

Ordinance No. 2020-43

AN ORDINANCE APPROVING THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED, LOCATED AT 1775 PROSPECTOR AVENUE, PARK CITY, UTAH.

WHEREAS, the property owner of the property located at 1775 Prospector Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 8, 2020, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on July 8, 2020, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2020, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on July 22, 2020, forwarded a positive recommendation to the City Council; and

WHEREAS on September 17, 2020, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Prospector Square Supplemental Amendment to Lot G Amended and Restated, located at 1775 Prospector Avenue.

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

SECTION 1. APPROVAL. The Prospector Square Supplemental Amendment to Lot G Amended and Restated as shown in **Attachment 1** is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. All findings within the Analysis section and the recitals of the Staff Report are incorporated herein as findings of fact.

Background:

2. The subject property is located at 1775 Prospector Avenue.
3. On May 28, 2009, the City Council approved the Prospector Square Supplemental Amendment to Lot G Plat Amendment, ([Staff Report](#), [Summary](#), Entry No. 898070).

4. On August 31, 2017, the City Council approved the Prospector Square Second Supplemental Amendment to Lot G Amending Lot 48A and Lot 48C Plat Amendment ([Staff Report](#), [Minutes](#), [Ordinance 2017-29](#), and Entry No. 1085418).
5. On July 20, 2018, an Encroachment Agreement was recorded with Summit County (Entry No. 01095464) that allowed an underground parking garage to encroach into Prospector Square Property Owner's Association common area by ten feet (10').
6. On October 15, 2018, an Acknowledgement and Covenant Not to Build was recorded at Summit County (Entry No. 01099999). This Agreement prohibited the future construction of lot-line-to-lot-line buildings on both Lot 48A and Lot G, as it would not allow proper fire protection and window openings.
7. On December 13, 2018, a First Amendment to Encroachment Agreement was recorded at Summit County (Entry No. 01103155) which modified terms and agreements of the 2018 Encroachment Agreement for the underground parking garage and to address the location and operation of a garage access ramp.
8. On May 30, 2019, an Easement Agreement was recorded at Summit County (Entry No. 01111714) between Prospector Square Property Owner's Association and SMP 1791 LLC. This Easement Agreement allowed two electrical transformers to be installed on Parcel No PSA-G-SP-AM.
9. On July 2, 2019, the Building Department issued a Building Permit for a new three-story office on the subject lot.
10. On April 22, 2020, the Planning Department received the subject Plat Amendment application. After working with the applicant on the submittal requirements, the application was deemed complete on June 10, 2020.
11. The Applicant proposes to maintain/provide a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail in perpetuity and to define maintenance agreements.
12. Staff finds good cause for this Plat Amendment as the proposal will grant a public easement for pedestrians and bicycles that will allow access from Prospector Avenue to the Rail Trail.
13. Staff recommends the Commission approve the Plat Amendment application because it complies with the General Commercial (GC) Zoning District requirements outlined in Land Management Code (LMC) [Chapter 15-2.18](#).

Zoning District:

14. The site is within the General Commercial (GC) District and complies with Land Management Code (LMC) [Chapter 15-2.18](#).

Lot and Site Requirements:

15. There are no minimum Lot Size requirements in the GC Zone, and the proposed lot contains 43,181 square feet.
16. The proposal complies with LMC [§15-2.18-3\(l\)\(2\)](#), Maximum Floor Area Ratio as there are no buildings on Lot G.
17. The proposal complies with LMC [§15-2.18-3\(l\)\(3\)](#), Setbacks as there are no buildings on Lot G.

18. The proposal complies with LMC [§15-2.18-4](#), Building Height as there are no buildings on Lot G.

Other Applicable LMC Requirements:

19. The proposal complies with LMC [§ 15-3-3](#), *Off-Street Parking* as the Parking Agreement (see Exhibit G & H to July 22, 2020 Planning Commission Staff Report) requires that Lot G shall maintain the existing 102 Parking Spaces and the proposal does not affect the number of Parking Spaces available.

