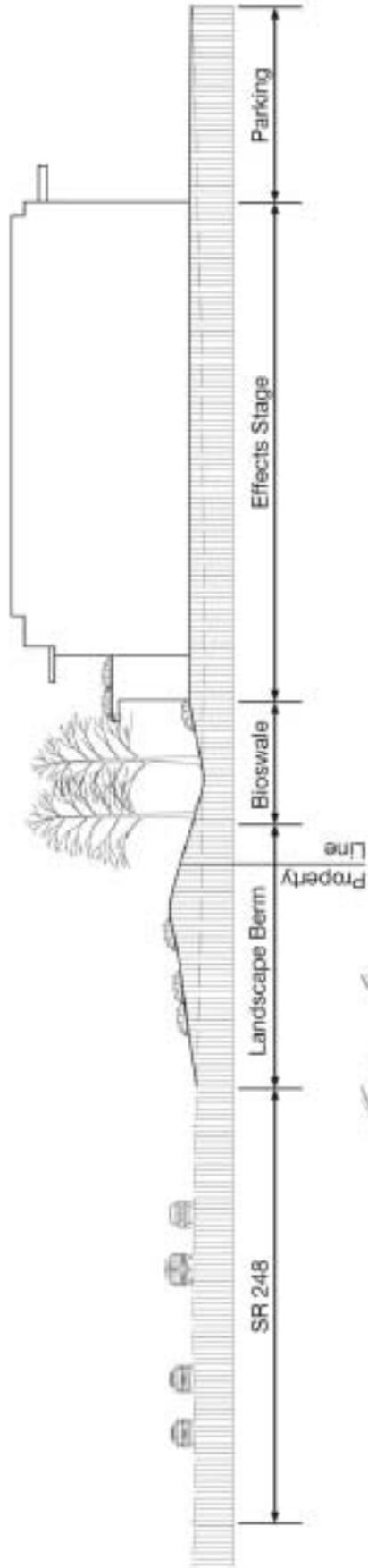
- Fire lanes as reviewed with Fire Department, PCFSD
- All fire lanes to be minimum 20' wide
- All buildings to be sprinkled



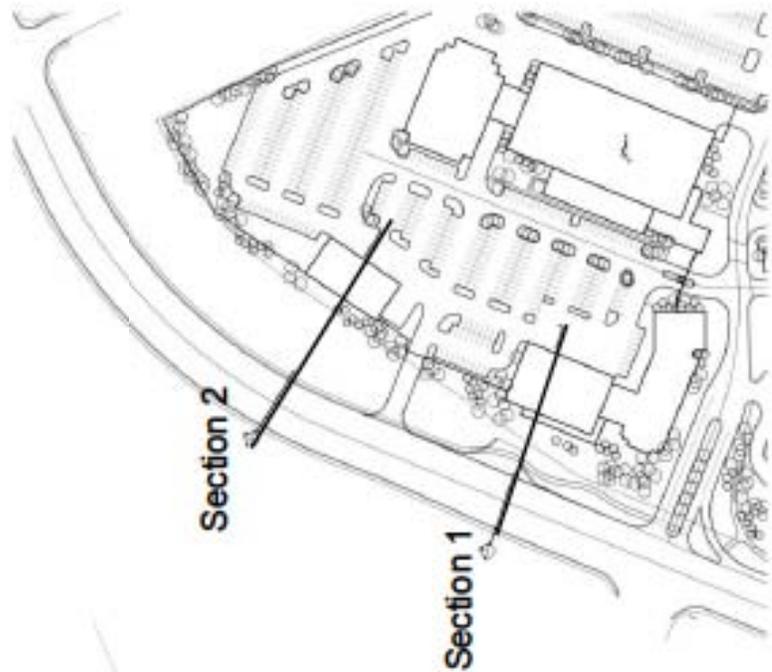
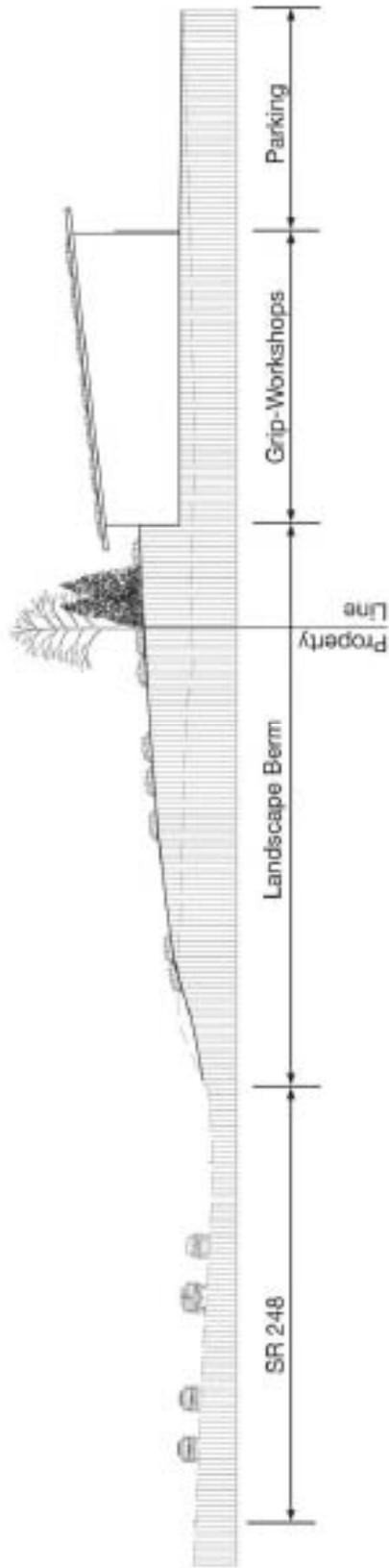
25' minimum setback to all buildings

