PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
MARCH 26, 2014

AGENDA

MEETING CALLED TO ORDER AT 5:30PM
ROLL CALL
ADOPTION OF MINUTES OF MARCH 12, 2014
PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES
REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

520 Park Avenue – Steep Slope Conditional Use Permit — PL-14-02242 — *49*
Public hearing and possible action — *Planner Wassum*

4001 Kearns Boulevard – Park City Film Studio Subdivision Plat — PL-14-02263 — *83*
Public hearing and possible recommendation to City Council on April 17, 2014 — *Planner Whetstone*

WORK SESSION – *Discussion items only, no action taken* — *Assistant City Attorney McLean*
Legal Training on Conditional Use Permits and Due Process

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.

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
March 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney
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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

February 26, 2014

Chair Worel noted that at the last meeting she had referred to page 17 of the February 12th minutes and requested that City Attorney Matt Cassel be corrected to read, **City Engineer Matt Cassel.** She noted that it was still incorrect on the first page of the minutes of February 26th and she reiterated her request to make the correction.

Commissioner Phillips referred to page 5, second paragraph under 1049 Park Avenue, and changed 48 feet to read 48 **square feet.**

Commissioner Joyce referred to page 18, first paragraph, and removed the "s" from Summit Land**s** Conservancy.

Commissioner Stuard referred to page 24, condition of Approval #7, second line, and replaced the word even with **event**.

Commissioner Stuard asked for the intention of Condition #7. He did not recall that the host needed to be staying at the project when an event takes place. As written, the language says, "…all of the invited guests or the host of the event owns a unit."

Commissioner Strachan had the same question. He understood that all the invited guests were staying at the project. The other Commissioners had the same understanding.

Commissioner Gross asked if the host needed to be present. Commissioner Strachan did not believe it mattered as long as all the guests were staying at the project. Chair Worel questioned how they could have an event without an occupant of the unit.

Assistant City Attorney asked if the language was part of what was negotiated between the neighbors and the applicant. She was told that it was. The Commissioners believed the intended language would be easy to verify. Chair Worel thought the concern could be addressed by saying "and the host".

Director Eddington thought it should be "and the host of the event", and the Staff could confirm that. Assistant City Attorney McLean thought it could be "or the host…." Director Eddington offered to confirm the correct language.

Planner Whetstone noted that if a change is made to condition #7, it should also be changed on page 31 under the Conditions of Approval.

MOTION: Commissioner Strachan moved to APPROVE the minutes of February 26th, 2014 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

Lisa Wilson stated that she was unable to attend the meeting on February 26th and she wanted to take this opportunity to comment on the Stein Eriksen residential recorded plat that the Planning Commission approved. Ms. Wilson introduced herself to the new Commissioners. She has lived in Deer Valley for 20 years and she has actively followed the North Silver Lake project for a long time. Ms. Wilson noted that the plat on the project is dated 2005 and it was only for six homes. The estimated value since 2005 was $1.2 million. She remarked that the Planning Commission approved the plat, which made the building footprint increase from .92 acres to 2.865. She believes that allows for a hotel. Ms. Wilson stated that the Planning Commission turned a project that had an estimated value of $1.2 million into a parcel for a hotel that is worth over $100 million.

Ms. Wilson stated that she did attend the work session in November and she provided information showing tax records and other documents. She also sent a number of letters. The most important letter she sent was from the Summit County Tax Assessor and the Summit County Recorder, and both said that the lot was worth $1.2 million based on six

homes. The rest of the lot was common area and there is not a tax ID on common area. Ms. Wilson stated that if the building footprint is allowed to be increased to 2.865 acres, they would have approved 4.03 acres of dedicated open space to be used for this hotel.

Ms. Wilson noted that there was an appeal hearing, at which time she questioned the use of dedicated open space towards the project. At the appeal hearing the former Mayor, Dana Williams, said there was a conservation easement. He also had an opinion from the Utah State Ombudsman for abatement. Ms. Wilson noted that the last page of the Ombudsman opinion says it can be used in a legal action. She also had a letter written by Brooks Robinson which said there was no conservation easement. She also had confirmation from Cheryl Fox with the Summit Land Conservancy that there is no conservation easement to use 4.03 acres of Deer Valley dedicated open space for this project. Ms. Wilson stated that the conditional use permit now has 9.99 acres. The breakdown is 5.96 acres on the lot and 4.03 acres is dedicated open space. If they take away the dedicated open space, the open space is reduced to 42%, which is below the 60% open space requirement.

Ms. Wilson stated that the Planning Commission approved a project that was not compatible with the Code and that uses dedicated open space. Their approval also increased the value of a project from $1.2 million to $100 million. She pointed out that it is a big deal because they took the money from the children. Ms. Wilson had tax records showing that the lot used to pay $100,000 in property taxes. In 2005 a new plat was recorded that turned it into six units, and the property taxes went from $100,000 to $11,000. The tax record also showed that Deer Valley pays $55 in property tax for the dedicated open space. She believed the calculations show that $14 million in property tax revenue has been lost. Ms. Wilson remarked that the Park City School District has started experiencing shortfalls because people record plats to avoid paying taxes. This lot alone lost $14 million. She questioned how many other recorded plats are being done and allowing money to be taken from the children, the teachers, Summit County and municipal employees.

Ms. Wilson informed the Planning Commission that she had filed an appeal because she attended the meeting on December 11th, 2013 and after staying until 10:00, the public was informed that the item would be continued because the General Plan discussion went longer than expected. Ms. Wilson stated that the developer and the attorneys were allowed to speak, and then the decision was made to continue the discussion to February 12th. Ms. Wilson noted that on February 12th she received a call from Planning Manager, Kayla Sintz, informing her that Planner Astorga had a family emergency and the developer had requested another continuance. Ms. Wilson reiterated she never had the opportunity to speak at the public hearing and that was her reason for speaking this evening. She

clarified that she comes from a developer family and she is not anti-development, but she objects when money is taken from kids for a major development.

Ms. Wilson stated that her appeal was short. She thought she would be appealing to the Planning Commission; however, she has since been informed that her appeal would go before the City Council.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the General Plan was approved and adopted by the City Council on Thursday, March 6th. The next step is to address all the strategies and other aspects of the General Plan.

Commissioner Joyce asked if the Planning Commission would be given a final approved copy of the General Plan. Director Eddington stated that the Staff would be sending an email to find out who wanted a printed copy versus those who prefer to access the General Plan electronically.

Director Eddington stated that historically the Planning Department delivers printed hard copies of the Staff report to the Planning Commission based on preference of the previous Planning Commissions. However, with the change in Commissioners, some have indicated that they do not need printed copies and prefer reading the Staff report on their electronic devices. Director Eddington asked the Planning Commission to comment on their personal preferences in terms of paper packets versus electronic packets.

Chair Worel stated that at this particular time it was easier for her to receive a paper packet; however, she was willing to move towards electronic. Director Eddington noted that the City Council uses City provided iPads for their Staff report. He pointed out that the Planning Commission packets are much longer and contain a number of exhibits.

Director Eddington asked the Commissioners to raise their hands if they preferred to read the packet electronically. Four Commissioners raised their hand. The remaining three Commissioners preferred paper copies. Commissioner Joyce pointed out that even with electronic copies, it is sometimes better to see a larger map or site plan. The suggestion was made to provide those copies on paper prior to the meeting. Planning Manager Sintz asked if the Commissioners would be willing to pick up the printed material from a lockbox outside of the Marsac Building. Planner Whetstone also suggested making the copies available at the Library.

Director Eddington asked if the four Commissioners who preferred the electronic version had their own device or would need to have one provided. Commissioner Stuard stated

that he uses a combination of a desktop computer and a tablet. He would not need a device. Commissioner Phillips stated that he was currently using his daughter's tablet because he did not have one of his own. Commissioners Joyce and Campbell had their own devices. Commissioner Strachan did not have a strong preference either way, and he did have his own device.

Commissioner Joyce stated that if the packet can be downloaded to a dropbox it would automatically show up on their tablet.

Director Eddington stated that the Planning Department would start with a bifurcated approach and look for opportunities to use a lockbox. Director Eddington asked how many Commissioners would be interested in having an iPad or tablet if the City Council were to approve providing them to the Commissioners. All the Commissioners would like one if it was offered.

Commissioner Strachan asked how a City provided device would work in conjunction with personal documents in terms of being City property. Assistant City Attorney McLean explained that when the City Council members received their device, it was given as a stipend in the form of an iPad and they would keep it. Director Eddington stated that the Council member or Commissioner would keep the iPad and the City would not be held accountable or responsible for the content. Commissioner Strachan asked if the City could search it. He keeps client files on his device and he needed to be careful about who would have access to those files. Director Eddington replied that it could be a problem if his device was ever requisitioned. Commissioner Strachan emphasized that he would need a City provided device for Planning Commission packets.

Director Eddington stated that the Staff would do more research and report back to the Planning Commission. In the interim, those who prefer hard copy packets would receive them and the others would obtain theirs electronically. If there is a complex plat they would be given a blown-up version. Chair Worel and Commissioner Strachan offered to pick up their packets from a specified location instead of having them delivered.

Chair Worel asked about the site visit to Round Valley that was talked about at the last meeting. Planner Whetstone stated that the site visit could not be coordinated for this meeting. The Commissioners would still visit the site at a later date but the scheduled time was uncertain. She assumed it would be April 9th. She noted that the ground was still too muddy to walk the site.

Commissioner Campbell disclosed that he would be recusing himself from the 300 Deer Valley Loop matter this evening due to a potential business relationship if the project is approved.

Commissioner Phillips disclosed that he would be recusing himself from the Belles at Empire Pass item due to a contractual agreement.

CONTINUATION(S) – Public Hearing and Continuation to date specified.

1. 901Norfolk Avenue – Plat Amendment. (Application PL-13-02180)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 901 Norfolk Avenue – Plat Amendment to April 9th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. Election of New Chair Person and Vice-Chair

Director Eddington reported that Nann Worel has served as Chair Person of the Planning Commission for one year, and she was eligible for a second term. He noted that Jack Thomas was the prior Vice-Chair. Since Mr. Thomas is now the Mayor, the Planning Commission needed to fill that position as well. Director Eddington outlined the responsibilities and time commitment of the Chair.

Director Eddington noted that the Chair only votes to break a tie. The Vice-Chair fills in for the Chair and always votes, even when acting as the Chair.

Commissioner Strachan stated that Commissioner Worel has done a great job as Chairwoman. With so many new Commissioners he thought it was important to have continuity on the Board. Commissioner Joyce agreed that Commissioner Worel should remain as Chair. He also suggested that either Commissioner Strachan or Commissioner Gross would be the right choice for Vice-Chair. He believed the new Commissioners needed more time in their position before taking on that role. Commissioners Phillips, Stuard and Campbell concurred.

Commissioner Strachan deferred to Commissioner Gross for Vice-Chair.

MOTION: Commissioner Strachan moved to nominate Nann Worel as Chair of the Planning Commission and Stewart Gross as Vice-Chair. Clay Stuard seconded the motion.

VOTE: The motion passed unanimously.

2. 2519 Lucky John Drive – Plat Amendment
(Application PL-13-010980)

Planner Whetstone reviewed the request to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision as they were platted in the 1980's. She stated that in 1999 a lot line adjustment to combine the two lots into one two acre lot was approved through an administrative hearing process. The owner at that time constructed an accessory building and created a wider driveway to access the structure. The current owner would like to re-establish the lot. However, at this time they have no plans to build a new house or make changes to the driveway or access.

Planner Whetstone noted that the owner hired Alliance Engineering to submit the plat and request a plat amendment. The property was posted and notices were sent to property owners within 300 feet. A public hearing was held in the Fall of 2013 and the HOA attended in mass. The HOA requested to meet with the owner to express their concerns and the Planning Commission continued the application to a date uncertain to allow the owners to meet with the HOA to address some of the issues. The owners met with the HOA and the application was back before the Planning Commission. The HOA was not opposed to the plat amendment to re-establish the lot, but they wanted an agreement with the owners to make sure that when they build or make changes to the driveway access that it meets the CC&Rs.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council to allow the two lots to be re-established with the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance. Planner Whetstone stated that the notes that were recommended as conditions of approval had not been added to the plat, but they would be included prior to recordation.

Planner Whetstone remarked that the CC&R issues were not enforceable by the Planning Department or the Planning Commission. However, any conditions that everyone agreed to could be added on the plat.

Steve Schueler, representing the applicant, stated that when this application was presented to the Planning Commission in September there were issues relative to the HOA. Since then he has met with Steve Swanson and the HOA several times, and most recently with Paul Marsh, the HOA President. Mr. Schueler understood that the HOA did not intend to oppose the proposed plat this evening, but they wanted an agreement with the owner regarding the future condition of the property to make sure any plans would meet the CC&Rs prior to approval by the City Council.

Chair Worel referred to a letter from Steve Schueler dated February 24th that was included in the Staff report, but she did not see a response from the HOA. Planner Whetstone replied that she had not received a response from the HOA. Mr. Schueler stated that he had received a response which prompted the meeting with Mr. Marsh and Steve Swanson yesterday relative to resolving the issues and concerns. Mr. Schueler clarified that for now the current owner intends to keep the property in its existing condition since it has been that way since 1999, and he has no plans to sell the property for several years. The HOA wanted to make sure that if the owner ever sells the property or makes any improvements to the property that he would follow the process of meeting with the HOA architectural committee for compliance with the CC&Rs or any variances.

Planner Whetstone clarified that the reference to variances are only variances to the CC&Rs. The plat amendment as proposed would not create any non-conforming issues with the LMC. For a future house, the Building Department would require a letter from the HOA indicating that the HOA had received the plans. Mr. Schueler had conveyed to the owner the HOA request for an agreement, and he received an email response saying that he agreed to the terms. Mr. Marsh would have an outline of the terms of the agreement by Friday.

Commissioner Stuard asked if the parcel was currently two lots as originally configured, and whether the guest house on Lot 31 would be an allowed use. Planner Whetstone replied that it was not a guest house. It is a garage/barn rather than living quarters. She pointed out that an accessory use is allowed in a secondary structure. Commissioner Stuard remarked that an accessory use is an accessory to a main building. In this case, there is not a main building. Planner Whetstone stated that it could be accessory to the lot, such as a barn is accessory to a lot. Commissioner Stuard asked if it was possible to build a barn without a primary structure. Planner Whetstone answered yes, a barn would be an allowed use.

Commissioner Joyce understood that they were dealing with an agreement between the HOA and the developer that did not physically exist and was still in the process. Mr. Schueler remarked that the agreement is a condition that is contingent on two parties and it was separate from the land use issues regulated by the Planning Commission. Planner

Whetstone clarified that if the two parties agree with the terms of the agreement, it could be added as a condition of approval prior to the City Council meeting in April. Planner Whetstone noted that because this item has been continued a number of times, the applicant had provided envelopes so it could be re-noticed. If the Planning Commission continued the item again this evening, the City Council meeting would have to be continued to a date in May.

Commissioner Campbell clarified that if the Planning Commission voted this evening it would be to forward a positive recommendation to the City Council on the proposed plat on the assumption that the applicant and the HOA could reach an agreement. Planner Whetstone recommended that the Planning Commission forward their recommendation on the ordinance contained in the packet, aside from the agreement between the Owners and the HOA.

Mr. Schueler reiterated that the owner was willing to stipulate to compliance with the CC&Rs set forth by the HOA. Planner Whetstone understood that the issue was the driveway. If there is a second house the driveways cannot be shared per a regulation of the Holiday Ranchettes development.

Commissioner Joyce understood that per the LMC a shared driveway would be allowed. Planner Whetstone replied that this was correct.

Mr. Stuard noted in the LMC that the purpose statement of the zone was to maintain existing, predominantly safe family residential neighborhoods, and to allow for single family development compatible with existing developments. Mr. Stuard asked how a barn/garage/guest house satisfies the purpose of the zone. Planner Whetstone replied that physically there would be a change on the property with this structure. However, the physical characteristics of the two lots would not change until someone purchases the other lot or the owner decides to build a house on that lot.

Mr. Stuard wanted to know why it was necessary to split the parcel before those incidents occur. Mr. Schueler remarked that the owner of the property would like to split them now. He pointed out that it is an allowed use in the zone and the owner intends to maintain the property as it has existed for the past 15 years.

Chair Worel opened the public hearing.

Steve Swanson, a resident at 2524 Lucky John Drive, representing the HOA architectural committee, stated that when they attended the previous public hearing they were thankfully granted a reprieve to collect their thoughts. Mr. Swanson noted that the HOA has met with Mr. Schueler three times and they were making progress. The meeting yesterday with

Paul Marsh addressed many of the issues raised by the Planning Commission, such as the garage, the driveway, the disposition of the two properties. They were working on trying to be good neighbors and include the owner's representative in the discussion. Mr. Swanson stated that what they have accomplished so far is getting the representatives from both parties to broad stroke the issues. He believed there was agreement that they could work together, but he wanted it clear that there was not an agreement at this time. The HOA had not received any communication from the owner.

Mr. Swanson requested that the Planning Commission continue the item again this evening to a date certain to allow the HOA and the owners to solidify a compromise. Mr. Swanson stated that it is sometimes difficult to get all the parties together, particularly since the applicant is out-of-state. He noted that sending a positive recommendation to the City Council tonight might hamstring the HOA process. Mr. Swanson clarified that he was not trying to delay the approval, but it was important to keep the process in the right order. He did not believe there was any urgency since the applicant did not have immediate plans for the property. The HOA was negotiating in good faith and they would appreciate the extra time.

Mr. Swanson commented on some of the points in the Staff report regarding the garage. He referred to the plat on page 73 of the Staff report which overlays the current site and shows the overlay of the Holiday CC&R plat which shows the building pads. In 1999 when the property was owned by the Cummings, they put in a variance request to the HOA. It was reviewed by the architectural committee and they were allowed to build the larger barn. The original pad was the cross-hatched square behind the existing residence. It was a 30' x 40' pad which is standard for outbuildings in the neighborhood. Mr. Swanson stated that there were varying sizes of building pads, but the barn pads always the same size. Mr. Swanson stated that the lot line removal creating one property allowed the previous owner to move the garage to its current location on Lot 31. At that point there was considerable re-creating of the lot and it was raised between 4 to 5 feet. He felt that was significant because as they look at splitting the lots, there is an existing building on a raised pad and anybody who develops that lot would be beholding to only being granted height from the original grades. Mr. Swanson thought it should be taken one step further. The HOA and the architectural committee surveyed the residents and no one is in favor of the garage remaining because it creates too many problems.

Mr. Swanson noted that Mr. Schueler had drawn several iterations of how to potentially access the new garage, which included the possibility of building a house with an attached garage. Mr. Swanson stated that the garage is raised and any access would require it to be brought to the slab level and the driveway would have to slope up steeply, and implies that the house already has a raised floor level, when it should actually be down further. Mr. Swanson remarked that most of the Holiday Ranch lots in that area have driveways that

are close to grade. Each lot is a little different and there is no requirement, but as part of the architectural committee, he is tasked with ensuring a harmonious development of driveways, front yards, open space and homes.

Mr. Swanson Finding #13 on page 43 of the Staff report, "A shared driveway provides access to Lots 30 and 31." He agreed that it was true to some extent, but he was concerned that it could create problems in the future. He reiterated for the record that the HOA was interested in working with the applicant. It was previously requested in a previous meeting that if the owner wanted to split the lots, the changes needed to be made now. However, since then the HOA has taken a different position. If this plat is approved, the HOA would agree that the owner should have the right to enjoy the use of the shared driveway and the outbuilding since he owns both properties. The HOA would stipulate to similar language if an agreement is negotiated with Steve Schueler as the owner's representative. In the meantime, the HOA would not like the Planning Commission, as a quasi-judicial body, to enforce a statement of fact that would create something in the future that may disincentivize the owner to negotiate in good faith.

Focusing on the driveway, Mr. Swanson stated that unless there was a legal reason to include Finding #13 in the Findings of Fact, he would like it stricken. He requested that Finding #14 be stricken as well. In pointed out that the lots in Holiday Ranch are large and there is no need to share driveways. Driveways are not an issue but the orderly development of the street is an issue and the HOA may have definite ideas on how the driveway should be placed. Mr. Swanson could see where a future owner could be negatively impacted if the existing garage is allowed to remain.

Mr. Swanson reiterated his request for a continuance to allow time to resolve some of the issues so it can move forward to the City Council with a good recommendation.

Mr. Schueler stated that he specifically met with Mr. Marsh yesterday, and as the President of the HOA, Mr. Marsh told him that the HOA would not oppose the plat at the Planning Commission meeting.

Chair Worel requested that Mr. Schueler and Mr. Swanson have that discussion amongst themselves away from this meeting.

Mr. Swanson clarified that the HOA was not opposed to splitting the lots as proposed in the plat amendment, and they agreed to work harmoniously with the owner to create a path for future development.

Commissioner Stuard asked if Mr. Swanson was specifically requesting that the Planning Commission continue this project. Mr. Swanson answered yes. However, if the Planning

Commission chose to move forward with a positive recommendation, he would request that they remove Findings 13 and 14 from the Findings of Fact, as well as any conditions of approval that relate to a shared driveway.

Chair Worel understood that Mr. Swanson was speaking on behalf of the architectural committee and not the HOA. Mr. Swanson replied that this was correct.

Chair Worel closed the public hearing.

Mr. Schueler wanted the Planning Commission to be aware that the site plan that currently exists was approved by the HOA. It has been the same for 15 years and it would continue to stay the same for the foreseeable future. Mr. Schueler was unsure what a continuance would accomplish. The owner is entitled to due process. He submitted his application more than nine months ago and he would like a decision.

Commissioner Campbell understood that even in the worst case scenario, where the City Council approves the plat amendment and two weeks later the owner sells the lot, the new owner would have to meet with the HOA for an architectural review before anything could be built. He believed the safeguards were already in place, and he could not understand why the owner needed to negotiate additional safeguards that would make it more onerous for him or another owner to build. Mr. Schueler stated that the owner was willing to stipulate in writing to agreement with the HOA. Commissioner Campbell did not believe the owner should have to stipulate to an agreement. Mr. Schueler clarified that the owner was willing to do it to expedite the process. Commissioner Campbell stated that the owner was currently under the same HOA requirements of his neighbors, but the HOA was asking him to sign and agreement that would put additional restrictions on his particular lot. Mr. Schueler clarified that he had not seen the particular terms of the agreement and he was not sure what it would entail. He was supposed to receive those from Mr. Marsh on Friday.

Commissioner Campbell noted that the Planning Commission is not in the position of enforcing HOA CC&Rs. In addition, it is impossible for a property owner to obtain a building permit unless the HOA approves the plans. It was clarified that the Building Department needs proof that the architectural committee was notified, but the Building Department does not require approval by the HOA as a condition to a building permit.

Commissioner Strachan agreed that the owner is subject to the CC&Rs and to the architectural review committee, but the City does not enforce CC&Rs. However, the HOA could enforce the CC&Rs against the owner at any time. Commissioner Strachan stated that the Planning Commission does not get involved in arbitrary disputes between the HOA and a member of the HOA. There are a number of avenues that enable them to resolve

the dispute among themselves. The role of the Planning Commission is to determine whether or not there is good cause for the requested plat amendment.

Commissioner Stuard stated that both parties continually refer to the intentions of the owner and the future intentions of the owner of the new lot. In his opinion, that could not be relied on because the future ownership of the lot is unknown. Commissioner Stuard thought the Planning Commission needed to look at the effect of creating two new lots. In his mind, the effect of creating two lots is that the use on Lot 31 is not consistent with the rest of the neighborhood and would likely interfere with future development of Lot 31since the existing structure takes up so much of the pad area. He believed they would be creating an incompatible situation for the neighborhood. Commissioner Stuard did not think the plat amendment was necessary until someone comes forward with an actual proposal to change the status quo. Commissioner Stuard was not opposed to approving a subdivision plat with conditions that address the barn prior to the recordation of the plat.