Public Notice Requirements:

20. Staff published notice on the City's website and the Utah Public Notice website on July 8, 2020.
21. Staff mailed courtesy notice to property owners within 300 feet on July 8, 2020.

Conclusions of Law:

22. The proposal complies with LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, as the Planning Commission and City Council will review the proposal for approval.
23. The proposal complies with LMC [§ 15-12-15](#), *Review By Planning Commission*, as the Planning Commission will review the proposal for compliance with the provisions of the state statute on recording of plats and ensure that all previously imposed conditions of approved have been satisfied.

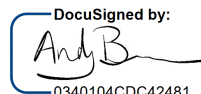
Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat. The CC&Rs shall include a methodology for tie break.
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 (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten foot (10') public snow storage easement on Prospector Avenue shall be noted on the Plat.

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

PASSED AND ADOPTED this 17th day of September, 2020.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

0340104CDC42481

Andy Beerman, MAYOR



ATTEST:

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
B7478B7734C7490...

City Attorney's Office

Exhibits

Attachment 1 – Prospector Square Supplemental Amendment to Lot G Amended and Restated (Proposed)



SURVEYORS CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah, I further certify that by authority of the owners, I have made a survey of the land shown on this plat and described hereon, and have subdivided said land into lots, together with easements, hereafter to be known as PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

- Parcel 1: LOT G, PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Parcel 2: LOT 48F, PROSPECTOR SQUARE SECOND SUPPLEMENTAL AMENDMENT TO LOT G AMENDING LOT 48B & LOT 48C subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Parcel 3: LOT 48A, PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that SMP 1791 LLC, a Delaware limited liability company, as to Lot 48A and Lot 48F, to be known hereafter as PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this plat amendment. ALSO, the owner or its representative hereby irrevocably offers for dedication to the public the land for local government uses, easements, and required utilities shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has executed this certificate this ____ day of _____, 2020.

Edward B.R. Lewis, Manager
SMP 1791 LLC, a Delaware limited liability company

ACKNOWLEDGMENT

State of Utah)
) ss.
County of Summit)

On the ____ day of _____, 2020, Edward B.R. Lewis personally appeared before me, whose identity is personally know to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of SMP 1791 LLC, a Delaware limited liability company, and that said document was signed by him on behalf of said limited liability company, by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My Commission Expires: _____

OWNER'S ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that the undersigned President of Prospector Square Property Owners Association, a Utah non-profit corporation, as to Parking Lot G, does hereby certify that it consents to the recordation of this PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED plat.

ALSO, the owner or its representative hereby irrevocably offers for dedication to the public the land for local government uses, easements, and required utilities shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has executed this certificate this ____ day of _____, 2020.

Dean S. Berrett, Secretary
Prospector Square Property Owners Association, a Utah non-profit corporation

ACKNOWLEDGMENT

State of Utah)
) ss.
County of Summit)