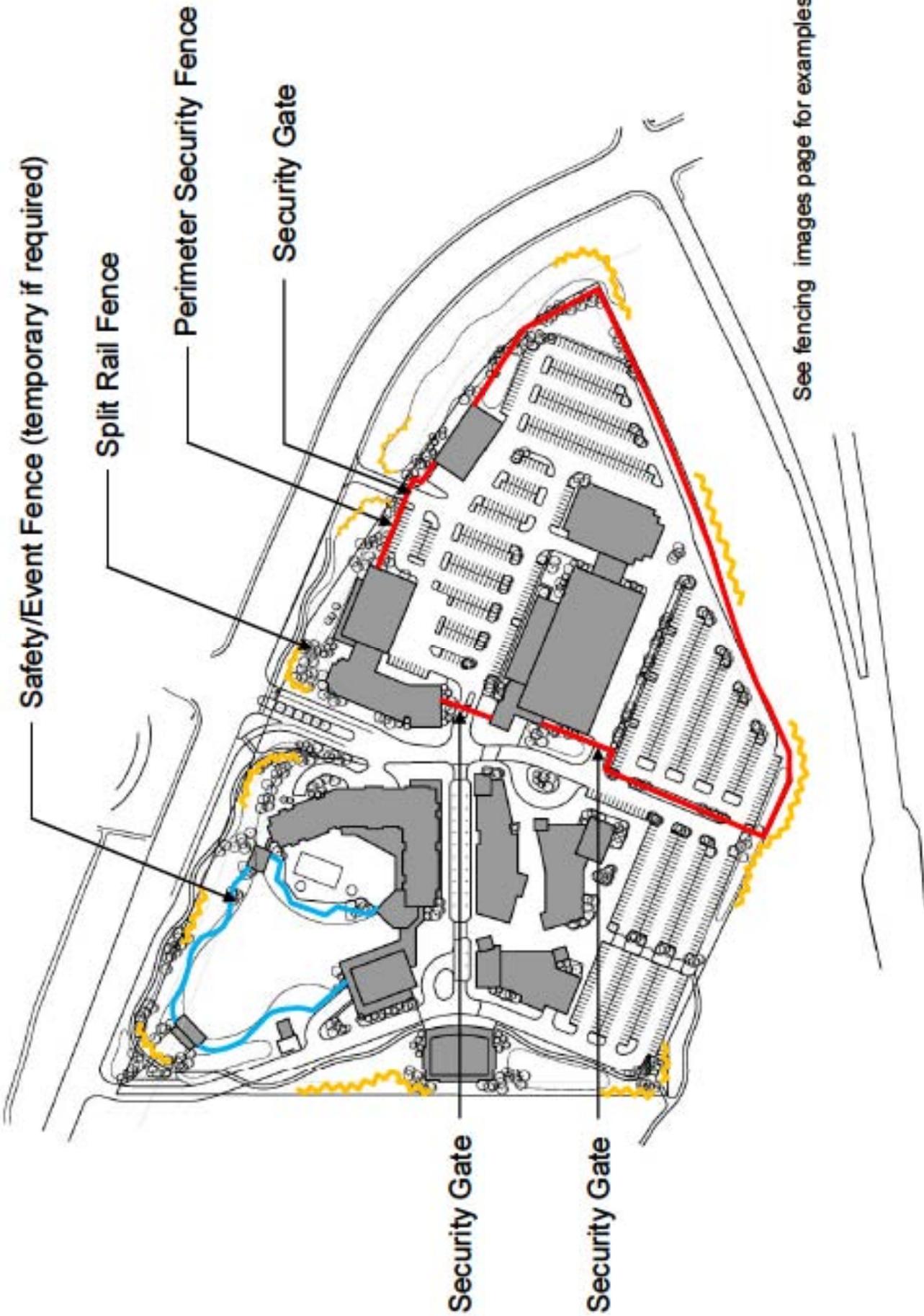






Horizontal Scale: 1" = 20'-0"  
Vertical Scale: 1" = 20'-0"





See fencing images page for examples

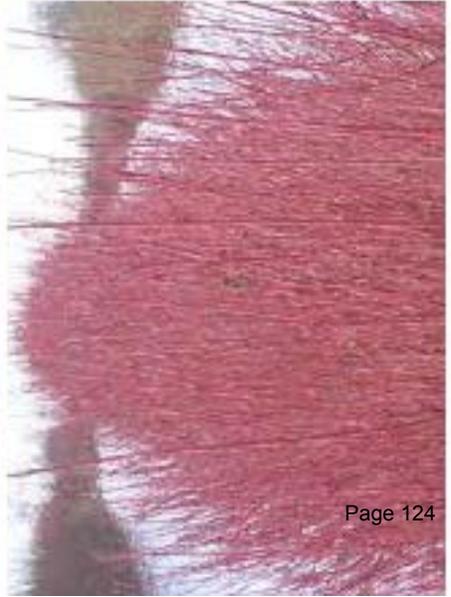
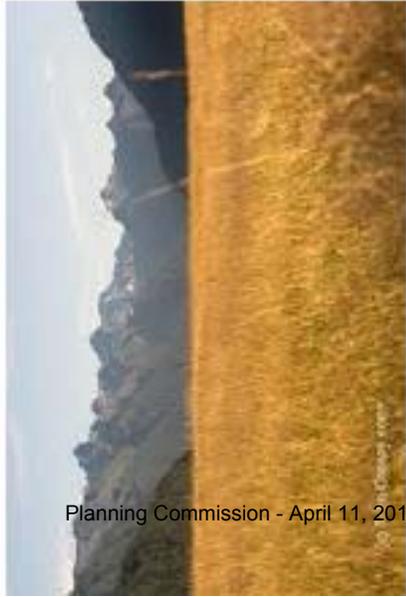
# Raleigh Studios – Fencing Images





See landscape images page for examples

# Raleigh Studios – Landscape Images



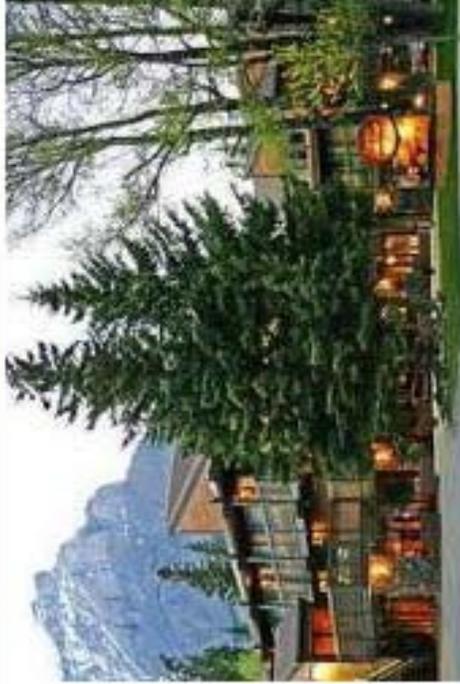
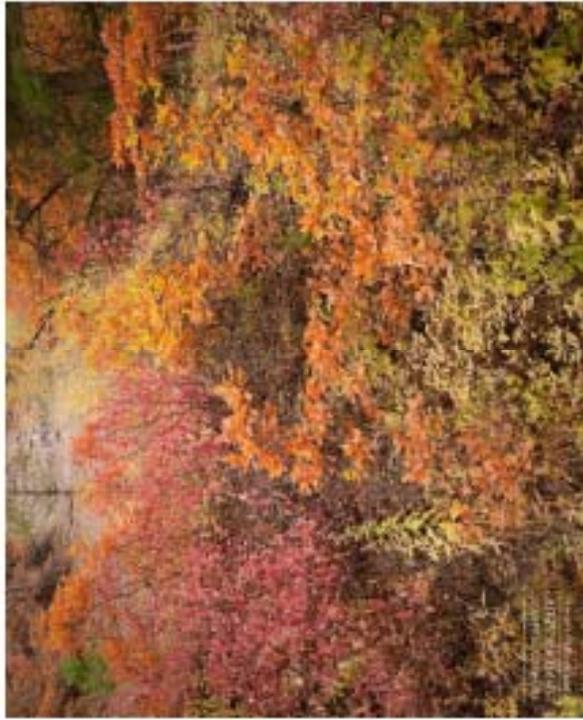
# Raleigh Studios – Landscape Images