Commissioner Joyce did not understand Commissioner Stuard's position since the barn is an allowed use. As a landowner, the applicant does not have to wait until there are building plans to amend the plat. The Planning Commission should not need to be involved with the particulars. Their task is to decide whether or not it is reasonable to re-subdivide the two lots to their original form. Commissioner Joyce stated that he would agree with Commissioner Stuard if the barn was not an accepted use, but from all indications, it is allowed on the lot without a primary residence per the LMC.

Commissioner Stuard stated that his thinking was based on his belief that the nature of the LMC places an allowed use within any given zone; however, that use may not meet the purpose statement. In his opinion, the purpose statement is the overriding policy for that particular zone.

Assistant City Attorney McLean stated that the purpose statements have importance, but generally the specific provisions of the Code are more enforceable than the interpretation of the purpose statement.

Commissioner Campbell pointed out that if somebody were to purchase the second lot, they would have to tear down the barn in order to build a house. He believed the problem would correct itself. Regardless, the owner would have to work with the HOA before he could build.

Commissioner Phillips concurred with Commissioner Joyce. He read from the minutes of September 25th, "Commissioner Wintzer asked for clarification on the sideyard setback in the zone and what was permitted in the setbacks." "Director Eddington stated that driveways could be three feet from the property line or one foot from the property line if it is

deemed as assistance to help a car back in or out." "Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code." Commissioner Phillips wanted to know what was concluded from that discussion and whether the current driveway location was legitimate if the plat amendment were approved this evening.

Planner Whetstone explained that independent driveways are required to have a one-foot setback. Shared driveways are encouraged in the LMC; however, this may be an area where a shared driveway would not be encouraged. Planner Whetstone stated that because a shared driveway is on a property line the setback goes away.

Commissioner Phillips noticed that the current property has columns in the fence. If the lot was to be subdivided and a structure is built on the other lot in the future, he would like the fence to be removed so it would not appear to be a large compound with multiple buildings.

Commissioner Gross read from the LMC regarding shared driveways, "A minimum 15 feet spacing between single family driveways is required. In historic districts a minimum of 10-feet spacing between driveways is recommended. Shared driveways are always strongly recommended." Commissioner Gross stated that his interpretation of the LMC is that shared driveways are encouraged in Historic Districts but not in other areas. He did not believe the existing driveway in its current location met the Code.

Planner Whetstone replied that shared driveways are encouraged in all districts. The difference is the spacing of driveways in the historic district. A separate section in Chapter 3 of the LMC addresses parking in the historic district. She noted that the language read by Commissioner Gross was specific to driveways. Commissioner Gross clarified that the Planning Commission was only talking about the driveway. Planner Whetstone noted that the CC&R exhibit shows the two driveways together, but they were built apart. In another exhibit the driveways were supposed to be together but they did not meet the spacing requirement. If the driveways are to be independent, the LMC would require a separation of 15-feet. Planner Whetstone clarified that the CC&R exhibits were from the original plat many years ago.

Commissioner Gross stated that if the lot is divided, the existing driveway would encroach on or over the property line and there would be no setback or open space between the two driveways. With the configuration of the driveway, it would be impossible for Lot 30 to access a house if the driveway is separated. Commissioner Gross noted that the existing driveway has radiant heat. He would like an agreement in place to make sure that whoever owns the property is a party to keeping the radiant heat on and keeping the driveway free of debris. Commissioner Gross remarked that footnotes two and three in the LMC under 15-2.1-2(A) specifically address Holiday Ranchettes in terms of detached

homes, guest houses, and other things that are prohibited. He was uncomfortable with the language on page 38 of the Staff report that talks about the detached garage. He could foresee the existing garage becoming a guest house or another use that is not allowed by the HOA. He understood that the City could not enforce the CC&Rs, but it is addressed in the footnotes of the LMC. Planner Whetstone stated that the Planning Commission could add a plat note requiring a minimum house size. It would keep the detached structure or any structure from ever becoming a dwelling unit unless it meets the minimum house size and is compatible with the neighborhood.

Commissioner Gross stated that his personal preference would be to allow the HOA and the owners to address the issues and work out their agreement before the Planning Commission votes on the plat amendment. Commissioner Stuard concurred. He noted that the HOA has requested a continuance and they should be given the chance to complete their dialogue.

MOTION: Commissioner Gross moved to CONTINUE the plat amendment to re-establish Lot 30 and 31 of the Holiday Ranchettes Subdivision at 2519 Lucky John Drive to a date uncertain. Commissioner Stuard seconded the motion.

Planner Whetstone requested that the Planning Commission continue to a date certain to avoid having to send another noticing to the public within 300 feet. Commissioner Gross did not want this to come back to the Planning Commission until an agreement was reached between the HOA and the owner. Planner Whetstone remarked that Commissioner Gross was asking for a third party agreement on an issue that is not within the Planning Commission purview.

Commissioner Strachan thought the Planning Commission should establish a date and give the HOA the time they requested. Commissioner Gross was willing to say that the HOA and the owner needed to come to some agreement within the next 90 days. Planner Whetstone pointed out that the two parties may never reach an agreement.

Mr. Schueler asked Assistant City Attorney McLean about the due process for his client. Ms. McLean stated that the owner can request to move forward on an application, even though it could result in a negative recommendation. Under the State Code a Rip Cord provision entitles the owner to be given a decision within a certain time period. To her knowledge the Rip Cord has not been pulled, but it could be if someone wanted a resolution.

Planner Whetstone reiterated her request for a date certain and suggested the second meeting in April. Commissioner Stuard stated that his second to the motion was for a meeting date closest to 90 days. Commissioner Gross was willing to make it sooner if the

issues were resolved. Ms. McLean stated that the idea of a date certain is to give notice to the public when it would be on the agenda again. Commissioner Gross could not understand the time constraint since the owner had no immediate plans to build or sell. He supports subdividing the lot, but he was uncomfortable with the other issues involved.

Commissioner Gross amended his motion to Continue to April 23, 2014. Commissioner Stuard accepted the amendment to the motion.

Chair Worel called for a vote on the motion as amended.

VOTE: Commissioners Gross, Stuard and Strachan voted in favor of the motion. Commissioners Campbell, Phillips and Joyce voted against the motion.

Commissioner Campbell clarified that he voted against the motion because the owner has the right to subdivide the lot to its original configuration. He was concerned that the Planning Commission was getting into the business of pushing HOA CC&Rs, which they all agree are outside of their purview to restrict or enforce. The issue is between the owner and the HOA. If the owner wants to build on the lot he would have to go before the HOA Architectural Committee and have his plans reviewed.

Commissioner Phillips believed the Planning Commission has given the HOA and the owner additional time and they still have not been able to work out the terms of the agreement. There is the possibility that they may never work out an agreement.

Chair Worel believed there was enough check and balances in place for the HOA to come to agreement with the applicant whenever they decide to build on the property. As the Chair she could vote to break a tie and she voted against the motion.

The motion to Continue FAILED. Commissioners Gross, Stuard and Strachan voted in favor of the motion. Commissioners Campbell, Phillips, Joyce and Worel voted against the motion.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the plat amendment to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Phillips, Joyce and Campbell voted in favor of the motion. Commissioners Gross and Stuard voted against the motion.

Findings of Fact - 2519 Lucky John Drive

1. The property is located at 2519 and 2545 Lucky John Drive in the Single-Family (SF) zoning district.

2. The property consists of a two-acre lot, known as Lot 1 of the 2519 Lucky John Drive Replat approved and recorded on September 2, 1999. Lot 1 was created when a lot line adjustment removing the common lot line between Lots 30 and 31 of the Holiday Ranchettes Subdivision (recorded on May 31, 1974) was approved and recorded at Summit County on September 2, 1999.

3. The owners wish to re-establish the original platted lot configuration of Lots 30 and 31 of the 1974 Holiday Ranchettes Subdivision.

4. Each lot will be one-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration.

5. The proposed density for this plat amendment is one (1) dwelling unit per acre.

6. There are no house size limitations within the Holiday Ranchettes subdivision.

7. The minimum setback requirements are twenty feet (20') for the front yard and twelve feet (12') for the side yards. Front facing garages require a twenty-five (25') foot front setback. The rear setback requirement of fifteen feet (15') is not applicable due to the double frontage nature of both lots.

8. There is an existing single family house on Lot 30 that complies with all required setbacks.

9. There is an existing garage/storage structure built on Lot 31 that complies with all required setbacks.

10. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision plat includes notes restricting access from Lucky John Drive.

11. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop.

12. The plat provides for a restriction of access to Lucky John Drive and protects the

safe routes to school pedestrian and bike path from additional primary access across it.

13. A shared driveway provides access to Lots 30 and 31.

14. The LMC (Section 15-3-3 (H)) states that shared driveways are strongly recommended. Shared driveways decrease impervious surface, and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets. Shared driveways necessitate access easements and maintenance agreements between property owners.

15. The proposed plat re-establishes the original two-lot configuration.

16. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.

17. All original drainage and utility easements will be re-established.

18. New snow storage easements and easements to address shared access and encroaching utilities will be provided.

19. Conditions banning access from Holiday Ranch Loop will be re-instated with this plat.

20. There is Good Cause to approve the proposed plat amendment as conditioned as the plat amendment does not cause undo harm on any adjacent property owners, the built conditions are consistent with requirements of the Land Management Code, future development will be reviewed for compliance with requisite Building and Land Management Code requirements with review by the HOA, cross access easements and utility relocation and/or utility easements will be recorded to resolve encroachment issues, and public snow storage easements will be provided along Lucky John Drive and Holiday Ranch Loop Road.

21. The proposed plat, as conditioned, is consistent with the approved 1974 Holiday Ranchettes Subdivison plat, meets the requirements of the Land Management Code.

22. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.

23. The existing house is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved.

Conclusions of Law – 2519 Lucky John Drive

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. 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 – 2519 Lucky John Drive

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. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This shall be noted on the plat.

4. A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building. This shall be noted on the plat.

5. Any construction on Lots 30 and 31 shall use the original existing grade (USGS

topography that existing prior to any construction on the lots) in the calculation of Building Height. This shall be noted on the plat.

6. The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work. This shall be noted on the plat.

7. Prior to recordation of this plat amendment, cross access easements for the shared driveway shall be recorded at Summit County and reflected on the plat. Cross access easements would not be required if the shared driveway is modified and the access encroachments are removed prior to plat recordation. This shall be noted on the plat.

8. Prior to recordation of the plat, any existing utilities that cross the common property line, shall be relocated as required by the utility providers. If relocation is not required, then encroachment easements shall be recorded at the County.

9. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work. This shall be noted on the plat.

10. No access to Lots 30 and 31 is permitted from Holiday Ranch Road. This shall be noted on the plat.

11. A ten foot (10') wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.

12. A note shall be added to the plat that modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

3. Risner Ridge Subdivision 1 & 2 – Plat Amendment (Application PL-13-02021)

Planner Whetstone reported that the applicant's representative was unable to attend due to an emergency. She noted that the Risner Ridge HOA was the applicant and they were satisfied with the Staff report and the conditions of approval.

Planner Whetstone reported that this application was a request to amend both Risner Ridge and Risner Ridge No.2 Subdivision plats to include as plat notes, language that has already been approved by the City Council of Park City and is reflected in City Ordinance No. 90-28 and 04-09. She clarified that the Ordinances were recorded; but the plat reflecting the notes never was. The requested plat amendments memorialize language that has been approved and clarified by recorded Ordinances.

Planner Whetstone provided a brief background. Two subdivisions, the Risner Ridge and Risner Ridge 2, were approved in 1988. When Risner Ridge 1 was approved, house size limitations were placed, as well as a way to measure the house size to include the basement as part of the maximum house size. The maximum house size was 5500 square feet. Planner Whetstone pointed out that the City was not as careful about placing notes on plats at that time assuming that it was understood as a part of the CC&Rs. When Risner Ridge 2 was approved, the same language was included.

Planner Whetstone explained that over time the architects designed homes that excluded the basement because the LMC excludes a truly buried basement from the square footage. The HOA caught the mistakes in the fully-developed plans and the plans had to be redone. In 1990 the City adopted Ordinance 90-28 that said the language when the subdivision was approved counted the basements and every lot has the same 5500 square feet limitation. Setback issues were also addressed through plat amendments, and the note regarding setbacks were different from the CC&Rs and how the subdivision was approved. Planner Whetstone noted that the note was placed on an actual plat and was recorded with Summit County. However, the notes regarding house size and how it was measured was never placed on a plat. It was not a problem with paper plats because the Staff had a process to identify note plats. However, now that everything is obtained electronically, the notes are missing on the plats. She pointed out that the title for each lot is subject to the ordinances, but when the plat is pulled at the County, the ordinance does not pull up.

Planner Whetstone stated that in an effort to clear up the confusion, the plat amendment, if approved, would record the plat note and it would be included on the County Recorded plat. When someone pulls up Risner Ridge all the plat notes would show. She clarified

that the plat amendment would not change any previous approval. The purpose was only to clean up the record.

Chair Worel opened the public hearing.

Alex Butwinski, a resident at Risner Ridge, stated that it has been the historical view of the HOA that the total maximum house size was 6100 square feet. However, if someone built a 4,000 square foot house they could use the remaining 2100 square feet as a garage. If they move ahead with this plat amendment, he thought the ability to continue doing that should be tied to it. Mr. Butwinski was bothered by the overall restriction of changing how basements are measured in the LMC. However, if the language is in the existing ordinance he understood why it would be included. Mr. Butwinski emphasized that his biggest issue is the ability for owners to add the square footage left over from a smaller house to the garage. He noted that it would still need to go through the HOA architectural review committee.

Commissioner Strachan asked Mr. Butwinski if there was anything in the proposed plat note that would prevent an owner from transferring the square footage from the house to the garage. Mr. Butwinski stated that the language did not prevent it, but the proposed wording was vague about allowing the HOA to make the decision. He preferred that it be clarified and codified in the plat note to give future owners the same ability.

Commissioner Gross asked if Mr. Butwinski would be comfortable changing the language to say a maximum of 6100 square feet including the garage, as opposed to specifying a 5500 square foot house. Mr. Butwinski suggested adding a second line stating that the owner has the option of trading residential space for a garage.

Commissioner Strachan referred to the language and suggested changing “any” to “all” and adding the word “structures” shall be no greater than 5500 square feet. He noted that the floor area excludes 600 square feet for the garage. Therefore, the 6100 square foot number would not be necessary.

Assistant City Attorney McLean stated that if the Planning Commission was considering a change to the plat note language, they should continue this item until they can get input from the HOA as the applicant. She explained that the language contemplated was merely putting a note on the plat to reflect what was exactly in the ordinance and what was approved. The applicant was not contemplating any changes beyond the exact ordinance.

Mr. Butwinski stated that the current HOA leadership has allowed the garage square footage in the past and as the leadership changes it becomes less clear. As recommended by Ms. McLean, he would request a continuance to give the HOA the

opportunity to provide input. Mr. Butwinski stated that he has never been invited to a meeting where this plat amendment was discussed at the HOA level. He thought the issue was significant enough for the current leadership of the HOA to consider preserving the option and clarifying it for the future leadership and owners.

Commissioner Joyce believed that the application before the Planning Commission was a simple procedure to memorialize language that already exists in an adopted ordinance and to place it on a recorded plat to stop the confusion. He thought Mr. Butwinski's request was a different matter that should involve the HOA getting together to decide if they all agree with Mr. Butwinski. Commissioner Joyce was uncomfortable changing the language to reflect one person's request. He did not believe the Planning Commission should hold up this application because the HOA could always request another amendment to include the language if they choose to; or they could update their guidelines without coming back to the Planning Commission.

Chair Worel closed the public hearing.

Commissioner Strachan agreed with Commissioner Joyce and he withdrew his intention to change the language as he previously suggested.

Planner Whetstone noted that the language on the plat did not exactly mirror the language in the ordinance and she suggested that it should be the same. She stated that the language on page 94 of the Staff report under Section 1 is the language that should be on the plat.

Commissioner Stuard stated that this application was requested by the HOA to make enforcement of their CC&Rs easier and clearer. He believed that the Planning Commission did the complete opposite by the action they took on the previous item. He understood the issue with the ordinance and that this was a ministerial action, but in the end they were supporting an HOA enforcing their CC&Rs.

Planner Whetstone noted that the language was stated in the minutes of the subdivision when the subdivision was approved by the City Council. She clarified that the HOA was requesting the plat note because they were the ones who previously requested the ordinance. The language was in the ordinance of the subdivision but it was never on the plat.

Mr. Campbell stated that the Planning Commission was being asked to clarify the ordinance and not the CC&Rs of the HOA, and that was different from the previous action.

MOTION: Commissioner Phillips moved to forward a positive recommendation to the City Council regarding the Risner Ridge and Risner Ridge #2 subdivision plat amendments based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Commissioner Strachan requested to amend the motion to add Condition of Approval #3, stating that the amended plat submitted by the applicant shall contain verbatim the language of Section 1 of Ordinance 90-28.

Commissioner Joyce seconded the motion as amended.

VOTE: The motion passed unanimously.

Findings of Fact – Risner Ridge Subdivision

1. The property is known as the Risner Ridge Subdivision.

2. The property is located in the Residential Development (RD) District.

3. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988.

4. Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989.

5. On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990. There was not a plat recorded with this Ordinance.

6. On March 4, 2004, the City Council approved an amendment to Ordinance 90-28 clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivisions and Risner Ridge No. 2 Subdivision. There was no plat recorded with this Ordinance.

7. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004. There were no plats recorded with this Ordinance.

8. On September 11, 2008, the City Council amended both plats in a similar manner to address similar issues of inconsistency with setback requirements. The

September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.

9. On August 26, 2010 the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011.

10.On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011.

11.The recorded Risner Ridge and Risner Ridge No. 2 Subdivision plats on record at Summit County do not include notes regarding house sizes because only Ordinance were recorded, not actually plat notes to physical plats, and when County recorder plats are searched the Ordinances do not come up.

12. The applicant proposes to add a plat note, consistent with Ordinances 90-28 and Ordinance 04-09, to both Risner Ridge and Risner Ridge No. 2 plats and record these amended plats at Summit County, memorializing the house size restrictions that were originally approved with the Risner Ridge and Risner Ridge No. 2 Subdivisions as approved by the City Council as stated in the Ordinances.

13.The note being added states the following: Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.

14.The plat note will provide consistency between the plat notes and the Risner Ridge Subdivision approval as well as the CC&Rs and house sizes will be calculated stricter than with the Land Management Code. The CCRs include the entire basement area in the total floor area as was approved with the original subdivision approvals.

15.This note will not create any known non-complying structures. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the

City.

16.The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does enforce notes and instructions on a recorded subdivision plat.

Conclusions of Law – Risner Ridge Subdivision

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 – Risner Ridge Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will submit the amended plat to the City for recordation 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 will expire, unless a written request for an extension is submitted prior to the expiration and the extension request is granted by the City Council.

3. The amended plat submitted by the applicant shall contain verbatim the language of Section 1 of Ordinance 90-28.

Findings of Fact – Risner Ridge 2 Subdivision

1. The property is known as the Risner Ridge No. 2 Subdivision.

2. The property is located in the Residential Development (RD) District.

3. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988.

4. Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989.

5. On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990. There was not a plat recorded with this Ordinance.

6. On March 4, 2004, the City Council approved an amendment to Ordinance 90-28 clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivision and Risner Ridge No. 2 Subdivision.

7. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004. There were no plats recorded with this Ordinance.

8. On September 11, 2008, the City Council amended both plats in a similar manner to address similar issues of inconsistency with setback requirements. The September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.

9. On August 26, 2010 the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011.

10. On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011.

11. The recorded Risner Ridge and Risner Ridge No. 2 Subdivision plats on record at Summit County do not include notes regarding house sizes because only Ordinance were recorded, not actually plat notes to physical plats, and when County recorder plats are searched the Ordinances do not come up.

12. The applicant proposes to add a plat note, consistent with Ordinances 90-28 and Ordinance 04-09, to both Risner Ridge and Risner Ridge No. 2 plats and record these amended plats at Summit County, memorializing the house size restrictions that were originally approved with the Risner Ridge and Risner Ridge No. 2

Subdivisions as approved by the City Council as stated in the Ordinances.

13. The note being added states the following: Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.

14. The plat note will provide consistency between the plat notes and the Risner Ridge Subdivision approval as well as the CC&Rs and house sizes will be calculated stricter than with the Land Management Code. The CCRs include the entire basement area in the total floor area as was approved with the original subdivision approvals.

15. This note will not create any known non-complying structures. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the City.

16. The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does enforce notes and instructions on a recorded subdivision plat.

Conclusions of Law – Risner Ridge 2 Subdivision

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 – Risner Ridge 2 Subdivision

1. The City Attorney and City Engineer will review and approve the final form and

content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation 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 will expire, unless a written request for an extension is submitted prior to the expiration and the extension request is granted by the City Council.

3. The amended plat submitted by the applicant shall contain verbatim the language of Section 1 of Ordinance 90-28.

4. 65/71/70 Silver Strike Trail – Belles at Empire Pass ROS Amendment for Units 7/8/17 (Application PL-14-02239)

Commissioner Phillips recused himself and left the room.

Planner Christy Alexander reviewed the application to plat as-built conditions for constructed units 7, 8 and 18 of the Belles at Empire Pass. This is the Sixth Supplemental Plat for the Belles at Empire Pass. This request is compatible with the previous supplemental plat that were approved and recorded for the previous constructed units.

The purpose of the application is to plat the as-built conditions. Recordation is a condition precedent to issuance of a final certificate of occupancy.

Planner Alexander reviewed the plat and noted that Units 7 and 8 were in a duplex and Unit 17 was a single family dwelling. All the conditions were consistent with the underlying Silver Strike Subdivision plat, as well as the Amended, Consolidated and Restated condominium plat at the Belles at Empire Pass.

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

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan noted that as-built requests come up all the time; however, they need to be checked carefully because sometimes the as-built conditions are substantially

different from what was approved. In some cases it is intentional rather than a mistake. He did not believe that was the case with this application.

Commissioner Campbell stated that he is always curious as to the background of an as-built and why it was built differently. Assistant City Attorney McLean stated that these particular units were stand-alone, similar to single family homes that were individual units. These were done with the condition that when they were built the as-built would come back. It is not a case of where the condominium was approved and then there were significant changes to what was actually supposed to be built. Ms. McLean agreed with Commissioner Strachan that it is always good to have fresh eyes look at these as-builts.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Condominium Plat Amendment for 65, 71 and 70 Silver Strike Trail, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – Silver Strike Trail

1. The property, Units 7, 8, and 17 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 65, 71, and 70 Silver Strike Trail.

2. The property is located on Lots 1 and 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

3. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 17 PUD –style detached single family homes and duplexes.

6. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike Subdivision.

7. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.

8. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.

9. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Unit 5 and 6. These plats were recorded on October 28, 2013.

10.On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.

11.On January 16, 2014, the Planning Department received a complete application for the Sixth Supplemental Plat for Constructed Units 7, 8, and 17.

12.The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 7, 8, and 17 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.

13.The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.

14.Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike subdivision plat.

15.The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 7 contains 4,585.3 sf Gross Floor Area,

Unit 8 contains 3,922.8 sf Gross Floor Area and Unit 17 contains 4,926.6 sf Gross Floor Area.

16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

17.Unit 7 contains a total of 4,585.3 square feet and utilizes 2.393 UE. Unit 8 contains a total of 3,922.5 square feet and utilizes 1.961 UE. Unit 17 contains a total of 5,629 square feet and utilizes 2.815 UE. The total UE for Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 17 is 31.49 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.

18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

19. The findings in the analysis section are incorporated herein.

Conclusions of Law – Silver Strike Trail

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 7, 8, and 17.

2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed supplemental plat.

4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.

4. As a condition precedent to issuance of a final certificate of occupancy for Units 7, 8, and 17, the supplemental plat shall be recorded at Summit County.

5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.

6. The Unit sizes and UEs shall be reflected on the plat as they are to reflect the actual size and UE of the Units.

Commissioner Phillips returned to the meeting.

5. 300 Deer Valley Loop – Roundabout Subdivision ROS (Application PL-13-02147)

Commissioner Campbell recused himself and left the room.