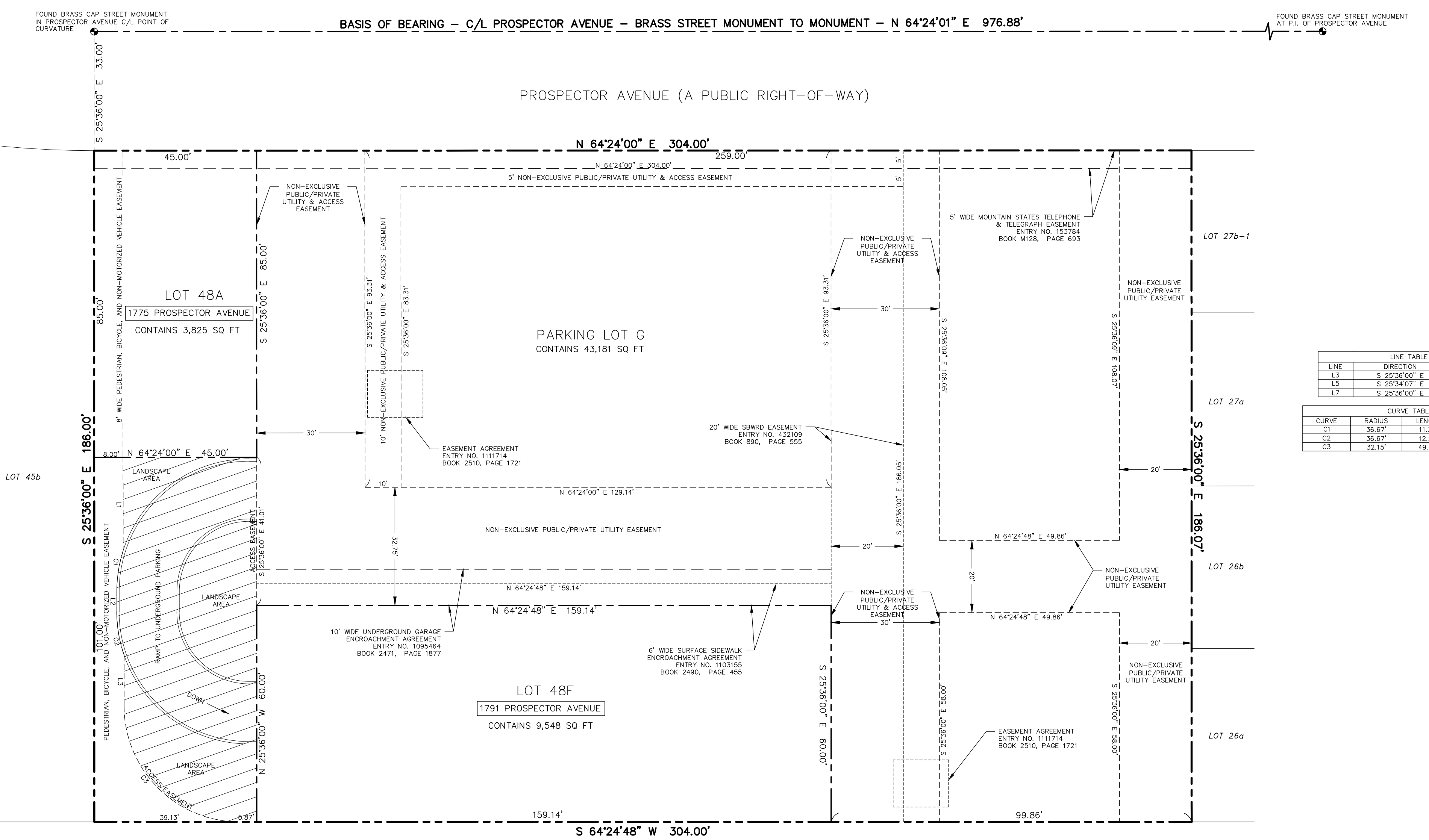
On the ____ day of _____, 2020, Dean S. Berrett personally appeared before me, whose identity is personally know to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the President of Prospector Square Property Owners Association, a Utah non-profit corporation, and that said document was signed by her on behalf of said Association, by authority of its Bylaws or Resolution of its Members, and she acknowledged to me that she executed PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