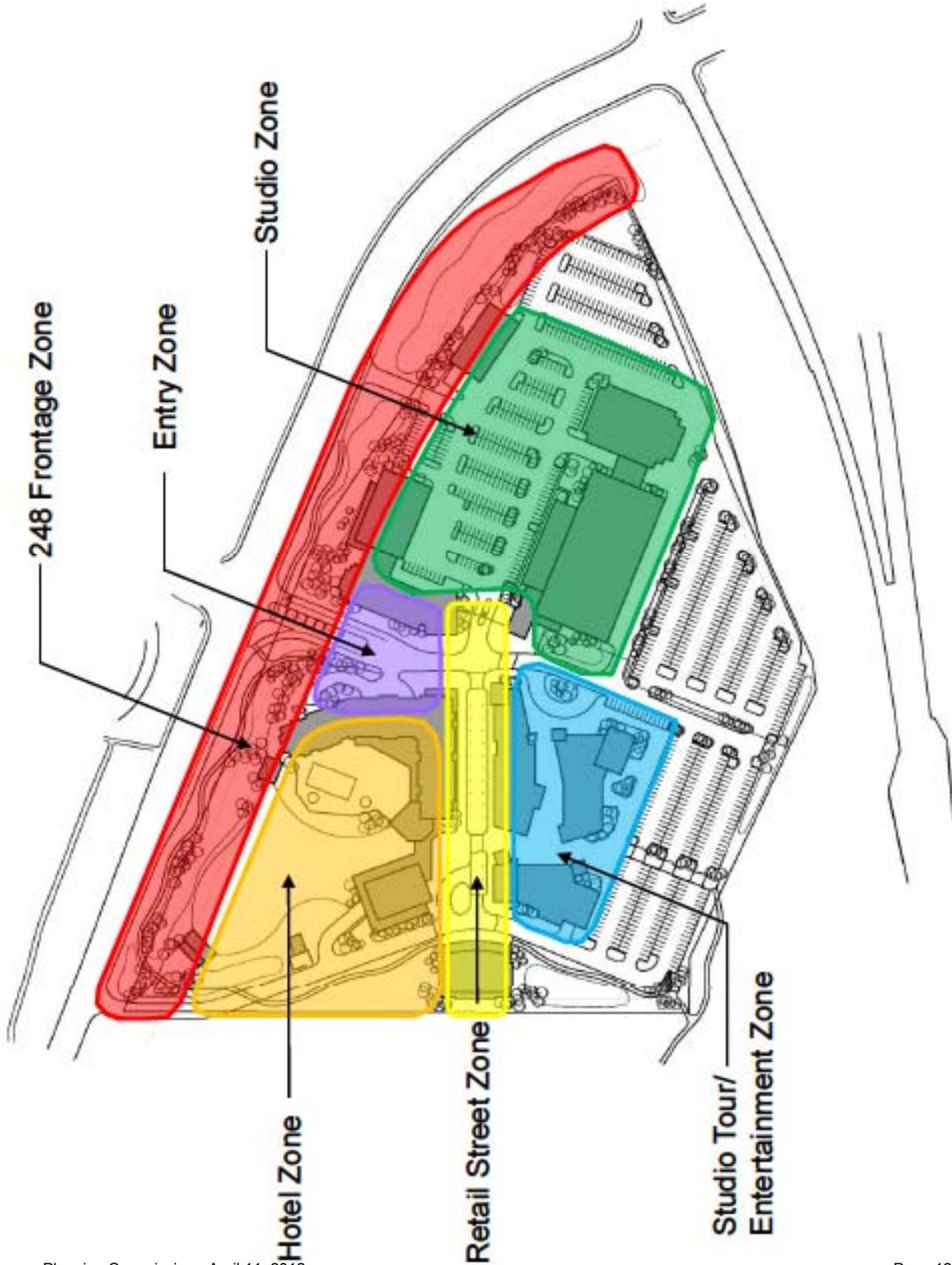
Planning Commission - April 11, 2012



Page 125



# Raleigh Studios – Architectural Zones



# Raleigh Studios – Precedent Image Boards



Planning Commission - April 11, 2012

Page 127

**RALIEGH STUDIOS**  
March, 2012

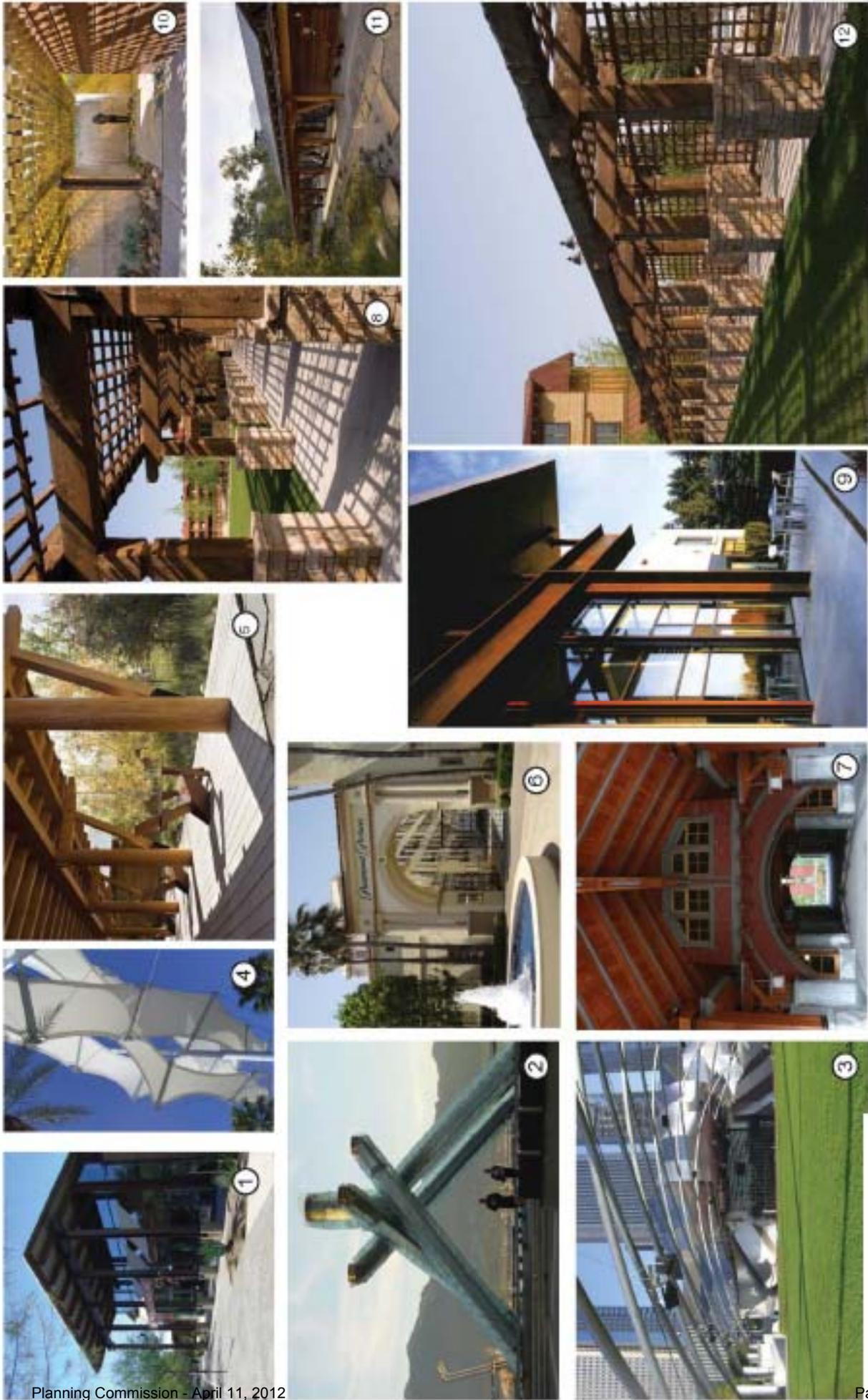
**SURROUNDING AREA BUILDINGS / ARCHITECTURE**  
PRECEDENT IMAGES

**Conceptual Site Plan**  
March 28, 2012

**Raleigh Studios**  
Park City, UT



# Raleigh Studios – Precedent Image Boards



ENTRY / ARCHWAY CONCEPTS  
 PRECEDENT IMAGES  
 RALIEGH STUDIOS  
 March, 2012

Conceptual Site Plan  
 March 28, 2012

Raleigh Studios  
 Park City, UT



# Raleigh Studios – Precedent Image Boards



**RALIEGH STUDIOS**  
March, 2012

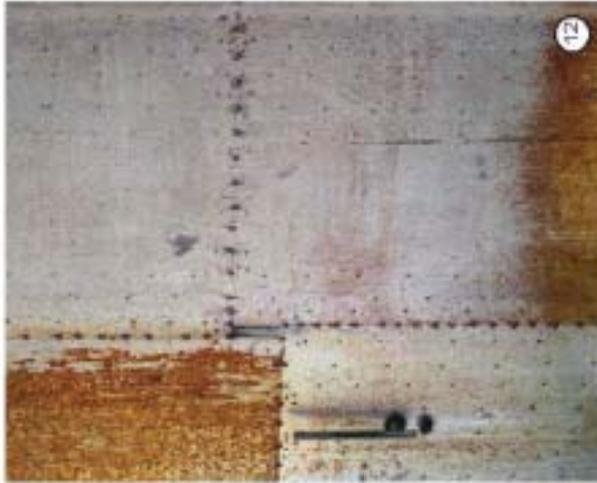
**ARCHITECTURAL CONCEPTS / MATERIALS**  
PRECEDENT IMAGES

**Conceptual Site Plan**  
March 28, 2012

**Raleigh Studios**  
Park City, UT