Planner Alexander reviewed the application to amend the existing Roundabout Subdivision Plat that came before the Planning Commission in 2007, consisting of two duplexes on two lots. The request is to remove the lot line and create one condominium plat with a total of four units; two units in each building.

Planner Alexander noted that this proposal was a significant change from the last plat that was approved in 2007 and recorded in 2008. The applicant is proposing to build an

underground parking structure which would eliminate the four garages that would have been visible along Deer Valley Drive. There would be one access and a common shared driveway coming off of Deer Valley Drive entering the parking structure. Two parking spaces per unit would be provided, as well as six additional guest parking spaces. There would be a requirement to exit the parking structure front facing on to Deer Valley Drive. The Staff and the applicant have been working with the City Engineer. The bus pull out would be moved slightly to the west in order to accommodate the driveway. The Staff thought it was too difficult and dangerous to access off of Deer Valley Loop Road. Planner Alexander stated that the architecture currently being proposed has changed significantly; however, the density is less than what is permitted within the R-1 zone. All the setbacks are met.

Planner Alexander reported on existing encroachments from 510 Ontario that would need to be resolved either through an encroachment agreement or removal of the encroachment prior to plat recordation.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Blake Henderson, the applicant, stated that they worked hard to recognize the challenges in Old Town. They were not challenging height in the zone or the footprint, and the requested plat proposes less density for the land than what the zone would allowed. Mr. Henderson stated that they tried to design a project that limits congestion, traffic, parking and massing in keeping with Old Town.

Commissioner Gross had a hard time following the site plan to understand the driveway location and ingress and egress. Planner Alexander stated that the driveway entrance would to the east of the bus pullout. Cars would enter the driveway and go underground to parking below the units. There would be room to turn around in the parking structure and exit out on to Deer Valley in the same location they came in.

Commissioner Joyce thought page 142 showed the opposite. Planner Alexander stated that page142 showed the previous proposal before the City Engineer asked them to place the entrance on the other side and move the bus pullout. She noted that the drawings needed to be updated.

Commissioner Stuard believed the proposal was a better solution that the previous project; however he was concerned with how it was being wedged into the slope. He thought the top of the building appeared to be several feet below the natural grade. He stated that there would need to be a 44-foot vertical cut during the excavation in order to build the back retaining wall; and then a step and another 10 feet at the very back of the building.

Mr. Henderson believed the vertical cut in back was 20 feet and setback 20 feet for a total of slightly over 40 feet. Commissioner Stuard disagreed with the numbers. He noted that the parking lot elevation was 7094. In looking at the topo line in the southeast corner of the building the elevation is 7138, which is 44 feet from the garage elevation to the top floor. Commissioner Stuard had safety concerns. He was unsure how they could safely make a 44 foot high cut and then go up another 10 feet without having the slopes collapse. In addition, it would create a large amount of dirt and the amount of hauling would be significant. He suggested the possibility of adding a condition of approval that addresses the hours and methods of hauling.

Planner Alexander stated that a construction mitigation plan would be required when the applicant applies for a building permit.

Commissioner Strachan wanted to know why this application did not require a Steep Slope CUP. Planner Alexander replied that it was not in the Historic District. Commissioner Stuard stated that if it the currently LMC did not deal with steep slopes in a more comprehensive way, it should be a consideration for the LMC rewrite.

Commissioner Stuard remarked that this project would be highly visible approaching the traffic circle and beyond on Deer Valley Drive.

Chair Worel opened the public hearing.

David Constable stated that he lives at 375 Deer Valley Drive across the street from this property. A month ago when he heard that this project was coming back to the Planning Commission he went to the Planning Department and was told that a steep slope conditional use permit was not required because it was not in the Historic District. Mr. Constable thought there was a real disconnect because it was only 100 feet away from the Historic District. He pointed out that he was required to go through the steep slope process for his project and he, too, was only 100 feet away. This site is much steeper than his site. Mr. Constable could not understand why there was an arbitrary line where on one side people were held to specific restrictions, but on the other side the restrictions did not apply. Mr. Constable urged the Commissioners to visit the site and look up the hill to understand what he was talking about. It is steep and massive and it is right on Deer Valley Drive.

Bill Tink stated that he the owner of 408, 410 and 412 Deer Valley Loop, which abuts to Third Street, right behind the property at 300 Deer Valley Loop. Mr. Tink referred to some discrepancies in the plan. One was the driveway and the exhibit shown on page 142. Mr. Tink referred to the side elevation on Exhibit H. From the drawing the height above grade appeared to be 22 feet. However, on page 119 there was a proposed height of 32 feet and he questioned the difference or whether 32 feet may have been a typo.

Mr. Henderson believed it was a typo because the actual number was 22 feet above existing grade.

Assistant City Attorney McLean stated that the plans have to match the actual drawings that are being approved as part of the ordinance. Planner Alexander presented the drawings that were part of the approval. Exhibit H was not included in the documents for approval. It was part of the supplemental documents for additional information.

Mr. Tink asked if the Planning Department had standard vertical data that they use to calculate the elevation, or whether they were using multiple vertical data that does not match. Director Eddington stated that they typically use the current survey from the licensed engineer to obtain that information. The survey should reflect what is on the ground. Mr. Tink found the vertical data on all the maps, but he could not find anything that provided vertical data on this application. Director Eddington noted that the current survey by Evergreen Engineering on page 135 should reflect the current vertical data.

Mr. Tink was not satisfied with the vertical data and suggested that he could discuss his issues with the applicant rather than take the time this evening.

Mr. Tink noted that there are six significant pine trees that would probably need to come down for construction. He asked if those trees could possibly be moved and replanted on Third Street as part of the construction mitigation plan. He also wanted to make sure that there would be no parking along Deer Valley Loop because the road is narrow.

Planner Alexander stated that parking would not be allowed on Deer Valley Loop. She pointed out that typically the City requires significant trees to be replaced with a like-wise significant tree or with two trees, depending on the Arborist's recommendation.

Patricia Constable wanted to know where the construction vehicles would park. They have been contending with parking from other projects and vehicles are parked everywhere. She anticipated this project to take several years. She believed parking would be a problem and that Deer Valley Loop would have to be used. Ms. Constable stated that this was the most intensely vigorous sections of Deer Valley Drive and pulling on to the road requires extreme caution. She found the concept of building on that hill to be ludicrous. She understood that it was improved but she was personally disturbed by it.

Chair Worel closed the public hearing.

Commissioner Strachan stated that having been reminded that this would not go through the CUP process and after reading the Staff report more thoroughly, this was their only

opportunity to regulate this property. He thought it should be subject to the Steep Slope Analysis. Commissioner Strachan remarked that on steep slopes the Planning Commission needs to see a detailed height analysis. There were obvious problems with the surveys and other discrepancies. The exhibits needed to be larger showing the topographical data, the existing grade, and the planned finished, as well as the heights to each floor and each setback level. Commissioner Strachan stated that this was one of the more complicated pieces of property in Park City. He advised the applicant to come back with more materials when he is asked to do so because the Planning Commission cannot approve what they do not have.

Planner Alexander stated that the larger set of plans were submitted by the applicant and they were available in the Planning Department. Commissioner Strachan requested that the plans be provided to the Planning Commission on 11 x 17 sheets so they could be read. Commissioner Strachan also requested an estimation of the amount of dirt that would be removed.

Mr. Henderson believed the requests were part of a Steep Slope Analysis which was not required in the R-1 zone. Commissioner Strachan read from LMC Section 15-7.3, "for land that due to steep slopes or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unsuitable land conditions." Mr. Henderson thought the language pertained to construction mitigation. He noted that through the original approval process it was determined that there was no Steep Slope Ordinance on this property. Commissioner Strachan informed Mr. Henderson that he could build what was approved if he did not want to provide the additional information being requested. Commissioner Strachan emphasized that Mr. Henderson needed to provide an estimate of the amount of excavation, particularly with the new proposal of an underground parking garage, and the amount that would have to be required for the grading.

Commissioner Strachan remarked that the purpose statements in the R-1 District were very clear that the project has to be stepped to the topography of the grade. He noted that the drawing provided on page 146 shows two steps and an existing grade and a front of the façade that has no stepping. He pointed out that Mr. Henderson stepped the retaining wall but not the front façade. Mr. Henderson replied that the façade steps back three times at different angles.

Commissioner Strachan asked Mr. Henderson to provide the Planning Commission with the construction mitigation plan. He agreed with the concerns regarding construction parking on Deer Valley Drive. Mr. Henderson stated that the Deer Valley Drive

construction project was staged on a large, flat area of his property. He intends to stage this project on his property as well. Commissioner Strachan stated that 15-7.3 entitles the Planning Commission is review the construction mitigation plan to see how they could address the unsuitable land conditions. Mr. Henderson disagreed. Commissioner Strachan did not believe that was an unreasonable request, and noted that on other complicated projects the Planning Commission was able to see the construction mitigation plan before it was given to the Building Department.

Commissioner Strachan stated that even though the other properties have not shown any potential problems geo-technically, he would like to have a geo-tech opinion on the cumulative effect of all the homes going on this steep slope.

Commissioner Gross concurred with Commissioner Strachan's.

Commissioner Joyce stated that his struggle was with the construction mitigation. He could see this as being catastrophic.

Commissioner Stuard agreed with all the comments. He referred to the site plans on pages 133 and 145 of the Staff report, both of which had topographic lines. He stated that the outside retaining wall configuration were quite different. Page 133 showed a series of three walls behind the back of the building. They are not shown on page 145, but alternatively there are two curved linear single rock wall type retaining walls on either end of the building. He noted that the one on the southwest elevation starts at 9 feet and climbs up to 15 feet by the time it arcs back into the next element of the building. Commissioner Stuard did not believe that could be accomplished with a single rock wall type of construction. He requested an accurate site plan that accurately depicts the locations and heights of all the retaining walls on the site.

Mr. Henderson stated that if he is held to the restrictions of the R-1 zone, he could not understand why other zoning restrictions were being put on this project. He used the Steep Slope study as an example. Commissioner Strachan clarified that Mr. Henderson was not being subjected to the Steep Slope Analysis. If he were it would be much more rigorous than what they were requesting. Planner Alexander read from LMC Section 15-7.3-1(D) to help Mr. Henderson understand what the Planning Commission was asking for and why.

Commissioner Strachan remarked that LMC Section 15-7.3 applies and the language suggests that the land is unsuitable. However, unsuitable does not mean unbuildable. It only means that adequate methods must be imposed to solve the problems that are created by the unsuitable condition.

Mr. Henderson was confused by the comments because he has an approved buildable lot with an approved plat. The approved plan was a worse proposal than what he is proposing today. He has made a tremendous effort to mitigate all the issues with this new plan. Commissioner Strachan stated that Mr. Henderson needed to show the Planning Commission that it was a better plan. With adequate and detailed information the Planning Commission would probably approve it.

Commissioner Phillips commended Mr. Henderson for what he has done to this point. The Planning Commission was asking for more information because this new proposal was different from the original approval. He believed that with the proper information the Planning Commission could look favorably on the project.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment for 300 Deer Valley Loop to April 9th, 2014. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Campbell returned to the meeting.

6. 1138 Lowell Avenue Plat Amendment (Application PL-14-02246)

Planner Alexander reviewed the request to combine two existing lots at the 1138 Lowell Avenue Subdivision into one lot of record. The applicant currently owns both lots and they would like to build an addition to their existing single family home on 1138 Lowell Avenue. Currently, one lot is vacant.

Planner Alexander noted that the applicant has not provided any details on the size of the proposed addition. She reviewed the analysis on page 173 of the Staff report showing that the existing building footprint was 808 square feet. By combining the lots they could be permitted up to 1,519 square feet for a single family home.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation on the requested plat amendment.

Commissioner Strachan asked if the permitted 1,519 square feet included the 808 square feet of the existing home. Planner Alexander answered yes. She clarified that 1,519 square feet was the maximum size of a home over two lots.

Planner Alexander noted that the zone allows a conditional use for duplexes. The applicant could build an addition and convert it to a duplex. Therefore, if the Planning

Commission preferred, they could place a condition of approval restricting the structure to single family or a specific size.

Chair Worel referred to page 173 and the reference to larger homes in the area. She asked if Planner Alexander knew the square footage of those homes. Planner Alexander was unsure of the square footage, but noted that there are large homes and duplexes on the other side of the street.

Commissioner Stuard noticed that Purpose Statement D on page 171 of the Staff report encourages development on combinations of 25' x 75' lots. Director Eddington stated that in the past there was a theory that combining lots would reduce density in Old Town. For that reason lot combinations were not discouraged and actually encouraged in many cases. As LMC revisions were made over the years it became evident that building on lot combinations produces very large houses, and the recommendation was made to move towards the preservation of single family lots and/or placing a maximum on the number of lot combinations.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Campbell stated that if the intention is to rewrite the LMC to sync it with the recently adopted General Plan, he wanted to know where they look for guidance in the interim. He felt this was a perfect example of encouraging something that might be discouraged in the near future. Director Eddington replied that the Planning Commission needed to utilize the current LMC.

Assistant City Attorney McLean clarified that the lot owners would be vested under the current LMC regardless of when the LMC would change.

Commissioner Phillips agreed that the surrounding structures were very large and he did not believe the addition would look out of place. He had no objection to this request.

Commissioner Strachan preferred to place a limitation on the size of the dwelling that could be built on the second lot in the interest of controlling the creep effect of giant homes. He believed the size of the addition should be restricted but he did not have a specific number in mind. He suggested half of the size of the existing lot, which is 808 square feet. The addition could be 404 square feet.

Commissioner Campbell thought Commissioner Strachan was just pulling out numbers without any basis. Commissioner Strachan stated that the Planning Commission has the purview to place limitations. There was no definition of compatibility and it was left to the Planning Commission to determine.

Commissioner Stuard did not believe 50% was an arbitrary number. In many of the subdivisions that were platted in the later stages of Park Meadows, there was language that said if you combine two lots you are only allowed to have 150% of what was allowed on one lot. He thought there was precedent for what Commission Strachan suggested.

Commissioner Campbell did not think they should restrict further than the LMC restriction. Commissioner Strachan felt there was no question that the Planning Commission has the right under the LMC to restrict the footprint further than the LMC restriction. However, they cannot be arbitrary and capricious. It must be done to reach a compatibility standard.

Assistant City Attorney McLean reminded the Commissioners that this was not a historic home and the applicants could conceivably knock down the existing home and rebuild a new home on the combined lots. She pointed out that it was also on a steep slope and any building larger than 1,000 square feet would come back to the Planning Commission for a Steep Slope CUP. Director Eddington noted that the second lot is a steep slope.

Commissioner Strachan remarked that restricting the size was easier at this point when defining the footprint of the lot than it is during the CUP process. The footprint of the lot dictates the size of the structure size. Once the footprint is established it is much more difficult.

Commissioner Campbell felt it was very arbitrary for the Planning Commission to determine the number when the LMC has an exact calculation and formula.

Commissioner Joyce created a scenario under the LMC that would produce a house size on combined lots that would be incompatible with the neighborhood. The question was not whether they could restrict beyond the LMC in certain circumstances because their job is compatibility. In his opinion, given that this particular project is on two lots, the existing house is not historic and there are larger houses across the street, this was less likely to cause compatibility issues.

Commissioner Campbell was more comfortable with a rigid number that people could count on without it appearing to be arbitrary. Commissioner Strachan stated that the Planning Commission could have a work session on the proposed LMC amendments to codify what compatibility means to the Commissioners. Commissioner Campbell recognized that three of the Commissioners had years of experience and that he may be venturing into an area

that he did not understand. Commissioner Campbell used Google Maps to show four or five gigantic houses across the street.

Commissioner Gross asked if the Commissioners wanted to restrict it from a duplex. He recalled a previous issue with a duplex in the area. Commissioner Strachan thought duplexes should be put to rest in the zone. Director Eddington clarified that currently a duplex is a conditional use. If the applicant wanted to build a duplex it would have to come before the Planning Commission for a CUP. He agreed that there have been challenges with duplexes in Old Town.

Commissioner Strachan suggested that they let it play out to see what happens. Commission Campbell was comfortable letting it play out because the applicant was vested under the current LMC, which does not restrict duplexes. If the Planning Commission wanted to restrict duplexes moving forward, they needed to update the LMC so people know what to expect.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1138 Lowell Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed 5-1. Commissioner Stuard voted against the motion.

Findings of Fact – 1138 Lowell Avenue

1. The property is located at 1138 Lowell Avenue within the Historic Residential (HR-1) District.

2. The 1138 Lowell Avenue Subdivision was approved by City Council on May 1, 2003 and recorded on April 19, 2004.

3. The City Council approved the 1138 Lowell Avenue Subdivision First Amended plat on August 24, 2006 and was recorded on June 4, 2007.

4. On January 29, 2014, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.

5. The application was deemed complete on February 13, 2014.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family

dwelling and 3,750 square feet for a duplex.

7. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed lot based on the lot area of the lot.

8. The property has frontage on and access from Lowell Avenue.

9. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations except for the existing non-conforming southerly side yard setback of 2.82 feet.

10.The existing non-conforming northerly side yard setback of 2.76 feet will be eliminated with the approval of the proposed plat amendment.

11.The plat amendment secures public snow storage easements across the frontage of the lot.

Conclusions of Law – 1138 Lowell Avenue

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding 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 – 1138 Lowell Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the 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 permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.

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

5. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

7. 345 Deer Valley Drive ROS Amendment, Units 5 & 6 (Application PL-14-02237)

Planner Alexander reviewed the application to amend the Deer Valley Drive Condominium Plat for Units 5 and 6 at 345 Deer Valley Drive. The purpose of the request is to amend the condominium plat in order to record a revised plat that is consistent with the as-built conditions of the property.

Planner Alexander reported that the properties never received a certificate of final occupancy due to construction errors made by the previous builder and lack of funding to complete the project. The units were recently purchased by Equity Resources and they were trying to fix the errors and interior malfunctions. In addition, because the stairwells were never built, the applicant was proposing to adjust the stairway access and the square footage of Units 5 and 6. They were also opening a loft area on the seventh floor.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the condominium plat amendment at 345 Deer Valley Drive, Units 5 and 6, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 345 Deer Valley Drive

1. The property, Units 5 and 6 of the Amended DVD Condominiums Plat, are located at 345 Deer Valley Drive.

2. The property is located within the R-1 zoning district.

3. March 24, 2011, the City Council approved the DVD Condominiums Plat. This plat was recorded June 8, 2006.

4. On January 30, 2014, the Planning Department received a complete application for the Amended DVD Condominiums Plat amending Units 5 and 6.

5. The purpose of the supplemental plat is to describe and document the as-built conditions for constructed Units 5 and 6 at the DVD Condominiums prior to issuance of a certificate of occupancy.

6. The supplemental plat complies with the conditions of approval of the underlying plats, namely the DVD Condominiums plat.

7. Unit 5 contains a total of 6,052 square feet. Unit 6 contains a total of 2,828 square feet.

8. As conditioned, this supplemental plat is consistent with the conditions of approval of the DVD Condominium plat.

Conclusions of Law – 345 Deer Valley Drive

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 5 and 6.

2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed supplemental plat.

4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park

City.

Conditions of Approval – 345 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. All conditions of approval of the DVD Condominiums plat shall continue to apply.

4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.

5. Units 5 and 6 will maintain a 50-foot limit of disturbance area from the rear yard setback.

6. The existing disturbed area in the rear yard setback shall not be improved with any structures, patios, decks or similar improvements.

7. The Unit sizes shall be reflected on the plat as they are to reflect the actual size of the Units.

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

Approved by Planning Commission: _____

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **520 Park Avenue**
Project #: **PL-14-02242**
Author: **Ryan Wassum, Planner**
Date: **March 26, 2014**
Type of Item: **Administrative – Steep Slope Conditional Use Permit**

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 520 Park Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Owner/ Applicant:	Trent Timmons, Owner; represented by Hal Timmons
Architect:	Craig Kitterman, Craig Kitterman & Associates
Location:	520 Park Avenue
Zoning:	Historic Residential (HR-2, Subzone A)
Adjacent Land Uses:	Residential single family and duplexes, commercial, and a church
Reason for Review:	Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for a new single family home with a proposed square footage of 3,996 square feet (sf) (including the 288 sf single car garage) on a vacant 3,704.2 sf lot located at 520 Park Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On January 22, 2014, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 520 Park Avenue. The application was deemed complete on January 31, 2014. However, more information was needed from the applicant to complete the height analysis and revised plans were submitted on February 25, 2014. The property is located in the Historic Residential (HR-2, Subzone A) District.

This application is a request for a Conditional Use Permit for construction of a new single family dwelling on a platted lot of record. The 520 Park Avenue Replat was approved by City Council on March 14, 2013, and is a resubdivision of Lot 44 and part of Lot 43, in Block 9 of the Park City Survey amended. The property is two lots combined to make a 50' by 75' Old Town lot that contains 3,704.2 sf of lot area abutting a historic building on Main Street.

Because the total proposed structure is greater than 1,000 sf, and construction is proposed on an area of the lot that has a thirty percent (30%) or greater slope, the applicant is required to file a Conditional Use Permit (CUP) application. The CUP is required to be reviewed by the Planning Commission, pursuant to LMC § 15-2.3-7, prior to issuance of a building permit.

The lot is a vacant, platted lot with existing grasses and little other vegetation. The lot is located between two existing single family homes, one of which is a historic Landmark structure, and is located across from an existing single family home and a historic small church. There are no existing structures or foundations on the lot, however a small encroachment of approximately 45 sf in the northeast corner from a shed of the adjacent property exists. Access to this downhill lot is from Park Avenue. Utility services are available for this lot.

A Historic District Design Review (HDDR) application was reviewed concurrently with this application and found to be in compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. Staff reviewed the final design, included as Exhibit A.

Purpose

The purpose of the Historic Residential (HR-2, Subzone A) District is to:

A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
    1) Upper Main Street;
    2) Upper Swede Alley; and
    3) Grant Avenue,
B. encourage and provide incentives for the preservation and renovation of Historic Structures,
C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planning Developments in the HR-2, Subzone A,
D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of the surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-2 regulations for Lot size, coverage, and Building Height, and

F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
G. ensure improved livability of residential areas around the historic commercial core,
H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
I. encourage residential development that provides a range of housing opportunities with the community's housing, transportation, and historic preservation objectives,
J. minimize visual impacts of the automobile and parking by encouraging alternatives parking solutions,
K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Analysis

The proposed house contains a total of 3,996 sf of floor area, including the 288 sf single car garage proposed on the main level. The proposed building footprint is 1,492 sf. The 3,704 sf lot size, which removes the 45 sf encroachment, allows a building footprint of 1504.3 sf. The house complies with all setbacks, building footprint, and building height requirements of the HR-2, Subzone A, zone. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 sf	3,704 sf, complies.
Building Footprint	1,504.3 square feet (based on lot area) maximum	1,492 square feet, complies.
Front and Rear Yard	10 feet minimum (20 feet total)	12 feet (front) to entry and 18 feet (front) to garage, complies. 12 feet (rear), complies.
Side Yard	5 feet minimum	5' on each side, complies.
Height	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.	26-27 feet, complies. 28.25 feet for the single car garage area (approved by Planning Director, complies.
Height (continued)	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	34.3 feet, complies.
Final grade	Final grade must be within four (4) vertical feet of existing grade around	Maximum difference is 48" (4 feet) with most of the

	the periphery of the structure.	difference much less than 48", complies.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	Horizontal step occurs at 21.3 feet, complies.
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch	The main roofs have 7:12 pitches, complies. A rear gable has a 5:12 pitch, complies.
Parking	Two (2) off-street parking spaces required.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, complies.

LMC § 15-2.3-7 requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.
Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located on a platted lot of record in a manner that reduces the visual and environmental impacts of the Structure. The foundation is stepped with the grade and the amount of excavation is reduced. The Main Level of the Proposed Structure will sit below the Street Level. The single car garage will provide elevation proportions more in keeping with existing homes on that side of the street. The proposed footprint is less than that allowed for the lot area, setbacks are complied with, and overall height is less than allowable.

