

Ordinance No. 10-16

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF APPROVAL OF A PLAT AMENDMENT FOR THE MAIN STREET MALL LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Main Street Mall, located at 333 Main Street, petitioned the City Council for one year extension of approval of a plat amendment to create one lot of record by combining Lots 7-15 and 18-26, Block 11, Amended Park City Survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper notice was sent to affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 25, 2009, to receive input on the plat amendment and forwarded a recommendation to the City Council;

WHEREAS, on March 26, 2009, the City Council held a public hearing on the plat amendment;

WHEREAS, on March 8, 2010, the applicant submitted a request for an extension of approval;

WHEREAS, on May 6, 2010, the City Council held a public hearing on the plat amendment extension of approval; and

WHEREAS, it is in the best interest of Park City, Utah to approve a one year extension of approval of a plat amendment to create a lot of record for the existing Main Street Mall to remove internal property lines; memorialize existing emergency and pedestrian access, parking, and utility easements associated with the property.

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 333 Main Street plat amendment 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 between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 Amended Park City Survey. Also included in the plat amendment are 5 easements on the plat for existing emergency and pedestrian access, utilities, storm drainage, and parking as described in the title report and title survey for 333 Main Street.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines and is an existing legal non-conforming building.

3. The plat amendment creates one lot of record for the existing building.
4. The Main Street fronting lots are located in the Historic Commercial Business District (HCB) and the Park Avenue fronting lots are located in the Historic Residential Two (HR-2) zoning district.
5. The lot configuration meets minimum standards of the HCB and HR-2 Districts.
6. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. It is important to carefully consider impacts of construction on the vitality and character of Main Street and the residential nature of Park Avenue.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. The existing conditions of the property have not changed since the plat amendment was approved.

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, the General Plan and applicable State law regarding plat amendments.
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 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 provide the City with a signed mylar plat for recordation at the County by March 26, 2011.
3. The plat shall be recorded prior to issuance of any building permits associated with the remodel and Historic Design Review application for 333 Main Street, the Main Street Mall. Approval of an Historic Design Review is required as a condition precedent to building permit issuance.
4. As a condition precedent to issuance of any building permits a detailed parking analysis shall be submitted for City review, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. A revised parking analysis shall be submitted with any reconfiguration of tenant spaces, sizes, or uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.
5. A Construction Mitigation Plan (CMP) shall be submitted to the City for review and approval prior to issuance of any building permits for remodel or construction on or within the building. The CMP, in addition to the standard mitigation measures, shall address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4th of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar high activity dates and events), construction deliveries (time, place, type), worker parking and transportation

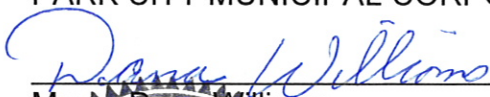
alternatives, environmental issues regarding soil removal and erosion, disposal/recycling of removed materials, a schedule of meetings with the neighborhood and affected owners to keep them informed of construction progress, a relocation plan or plan to work around existing businesses, and other items that address mitigation of construction impacts on the activities, commerce, viability and livability of the surrounding commercial and residential neighborhoods.

6. Fire sprinkler systems, in accordance with the International Building Code in effect at the time of building permit application, are required prior to issuance of certificates of occupancy for the building.
7. A condominium record of survey plat is required prior to individual sale of any commercial tenant space or residential unit on this Lot.
8. As a condition precedent to issuance of a certificate of occupancy associated with any building permit, all exterior mechanical equipment and vents shall be painted to match the adjacent building materials and mechanical equipment shall be enclosed and /or adequately screened from public view. Sound baffles shall be installed to attenuate noise and all mechanical equipment shall comply with the City's noise ordinance requirements.
9. As a condition precedent to plat recordation, all signs shall comply with the City's Sign Ordinance, including any signs on Park Avenue.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements, erosion control, and drainage plans for compliance with City standards is a condition precedent to building permit issuance, this includes any plans to place utilities underground. All required permits or approvals from these utility providers shall be provided to the City Engineer prior to commencing any utility work.
11. As a condition precedent to issuance of any building permits a landscape plan shall be submitted for City approval. The Park Avenue landscaping and frontage shall be included on the landscape plans and shall mitigate impacts of the rear building elevation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 6th day of May, 2010.

PARK CITY MUNICIPAL CORPORATION

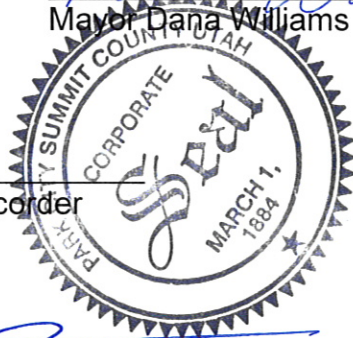


Mayor Dana Williams

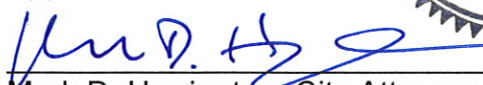
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