# Raleigh Studios – Precedent Image Boards



ARCHITECTURAL CONCEPTS / MATERIALS  
PRECEDENT IMAGES

ARCHITECTURAL CONCEPTS / MATERIALS  
PRECEDENT IMAGES

Raleigh Studios  
Park City, UT

Conceptual Site Plan  
March 28, 2012

37



# Raleigh Studios – Precedent Image Boards



1



2



3



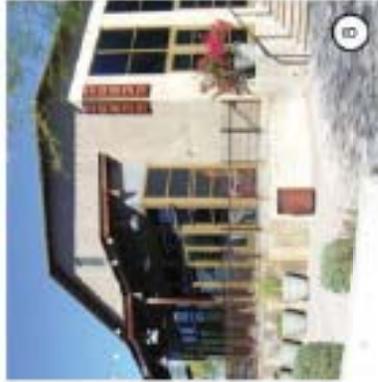
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5



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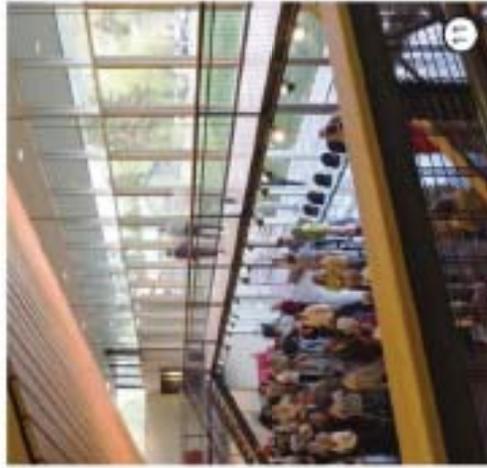
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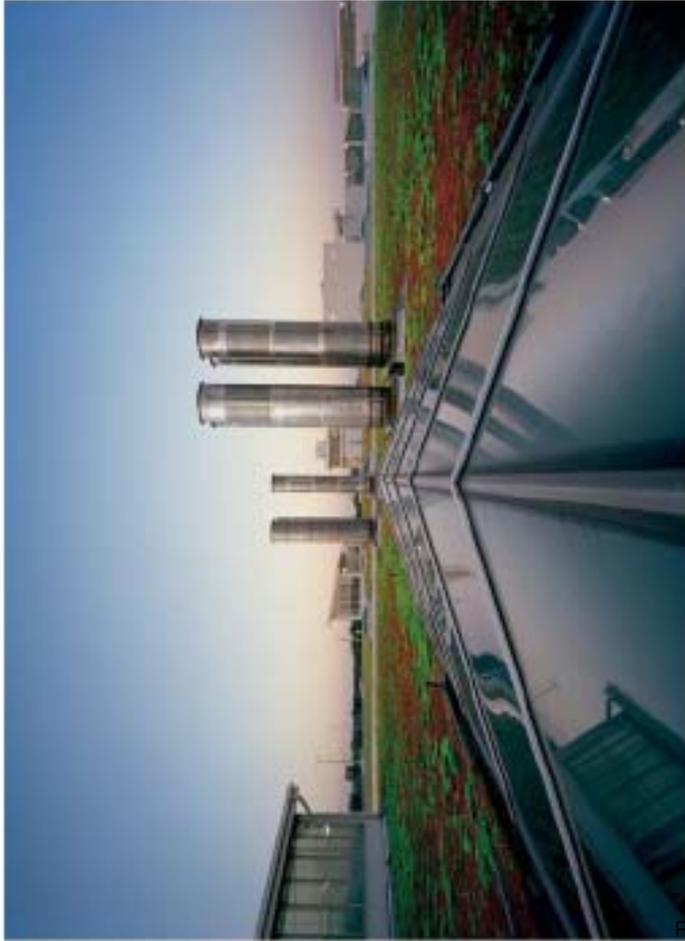


10



11

# Raleigh Studios – Precedent Images



# Raleigh Studios – Precedent Image Boards



# Raleigh Studios – Precedent Image Boards



**HARDSCAPE / PLAZA PAVING CONCEPTS**  
 PRECEDENT IMAGES  
**RALIEGH STUDIOS**  
 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.

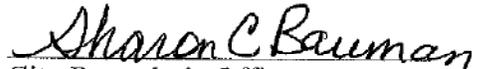
QUINN'S JUNCTION PARTNERSHIP

By:  General Partner  
Q.J.P.

