

Ordinance No. 2016-35

**AN ORDINANCE APPROVING THE NATIONAL ABILITY CENTER SUBDIVISION,
LOCATED AT 1000 ABILITY WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1000 Ability Way petitioned the City Council for approval of the National Ability Center Subdivision plat; and

WHEREAS, on June 4, 2016, proper legal notice was published in the Park Record; and

WHEREAS, on June 8, 2016, the property was properly posted and notices were sent to affected property owners according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016, to receive input on the National Ability Center Subdivision plat;

WHEREAS, the Planning Commission, on June 22, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 21, 2016, the City Council held a public hearing on the National Ability Center Subdivision plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the National Ability Center Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The National Ability Center Subdivision 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 property is located at 1000 Ability Way.
2. The zoning is Recreation Open Space (ROS), subject to the Park City Recreation Complex Annexation Ordinance.
3. The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
4. Access to the property is from Round Valley Drive and Gillmor Way, which are public streets and Ability Way, which is a private access drive.
5. On July 26, 1999, prior to annexation, the property received approval of a Specially Planned Area (SPA) by the Summit County Commission, as well as a Conditional Use Permit. The NAC Specially Planned Area (SPA) was recorded at

Summit County on August 3, 1999. The SPA and CUP allow for development of various uses and buildings.

6. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
7. The parcel was deeded to the NAC by Florence Gillmor and is restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities.
8. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. Overnight lodging is also provided for participants.
9. The property currently includes a 24,800 sf equestrian arena (17,150 sf indoor arena and 7,650 sf of stalls and offices) an outdoor challenge course, a playground area, an outdoor equestrian arena, a 2,200 sf archery pavilion, a gazebo, various barns and storage buildings, an 18,300 sf residential dormitory building, a 12,780 sf support administrative building, and 113 parking spaces.
10. A Conditional Use Permit for a hay storage barn was approved in 2015 and constructed in 2016.
11. On December 10, 2014, the Planning Commission held a public hearing, discussed a pre-MPD application for proposed expansion of the National Ability Center and
12. The Pre- MPD application was found to be generally consistent with the purpose statements of the ROS Zoning District and the goals and objectives of the General Plan.
13. On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) located at 1000 Ability Way. The MPD application proposed additional lodging (22,266 sf), expansion of the indoor equestrian arena (12,188 sf), an addition to the existing administration building for office uses (3,400 sf), center campus activity/multi-purpose area (7,000 sf), and new archery pavilion, classrooms, and restrooms (2,200 sf).
14. An additional 101 parking spaces were requested with the MPD application, along with future improvements to the stables, equipment and storage sheds, challenge ropes course, interior plaza and landscaping, a small greenhouse for gardening programming, a test track area, and a tent platform/single room camping cabins area to foster self-reliance in camping and outdoor skills.
15. The proposed MPD was noticed for an April 13, 2016, Planning Commission meeting. The item was continued to May 11, 2016, where it was continued to a date uncertain to allow additional time for staff to research the existing zoning in greater detail to address the Planning Director's determined that the ROS Zone does not specifically allow a Master Plan Development or lodging uses. Staff is preparing an analysis of a future rezone of the property from Recreation Open Space (ROS) to Community Transition (CT).
16. On April 12, 2016, the applicant submitted a complete application for National Ability Center Subdivision plat proposing one platted lot of record (Lot 1) consisting of 26.2 acres.
17. The property is currently developed in part with structures and parking and undeveloped in part consisting of native grasses, shrubs and other low vegetation and with areas of delineated wetlands.

18. The wetlands delineation was recently updated and the May 2015 report was submitted to the City with the MPD application.
19. Any wetlands delineation that is more than five years old is required to be updated, re-delineated and re-submitted to the Corp and the City prior to issuance of a building permit.
20. All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from delineated wetlands. The current requirement is a 50' wide wetlands protection buffer area.
21. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.
22. There are existing public utilities on the property, as well as existing easements that will be memorialized on this subdivision plat prior to recordation, to ensure that public utilities, access, and trails are located within adequate easements.
23. Utility easements are necessary along property boundaries for potential future utility installations
24. A twenty foot (20') wide public trail easement is required for the existing public trail on the southwest corner of the property.
25. A thirty foot (30') wide water and public utility easement is shown on the plat as an existing easement for utilities at the southeast corner of the lot.
26. A twenty foot (20') wide sanitary sewer easement is shown on the plat as an existing easement for sewer at the southeast corner of the lot.
27. No changes are proposed to the existing property lines or to the location of platted Round Valley Drive or to platted Gillmor Way.
28. Snow storage easements are not required along private streets.
29. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.
30. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision plat amendment.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the NAC SPA.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat amendment.
4. Approval of the subdivision 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 subdivision plat for compliance with the Land Management Code, and these conditions of approval, prior 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 will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
3. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
4. Final utility, storm water, and grading plans must be approved by the City Engineer prior to building permit issuance.
5. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
6. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for new development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
7. A note shall be included on the plat prior to recordation stating that all new development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of building permit application.
8. A ten foot (10') wide non-exclusive public utility easements shall be shown along the property lines as required by the City Engineer during final plat review. A public trail easement shall be shown on the plat for public trails located on the property. Utility easements, for SBWRD shall be provided at the direction of SBWRD. Public utility easements shall be provided as required by utility providers and shall be shown on the plat prior to recordation.

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

PASSED AND ADOPTED this 21st day of July, 2016.

PARK CITY MUNICIPAL CORPORATION





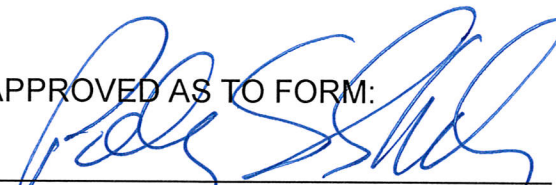
Jack Thomas, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney
Polly Samuels McLean, Ass. City Attorney

Exhibit

Exhibit A- Proposed plat

