

AN ORDINANCE APPROVING THE GIGAPLAT REPLAT, BEING A RE-SUBDIVISION OF LOTS 25a, 25b, AND PARKING LOT F OF THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT LOCATED AT 1893 AND 1897 PROSPECTOR AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties known as Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat, located at 1893 and 1897 Prospector Avenue, petitioned the City Council for approval of the Gigaplat Replat, being a re-subdivision of Lots 25a, 25b, Parking Lot F and association walkway parcel; and

WHEREAS, on April 30, 2014, the property was noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 30, 2014, notice was provided to affected property owners within 300' of the property as required by the Land Management Code; and

WHEREAS, a legal notice was published in the Park Record at least two weeks prior to the public hearings, as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on May 14, 2014 to receive input on the proposed subdivision;

WHEREAS, on May 14, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on June 5, 2014 the City Council held a public hearing on the proposed Nirvana at Old Town Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Gigaplat Replat, as conditioned.

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 Gigaplat Replat, being a Re-Subdivision of Lots 25a, 25b, and Parking Lot F and association walkway of the Prospector Square Supplemental Amended Plat, 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 properties are located at 1893 and 1897 Prospector Avenue within the General Commercial (GC) zoning district.

2. On December 10, 2012, the applicant submitted an application for a plat amendment to re-configure Lots 25a, 25b, Parking Lot F, and associated walkway area of the Prospector Square Supplemental Amended Plat. The purpose of the plat amendment is to re-locate the two development pads to be better oriented for energy efficient design, improved parking lot layout, to provide access and utility easements, and to reconfigure the common parking taking into consideration the relocated pads.
3. The application was deemed complete on January 14, 2014 upon receipt of the required letter from the Homeowner's Association, due to the POA being party to this application.
4. The proposed Lots 25a-R and 25b-R contain the same lot area as existing Lots 25a and 25b, specifically 4,950 square feet and 5,760 square feet respectively.
5. There is no net loss of parking spaces as a result of the reconfiguration of these lots. There are currently 99 parking spaces and the reconfigured plat will allow 110 common parking spaces within Parking Lot F for a net increase of eleven (11) spaces.
6. Existing Lots 25a and 25b do not have access to a public street or access easement leading to a public street. These lots are undeveloped vacant lots.
7. Parking Lot F is an existing paved and striped parking lot utilized by the Prospector Square Subdivision development as common parking for the entire Subdivision. Parking Lot F currently exists adjacent to Silver Creek and the owner of future Lot Giga-b applied to the State Engineer for streamside construction permit for work that will not extend beyond the existing pavement of Parking Lot F and was granted an Order of the State Engineer outlining all requirements for work.
8. A portion of the property is located within the flood plain areas, designated as A and X of Silver Creek, per the FEMA maps.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The GC zone has no minimum lot sizes. Setbacks within the Prospector Square Overlay are permitted to be zero (0') for front, side and rear yards. Maximum building height is 35' from existing grade, with LMC height exceptions allowed.
11. Amended Lot 25a-R will have access and frontage on Prospector Avenue and amended Lot 25b-R will have access to Prospector Avenue via an access easement over Parking Lot F.
12. Utilities are available in Prospector Avenue and within Parking Lot F to serve the lots. Reconfiguration and expansion of some of these utilities may be necessary and a utility plan and fire flow study will be required prior plat recordation.
13. The plat amendment will resolve access and utility easement issues that currently exist.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction, to be determined 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.
4. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Prospector Avenue, with the exception of Lot 25a-R and shall be shown on the plat.
5. The plat will reflect access and utility easements as required by the City Engineer and utility providers.
6. Future development on Lot 25b-R is required to comply with the Order of the State Engineer regarding streamside construction application number 12-35-50SA, or as amended and restated. Reference to this requirement shall be noted on the final plat prior to recordation.
7. All required Army Corps of Engineer permits are required prior to any work in the stream corridor, including stream rehabilitation work.
8. Flood plain certificates are required prior to issuance of building permits as required by the Chief Building Official.
9. Existing access and utility easements will be adjusted accordingly to reflect existing utilities and future built out conditions.
10. As a condition precedent to plat recordation, a utility plan and a fire flow study for future buildings shall be submitted for review and approval by the City and SBWRD.
11. The final plat shall indicate uses and easements on the POA walkway and parking lot.

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

PASSED AND ADOPTED this 5th day of June, 2014

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:

Marci Heil

Marci Heil, City Recorder



APPROVED AS TO FORM:

Mark Harrington

Mark Harrington, City Attorney