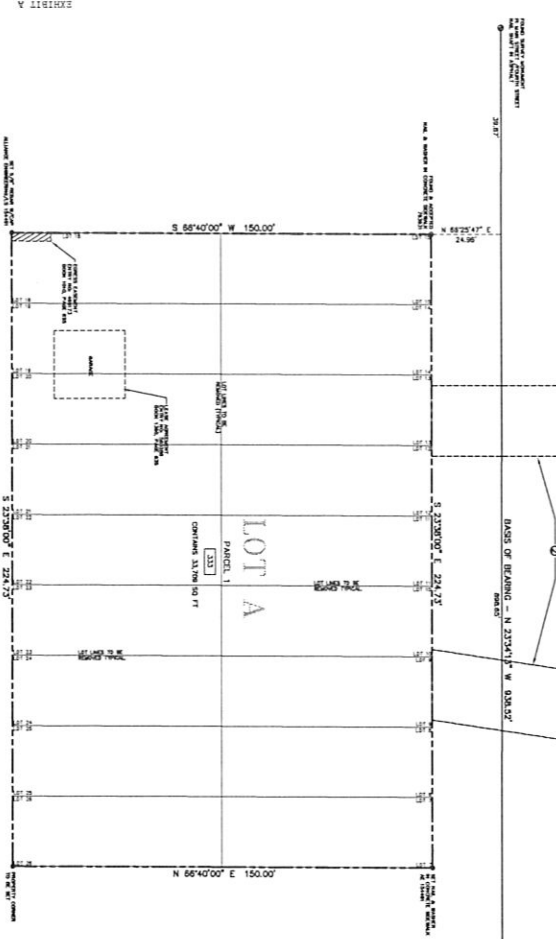
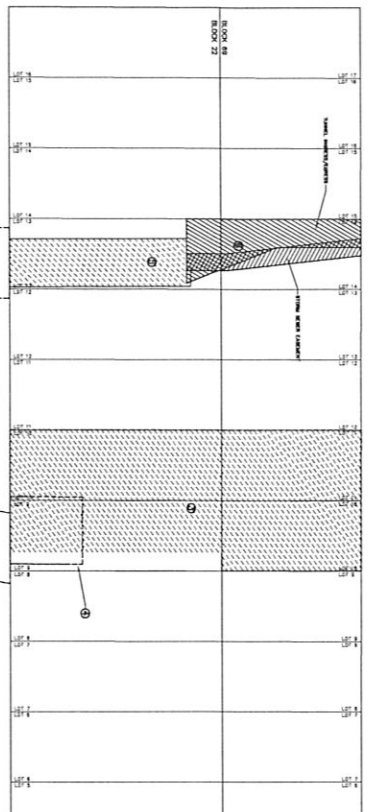


SAVITORS' CERTIFICATE

I, John Drenth, certify that I am a Registered Land Surveyor and that I hold Certificate No. 28155, as provided for by the State of Utah, and that I have personally surveyed the lots and blocks shown on this plat. I further certify that the information on this plat is accurate.

PROPERTY DESCRIPTION
EASEMENT DESCRIPTIONS

1. John Drenth, certifying that I am a Registered Land Surveyor and that I hold Certificate No. 28155, as provided for by the State of Utah, and that I have personally surveyed the lots and blocks shown on this plat. I further certify that the information on this plat is accurate.



LEGEND
[Symbol] Street Address on Main Street

A PARCEL COMBINATION PLAT
A COMBINATION OF LOTS 7-15 & 18-26 IN BLOCK 11, PARK CITY SURVEY
333 MAIN STREET PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 12 WEST, COUNTY OF SUMMIT, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS
DAY OF _____ 2009 A.D.
BY _____ S.E.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
DAY OF _____ 2009 A.D.
BY _____ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH THE
LAW AND THE OFFICE THIS
DAY OF _____ 2009 A.D.
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS
DAY OF _____ 2009 A.D.
BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MADE PUBLIC BY THE
DAY OF _____ 2009 A.D.
BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY
OF _____ 2009 A.D.
BY _____ MAYOR

STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____ RECORDER _____

OWNER'S DEDICATION AND CONSENT TO RECORD

OWNER: Park City 333 Main Development, LLC
City 333 Main Development, LLC, the owner of the herein described tract of land, to be known hereinafter as 333 MAIN STREET SUBDIVISION, does hereby certify that the Park City 333 Main Development, LLC, the undersigned hereby irrevocably and exclusively conveys to the City of Park City of the streets, land for local government uses, easements, rights, and required utilities and easements shown on the plat in accordance with the provisions hereof.

In witness whereof, the undersigned and this bond this _____ day of _____ 2009.
Park City 333 Main Development, LLC
By _____ Manager

ACKNOWLEDGMENT

State of _____
County of _____
On this _____ day of _____ 2009,
I, _____, the undersigned hereby certify that I am the owner of the herein described tract of land, and that I am the undersigned hereby irrevocably and exclusively conveys to the City of Park City of the streets, land for local government uses, easements, rights, and required utilities and easements shown on the plat in accordance with the provisions hereof.