Criteria 2: Visual Analysis.
The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, smaller in scale and mass than surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated with minimized excavation and the lower profile of the roof height. Additionally, the garage door is located approximately 18 feet back from the edge of the property.

Criteria 3: Access.
Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

The proposed design incorporates a relatively level driveway from Park Avenue to the single car garage. Grading is minimized for both the driveway and the stepped foundation. Due to the greater than 30% slope and lot width a side access garage would not minimize grading and would require a massive retaining wall. The proposed driveway has a slope of less than 14%. The driveway is designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.
The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a steeper grade at the front property line with a slope of 40%. The average slope is 25% across the entire length of the lot. The foundation is terraced to regain Natural Grade without exceeding the allowed four (4') foot of difference between final and existing grade. Stepped low retaining walls are proposed on the sides at the front portion of the lot to regain Natural Grade and to create the driveway. New retaining walls will not exceed six feet (6') in height, with the majority of the walls less than four feet (4').

Criteria 5: Building Location.
Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The Final Grade will be almost identical to the Existing Grade. The site design and building footprint provide an increased front setback area in front of the garage. Side setbacks and

building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet.

Criteria 6: Building Form and Scale.
Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The house steps with the grade and is broken into a series of smaller components that are compatible and consistent with the pattern in the District and surrounding structures. The garage is subordinate in design in that it is recessed from the entry and set back slightly beneath the roof element. In addition, the garage sits below the street level reducing the fill needed to access the garage and the front door, and will also provide elevation proportions more in keeping with existing homes on that side of the street. This both decreases the visibility of the garage and decreases the perceived bulk of the house. The split level design matches the existing topography quite closely. Horizontal stepping, as required by the LMC, also decreases the perceived bulk as viewed from the street.

Staff finds that the structure complies with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture should be selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood.

Criteria 7: Setbacks.
The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

Front setbacks are increased as the garage portion of the house is set back 18 feet from the property line and nearly 26 feet from the edge of the street, to accommodate the code required parking space entirely on the lot. The entry area is moved forward to the 10 foot setback area (approximately 20 feet from the edge of the street). Side setbacks are consistent with the pattern of development and separation in the neighborhood. The profile roof and overall reduced mass of the design does not create a wall effect along the street front or rear lot line.

Criteria 8: Dwelling Volume.
The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and existing historic structures. The building volume is almost maxed out in terms of footprint; however most of the height of the structure is lower than the maximum height of 27', with some portions exactly at a height of 27'. The majority of the mass and volume of the proposed house is located behind the front façade and below Park Avenue. The rear of the house backs to commercial lots and structures on Main Street.

Criteria 9: Building Height (Steep Slope).
The maximum Building Height in the HR-2A District is twenty-seven feet (27') (and up to a maximum of thirty-five feet for a single car garage on a downhill lot per Planning Director approval). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure complies with the 27 feet maximum building height requirement measured from existing grade. The tallest portion of the house at the northwest corner is 27 feet with much of the house at 26 feet or less from existing grade. Overall the proposed height is less than the allowed height. While a 35 foot height is allowed for a garage on a downhill lot per Planning Director approval, this design proposes a maximum of 28.25 feet for the garage area. To minimize the amount of roof that is over the 27' height limit, a single car garage is proposed rather than a tandem car garage allowed by code. A ten foot (10') minimum horizontal step in the downhill façade is required below 23 feet and the proposed horizontal step takes place at 22.3 feet. The proposed height measurement from the lowest finish floor plane to the point of the highest wall top plate is 34.8 feet in height, slightly lower than the allowable maximum of 35 feet.

Process
Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application was noticed separately.

Department Review
This project has gone through an interdepartmental review. During the Development Review Committee meeting, SBWRD stated that the site will need to install an injector pump to pump sewage to Park Avenue. In addition, since the site is within the Soil Ordinance Boundary, the applicant will need to put together a plan addressing how the soil will be handled onsite (including a soil acceptance letter from the disposal facility),

as well landscaping plans that will conform with the Soils Ordinance. No further issues were brought up other than standards items that have been addressed by revisions and/or 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 in accordance with requirements of the LMC.

Public Input
No input has been received regarding the Steep Slope CUP.

Alternatives
- The Planning Commission may approve the Conditional Use Permit for 520 Park Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts
As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and shrubs. A storm water management plan will be required to handle storm water run-off at historic release rates.

Consequences of not taking the Suggested Recommendation
The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation
Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 520 Park Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact
1. The property is located at 520 Park Avenue.
2. The property is described as a resubdivision of Lot 44 and part of Lot 43, in Block 9 of the Park City Survey. The lot is a 50' by 75' "Old Town" lot and contains 3,704.2 sf of lot area. The allowable building footprint is 1504.3 sf for a lot of this size. The proposed building footprint is 1,492 sf.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-2, Subzone A, zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Park Avenue, a public street. The lot is a downhill lot.

6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
7. The neighborhood is characterized by primarily historic and non-historic single family and duplex houses. Commercial lots and structures on Main Street back to the rear yard.
8. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
10. There is a 45 sf shed encroachment in the northeast corner of the lot from the adjacent property that currently exists.
11. The proposed design is a single family dwelling consisting of 3,996 square feet of living area (including the 288 sf single car garage) with a proposed building footprint of 1,492 sf.
12. The driveway is proposed to be a maximum of 12 feet in width and 20 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-2A zoning as the three (3) story house measures less than 27 feet in height from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, and the the design includes a 10 foot step back at a height slightly below 23 feet.
15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Park Avenue.
17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Park Avenue.
18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.
22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The garage height is 28.25 feet on a downhill lot; garage height may exceed up to 35' on a downhill lot subject to Planning Director approval.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.3-7(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. No Building permit shall be issued until the Plat has been recorded.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared,

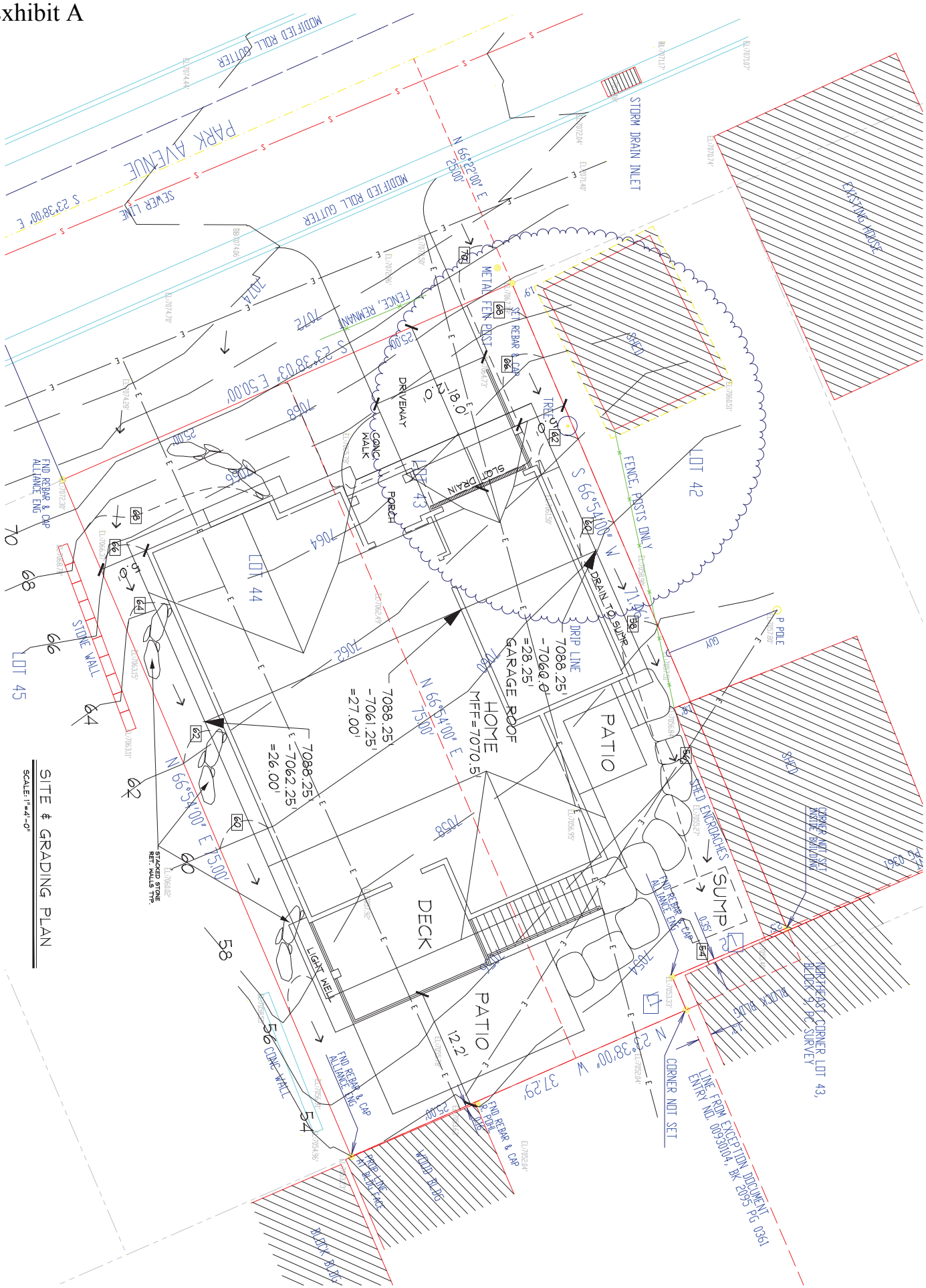
stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north.

8. This approval will expire on March 26, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

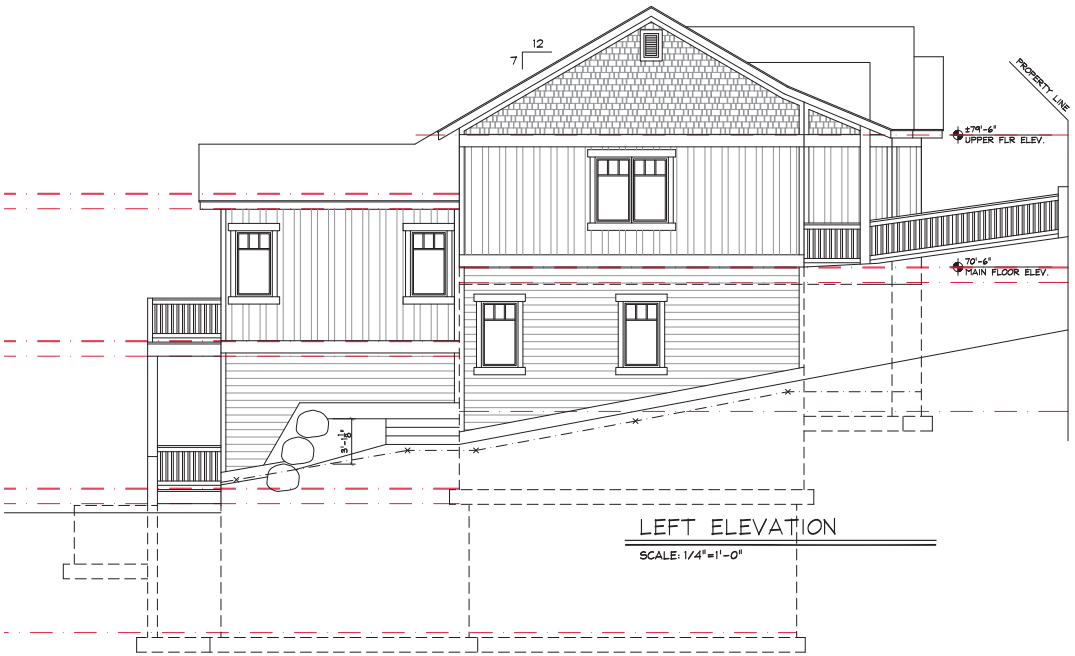
Exhibits

Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)
Exhibit B- Existing Conditions Survey
Exhibit C- Visual Analysis/Streetscape
Exhibit D- Existing Photographs
Exhibit E- Notice of Planning Director Determination (height exception)

Exhibit A



A 1.0	DATE PRINTED 02/25/2014	PROJECT # 13056	Craig Kitterman & Associates Architects 1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989	520 PARK AVENUE PROJECT ADDRESS, CITY, STATE, ZIP



LEFT ELEVATION

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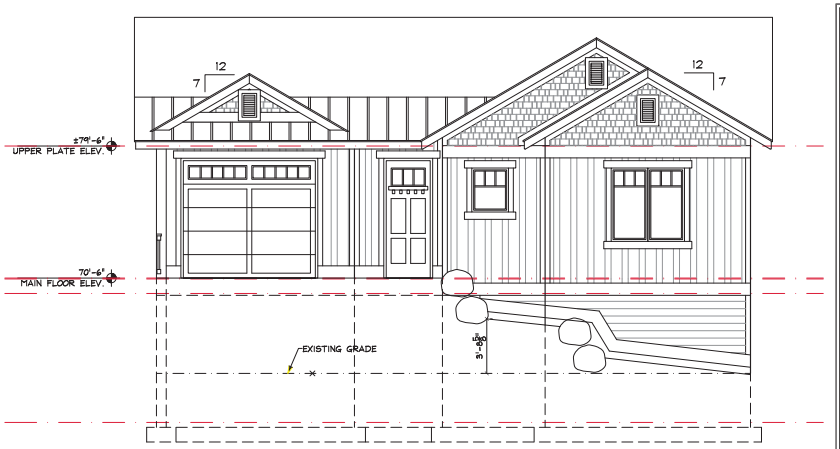

FRONT ELEVATION

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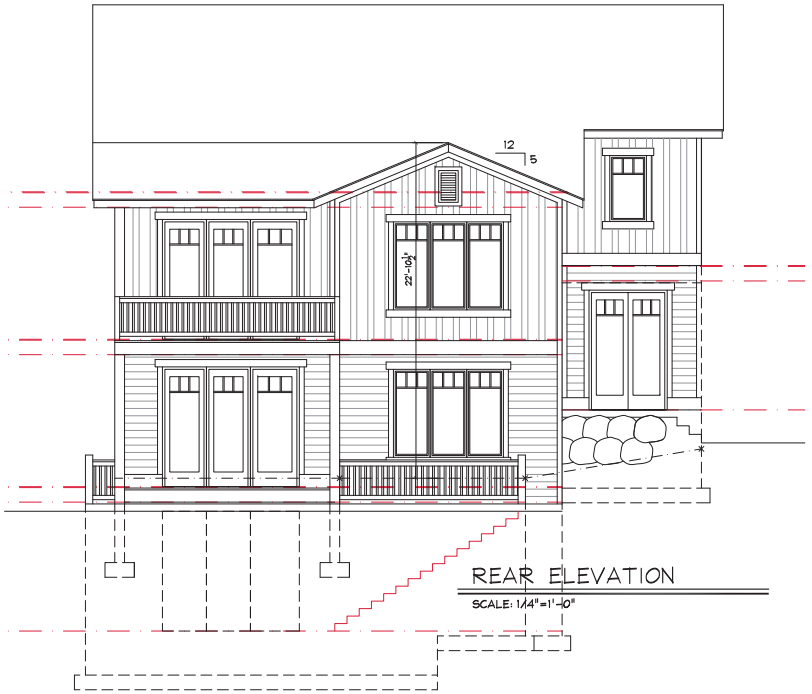
SEE SHEET #A-2 FOR ADD. NOTES

#PRELIMINARY DRAWINGS ONLY#
#NOT RELEASED FOR CONSTRUCTION#



REAR ELEVATION

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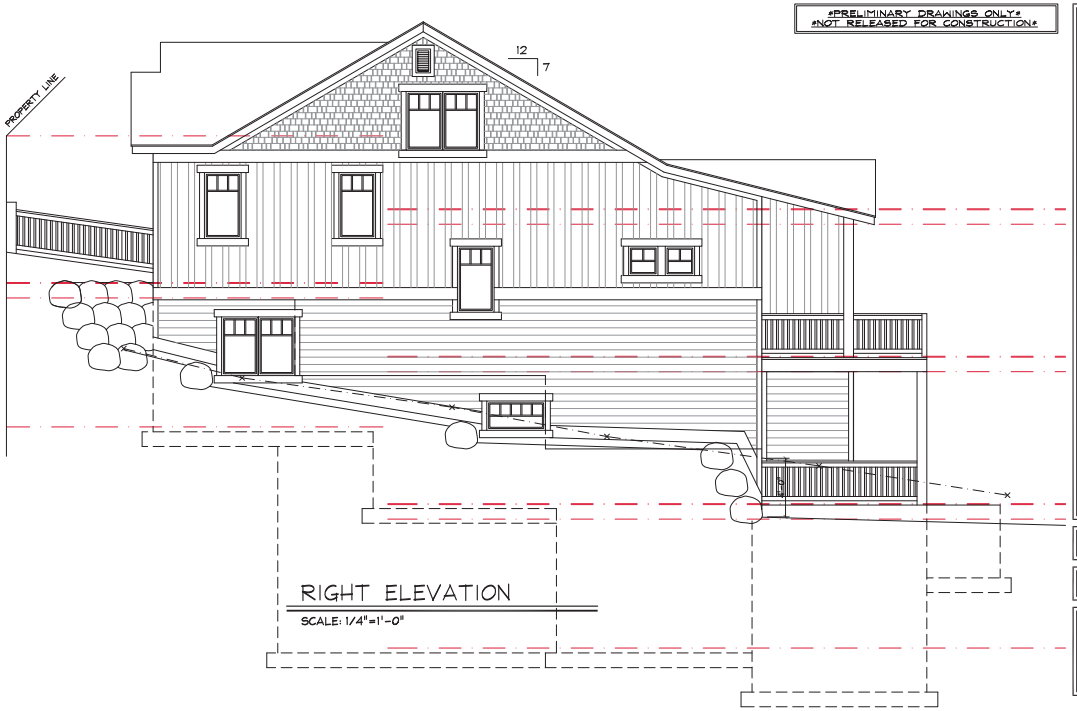

RIGHT ELEVATION

SCALE: 1/4"=1'-0"

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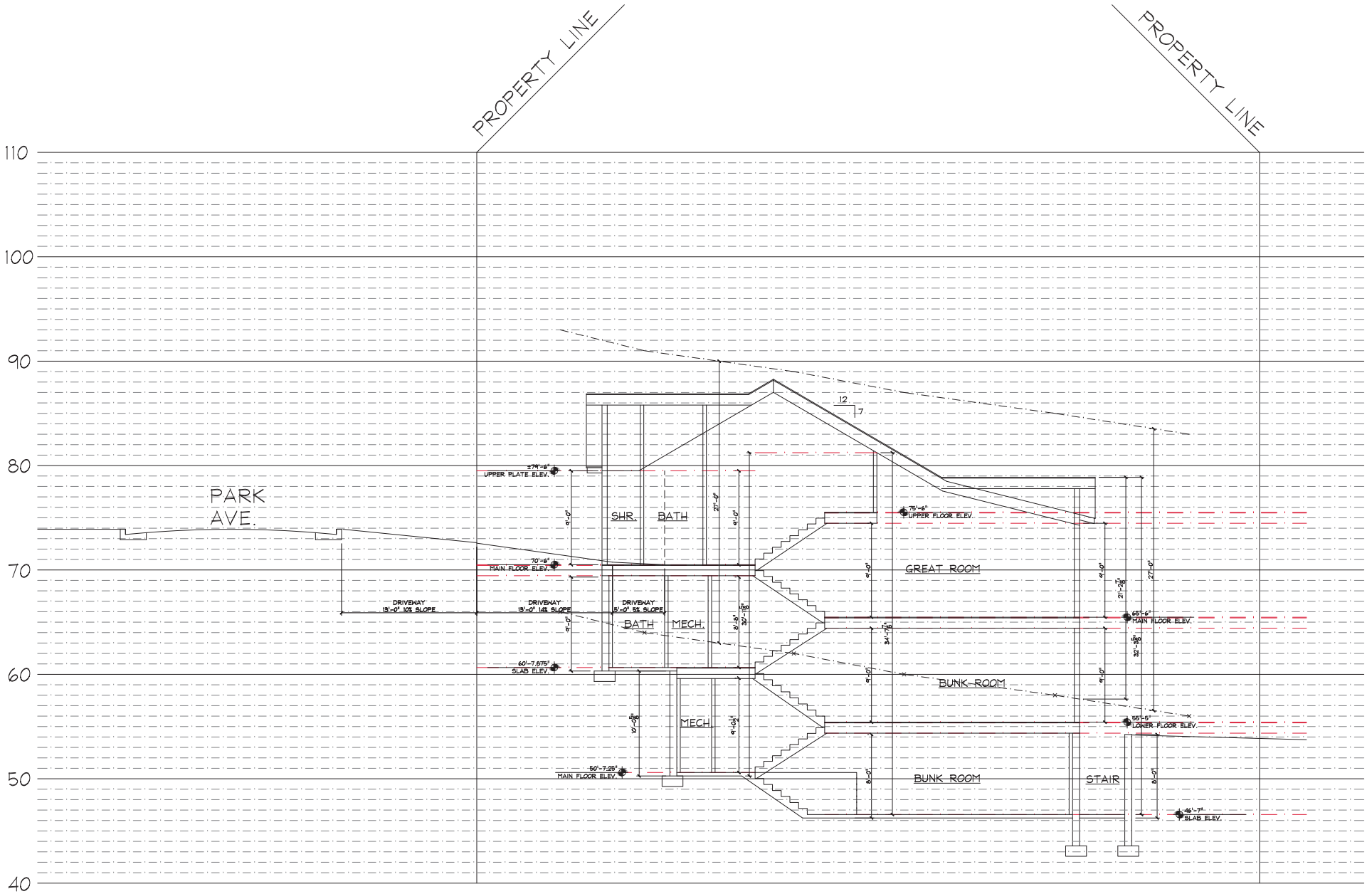

BUILDING SECTION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

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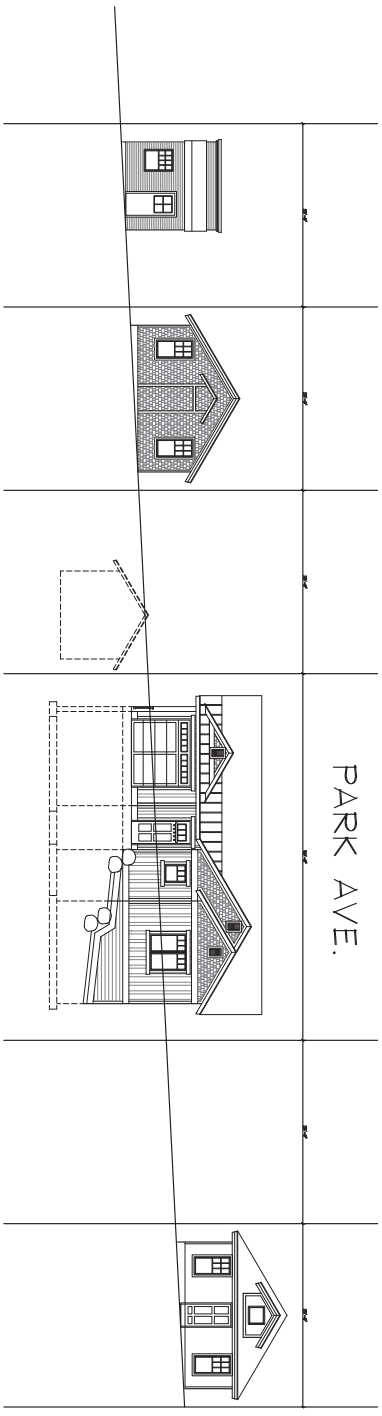

STREETSCAPE

SCALE: 1/8"=1'-0"