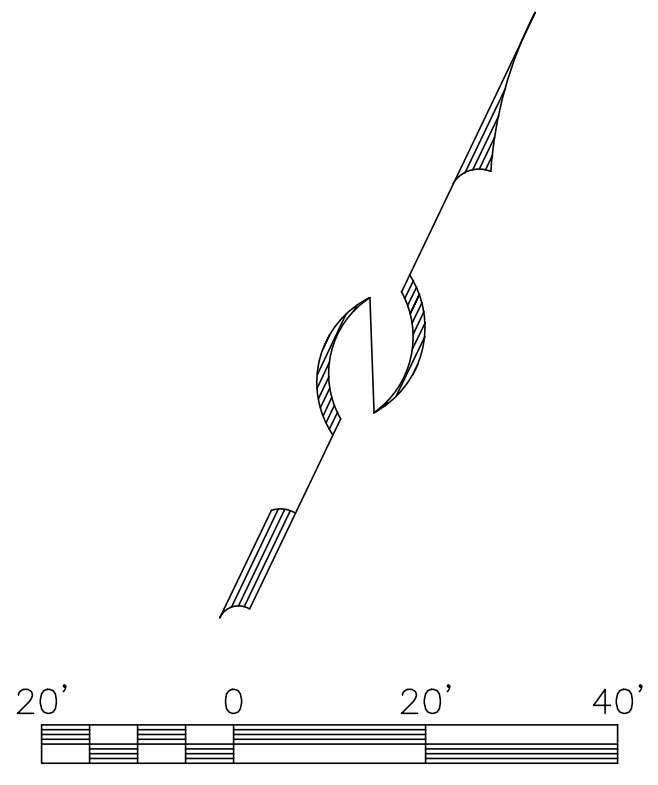
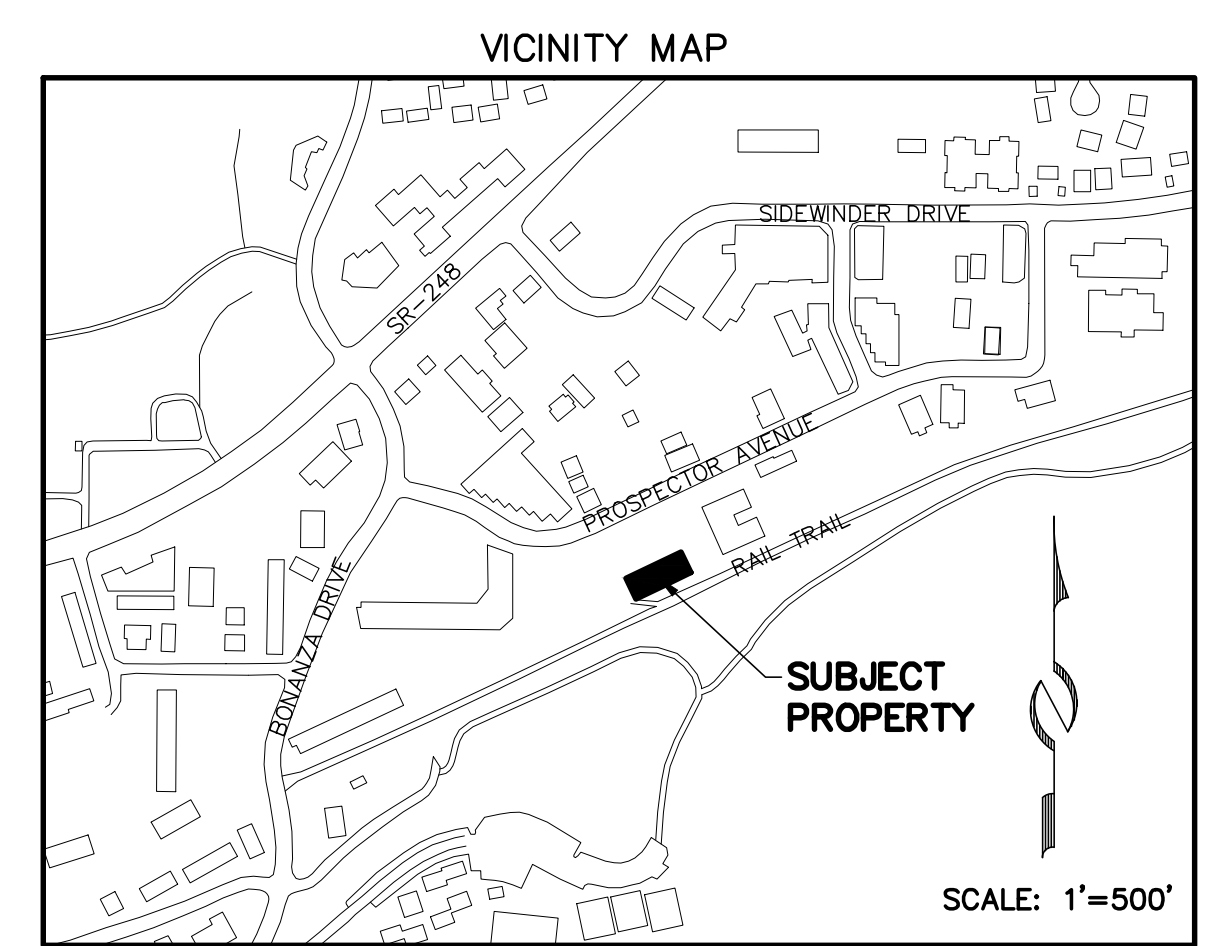
My Commission Expires: _____