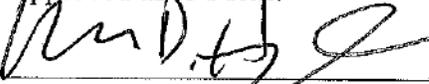
PARK CITY MUNICIPAL CORPORATION

By:   
Thomas Bakaly, City Manager

Attest:

  
Sharon C. Bauman  
City Recorder's Office

Approved as to Form:

  
City Attorney's Office



*LEGAL DESCRIPTION*  
**EXHIBIT A**

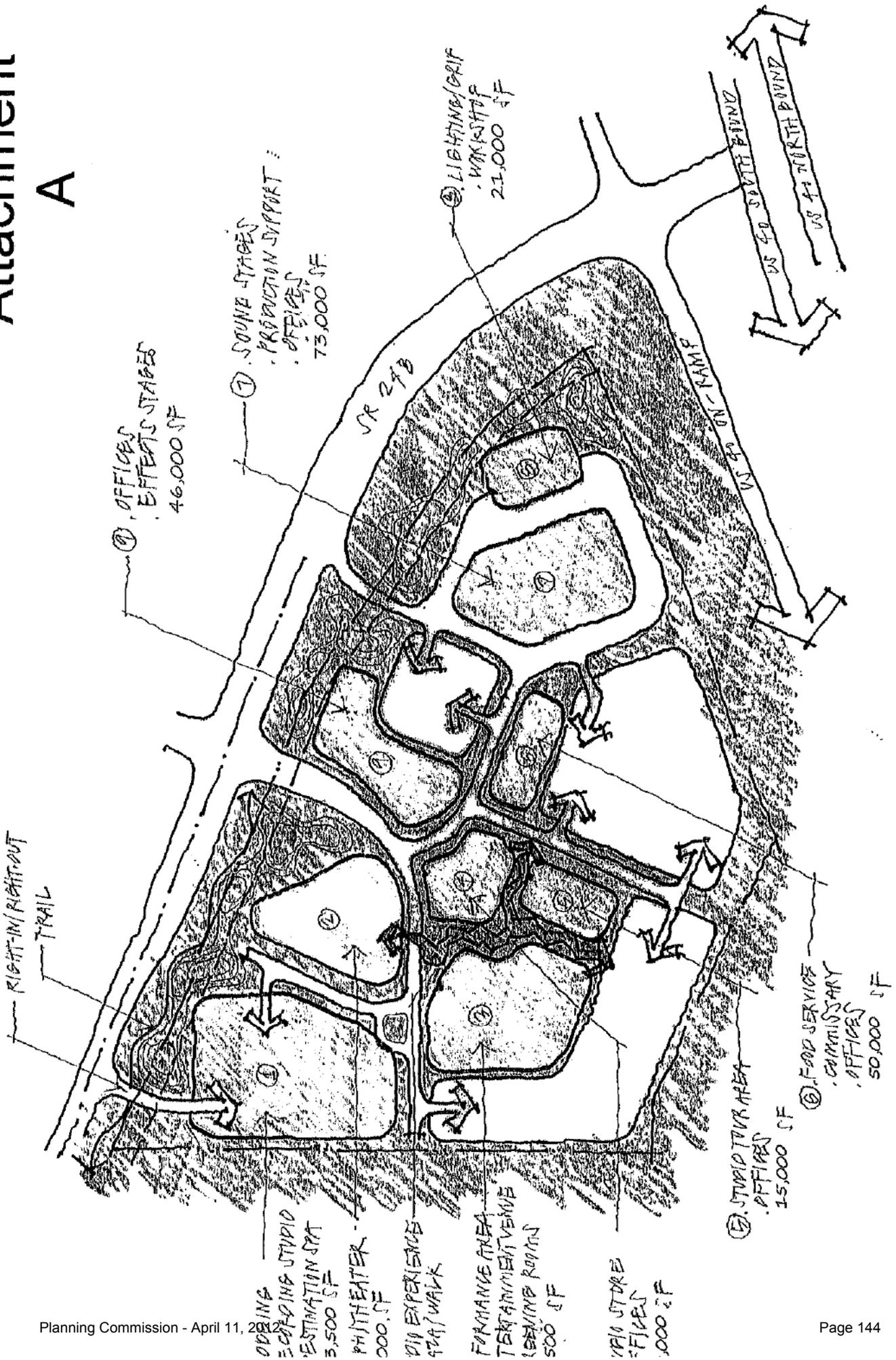
*Order No. 161891*

*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.

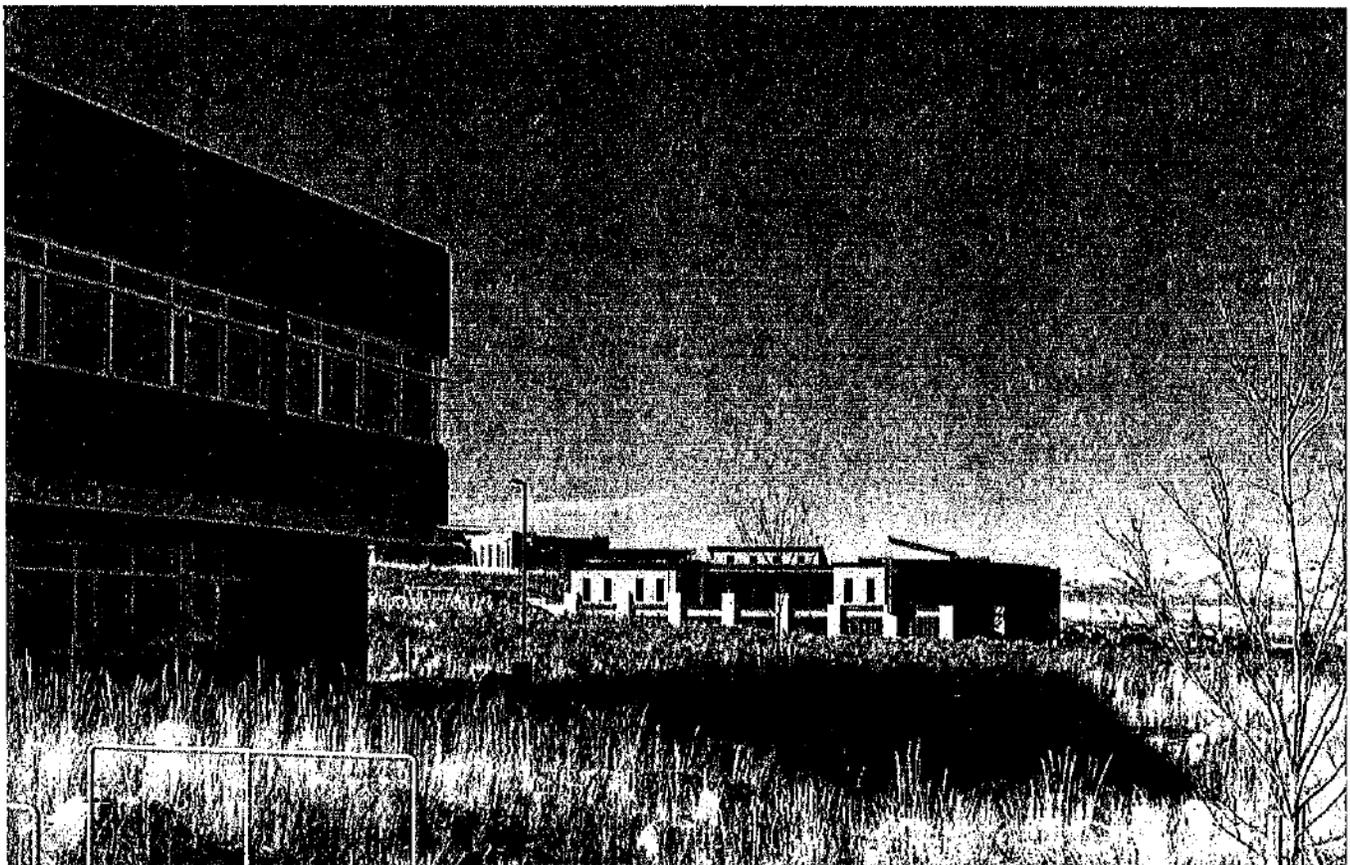
The goal of these design guidelines is to synthesize the proposed Film Studio Campus design into an architectural expression that connects to the surrounding structures and respects the importance of the Park City entry corridor.



