

Ordinance No. 2022-06

AN ORDINANCE APPROVING THE PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION, AMENDING LOT 1, PARK CITY FILM STUDIOS SUBDIVISION, 4001 KEARNS BOULEVARD, PARK CITY, UTAH

WHEREAS, the owners of the property located at 4001 Kearns Boulevard petitioned the City Council for approval of the Park City Film Studios First Amended Subdivision, to create two (2) Lots of Record; and

WHEREAS, on January 5, 2021, the *Park Record* published notice for the Planning Commission public hearing; and

WHEREAS, on December 29, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission public hearing; and

WHEREAS, on January 12, 2022, the Planning Commission reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, on January 12, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on February 3, 2022; and

WHEREAS, on February 3, 2022, the City Council reviewed the Plat Amendment and held a public hearing; and

WHEREAS, the Plat Amendment is consistent with the Park City Land Management Code, annexation, MPD and Entry Protection Overlay Zone

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

SECTION 1. APPROVAL. The Park City Film Studios First Amended Subdivision 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.
2. The property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the parcel, that resulted in a settlement which provided Park City with an option to consider the annexation prior to development in the County.
3. As a result, Park City approved its own Settlement Agreement and Development Agreement Master Planned Development (MPD) for the purpose of constructing 374,000 square feet of "a motion picture studio and media campus," as stated in

the Settlement Agreement.

4. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO) and Entry Corridor Protection Overlay, and an MPD for a Film Studio and Media Campus.
5. The MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial uses as outlined in Exhibit C of the Annexation Agreement.
6. To date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A and 7B), associated parking, the main entrance, landscaping, and berming. This totals 91,425 square feet of development, all of which is located on proposed Lot 1A.
7. Currently there are 283,000 square feet of remaining Commercial density to be built at the Property, for uses and buildings consistent with the Annexation Agreement and MPD.
8. The applicant is proposing to subdivide the existing 29.553-acre Park City Film Studios Lot into two (2) legal lots of record. Lot 1A would consist of 8.622 acres and contain the existing developed Film Studio Campus generally north of Round Valley Drive, the access to the site from SR-248. Lot 1B would consist of 20.464 acres and would contain the remainder of the site, generally south of Round Valley Drive.
9. The proposed subdivision is consistent with the zoning and MPD but in order to proceed with a new development plan for proposed Lot 1B, the applicant will need to file additional applications. No findings of compliance are made at this time with Municipal Code Title 15 Chapter 7, specifically 7.1, 7.2, and 7.3.
10. The Annexation Agreement states there is no Open Space requirement for the MPD.
11. The proposed Plat Amendment allows for future development that complies with the annexation and MPD as well as the Land Management Code.
12. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Subdivision as the amendment complies with the Community Transition with Regional Commercial Overlay Zoning requirements, as well as the Entry Corridor Protection Overlay, and annexation and MPD for a Film Studio and Media Campus. Existing plat notes will continue to apply; the subdivision does not preclude development that is consistent with the annexation and MPD.
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.
4. No Public Street, Right-of-Way, or easement has been vacated or amended.

Conditions of Approval

1. The City Planner, 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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. No vesting shall occur for Lot 1B by virtue of this plat. No additional development activity or building permit will be granted on Lot 1B until further re-subdivision, zoning and MPD applications are applied for and approved. All such applications shall comply with public improvement requirements pursuant to Paragraph 1.4.6 of the MPD Agreement and with the City's Future Laws pursuant to Paragraph 2.4 of the MPD.
4. The plat shall note that Conditions of Approval of the May 12, 2012, Zoning and Annexation Agreement, Ordinance 2012-12 and Ordinance 2014-16 continue to apply to this subdivision unless subsequently amended.
5. The plat shall note that Conditions of Approval of the May 24, 2012, Development Agreement MPD continue to apply to this subdivision unless subsequently amended.
6. The plat shall note that a shared public access easement will be dedicated by the property owner to the City for possible future access to SR-248 at the southwest corner of the property, including possible re-dedication or transfer by the City to the state of Utah. The easement location shall be determined when the access is needed, shall be right in and right out only, and shall meet fire code access requirements of 20 feet in width of hard surface.
7. The plat shall note the CC&R recorded on 5/23/2014, Book 2241, page 1251.
8. The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply.
9. The plat shall note that the MPD berming requirements shall continue to apply to Lot 1B.
10. The plat shall note that the Frontage Protection Overlay Zone and Entry Corridor Protection Overlay requirements shall apply to Lot 1B and be shown on the plat.
11. Future improvements shall be designed to meet all Engineering Department requirements.
12. The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
13. The Annexation Agreement includes Architectural Design Guidelines. Lot 1A complies with these Guidelines. Future development must comply with or amend these Guidelines.
14. All future development must meet the requirements of the Park City Fire District in accordance with standards applicable to the particular application and at the time of Building Permit review.

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

PASSED AND ADOPTED this 3rd day of February, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, MAYOR

ATTEST:



DocuSigned by:

Michelle Kellogg

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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Mark Harrington

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City Attorney's Office

Attachment 1: Park City Film Studios First Amended Subdivision