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520 PARK AVENUE

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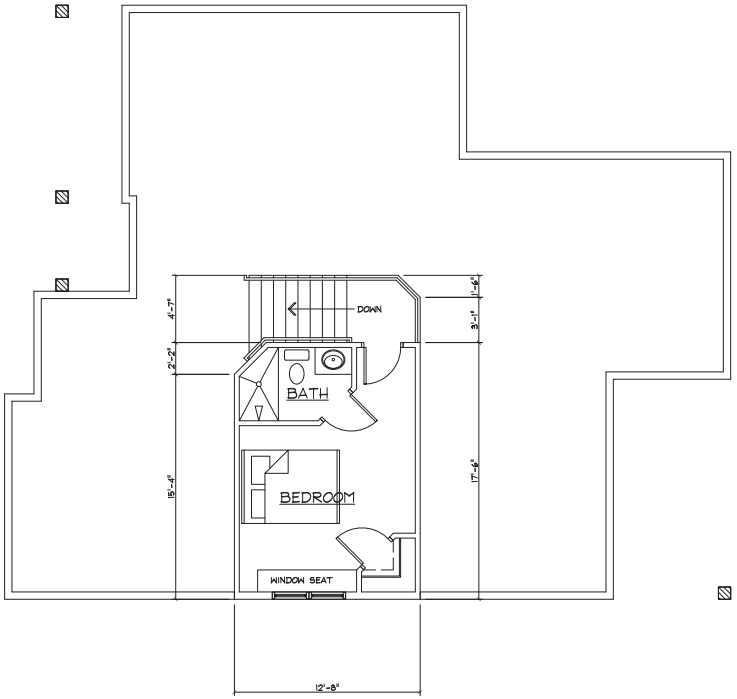

UPPER FLOOR PLAN

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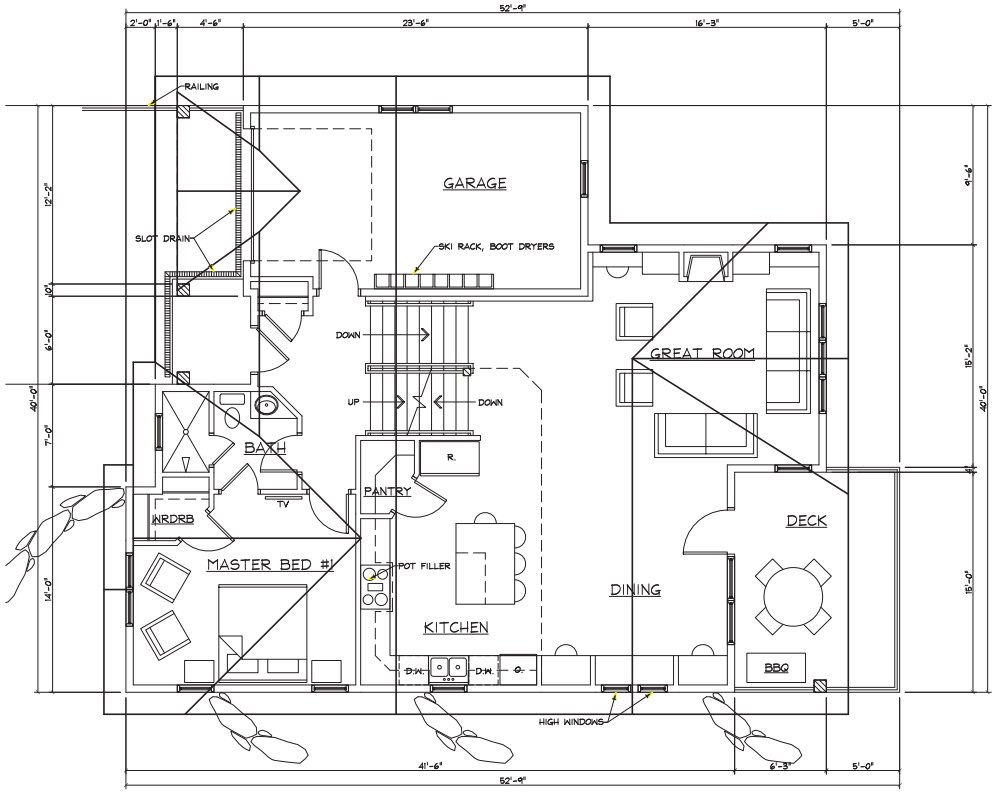

MAIN FLOOR PLAN

SCALE: 1/4"=1'-0" 1,205#

SEE SHEET #A-2 FOR ADD. NOTES

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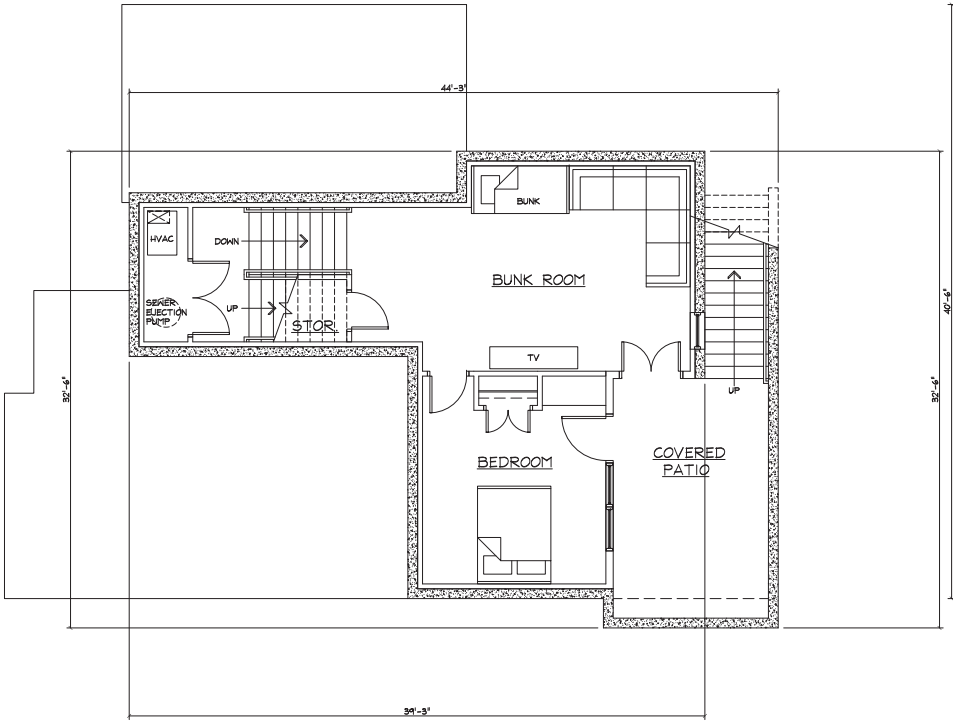

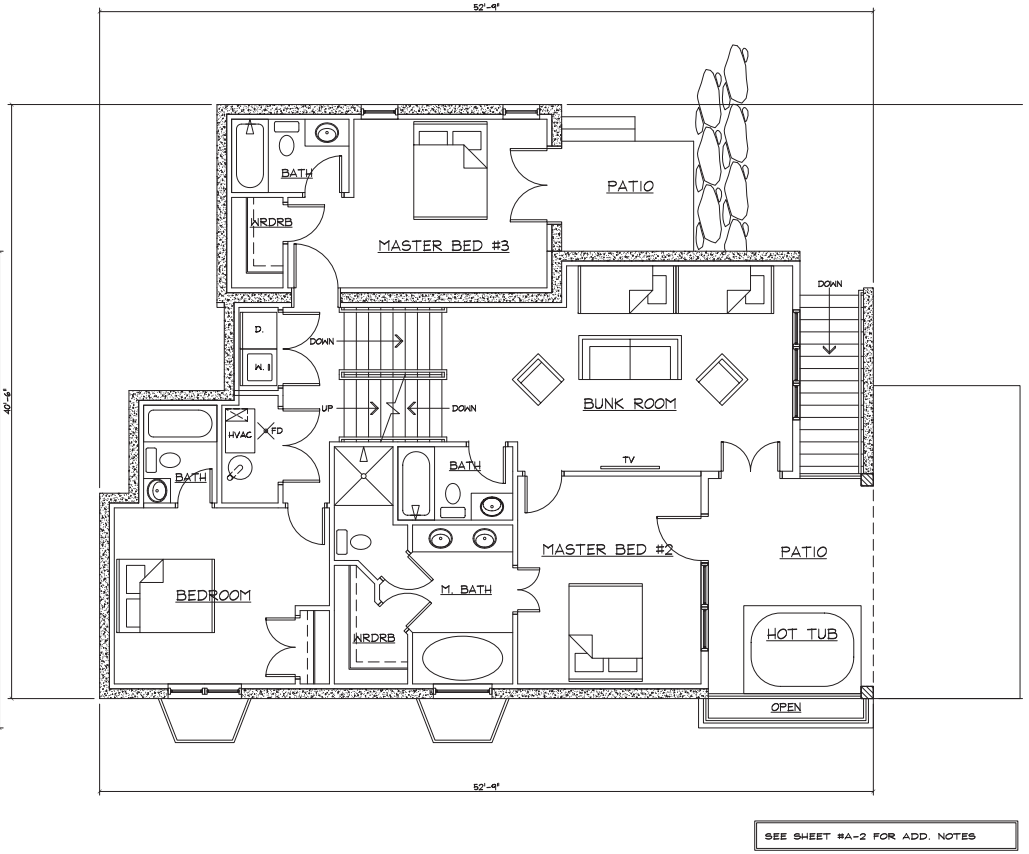

SEE SHEET #A-2 FOR ADD. NOTES

BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0" 727#

LOWER FLOOR PLAN

SCALE: 1/4"=1'-0" 1,504#

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DATE PRINTED 01/22/2014

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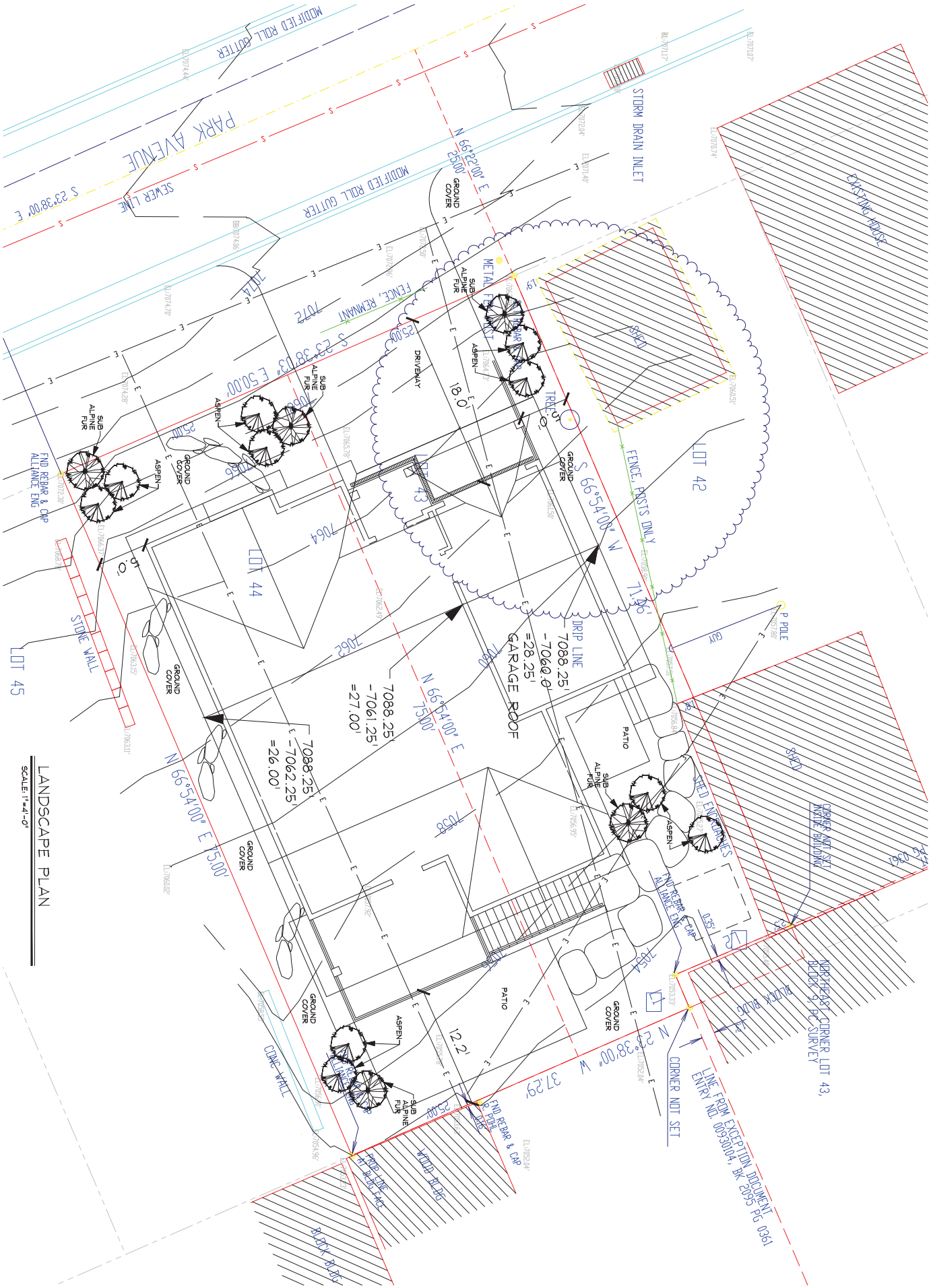
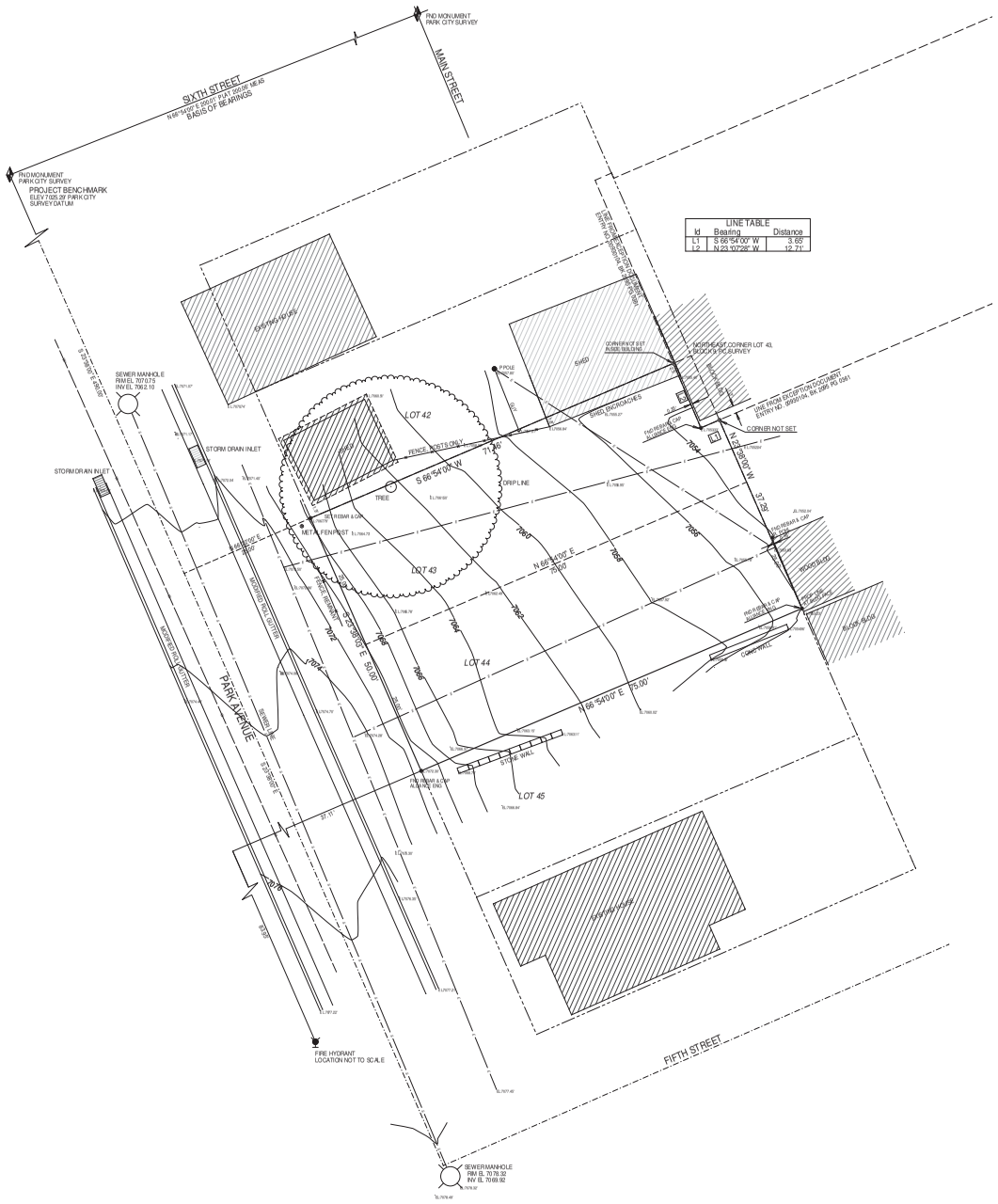


LANDSCAPE PLAN

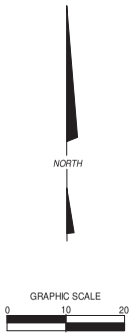
SCALE: 1"=4'-0"

A 1.1	DATE PRINTED 01/22/2014	PROJECT # 13056	Craig Kitterman & Associates Architects 1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989	520 PARK AVENUE PROJECT ADDRESS, CITY, STATE, ZIP

Exhibit B

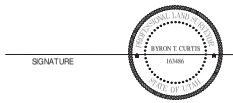


LINE TABLE		
Id	Bearing	Distance
L1	S 66°54'00" W	3.65'
L2	N 23°07'28" W	12.71'



SURVEYORS CERTIFICATE

I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT.



LEGAL DESCRIPTION

FROM WARRANTY DEED RECORDED AT ENTRY NO 00930104, BK 2095, PG 0361-0362

Lot 43, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office. PC-124-D-1

Excepting therefrom any portion lying within the bounds of the following: A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 23°38'00" West 88.15 feet (prorated 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 66°54'00" West 75.71 feet; thence South 23°38'00" East 1.02 feet; thence North 66°54'00" East 75.00 feet; to the easterly line of said Block 9 , Park City, Survey; thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

PARCEL CONTAINS 1829 SQ. FEET, AS SURVEYED

Lot 44, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office. PC-124-D

PARCEL CONTAINS 1875 SQ. FEET, AS SURVEYED

NARRATIVE

PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF IMPROVING THE PROPERTY. BASIS OF BEARINGS AS SHOWN. CORNERS SET WITH REBAR AND CAP STAMPED 163486, UNLESS NOTED OTHERWISE. EASEMENTS MAY EXIST OVER THE PROPERTY, RECORD OR PRESCRIPTIVE, CONTACT PARK CITY TITLE COMPANY FOR THE LOCATION OF RECORD EASEMENTS.

LEGEND

- SECTION, QUARTER SECTION, STREET OR OTHER SURVEY MONUMENT
- PROPERTY CORNER, NOT SET
- BOUNDARY OR PROPERTY LINE, WITH CORNER, FOUND OR SET
- RIGHT OF WAY LINE
- CENTERLINE
- FENCE LINE
- UTILITY LINE, TYPICAL
- SEWER, STORM DRAIN OR OTHER UTILITY MANHOLE
- 4381.15 SPOT ELEVATION
- 100 MAJOR ELEVATION CONTOUR
- MINOR ELEVATION CONTOUR
- EDGE OF PAVEMENT, ASPHALT OR GRAVEL
- TREE OR BRUSH LINE

TITLE		
BOUNDARY AND TOPOGRAPHIC SURVEY		**CURTIS & ASSOCIATES, INC.**
PREPARED FOR: TFC PROPERTIES, LLC		LAND SURVEYORS LAND PLANNING
LOCATION AND ADDRESS: LOT 44, PART OF LOT 43, BLOCK 9, PARK CITY SURVEY 522 AND 520 PARK AVE, PARK CITY, SUMMIT COUNTY, UT LOCATED IN THE SE 1/4 OF SECTION 16, TWP 2 SOUTH, RANGE 4 EAST, SLB & M		9921 KRAMER CIR SANDY, UTAH 84092 PHONE (801) 943-1691
DATE: MAY 23, 2012	SCALE: 1"= 10'	FILENAME: TIMONS_TRENT_ADD.PCS

Exhibit C

520 PARK AVE- AERIAL VIEW

3705
926
PARKING FOR

4 FRONT LEFT VIEW

3 FRONT RIGHT VIEW

1 REAR LEFT VIEW

2 REAR RIGHT VIEW

520 PARK AVENUE

Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT # 13056

DATE PRINTED 1/22/2014 1:40:51 PM

A10

Exhibit D


516
526


526
PARKING
FOR
526
PARK AVE.
ONLY

Exhibit E

20 March 2014

Trent Timmons
46 Kuinehe Place
Pukalani, HI 96768

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address:	520 Park Avenue
Project Description:	Planning Director Determination for garage height exception above 27 feet
Project Number:	HHDR: PL-13-02194 and SS CUP: PL-14-02242
Date of Action:	March 20, 2014

Action Taken by Planning Director:

Per Land Management Code (LMC) 15-2.3-6 Building Height, no structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height; however, the following Building Height exception applies:

> *4. Garage on a Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five (35') from existing grade.*

The Planning Director finds that the garage on the downhill lot located at 520 Park Avenue may exceed the twenty-seven feet (27') height limit with a proposed height of 28.25 feet due to the following Findings of Fact:

Findings of Fact:

1. The intent of this regulation is to accommodate a single car garage in a tandem

configuration and to avoid garages wider than single-car width
2. The proposed garage height is 28.25 feet, 6.75 feet under the allowable 35 feet height exception subject to approval by the Planning Director.
3. The garage is a single car garage in a tandem configuration with single-car width driveway.
4. The Lot slopes downhill on the east elevation.

Conditions of Approval
1. All standard conditions of approval shall apply.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Ryan Wassum, Planner

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Park City Film Studios Subdivision**
Author: **Kirsten Whetstone, MS, AICP**
Date: **March 26, 2014**
Type of Item: **Final Subdivision plat**
Project #: **PL-14-02263**

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the Park City Film Studios Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic

Applicant:	Sahara, Inc., Owner's representative (contractor)
Owner:	Quinn's Junction Properties, LC
Location:	4001 Kearns Blvd at the intersection of US 40 and SR 248
Zoning:	Community Transition (CT) RCO overlay
Adjacent Land Uses:	Open Space, vacant land, Highways US 40 and SR 248, Quinn's Recreation Complex, Park City Ice Arena, Park City Heights MPD, USSA, Summit County Health Department, Park City Clinics, and industrial uses to the northeast in unincorporated Summit County.
Proposed Uses:	Film Studio campus consisting of sound stages, work shop and editing areas, media, support offices, support commercial, and hotel as further described in the approved MPD documents.

Proposal

This is a request for approval of a final subdivision plat to create a 29.55 acre platted lot of record for the Park City Film Studios project pursuant to the Quinn's Junction Partnership Annexation and the Park City Film Studio project Master Planned Development (MPD). Conditions of approval of the Annexation and MPD Development Agreements, including conditions of approval of the amended phasing plan and the Film Studio Conditional Use permit, continue to apply.

Background

On February 19, 2014, the Planning Department received an application for a final subdivision plat for the Park City Film Studio project. There was no preliminary plat as part of the Annexation and MPD. The application was deemed complete on March 4, 2014. The application includes a subdivision plat (Exhibit A) and an existing conditions survey of the property (Exhibit B).

The property was annexed into Park City with the Quinn's Junction Partnership Annexation on May 12, 2012, and was zoned Community Transition (CT) with Regional Commercial Overlay (RCO). The property is subject to Annexation Ordinance12-12 (Exhibit C) and the MPD Development Agreement (May 24, 2012) (Exhibit D).

The Development Agreement includes concept plans for a film studio campus, 100 key hotel, and support uses allowed, as further defined in the Agreement, consistent with the prior January 17, 2012 Annexation Agreement, a pre-annexation agreement between the City and the property owner. The Annexation Agreement and Ordinance 12-12 include a condition of approval that an Administrative Conditional Use Permit is required for the Park City Film Studio project prior to issuance of any building permits.