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.*

ADG2

## Height and Mass

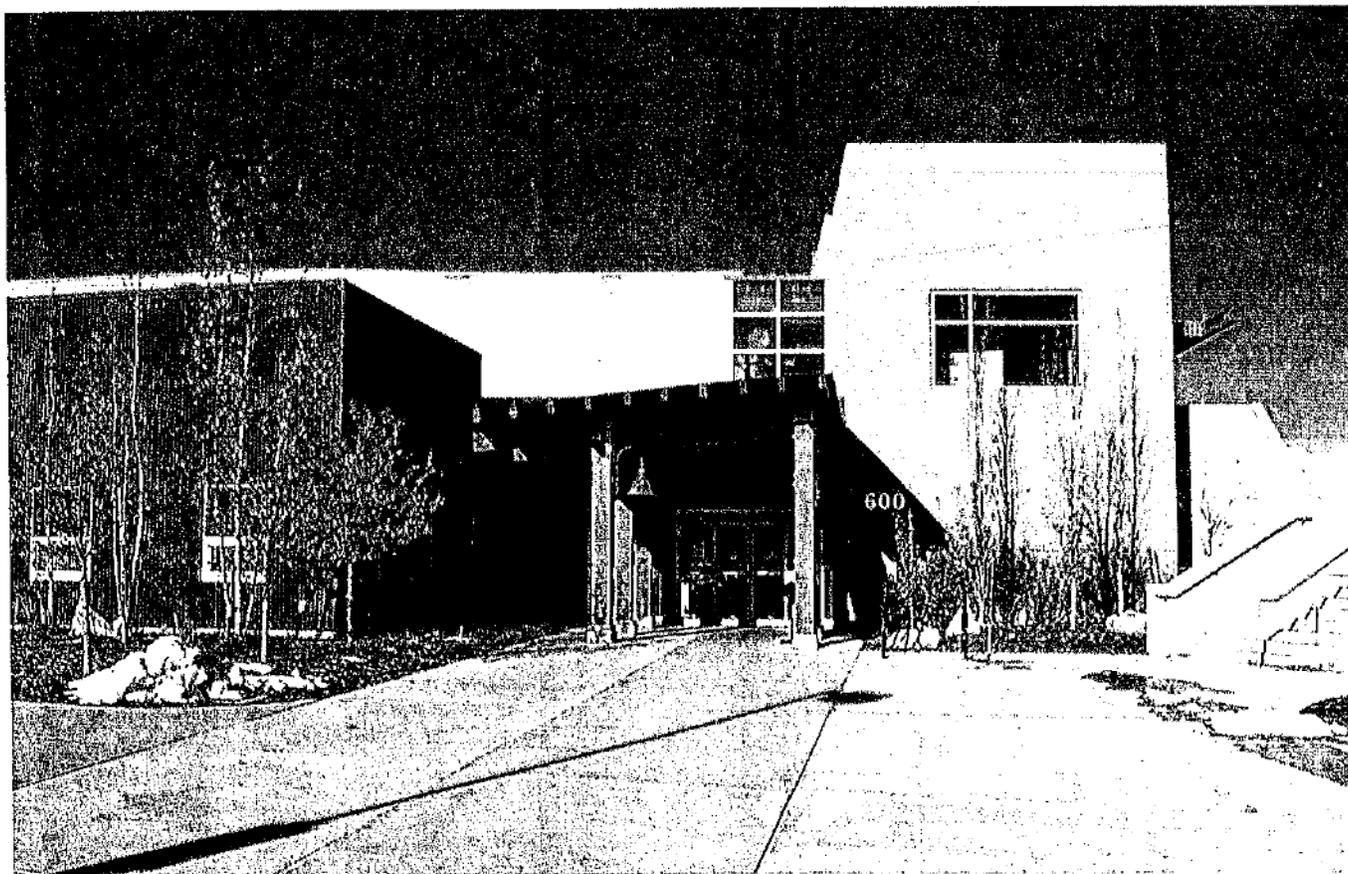
- The height and mass of the Film Studio Campus buildings should consider the visual and physical relationship to adjacent uses. A structure that dominates its environment by its relative size is strongly discouraged.
- The mass of a larger building should be broken down into a group of buildings clustered 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