LINE TABLE and CURVE TABLE. LINE TABLE lists lines L3, L5, L7 with directions and lengths. CURVE TABLE lists curves C1, C2, C3 with radii, lengths, and deltas.

NOTES:

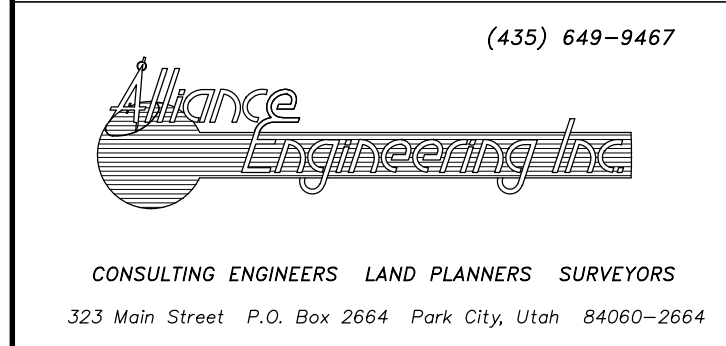
- 1. This plat is subject to the Conditions of Approval in Ordinance 2020-_____.
2. Lot 48A shall be allowed to have a basement under the footprint.
3. Lot 48F requires the construction of underground parking.
4. The Access Easement area is for ramp access to underground parking on Lot 48F and includes the landscape area.
5. Maintenance of the ramp to underground parking and the landscape area shall be the responsibility of the owners of Lot 48A and Lot 48F.
6. The Access Easement runs in perpetuity with Lot 48A and Lot 48F.
7. The curb cut on Prospector Avenue shall be the responsibility of Lot 48A and Lot 48F.
8. Underground parking is for the benefit of the Owners and Lessees of Lot 48F.
9. The private wastewater laterals for Lots 48A and 48F will cross Parking Lot G. The owners of these lots are granted the right to access, install, maintain and replace their wastewater laterals within the Public/Private Utility Easement. Laterals are to be privately owned and maintained by the building lot owners and they shall be responsible for the ownership, operation, maintenance and replacement of the private wastewater laterals.
10. 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.
11. Any soil disturbance or proposed landscaping shall adhere to Park City Municipal Code § 11-15-1.
12. Applicable building code requirements for egress, etc, shall be adhered to if zero lot line setbacks are used.
13. The Floor Area Ratio (FAR) for any new construction on Lot 48A shall not be reduced as a result of the 8' wide pedestrian easement on the western boundary of and within Lot 48A.
14. Maintenance of the sidewalk, including snow removal, within the Pedestrian, Bicycle, and Non-Motorized Vehicle Easement shall be the responsibility of Park City Municipal Corporation.



PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G AMENDED AND RESTATED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 9 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

THIS PLAT REPLACES PROSPECTOR SQUARE SUPPLEMENTAL AMENDMENT TO LOT G, RECORDED MAY 12, 2010, AS ENTRY NO. 898070 AND PROSPECTOR SQUARE SECOND SUPPLEMENTAL AMENDMENT TO LOT G AMENDING LOT 48B & LOT 48C, RECORDED JANUARY 23, 2018, AS ENTRY NO. 1085418.



Approval table with columns: PUBLIC SAFETY ANSWERING POINT APPROVAL, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PLANNING COMMISSION, ENGINEER'S CERTIFICATE, APPROVAL AS TO FORM, CERTIFICATE OF ATTEST, COUNCIL APPROVAL AND ACCEPTANCE, and RECORDED. Each column contains fields for date, day, and signature.