On December 5, 2013, the City Council approved an amendment to the Phasing Plan (Exhibit E) allowing phase one to be broken into three sub-phases (1-A, 1-B, 1-C). The Council included a condition of approval requiring approval and recordation of a subdivision plat for the property prior to issuance of a building permit for the Film Studio project.

On December 11, 2013, the applicant submitted an Administrative Conditional Use Permit (CUP) application for Phase 1-A of the Park City Film Studios project. On March 11, 2014, the Planning Director conducted an administrative public hearing to receive public comment on the Administrative Conditional Use permit. The CUP is currently being reviewed by the Planning Director. Approval of the CUP is not anticipated prior to the Planning Commission meeting.

Analysis

The proposed subdivision plat creates a lot of record for the Park City Film Studios project that is planned to be maintained under the common ownership of the current owner, Quinn's Junction Properties, LC. No non-conforming conditions are created by the subdivision plat and the plat memorializes the existing property boundary as a lot of record.

The property is accessed from Kearns Blvd, aka SR 248, a State Highway. The access point is at an existing signalized intersection of SR 248 with Round Valley Way. There is currently no installed or activated traffic signal for the entrance/exit to the film studio property. This is an approved UDOT access point according to the 248 Corridor Preservation Plan and a traffic signal for west bound traffic will be installed when warranted by UDOT. No portion of this plat is within the Park City Soils Ordinance boundary.

The lot is consistent with the May 12, 2012, Quinn's Junction Partnership Annexation and the May 24, 2012, MPD Development Agreement, as amended, regarding phasing, by the Council on December 5, 2013.

All streets and drives within the subdivision plat are private and all maintenance and snow removal is the responsibility of the property owner.

Land Management Code review

The zoning for the subdivision is Community Transition (CT) with Regional Commercial Overlay (RCO) zone. The subdivision plat is subject to the Quinn's Junction Partnership Annexation and MPD Agreement and the following LMC criteria.

CT Zone	**Permitted**	**Proposed**
Height	28' (+5' for pitched roof) (MPD allowed max 32', except 50' for main Sound Stage Building 7 or up to max of 60' if contract for long term film production necessitates full studio height). Also 70% of non-studio buildings may have height of 36 – 40 feet. Remaining not greater than zone height. No building higher than 28' unless located more than 150' from center line of SR 248.	Heights as per Annexation and MPD Development Agreement.
Unit Equivalents	Up to 1 unit per acre for residential meeting MPD/bonus criteria of the zone. Up to 3 units per acre for non-residential uses meeting MPD/bonus criteria or as negotiated during annexation/mpd process.	Per Annexation/MPD maximum total of 374,000 sf as specified in the Annexation and Development Agreements
Lot Size	No minimum lot size	29.55 acres.
Front setback	25' perimeter of MPD	25' perimeter
Rear setback	25' perimeter Per MPD	25' perimeter
Side setbacks	25' perimeter Per MPD	25'perimeter
Parking	Per LMC for specific uses or as approved by Planning Commission during MPD	Phase 1 parking proposed is 442 spaces with 297 spaces to be constructed

	review. Maximum of 730 surface spaces and 150 underground spaces permitted by the Annexation Ordinance with parking to be phased with phases of development.	with Phase 1-A. Future phase parking to be reviewed with each Administrative CUP.

General Subdivision Requirements

(A) Subdivision Name- The proposed subdivision name does not duplicate or closely approximate the name of another Subdivision in the area.

(B) Monuments- All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.

(C) Limits of Disturbance- A landscape and limits of disturbance plan for construction will be submitted with the building permit applications per the MPD Agreement.

(D) Ridgeline Development- Not applicable as there are no major or minor ridgelines within the property.

(E) Open Space- There are no open space parcels designated with this property per the conditions of the QJP Annexation Agreement.

(F) Roads and Utility Lines- All roads will be designated as private drives and streets. Easements are provided as needed for public utilities. A shared access easement with the City's parcel to the south is provided for possible future shared access point with SR 248.

(G) Drainage Ways- Final design of the storm water management system is subject to approval by the City Engineer.

(H) Soils Conditions- Due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction.

(I) Trails and Sidewalks- Trails and sidewalks are provided consistent with the MPD Development Agreement. The applicant has provided the City with the required $75,000 for trails to be constructed to the site by the City.

(J) Limits of Disturbance/Building Pad locations- No building pads or limits of disturbance areas are proposed to be platted with the plat.

(K) Top Soil Preservation and Final Grading- Staff recommends a condition of approval that all applicable requirements of the LMC regarding top soil preservation and final grading be completed prior to issuance of a certificate of occupancy. No portion of this phase is within the Park City Soils Ordinance boundary; however, areas of disturbance due to off-site utility improvements that do fall within the Park City Soils Ordinance boundary are required to adhere to all requirements of the Ordinance.

(L) Architectural Standards- Architecture is reviewed at the time of Administrative CUP and building permit issuance for compliance with the Annexation Agreement and MPD Development Agreement.

(M) Water Bodies and Water Courses- There are no bodies of water that are incorporated into the lots so as to not burden the City with responsibility of the water body. There are remnants of an irrigation ditch running through the property. No water has been diverted through the ditch since 1995. If the applicant intends to use the ditch for irrigation of landscaping for Phase Two, there would first need to be resolution of water right and water source issues. The property owner is responsible for maintenance of drainage areas, including any irrigation ditches and canals that are required to provide water for downstream users. Retention areas that are part of the storm water management plan may have standing water at times. Maintenance of these areas is the responsibility of the property owner. Permission from UDOT and/or the Army Corps of Engineers is required prior to construction of the storm water detention facilities and prior to construction that would impact off-site wetland areas or that are located on UDOT property.

(N) Fire Sprinkling- There is a plat note requiring all construction to comply with the International Building Code requirements for fire protection.

General Lot Design Requirements

Staff has reviewed the proposed plat for compliance with the General Lot Design Requirements per LMC 15-7.3-3 as follows:

(A) Lot Arrangement- there are no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on this lot in compliance with the IBC, the LMC, and in providing reasonable access.

(B) Building Sites- the proposed building sites are consistent with the Annexation and MPD Agreements and comply with LMC Setback requirements.

(C) Square footage- maximum building size and floor area for all buildings and uses are identified in the Annexation and MPD Development Agreements.

(D) Lot Dimensions- there is only one lot and it is the same dimensions as the entire metes and bounds parcel. The proposed lot dimensions comply with the minimum lot dimensions of the CT and RCO zones per the MPD.

(E) Double Frontage Lots and access to Lots- Lots fronting on two streets is generally to be avoided, however this is one single lot that exists with frontage on the west and east with Highways. Only the west side frontage provides access.

(F) Lot Drainage- Drainage plans are required with each Conditional Use Permit and building permit.

(G) Landscaping- Prior to issuance of building permits for each phase of development a landscape plan is required to be submitted and reviewed by the Staff for compliance with the LMC and conditions of the MPD and Administrative Conditional Use Permits.

(H) Limits of Disturbance/Vegetation protection- Prior to issuance of a building permit for each lot a limits of disturbance and vegetation protection plan is required to be submitted and reviewed by the Staff for compliance with conditions of the MPD and/or CUP plans and conditions.

(I) Re-vegetation, seed, and sod- All disturbed areas will be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy and a financial guarantee for the completion of this re-vegetation is required to be paid or posted

prior to issuance of the permit.
(J) Debris and Waste- Debris and waste are required to be removed per the LMC prior to issuance of a certificate of occupancy. This is a condition of building permitting. Consolidation and recycling of construction waste and debris shall be identified on the Construction Mitigation Plan prior to issuance of a building permit.
(K) Fencing- Fencing of hazardous conditions may be required by the Chief Building Official. Fences will be constructed according to standards of the LMC and conditions of approval of the MPD and CUP for the various phases of development.

Road Requirements and Design
Staff has reviewed the proposed plat for compliance with the Road Requirements and Design per LMC 15-7.3-4. There are no public streets proposed. The MPD access point is at an existing signalized intersection with Round Valley Way as contemplated by the February 1, 2007 Cooperative Corridor Preservation Agreement between UDOT and Park City. All streets and roads are private driveways. Staff recommends a condition of approval that a note shall be added to the plat regarding a future shared access easement with the City's parcel to the south to provide shared access to SR 248 if this access is approved by UDOT. The City Engineer shall identify the easement requirements. The traffic signal for the studio site will be with the project.

Staff finds this subdivision complies with the Land Management Code regarding final subdivision plats, including CT and RCO zoning requirements (as permitted during the Annexation /MPD approvals), general subdivision requirements, and lot and street design standards and requirements. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as trails and trail heads; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code. Utility, grading, and site work (streets) plans were submitted with the plat for review and coordination by the City and service providers

Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD). The applicants have met with the SBWRD officials to review the plat and utility plans for compliance with these requirements. Final approval of the sewer facilities and a signature on the plat from SBWRD is required prior to final plat recordation. Water is provided by Summit Water for this property. The applicant is coordinating with the Park City Fire District and Summit Water regarding water service.

The Annexation/MPD process requires LEED construction at the certified level without commissioning per the Annexation Agreement for the Studio Building. Also, at a minimum, the future Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all rooms.

Staff recommends a plat note referencing Ordinance 12-12 and all conditions of approval of the Annexation and MPD Agreements.

Good Cause
There is good cause for this subdivision plat in that it creates a legal lot of record from a metes and bounds described parcel that is consistent with the approved QJP Annexation and MPD Development Agreements, as amended.

Department Review
This application has been reviewed by the Development Review Committee, including other City Departments and utility and service providers. Issues raised have been addressed with conditions of approval.

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

Public Input
Staff has not received input from adjacent property owners or public regarding this plat application. The Planning Commission and City Council will conduct public hearings at the respective meetings to receive public input regarding this subdivision plat.

Future Process
Approval or denial of this subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The Annexation and MPD Agreement provide for a phased development with the Studio buildings first, support offices to the Studio second, and the final phases include a 100 key hotel and support retail/office uses with parking phased per the MPD Agreement.

Alternatives
- The Planning Commission may forward a positive recommendation to City Council to approve the Park City Film Studios subdivision plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the subdivision plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the subdivision plat to a date certain with specific direction to the applicant to return with any additional information and or revisions necessary to make a final decision.

Significant Impacts
There are no significant negative fiscal or environmental impacts that result from this application that have not been sufficiently mitigated with plat notes, conditions of approvals, and adherence to the approved, amended MPD and to requirements of the Annexation Agreement.

Consequences of not taking the Suggested Recommendation
The property would remain as individual metes and bounds parcels and the condition of approval of the MPD would not be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the Park City Film Studios Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Exhibits

Ordinance
Exhibit A- Proposed subdivision plat
Exhibit B- Existing conditions survey
Exhibit C- Annexation Ordinance 12-12 (Exhibits not included)
Exhibit D- Master Planned Development Agreement (Exhibits not included)
Exhibit E- Amended Phasing Plan

Ordinance No. 14-

AN ORDINANCE APPROVING THE PARK CITY FILM STUDIOS SUBDIVISION LOCATED AT 4001 KEARNS BLVD, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Quinn's Junction Properties, aka, Park City Film Studios, located at 4001 Kearns Blvd, north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Film Studios subdivision; 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 according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on March 26, 2014, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on March 26, 2014, forwarded a recommendation to the City Council; and

WHEREAS, on April 17, 2014, the City Council held a public hearing on the Park City Film Studios subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Park City Film Studios subdivision.

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 Park City Film Studios subdivision, 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 4001 Kearns Boulevard in Park City, Utah.
2. The property is located north of Richardson Flat Road, east of SR 248 and west of US Highway 40.
3. The property contains 29.55 acres.
4. The property was annexed into Park City with the Quinn's Junction Partnership (QJP) Annexation on May 12, 2012, and is subject to Ordinance 12-12. The property was zoned Community Transition (CT) with Regional Commercial Overlay (RCO).
5. On May 24, 2012 a Development Agreement was executed and recorded at Summit County.
6. The Development Agreement includes concept plans for a film studio campus, a 100

key hotel, and commercial and support uses, as further defined in the Development Agreement, consistent with the prior January 17, 2012 Annexation Agreement, a pre-annexation agreement between the City and the property owner.

7. The Annexation Agreement and Ordinance 12-12 include a condition of approval that an Administrative Conditional Use Permit is required for the Park City Film Studio project prior to issuance of any building permits.
8. On December 5, 2013, the City Council approved an amended phasing plan for Phase 1 allowing it to be broken into three sub-phases (1-A, 1-B, 1-C).
9. On December 11, 2013, the applicant submitted an Administrative Conditional Use Permit (CUP) application for Phase 1-A of the Park City Film Studios project.
10. On March 11, 2014, the Planning Director conducted an administrative public hearing to receive public comment on the Administrative Conditional Use permit. No public comment was provided.
11. No portion of this plat is within the Park City Soils Ordinance boundary.
12. The proposed subdivision plat creates a lot of record for the Park City Film Studios project that is planned to be maintained under the common ownership of Quinn's Junction Properties, LC, the current owner.
13. No non-conforming conditions are created by the subdivision plat.
14. The property is accessed from Kearns Blvd, aka SR 248, a State Highway. The MPD access point is at an existing signalized intersection with Round Valley Way as contemplated by the February 1, 2007 Cooperative Corridor Preservation Agreement between UDOT and Park City. A traffic signal for the entrance/exit to the Film Studio site will be installed as part of the Studio project. The cost associated with the traffic signal shall be worked out between the applicant and UDOT.
15. All roads will be designated as private drives and streets. Easements are provided as needed for public utilities. A shared access easement with the City's parcel to the south is provided for possible future shared access point with SR 248.
16. There are no public streets within the subdivision. Each phase is designed to accommodate fire and emergency vehicle circulation through the phase.
17. The subdivision plat application complies with the Land Management Code regarding final subdivision plats.
18. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
19. The Annexation Ordinance applies to this plat. The Ordinance requires LEED construction at the certified level without commissioning per the Annexation Agreement and at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all of the rooms.
20. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
21. There are wetlands adjacent to the site to the north and east, as identified on the National Wetlands Inventory. The Inventory does not identify wetlands on the property.
22. There are remnants of an irrigation ditch running through the property. No water has

been diverted through the ditch since 1995. If the applicant intends to use the ditch for irrigation of landscaping for Phase Two, there would first need to be resolution of water right and water source issues.
23. A Riparian Analysis prepared by Psomas and submitted with the CUP application, concludes that no riparian conditions exist within the property boundaries.
24. Water service is provided by Summit Water for this property.
25. There is good cause for this subdivision plat in that it creates a legal lot of record from metes and bounds described parcel for a future film studios project.
26. Trails and sidewalks are provided consistent with the MPD Development Agreement. The applicant has provided the City with the required $75,000 for trails to be constructed to the site by the City.
27. The findings in the Analysis section are incorporated herein.

Conclusions of Law:
1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the May 12, 2012, Quinn's Junction Partnership Annexation and May 24, 2012 MPD Development Agreement, as amended with the December 5, 2013 Council approved phasing plan for Phase 1-A.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
5. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit 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 amendment 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. Conditions of approval of the May 12, 2012, Quinn's Junction Partnership Annexation, as stated in the Annexation Agreement and Ordinance 12-12, continue to apply, and shall be noted on the plat.
4. Conditions of approval of the May 24, 2012, MPD Development Agreement, as amended by the City Council on December 5, 2013, continue to apply, and shall be noted on the plat.
5. A final utility plan shall be approved by the City Engineer prior to issuance of permits for site work for each phase.
6. A final grading plan shall be approved by the City Engineer prior to issuance of permits for site work for each phase.
7. Any proposed impacts to the off-site wetland areas require prior approval from the Army Corps of Engineers and/or UDOT. All proposed impacts shall be identified with the building permit application.

8. UDOT approval is required for any off-site storm-water detention facilities and/or landscaping and fencing proposed within the UDOT right-of-way areas, prior to approval of final utility plans by the City Engineer for each phase.
9. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to issuance of a building permit. A construction recycling area and excavation materials storage area within the development shall be utilized and identified on the CMP.
10. A financial guarantee, in a form and amount acceptable to the City and in conformance MPD conditions of approvals, for the value of all public improvements, including landscaping, shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
11. Water sufficient for adequate redundancy and fire flows per the Park City Fire District is required prior to issuance of building permits for vertical construction for each phase.
12. A certificate of occupancy for Buildings 7, 7A, and 7B (as identified on the approved revised phasing plan) shall be issued by the Park City Building Department prior to requesting a certificate of occupancy for Buildings 6 and 8 as identified on the approved revised phasing plan per the MPD Agreement.
13. Topsoil shall be stockpiled on site for use on the property and export of excess material from the site shall be minimized.
14. A note shall be added to the plat indicating that a shared access easement will be granted by the Property owner and the City for possible future shared access to SR 248 at the southwest corner of the property. The City Engineer shall identify the easement requirements prior to recordation of the easements at such time that the easements are needed.
15. Due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction.

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

PASSED AND ADOPTED this ___ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

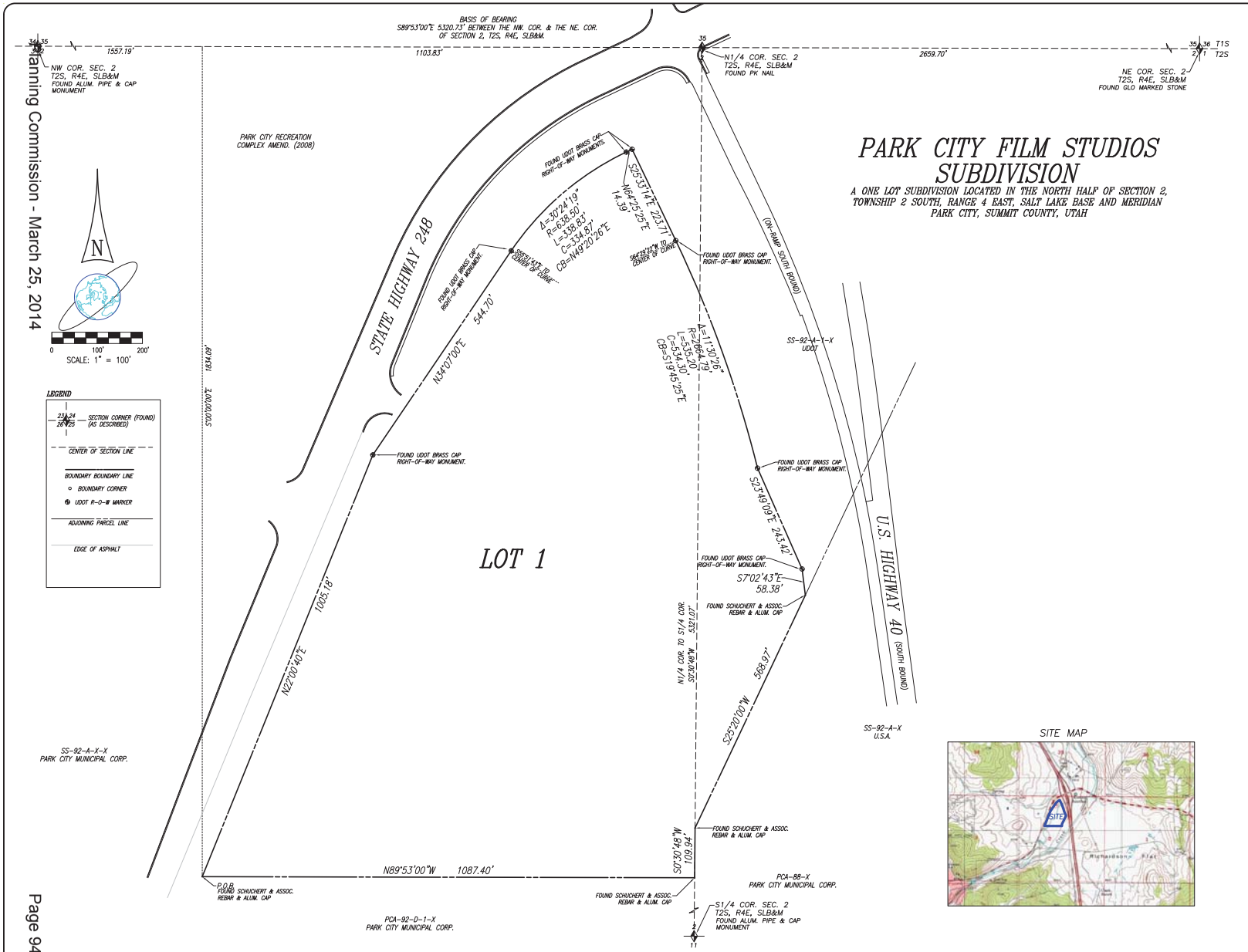
_____
Jack Thomas, MAYOR

ATTEST:

_____
Marci Heil, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney



PARK CITY FILM STUDIOS SUBDIVISION

A ONE LOT SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

SITE MAP

SURVEYOR'S CERTIFICATE

I, Ted M. Biehn, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 163473 as prescribed under the laws of the State of Utah. I further certify that, by the authority of the owner, I have made a survey of the tract of land shown on this plat as Lot 1, PARK CITY FILM STUDIOS SUBDIVISION and that the same as been correctly staked on the ground as shown on this plat. I further certify that the information on this plat is accurate.

Signed on this _____ day of _____, A.D. 2014

Ted M. Biehn, PLS
Utah Registration No. 163473

BOUNDARY DESCRIPTION

Beginning on the easterly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S0°00'00"E 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 S89°53'00"E 5320.73 feet); thence N22°00'40"E 1005.18 feet along the easterly Right-Of- Way Line of said Highway to a UDOT brass cap monument; thence N34°07'00"E 544.70 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 638.50 foot radius curve the center of which bears S55°51'43"E; thence Northeasterly 338.83 feet along said Right-Of-Way Line and said curve to the right through a central angle of 30°24'19" (chord bearing = N49°20'26"E 334.87 feet) to a UDOT brass cap monument; thence N64°25'25"E 14.39 feet along said Right-Of-Way Line to a UDOT brass cap monument, said point also being on the westerly Right-Of-Way Line of US Highway 40; thence S25°33'14"E 223.71 feet along said westerly Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve the center of which bears S64°29'22"W; thence Southeasterly 535.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26"(chord bearing = S19°45'25"E 534.30 feet) to a UDOT brass cap monument; thence S23°49'09"E 243.42 feet along said Right-Of-Way Line to a UDOT brass cap monument; thence S7°02'43"E 58.38 feet along said Right-Of-Way to a rebar with aluminum cap at a point that is S89°53'00"E 800.00 feet and S25°20'00"W 1336.80 feet from the PK nail marking the North Quarter Corner of said Section 2; thence S25°20'00"W 568.97 feet to a rebar with aluminum cap on the North-South Center of Section Line of said Section 2; thence S0°30'48"W 109.94 feet along said North-South Center of Section Line to a rebar with aluminum cap, said point being S0°30'48"W 1834.13 feet from said North Quarter Corner of Section 2; thence N89°53'00"W 1087.40 feet to a rebar with aluminum cap and the point of beginning. Contains 29.5530 acres.

Owner's Dedication

Known all by these presents that we the undersigned owner of the described tract of land above, have caused the same to be subdivided in-to a one lot subdivision to hereafter be known as the PARK CITY FILM STUDIOS SUBDIVISION. No land parcels or easements are dedicated to the public as part of the PARK CITY FILM STUDIOS SUBDIVISION.

In witness whereof, we have hereunto set our hands this ____ day of _____, A.D. 2014.

Quinn's Junction Properties L.C.