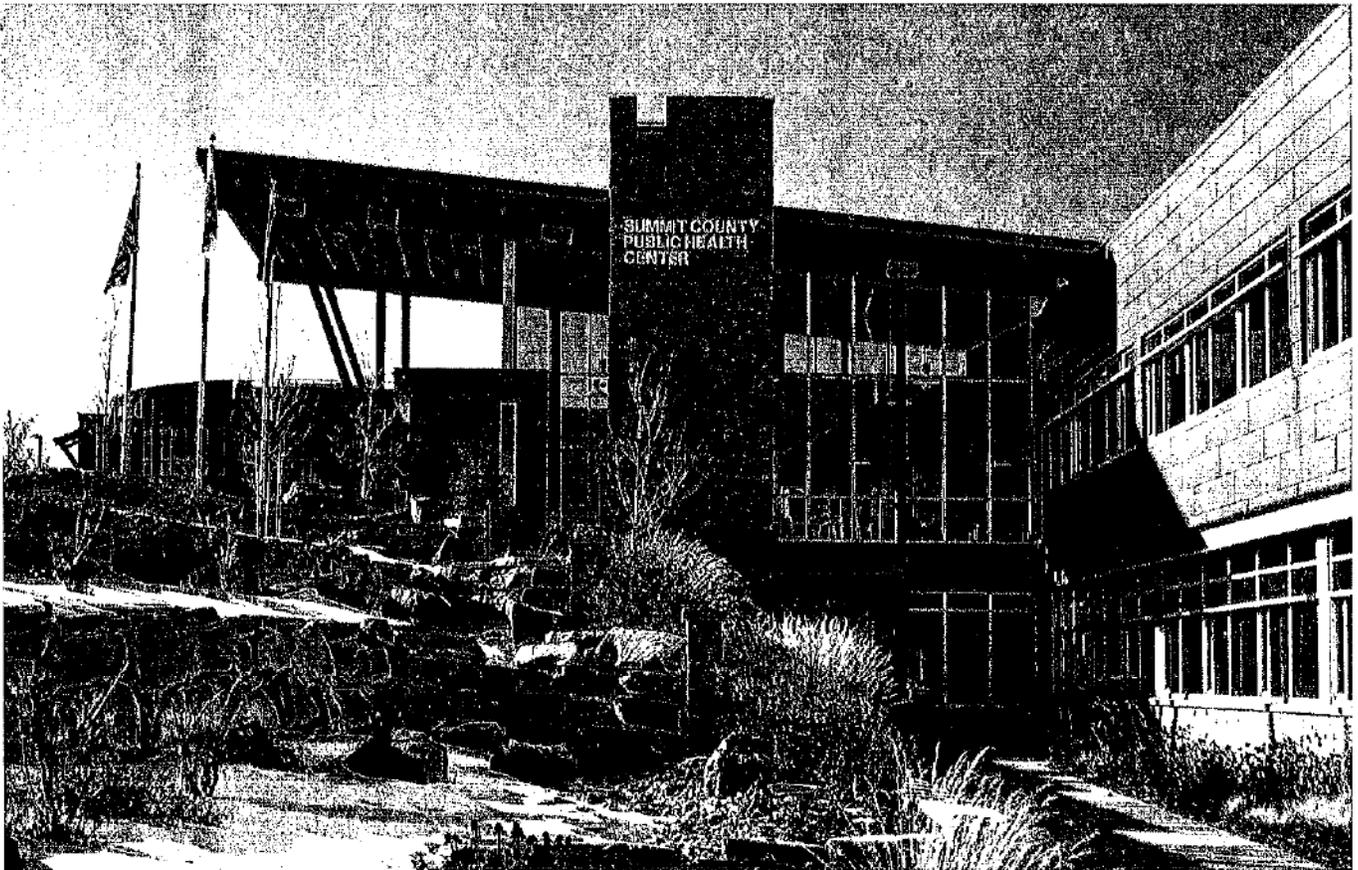
- Variety in building forms should be employed to create visual character and interest.
- Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged. The exterior character of all buildings should enhance pedestrian activity in their immediate vicinities.
- 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

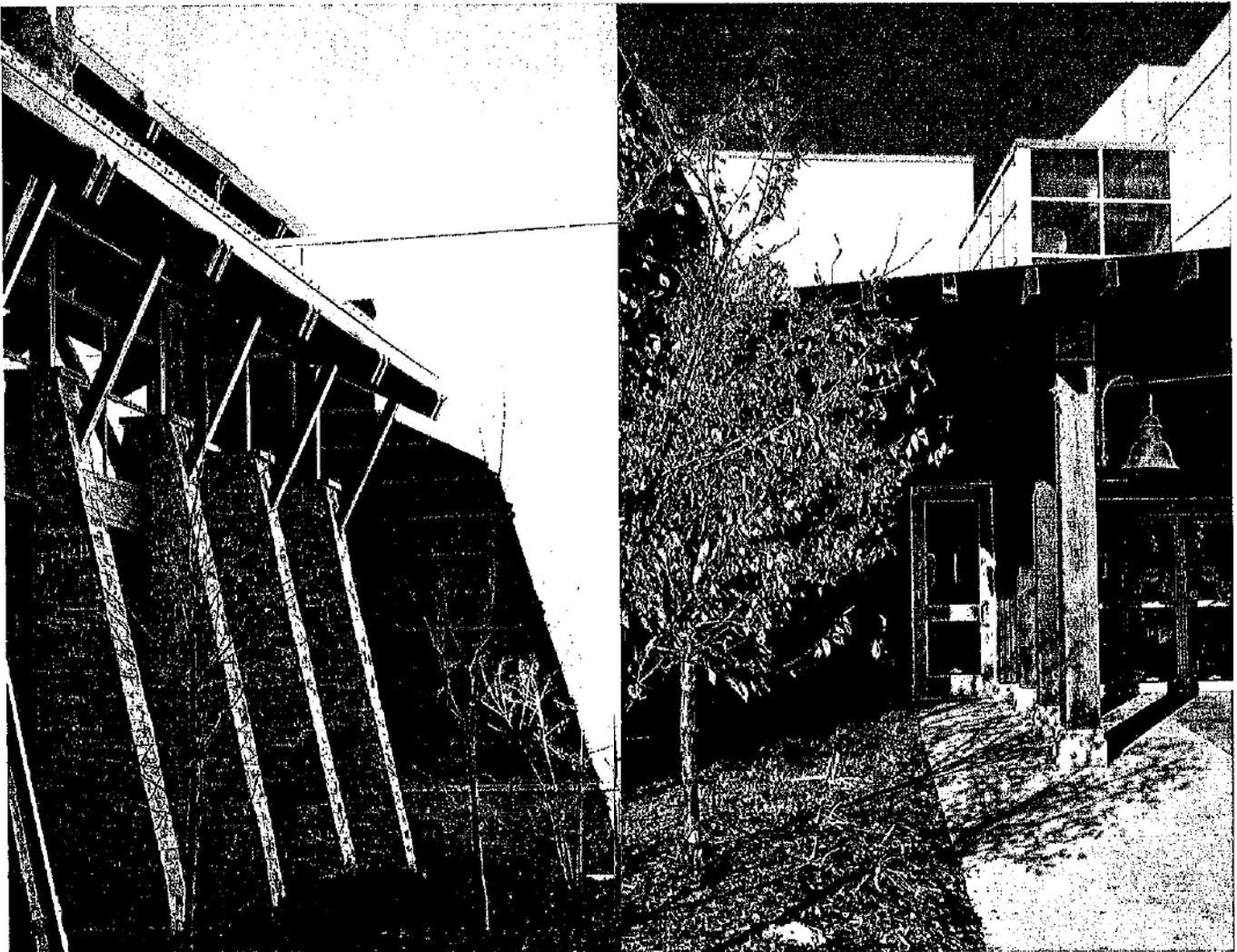
- Roofs should be integral to the architectural theme of the Film Studio Campus buildings and contribute to the visual continuity. Rooflines of buildings should include variations to avoid long, continuous planes.
- Rooftops should be considered as design elements from various viewpoints: at ground level, 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