Greg Ericksen
President

Signature

Acknowledgement

State of Utah)
SS
County of Salt Lake)

On this ____ day of _____, 2014, Greg Ericksen personally appeared before me, the undersigned Notary Public, in and for said State and County. Having been duly sworn, Greg Ericksen, acknowledged to me that Quinn's Junction Properties L.C. is the owner of the herein described tract of land and that he, as President of Quinn's Junction Properties L.C. is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

NOTARY PUBLIC

My commission expires _____ Residing in _____

PARK CITY FILM STUDIOS SUBDIVISION

A ONE LOT SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

Robinson, Biehn & Biehn, Inc.
Professional Land Surveyors
RBB
3483 South 100 East
Bountiful, Utah 84010
(801) 266-1118

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS ____ DAY OF _____ AD, 2014
SYNDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ AD, 2014 BY THE PARK CITY PLANNING COMMISSION
CHAIR

CITY ENGINEER APPROVAL
APPROVED THIS _____ DAY OF _____ AD, 2014
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF _____ AD, 2014
PARK CITY ATTORNEY

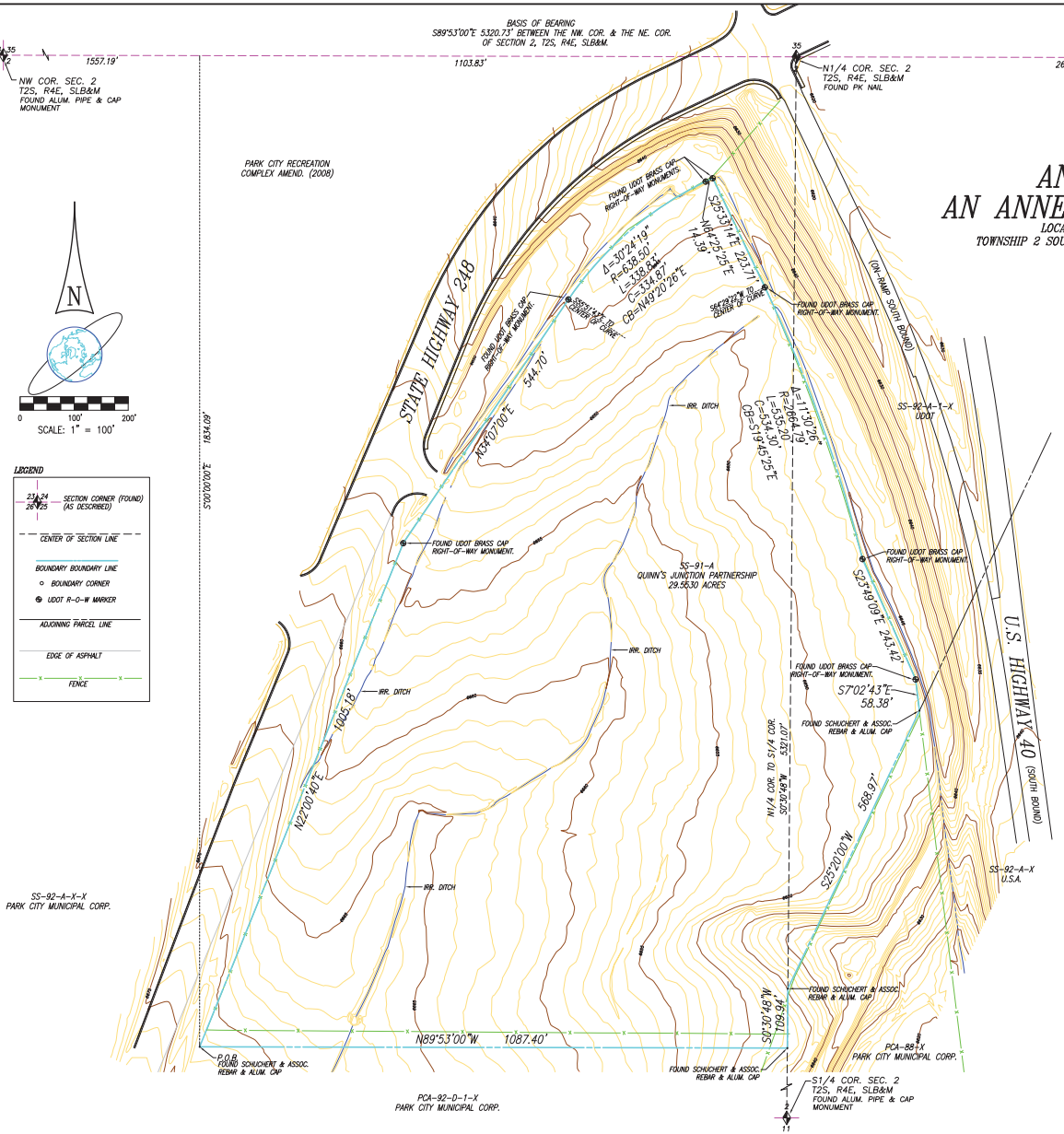
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS ____ DAY OF _____ AD, 2014
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____ AD, 2014
MAYOR

ENTRY NO. _____
STATE OF UTAH, COUNTY OF SUMMIT COUNTY, RECORDED AND FILED AT THE REQUEST OF
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE $ _____
DEPUTY COUNTY RECORDER
SUMMIT COUNTY RECORDER

EXHIBIT A

Planning Commission - March 25, 2014



ANNEXATION PLAT
AN ANNEXATION TO PARK CITY

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

SURVEYOR'S CERTIFICATE

I, Ted M. Biehn, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 163473 as prescribed under the laws of the State of Utah. I further certify that, by the authority of the owners, I have made a survey of the tract of land shown on this plat and described below.

_____ DATE _____
Ted M. Biehn
PLS 163473

BOUNDARY DESCRIPTION

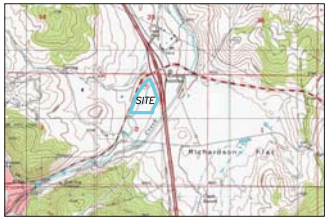
QUINN'S JUNCTION PARCEL

Beginning on the easterly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S0°00'00"E 1634.09 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 S89°53'00"E 5320.73 feet);
thence N22°00'40"E 1005.18 feet along the easterly Right-Of- Way Line of said Highway to a UDOT brass cap monument;
thence N34°07'00"E 544.70 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 638.50 foot radius curve the center of which bears S55°51'43"E;
thence Northeasterly 338.83 feet along said Right-Of-Way Line and said curve to the right through a central angle of 30°24'19" (chord bearing = N49°20'26"E 334.87 feet) to a UDOT brass cap monument;
thence N64°25'25"E 14.39 feet along said Right-Of-Way Line to a UDOT brass cap monument, said point also being on the westerly Right-Of-Way Line of US Highway 40;
thence S25°33'14"E 223.71 feet along said westerly Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve the center of which bears S64°29'22"W;
thence Southeasterly 535.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26" (chord bearing = S19°45'25"E 534.30 feet) to a UDOT brass cap monument;
thence S25°49'09"E 243.42 feet along said Right-Of-Way Line to a UDOT brass cap monument;
thence S7°02'43"E 58.38 feet along said Right-Of-Way to a rebar with aluminum cap at a point that is S89°53'00"E 800.00 feet and S25°20'00"W 1336.80 feet from the PK nail marking the North Quarter Corner of said Section 2;
thence S25°20'00"W 568.97 feet to a rebar with aluminum cap on the North-South Center of Section Line of said Section 2;
thence S0°30'48"W 109.94 feet along said North-South Center of Section Line to a rebar with aluminum cap, said point being S0°30'48"W 1834.13 feet from said North Quarter Corner of Section 2;
thence N89°53'00"W 1087.40 feet to a rebar with aluminum cap and the point of beginning. Contains 29.5530 acres.

COMMENTS

1. This Survey was requested by Quinn's Junction Partnership.
2. The Basis of Bearing = S89°53'00"E between the NW. Cor. and the NE. Cor. of Section 2, as shown hereon.
3. The Bearings shown are the same as the Record of Survey by Shcuchert & Associates recorded as Entry No. 425892 11-23-1992

SITE MAP



ANNEXATION PLAT
AN ANNEXATION TO PARK CITY
LOCATED IN THE NORTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

EXHIBIT B

Robinson, Biehn & Biehn, Inc.
Professional Land Surveyors
5330 South 900 East, Suite 120
Salt Lake City, Utah 84117-7261
(801) 266-1118 (801) 262-5814 Fax

PLANNING COMMISSION APPROVAL
APPROVED THIS_____DAY OF _____AD, 2012
BY THE PARK CITY PLANNING COMMISSION
_____
CHAIRMAN, PLANNING COMMISSION

CITY ENGINEER APPROVAL
APPROVED THIS_____DAY OF _____AD, 2012
BY THE PARK CITY ENG.
_____
PARK CITY ENGINEER

CITY ATTORNEY
APPROVED THIS_____DAY OF _____AD, 2012
BY THE PARK CITY ATTORNEY.
_____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS_____DAY OF _____AD, 2012
_____
PARK CITY RECORDER

PARK CITY COUNCIL
APPROVED THIS_____DAY OF _____AD, 2012
BY THE PARK CITY COUNCIL.
_____ _____
ATTEST: CITY CLERK MAYOR

RECORDED # _____
STATE OF UTAH, COUNTY OF SUMMIT COUNTY,
RECORDED AND FILED AT THE REQUEST OF
_____
DATE_____TIME_____ BOOK _____ PAGE _____
FEE $_____
DEPUTY COUNTY RECORDER SUMMIT COUNTY RECORDER

ENTRY NO. 00949720
07/20/2012 11:54:22 AM B: 2138 P: 0242
Ordinance PAGE 1/334
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 0.00 BY PARK CITY MUNICIPAL CORP

EXHIBIT C

When recorded return to:
City Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Ordinance 12-12

AN ORDINANCE ANNEXING APPROXIMATELY 29.55 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE SR248 AND US40 INTERCHANGE IN THE QUINN'S JUNCTION AREA, KNOWN AS THE QUINN'S PARTNERSHIP ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH, AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PROPERTY COMMUNITY TRANSITION (CT) WITH A REGIONAL COMMERCIAL OVERLAY (RCO) DESIGNATION

WHEREAS, on January 24, 2005, the property owner, Quinn's Junction Partnership, of the property shown on the attached Annexation Plat "Exhibit A", (the "Property"), first petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the Property is approximately 29.55 acres in area and is located southwest of the intersection of State Road 248 and US-40 as described in the attached Legal Description "Exhibit B"; and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, on January 18, 2012, Summit County and the Quinn's Junction Partnership executed a Settlement Agreement "Exhibit C" regarding vested development rights for this parcel, including an Annexation Agreement which was entered into by and among the Quinn's Junction Partnership and Park City Municipal Corporation on January 17, 2012 ("Annexation Agreement"); and

WHEREAS, on January 20, 2012, a revised annexation petition, including a zoning map amendment request to zone the property Community Transition (CT) with a Regional Commercial Overlay (RCO) was submitted. Additional information related to the annexation petition and the Master Planned Development for a 374,000 sf (Gross Floor area as described in the January 17, 2012 Annexation Agreement) movie/film studio campus, with associated uses and a 100 room (keys) hotel, was submitted to the City, and the submittal was deemed complete; and

WHEREAS, the Park City Council accepted the Quinn's Junction Partnership Annexation petition on January 26, 2012; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On February 2, 2012, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah

Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on March 5, 2012; and

WHEREAS, the Planning Commission, after proper notice, conducted public hearings regarding the Annexation petition application on March 14th, March 28th, April 11th, and April 25th ; and

WHEREAS, on April 25, 2012, the Planning Commission voted to forward to City Council a negative recommendation on the proposed annexation and zoning of Community Transition (CT) with a Regional Commercial Overlay (RCO) as described in the Annexation Agreement; and

WHEREAS, on May 17th and May 24th, 2012, the City Council conducted public hearings and discussed the annexation, MPD, and zoning map amendment and took public testimony on the matter, as required by law; and

WHEREAS, the January 17, 2012, Annexation Agreement outlines parameters, conditions, and restrictions regarding the Master Planned Development (the "Proposed MPD") on the 29.55 acres for a film and media campus, with associated uses; and.

WHEREAS, the MPD Plans dated May 24, 2012 as "Exhibit F" submitted by the Applicant, set forth further conditions, design objectives and 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; and

WHEREAS, a Development Agreement between the City and Petitioner, pursuant to the Land Management Code Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and Master Planned Development is herein included as Exhibit G ("Development Agreement").

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as "Exhibit A" and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of being in Park City as described in the Development Agreement attached as "Exhibit G" and shall be

subject to all City levies and assessments as described in the terms of said Development Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION DEVELOPMENT AGREEMENT. Council hereby authorizes the Mayor to execute the Development Agreement in substantially the same form as is attached hereto as "Exhibit G" and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation with Regional Commercial Overlay (RCO) is consistent with the Annexation Agreement approved by the City Council and executed on January 17, 2012.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, with an RCO overlay as shown in "Exhibit E".

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the January 17, 2012 Annexation Agreement between Park City and Quinn's Junction Partnership that sets forth certain requirements and waivers for the MPD development. These waivers are due to pre-existing vesting in Summit County and the terms of the January 18, 2012 County Settlement Agreement.
2. Land Uses proposed in the MPD Plans include a 100 room/key hotel and associated lodging uses, a film studio campus with sound stages, and associated uses, including support commercial, recording studio, outdoor stage amphitheater, enclosed atrium area between the hotel and ballroom/meeting space, screening rooms and theater, related mixed use office/retail/entertainment, sound stages, film school and related educational uses, associated offices, workshops, and production support and offices. The Gross Floor Area allowed per the Annexation Agreement is 374,000 square feet. Exceptions to the Floor Area, including porches, balconies, patios and decks, vent shafts, courts, and one atrium subject to further restrictions, are spelled out in the Annexation Agreement.
3. Proposed uses as identified in the MPD Plans (Exhibit F) are consistent with the January 17, 2012 Annexation Agreement.

4. The City Council as the final approving body of the MPD has decreased the number of Off-Street Parking Spaces within MPDs based upon a parking analysis and recommendation from the Planning Department per Section 15-6-5 (E).
5. The City Council hereby incorporates the staff reports dated March 14th, March 28th, April 11th, April 25th, May 17th and May 24th, 2012 as part of the record of decision.

Conclusions of Law

1. Due to the unique circumstances of the terms and conditions of the County Settlement Agreement, the Annexation and Zoning Map amendment are consistent with the Annexation Agreement (Exhibit D), the City's Annexation Policy Plan, Quinn's Junction Study Area, the required findings and conclusions of LMC 15-6-6, and the Park City General Plan (2005).
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the Quinn's Junction Partnership Annexation property with Community Transition (CT) zoning, with a Regional Commercial Overlay (RCO) limited to the commercial uses provided in the Annexation Agreement dated January 17, 2012 and the MPD concurrently approved herein. To the extent there is any conflict between the MPD and the Annexation Agreement, the terms of the MPD shall govern.
2. The attached Exhibits, including the Development Agreement for the Quinn's Junction Annexation and the Annexation Agreement, shall be fully executed and recorded at Summit County, along with the Annexation Plat.
3. The Master Planned Development Plans hereby approved and all final design, Administrative CUP and building permits shall comply with the Annexation Agreement and all applicable Land Management Code "LMC" provisions that are not contrary to said Annexation Agreement.
4. The required Administrative Conditional Use permit application for final design shall be reviewed for consistency with the Annexation Agreement and the MPD Plans package, these conditions of approval including site design, building massing and height, setbacks, architectural design and vernacular, materials, colors, landscaping, lighting, fencing, grading, berming, trails, circulation for buses and emergency vehicles, parking and phasing, etc. and conditions of the Annexation Development Agreement. Rendered elevations, material and color samples, shall be provided for Planning Department review prior to approval of the Administrative Conditional Use permit. Maximum building height of Building 8 (formerly Pad 7) is limited to 50 feet or maximum height not to exceed 60 feet in the event a major, long term film production contract necessitates the full studio height in compliance with Paragraph 2.5(e) of the Annexation Agreement. Final Architectural Review pursuant to 15-2.23-6 shall be

concurrent with the Administrative CUP. Commissioner Jack Thomas shall participate in the Administrative CUP as a liaison for purpose of further input on final design and architectural elements. Final building footprints shall substantially conform to the MPD Site Plan approved by the City Council. Minor variations in building size and articulation will be considered by the Planning Director at the time of review of the Administrative CUP, provided that there is no increase in the total Gross Floor Area for each of the four main areas, namely: 1) the hotel, 2) office/sound stage support, 3) sound stage, and 4) retail/support. Final building footprints shall be located within the identified building pads.

5. A preliminary landscape plan, provided by a licensed landscape architect, and including landscape site design and materials consistent with those identified in the Annexation Agreement and as further specified in the MPD Plan package is required to be submitted with the Administrative Conditional Use permit application. The landscape plan shall identify grading, heights, and undulation of the perimeter berming to soften the view of the commercial structures. The landscape plan shall include a planting plan and an irrigation plan. Ground cover for green roofs shall also be included in the landscape plan. Perimeter landscaping should be of a substantial size and shall be reviewed and approved by the City Arborist and Landscape Architect. The landscape plan shall indicate how the landscaping will be phased and shall indicate perimeter plantings to be installed prior to vertical construction to provide screening of construction work. Temporary irrigation will be required to ensure these plantings survive. Final landscape plans, consistent with the preliminary landscape plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
6. Parking lot and all other exterior lighting shall meet requirements of the LMC with additional restrictions on the overall wattage, automatic timers, and lighting designed in zones and shall comply with best lighting practices as recommended by the Dark Skies organization. A lighting plan, provided by a qualified lighting professional, shall be submitted with the Administrative Conditional Use permit application. The plan shall include a requirement to shut off lighting in parking areas used on an intermittent basis, particularly in the secure studio campus.
7. Security fencing on the property perimeter shall not exceed 7' in height and internal gate fencing may be 12' in height in areas limited to as shown on Exhibit F (page42). Fencing 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 Administrative Conditional Use permit application and shall be consistent with the Final MPD Plan Package (Exhibit F, page 39) in terms of location, design, materials, colors, and extent. Perimeter fencing shall be phased consistent with the phased parking lot construction described in #16 below.
8. All vehicular access points to the development from SR-248 shall comply with any and all existing Corridor Preservation Agreements. Changes to

these Agreements must be approved by the Utah Department of Transportation. The City approves of the two proposed access locations as depicted on the Final MPD Plan Package (Exhibit F- page 9). The Applicant will be responsible for filing application for required access approvals with the Utah Department of Transportation. Without additional UDOT approvals, there will be a single public access to the property at the signalized intersection of Round Valley Drive and SR 248, and emergency access as approved by UDOT, and the Fire and Building departments.

9. In the event that the south secondary access point is approved, this access shall be located in such a way as to not preclude access to the adjacent City open space parcel. Necessary cross access easements shall be provided, on the subdivision plat, through the public area of the MPD to provide access to the signalized intersection for the City parcel.
10. Traffic Management Plans for special events shall be approved by the City's Special Events staff as well as by the City's Police Departments of Transportation and Public Safety. All necessary special event permits and conditional use permits shall be obtained prior to commencing the Special Event or Master Festival. No overcrowding permits may be granted by the Building Department. The Applicant agrees to City use of surplus parking, said "surplus" amount and availability determined by the Applicant, for City-approved special events, primarily for overflow parking for the Park City Sports Complex (ice, fields and hosted trail races). Provided such use is consistent with deed restrictions, the City will provide reciprocal use of surplus parking as determined by the City at the Sports Complex. Fees shall not be charged for the parking unless the host event is charging fees for the parking at other locations.
11. Outdoor activities and noise shall be limited to 7AM to 10 PM and shall not exceed the City's noise ordinance, unless otherwise allowed through a Special Event/Master Festival permit in accordance with the Municipal Code.
12. At the time of the Administrative Conditional Use permit application, the applicant shall identify the square footage of all parking areas and all hard surfaced areas. Interior and perimeter parking lot landscaping shall meet requirements of the LMC Chapter 3. Snow storage areas shall be provided in accordance with the LMC Sections 15-3-3(E) and15-3-4.8(E).
13. At the time of the Administrative Conditional Use permit application, the applicant shall provide a detailed parking analysis to identify specific uses, square footage, employee, hours of operation, shared parking ratios, and other items that will allow the Planning Staff to calculate the parking demands as such relates to the progression of the proposed phasing plan. The parking analysis shall look at the extent to which alternative modes of travel (bus, shuttle, carpool, bike, etc.) and use of the Richardson Park and Ride can reduce the demand for parking at the site, on a day to day basis. The parking analysis shall also provide information about special events and parking demand. With reductions for shared parking as well as support uses which reduce the required parking spaces, parking spaces are hereby approved up to a maximum of 730

surface spaces, and an additional 150 spaces underground at the hotel, for a total of 880 parking spaces. .

14. A phased parking plan shall be provided by the Applicant with the Administrative Conditional Use permit for approval by the Planning Department. The plan shall identify only essential paving with each phase of development, propose measures to reduce parking demand with various programs and incentives, and mitigate employee parking, particularly on the public campus and during construction. Prior to building each phase of parking, the applicant shall provide a parking analysis of existing conditions and needs, including traffic mitigation and use of the Richardson Park and Ride by full-time shift employees and mitigation of construction employee parking (such use the City hereby approves). The Planning Director must approve proceeding to construction for each phase of the parking; however such approval may not be unreasonably withheld. The final phase of parking area on Exhibit F, pg. 33 (farthest north/east lot) and any un-striped temporary parking shall contain a permeable surface area system.
15. The applicant shall pay the City $75,000 to fulfill the proportionate share of the development's construction of public trail connections to the Park City Heights Rail Trail connector. The City shall build the trail. The applicant may install trail head amenities as shown on the MPD Plans at their expense.
16. Bike racks shall be provided for the various uses, as required by LMC Section 15-6, Master Planned Developments (hotel, mixed use, trail head area, sound stage, etc.).
17. Construction of a bus loop/bus shelter shall be provided prior to issuance of a certificate of occupancy for the hotel or mixed use buildings. The shelter shall be located at the bus drop-off located at one location of either option A, or B, as approved by the City Transit Manager. The Transit Manager may approve alternate location(s) as part of the Administrative CUP.
18. A grading plan shall be submitted with the Administrative Conditional Use permit application. Excavated materials shall remain on site to the greatest extent reasonably possible. Final grading plans, consistent with the preliminary grading plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
19. Grading of the site, including the undulating berms and swales along SR 248 shall meet the sight distance and clear zone requirements of UDOT and be consistent with the grading proposed in the MPD Plans (with additional berm east of Building 2 adjacent to city property as reflected on revised sheets #10 and depicted on revised sheet #20, dated 5/24/12).
20. All landscaping, parking lots, driveways, roads, plazas, sidewalks, trails on the property, and other common areas shall be maintained by the property owner, or an Owner's Association, as the City will not maintain such areas.

21. Recycling centers shall be installed in the hotel, mixed use, and sound stage areas prior to issuance of a certificate of occupancy for the building.
22. The hotel shall provide shuttle service for guests within Park City and encourage guests to utilize shuttles from the airport as well as around town. The shuttle service shall be in place prior to issuance of a final certificate of occupancy for the hotel.
23. In accordance with Paragraph 2.5(h) of the Annexation Agreement, the applicant shall pay all applicable fees, including development, Building and Planning, Business licensing, and all other legally imposed fees and taxes collected by City Departments for services, utilities, etc.
24. A storm water management plan, prepared by a licensed professional, shall be submitted with the Administrative Conditional Use permit application and must meet all applicable code requirements on-site. The plan shall be consistent with best management practices for storm water management, including pre versus post run-off, water oil separators for parking facilities, and 100 year storm event detention on site. Final storm water plans, consistent with the preliminary plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
25. Roof top mechanical equipment shall be architecturally screened from public view.
26. Trash and recycling enclosures shall be screened with landscaping, fencing, buildings, berms, etc. per the LMC.
27. LEED construction at the certified level without commissioning per the Annexation Agreement is required for the movie studios. The Applicant's architect shall score the construction and submit such to the Park City Building Department for confirmation. Based on the agreement of the anticipated manager of the complex, Raleigh Studios, Raleigh shall use best efforts to determine whether it is in their best interests to seek and obtain official LEED Construction Commissioning at the increased standard of Silver. However, at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all the rooms.
28. Areas of plazas, pedestrian walk ways, patios, etc. shall not be heat melted. Solar panels and skylights are allowed on rooftops per the LMC Chapter 5.
29. Acknowledging that the inside areas of the studio campus may be active 24/7, the applicant shall propose specific hours of operation for approval by the Planning Director as part of the Administrative CUP to mitigate traffic of employee loading and unloading. Support commercial uses, such as food service, deli, café, etc. shall be open during filming hours and office hours to mitigate vehicular trips off site for breaks and lunch. Where possible, set shift work will be scheduled in non-peak traffic times.
30. Additional Building articulation as required by LMC Chapter 5 shall be demonstrated on the final building plans prior to issuance of a building permit.

31. Permanent power shall be provided for the trailer parking area and the applicant shall use best effort to utilize solar or other renewable energy resource if technically and economically feasible.
32. A sign plan must be filed with the Administrative CUP in compliance with LMC Title 12. No icon, water tower, or billboards are allowed. Internal "plaza" areas shall be defined on the sign plan.
33. Final Subdivision approval shall contain covenants and restrictions (CCRS) in compliance with Paragraph 2.6 of the Annexation Agreement.
34. Water service is provided by Summit Water. The applicant may be required to construct an emergency connection to the City system if required by state drinking water approval or the project fails the flow and standards required by the International Fire Code (2009), specifically including Section 507, Appendix B and Table B105.1. Should City service be necessary in the future, the project may first be required to annex into the City Water District and the applicant shall pay applicable impact and user fees in effect at such time and make such dedications as required by LMC 15-8-5(C) (1-3).
35. This MPD approval and zoning approved herein are limited to the terms of the Annexation Agreement and due to the unique circumstances regarding a legal settlement of historic claims in the Summit County Settlement Agreement, such approval shall not be considered precedent for future zoning amendments or annexation petition to this or neighboring properties in the Quinn's/CT zone area. All future development applications, changes in commercial use, or rezone requests shall be processed in accordance with the General Plan, zoning and LMC in effect at the time of application. The densities approved herein shall not be considered in terms of neighborhood compatibility in the event of a rezone or CT amendment request by other properties within the CT zone.
36. As part of the required Construction Mitigation Plan, to be submitted prior to issuance of any building perrnits on the property, the landscape guarantee shall insure phased and adequate berming along SR248 in the event the project is not completed, and the construction guarantee bond shall take into consideration the location of this property on the entry corridor and provide for adequate landscape and site disturbance coverage for each phase of the building construction as proposed in Exhibit G of the Development Agreement to insure visual and physical impacts of any work stoppage are mitigated in the event construction is not completed on this property.
37. No wood burning devices or outdoor gas firepits/fireplaces with the exception of one fire pit (non-wood burning) and permanent BBQ appliances are allowed on the property at the hotel
38. Specific soils test pits shall be reviewed prior to building permit issuance and if environmental issues, such as contaminated soils are present, a mitigation plan shall be required prior to issuance of permits. To satisfy this condition, developer may submit prior tests and studies performed on the property.

39. The secure studio campus shall serve as a public emergency shelter if approved within the City's Emergency Plan.
40. The Planning Staff and the applicant shall complete a review of the Administrative Conditional Use Permit within one year of the first certificate of occupancy, and the staff shall provide a report of the review to the City Council.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Development Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 24th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Janet M. Scott, CITY RECORDER

APPROVED AS TO FORM:

Mark D. Harrington, CITY ATTORNEY

Exhibits to the Ordinance
Exhibit A- Annexation plat
Exhibit B- Legal Description
Exhibit C- County Settlement Agreement executed January 18, 2012
Exhibit D- City Annexation Agreement
Exhibit E- Zoning map amendment
Exhibit F- Final MPD Plans packet
Exhibit G- Annexation Development Agreement

DEVELOPMENT AGREEMENT
FOR THE
QUINN'S JUNCTION PARTNERSHIP ANNEXATION
MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH

This Development Agreement is entered into as of this 24th day of May, 2012, by and between QUINNS JUNCTION PARTNERSHIP ("Developer"), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Quinn's Junction Partnership Annexation Master Planned Development, and PARK CITY MUNICIPAL CORPORATION, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

A. Developer is the owner of approximately 29 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit D and incorporated herein by reference (the "Property").

B. As a compromise of claims and in settlement of litigation, Summit County recognized that the property in question has a vested development right to commercial uses.

C. Developer obtained these vested rights for a commercial project now known as "Quinn's Junction Partnership Annexation Planned Development" wherein, the parties agreed to settle long standing differences in return for recognition for a commercial use of the property in question. The Settlement Agreement is attached hereto as Exhibit B.

D. Developer and Park City also entered into an Annexation Agreement wherein Park City recognized the property has vested development rights to the commercial uses, densities, and configuration as part of a motion picture studio and media campus as stated in the Settlement Agreement described in Recital B. A copy of the Annexation Agreement is attached hereto as Exhibit C.

E. Based on a further agreement between developer and Park City with the consent of the County, Developer applied 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").

F. Developer obtained Park City approval for the development on the Property of a mixed use hotel and commercial project known as the Quinn's Junction Partnership Annexation Master Planned Development (the "Master Planned Development Approval"), as more fully described in the incorporated Approval Documents (hereinafter defined) and as set forth below (the "Project").

G. Park City requires development agreements under its Park City Land Management Code ("LMC") for all Master Planned Developments.

H. Park City determined that, subject to the terms and conditions of this Development Agreement,

Developer complied with the applicable provisions the Land Management Code ("LMC") as provided in the Settlement Agreement and Annexation Agreement, and has found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC, as limited by the Annexation Agreement.

I. Following a lawfully advertized public hearing, Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq*., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. Project Conditions:

1.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval dated May 24, 2012, attached hereto as Exhibit E, and (ii) Film Studio Master Planned Development, prepared by IBI, dated May 24, 2012, attached hereto as Exhibit F, together with related documents attached thereto, are hereby incorporated herein by reference (the "Approval Documents") and shall govern the development of Project, subject to the provisions of the January 17th, 2012 Annexation agreement including the vested rights of 374,000 gross sq. ft of development of Motion Picture and Media Campus and any modifications specifically set forth in this Development Agreement. The Project is located in the Community Transition (CT) Zoning District, with a Regional Commercial Overlay (RCO). Development Application for an Administrative Conditional Use Permit and a Park City Building Department building permit are required prior to the commencement of any construction in connection with the Project and shall be processed and granted as set forth in this Development Agreement.

1.2. Developer agrees to pay the then-current impact fees lawfully imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future, unless otherwise made unlawful.

1.3. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan in compliance with condition of approval #5 of the MPD approval and the Annexation agreement. Approvals by Park City shall not be unreasonably withheld.

1.4 **Development Applications.**

1.4.1 Development applications shall be approved by the City within a reasonable time if they comply with the January 17, 2012 Annexation Agreement, City's vested rights laws and conform to this Development Agreement.

1.4.2 **City's Denial of a Development Application. Assuming Annexation is approved,** if the City denies any Development Application, the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons

the City believes that the Development application is not consistent with this MPD and/or the City's vested rights laws.

1.4.3 **Meet and Confer regarding Development Application Denials.** The City and Applicant shall meet within fifteen (15) business days of a denial to resolve the issues specified in the denial of a Development Application.

1.4.4 **City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's denial of a Development Application is based on the denial of the Development Application by a non-city agency, Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

1.4.5 **Mediation of Development Application Denials.**

1.4.5.1 Issues Subject to Mediation. Issues resulting from the City's denial of a Development Application shall be mediated.

1.4.5.2 Mediation Process. If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding of the parties.

1.4.6 **Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular parcel may not be known at the time of the sale of a parcel. Developer may obtain approval of a subdivision that does not create any individually developable lots in the parcel without being subject to any requirement in the City's vested laws to complete or provide security for any public infrastructure at the time of such subdivision. The responsibility for completing and proving security for completion of any public infrastructure in the parcel shall be that of the developer or subdeveloper upon a subsequent re-subdivision of the parcel that creates individually development lots, or any building permit application, whichever occurs first.

1.5 Developer is responsible for compliance with all local, state and federal regulations regarding the soils and environmental conditions on the Property. Furthermore, Developer is responsible for receiving any required Army Corp of Engineer Permits related to the riparian zone of Silver Creek if it is required.

2. Master Plan Approval and Reserved Legislative Powers

2.1 MPD. Subject to the provisions of this Development Agreement, Developer is hereby granted the right **by Park City**, to develop and construct the Project in accordance with the general uses, densities, massing, intensities, and general configuration of development approved in the January 17, 2012 Annexation Agreement, this Development Agreement, in accordance with, and subject to the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City. Both parties acknowledge the Site Plan attached as Exhibit D and the Approval Documents supersede and replace the Site Plan attached as Attachment A to the Annexation Agreement.

2.2 If the Developer acquires any additional property contiguous to the Property and located within the bounds of Park City or the City Annexation Declaration area, then Developer may petition to annex or apply to add such future property within this Development Agreement . Park City will reasonably process and consider such petition or application in accordance with applicable state law and the Land Management Code in effect at that time.

2.3 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the power of the City to enact legislation under the police powers vested in a city such exercise of power through legislation shall only be applied to modify land use and zoning regulations which are applicable to the Project in conflict with the terms of this Development Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Development Agreement under the above specific limitations and applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine. Nothing in this section shall limit the future legislative amendment of more specific ordinances or codes for which the Developer does not yet have a vested right, and except as otherwise provided in this agreement, will not vest until such time as a complete application is filed in conformance with the applicable code(s), including but not limited to: building and energy, lighting, sign and subdivision codes.

2.4 Application Under City's Future Laws. Without waiving any rights granted by the January 17, 2012 Annexation Agreement, or this Development Agreement, Developer may at any time choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application so applied for. The election by the Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Developer from relying on prior Development Applications or the City's Vested right Law as they pertain thereto.

3. General Terms and Conditions.

3.1 Term of Agreement. The Master Planned Development is subject to Section 15-6-4 (H) of the Land Management Code. Unless a delay is a result of delay of process by the City for a complete,

pending application, a building permit for the first phase of the Project must be approved within two years of the execution of this Development Agreement.

3.2 Binding Effect; Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described on Exhibit A hereto, and shall be deemed to run with the land provided it remains effective and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

3.3 Provision of Municipal Services. Except as otherwise provided in the Annexation Agreement, Park City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including but not limited to police and other emergency services. The services shall be provided to the Project at the same level of services, on the same terms, and at the same rates as provided to other residents and properties in the City or applicable service district.

3.4 Assignment. Neither this Development Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response is given by the City within 14 calendar days following Developer's delivery of a request for consent, the City consent will deemed to have been granted. This restriction on assignment shall not prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Development Agreement.

3.5 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

3.6 Integration. Except vested rights granted by Summit County to developer in consideration of the dismissal of litigation against the County and recognized by the City in the Annexation Agreement, this Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

3.7 Severability. If any part or provision of this Development Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Development Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Development Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

3.8 Attorney's Fees. If either party commences litigation regarding this Development Agreement, any of the Exhibits hereto or the Approval Documents, the prevailing party, as determined by a court of competent jurisdiction, shall be entitled to reasonable attorney's fees and all costs paid by the other party.

3.9 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement. These include but are not limited to changes in building configuration to accommodate tenants so long as the square footage, general location and uses are consistent with what is vested herein.

3.10 No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

3.11 Default.

3.11.1 **Notice**. If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a subdeveloper, then the City shall also provide a courtesy copy of the Notice to Developer.

3.11.2 **Contents of the Notice of Default**. The Notice of Default shall:

3.11.2.1 Specific Claim. Specify the claimed event of Default;

3.11.2.2 Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation, or provision of this Development Agreement (including exhibits) that is claimed to be in Default;

3.11.2.3 Materiality. Identify why the Default is claimed to be materials; and

3.11.2.4 Optional Cure. If the City chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

3.11.3 **Meet and Confer; Mediation**. Upon the issuance of a Notice of Default the parties shall engage in the "Meet and Confer" and "Mediation" processes specified in Sections 1.4.3- 1.4.5.

3.11.4 **Remedies.** If the parties are not able to resolve the Default by "Meet and Confer" or by Mediation, then the parties may have the following remedies:

3.11.4.1 Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

3.11.4.2 Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

3.11.4.3 Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by the Developer, or in the case of a default by a subdeveloper, development of those Parcels owned by the subdeveloper until the Default has been cured.

3.11.5 **Public Meeting**,. Before any remedy in Section 3.11.4 may be imposed by the City, the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the Claimed Default.

3.11.6 **Emergency Defaults**. Anything in this Development Agreement notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Section 3.11.4 without the requirements of Section 3.11.5. The City shall give Notice to the Developer and/or any applicable subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable subdeveloper shall be allowed to address the City Counsel at that meeting regarding the claimed emergency Default.

3.11.7 **Extended Cure Period**. If any Default cannot be reasonably cured within sixty (60) days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

3.11.8 **Cumulative Rights**. The rights and remedies set forth herein shall be cumulative.

3.11.9 **Default of Assignee**. A default of any obligations assumed by an assignee shall not be deemed a default of Developer.

4. Phasing; Access.

4.1 Project Phasing. The Project shall be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the "Phasing Plan") (attached hereto as Exhibit G), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 3.1 above. Any major modifications or elaborations to the approved Phasing Plan must be approved by the City Council prior to the commencement of construction of the applicable phase. If such proposed major modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the City Council for approval.

4.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

4.3 Form of Ownership Anticipated for Project. The Project will consist of a commercial building and related improvements, and a hotel building including 100 units and related improvements. Developer anticipates that the commercial portions and, if applicable, the hotel of the Project will be owned by Developer, or its assigns. Any condominimization of the Project for private ownership, fractional ownership and common ownership of land and common facilities requires additional approvals and shall be in compliance with applicable ordinances and state code.

5. **Affordable Housing.** Pursuant to the Annexation Agreement, no affordable housing is required for this MPD. QJP shall post City affordable housing information in a work place accessible to all its employees.

6. **Open Space.** Pursuant to the Annexation Agreement, no definable open space is required for this MPD within the granted and approved development of 374,000 gross sq ft as defined in the agreement between the parties incorporated as exhibits hereto.

7. **Physical Mine Hazards.** If any, a list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and GPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit _H_.

8. **Notices.** All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

c/o Greg Ericksen Esq.
1065 South 500 West
Bountiful, Utah 84010

With a copy to:

Scott M. Lilja
Van Cott, Bagley, Cornwall & McCarthy
36 south State Street, Suite 1900
Salt Lake City, UT 84111-1478

To Park City:

445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
Attn: City Attorney

Such communications may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

8. **List of Exhibits**.

Exhibit A – Legal Description
Exhibit B – Settlement Agreement for film and media campus

Exhibit D – Site Plan
Exhibit C – Annexation Agreement
Exhibit E – Master Planned Development Findings of Fact, Conclusions of Law and Conditions of Approval dated May 24, 2012
Exhibit F - Master Planned Development Plans dated May 24, 2012
Exhibit G - Phasing Plan
Exhibit H - List of all known Physical Mine Hazards on the property (None)

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer by a person duly authorized to execute the same, and by Park City acting by and through its City Council, as of the 24th day of May, 2012.

QUINNS JUNCTION PARTNERSHIP "Developer"

By: _____ managing member.
MICHAEL MARTIN

Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 19 day of June, 2012, before me, the undersigned notary, personally appeared, personally known to me/proved to me through identification document allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as MANAGING MEMBER *(title)* for QUINNS JUNCTION PARTNERSHIP, a Utah partnership.

Notary Public
SHARON C BAUMAN
Commission #583148
My Commission Expires
July 13, 2014
State of Utah

Sharon C Bauman
Notary Public

PARK CITY MUNICIPAL CORPORATION "Park City"

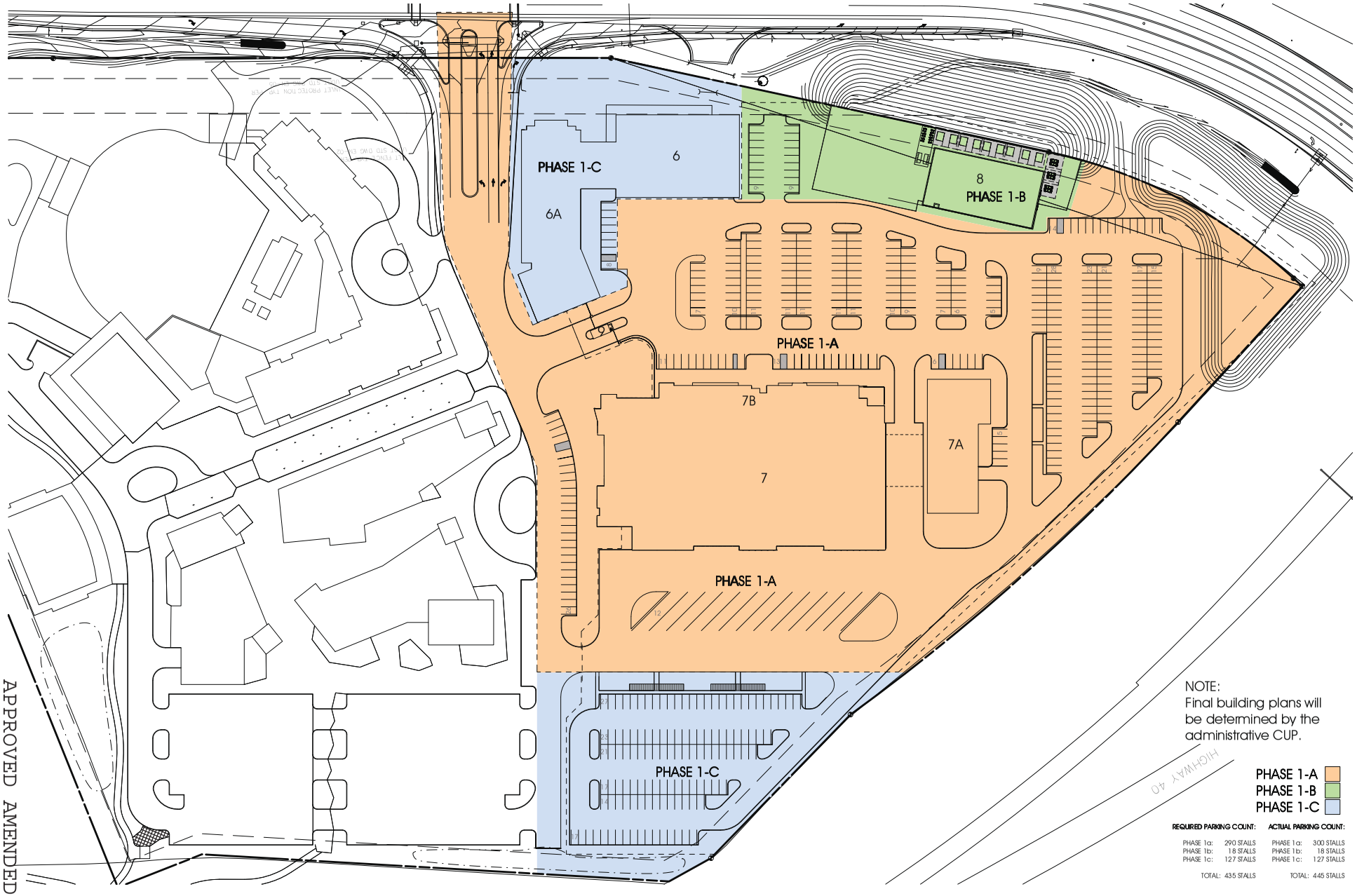
By: _____
Dana Williams, Mayor

ATTEST:

By: _____
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

_____
Mark D. Harrington, City Attorney



NOTE:
Final building plans will be determined by the administrative CUP.

PHASE 1-A
PHASE 1-B
PHASE 1-C

REQUIRED PARKING COUNT:		ACTUAL PARKING COUNT:	
PHASE 1a:	290 STALLS	PHASE 1a:	300 STALLS
PHASE 1b:	18 STALLS	PHASE 1b:	18 STALLS
PHASE 1c:	127 STALLS	PHASE 1c:	127 STALLS
TOTAL:	435 STALLS	TOTAL:	445 STALLS

EXHIBIT E

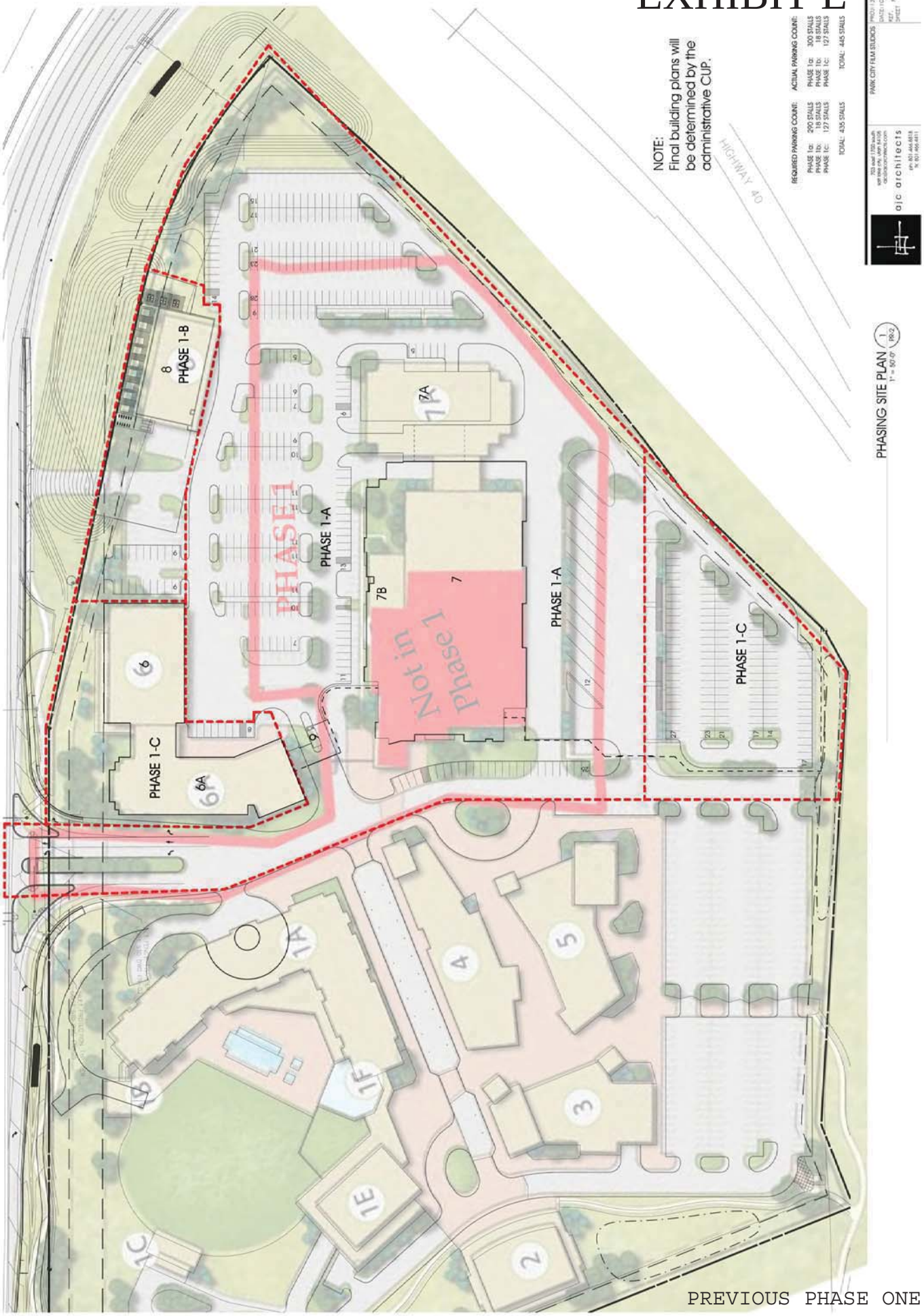
PHASING SITE PLAN / 1
1" = 50-0" / PR-2

703 east 1700 south
salt lake city, utah 84105
ajc@ajcarchitects.com
ajc architects
ph: 801.466.8818
fx: 801.466.4411

PARK CITY FILM STUDIOS
PROJ.: 1334.07
DATE: 10/23/13
REF.
SHEET PR-2

APPROVED AMENDED PHASE ONE

EXHIBIT E



PREVIOUS PHASE ONE