Project review Matrix

<b><u>Parameter</u></b>	<b><u>QJP Proposal</u></b>	<b><u>MPD/LMC Compliance</u></b>	<b><u>Annexation Agreement Compliance</u></b>
<b>A) Density</b>	374,000 sf on 29.8 acres	Based on underlying zone.	374,000 sf is the maximum allowed (exclusions are spelled out in the Annexation Agreement)
<b>B) Footprint within the HR-1 Zone</b>	n/a	n/a	n/a
<b>C) Setbacks</b>		25', <u>minimum</u> around perimeter of MPD unless within an ECPZ where setbacks are 200'.	No setbacks may be imposed. No building greater than 28' in height unless the building is setback a minimum of 150' from the centerline of the public roadway.
<b>D) Open Space</b>		MPDs within the CT zone require a minimum of 70% open space for density up to 3 units/acre.	No open space may be imposed.
<b>E) Off- Street Parking</b>	1043 total 150 underground 606 in secure area/staging 287 public parking stalls this is 375 more spaces than Staff recommends.	Per LMC- Off- Street parking table Section 15-3-6 (B) (957 spaces required) and the PC may increase or decrease with an MPD. Standard reduction is 25% for shared parking and hotel uses. Could reduce 50% for assembly with alternative transportation. Yields= 668 total required (150 underground) = 518 surface spaces.	Per LMC- Off- Street parking table Section 15-3-6 (B)
<b>F) Building Height</b>	.complies with Agreement	Zone ht is 28 feet above existing grade,	Height zones stipulated in agreement- pages 3 and 4 of

		with 5' exception for pitched roof elements. Additional building height is allowed for MPDs per LMC Section 15-6-5 (F).	the Agreement. Max ht of 50' or 60' for sound stages, no more than 70% of remaining bldgs allowed between 36-40 feet with remaining bldgs not greater than 28' (see setbacks above)
<b>G) Site Planning</b> 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	These are described below	These are described below	These are described below.
<b>H) Landscape/ Streetscape</b>	See MPD plans	. See MPD plans	See MPD plans
<b>I) Sensitive Lands Compliance</b>	Not within SLO	no slopes, ridges, wetlands, no mitigation for wildlife provided	Provided a full environmental analysis and no environmental issues.
<b>J) Employee/ Affordable Housing</b>	Not provided	Affordable housing resolution requires housing for 20% of the employee units generated.	May not be imposed
<b>K) Child Care</b>	Could be provided within the media campus	n/a	n/a

## **Master Planned Development Criteria**

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 meets the 25' perimeter setback and meets the Annexation Agreement setbacks regarding building heights. No other setbacks imposed.*

(D) **OPEN SPACE.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.

*The MPD includes 38.5% 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. No open space requirements may be imposed per the Annexation Agreement..*

(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.

*Staff calculates 957 per LMC, recommends 50% reduction for the 200 assemble spaces and 25% reduction for the shared uses (the rest) for a total of 668 spaces (150 underground and 518 surfaces spaces). 1043 total spaces are proposed with 150 underground.*

(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.*

(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 30%). Low retaining structures (in steps of 4' to 6') are recommended in areas to minimize cut and fill slopes for roads and driveways, minimize disturbance of existing vegetation, and mitigate visual impacts of these areas. Final road design will be provided to the Planning Commission for review with the final subdivision plats.*

(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.*

(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 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. This existing sidewalk continues to the Rail Trail crossing of SR 248 east of US 40. 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.*

(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.

(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.*

(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 to the greatest extent possible.*

(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.*

(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 to the greatest extent possible 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.

*Need landscape plan and detailed streetscape views in order to review.*

(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. Any opportunity to locate manager's or caretaker's units on the property would be seen as beneficial. No affordable housing is imposed by the Annexation Agreement.*

(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.*

**Design Matrix- Review of Design Guidelines**

This matrix provides the design guidelines and parameters to be utilized during review of the administrative conditional use permit for development on the Quinn’s Junction Partnership site. The conditional use permit application shall be consistent with the Final Design Packet that includes plans showing building locations and heights, building articulation, massing and visual impact analysis, site plan exhibits, conceptual grading, fencing, landscaping, and architectural materials and colors that show the intents and purposes of the design.

<b><u>Parameter</u></b>	<b><u>LMC Chapter 5</u></b>	<b><u>Design Guidelines- Settlement Agreement</u></b>
<b>Overall Design Objectives</b>	Styles and motifs that have a strong connection or association with other regions are not allowed. Protect aesthetic values of community, foster good design within constraints imposed by climate, land, ownership patterns, and a Compatible architectural theme, and provide for enjoyment of starry nights.	Requires clear, unified, and easily identifiable image using similar architectural styles, materials, roof forms, signs, colors, and pavement. Buildings should relate visually to each other. Other overall objectives as described in the Design Guidelines with references to buildings in the IHC-Burbidge Annexation. Agreed to shadow LEED Silver green building design and construction.
<b>Building modulation and articulation- Building Façade Length and Variation</b>	Prominent façade/roof shift for structures 60-120’ is 10’ and for structures > 120’ shift is 15’ (can be a combination of façade/roof)	Requires varying building heights, massing, roof forms and setbacks. Buildings need to relate to the terrain and each other in their massing and forms. Facades with high level of visual interest are encouraged. Exterior character should enhance pedestrian activity in immediate vicinity. Long buildings should be broken up with architectural details and

		varied setbacks. Provide building offsets, details on rears and side elevations as well. Entrances should read as entrances.
<b>Materials</b>	Prohibited materials, number of different materials, design ornamentation, roofing materials are described in LMC 15-5-5.	False materials and simulated materials not allowed. Variety of siding materials to be used. Masonry , concrete, wood, metal, etc.
<b>Roof Forms</b>	Certain roof forms are not allowed, such as mansard, gambrel, curvilinear, domed, conical, a-frames.	Roofs should be integral to the architectural theme of the campus and contribute to visual continuity. Include variation and avoid long continuous roof form. Should allow for solar panels to be integrated into the roof design. Rooftops should be considered as design elements from various view points, at ground level, from other buildings, and from adjacent ROW.
<b>Screening of parking and service areas</b>	Requires screening with landscaping, fencing, buildings, berms and other means integral to the site and building design.	Use buildings to screen parking areas, service areas and storage areas.
<b>Solar Panels and Skylights</b>	Allowed per LMC 15-5-5.	Should allow for solar panels to be integrated into the roof design. Building orientation and shading design should minimize solar gain and maximize daylight harvesting.

<b>Window Treatment</b>	Rectangular windows should be primary window shape, arched, rounded, bay windows as primary form are not allowed. Small pane colonial style not permitted.	Clear or lightly tinted low-e glazing should be used.
<b>Lighting</b>	Per City's Night Sky Ordinance- shielded and down directed per 15-5-5 (I). Also 15-3-3 (C) for parking lot lighting standards.	Use of shielded exterior lighting, protecting the night sky and creating path illumination.
<b>Trash and Recycling Enclosures</b>	Screening required with landscaping, fencing, buildings, berms, per 15-5-5 (J)	Screening required.
<b>Mechanical Equipment</b>	Shall be painted or screened to blend with surrounding natural terrain. Screening of roof top mechanical required.	Requires screening. Rooftop equipment should be screened from view on all four sides by architectural features integrated with the design of the building.
<b>Landscaping</b>	Interior landscaped areas for parking shall be equal to 20% of total parking area. Perimeter landscaping also required per 15-3-3 D of LMC.	Natural landscaping to soften building exteriors and buffer between uses. Incorporate water conservation in site design.