

Ordinance No. 2017-14

AN ORDINANCE APPROVING THE FIRST AMENDED YARD SUBDIVISION PLAT AMENDMENT LOCATED AT 1251 KEARNS BOULEVARD, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1251 Kearns Boulevard has petitioned the City Council for approval of the First Amended Yard Subdivision Plat Amendment; and

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

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

WHEREAS, the Planning Commission held public hearings on March 8, 2017, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amended Yard Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. The First Amended Yard Subdivision Plat Amendment 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. The property is located at 1251 Kearns Boulevard.
2. The property is in the General Commercial District with Frontage Protection Zone Overlay.
3. The property was platted as Parcel 1 of the Yard Subdivision in 2011 and the site currently contains 4.6 acres.
4. The site contains one (1) existing building on the north end and a parking lot on the south end of the site.
5. The existing building houses two (2) restaurants/bars, allowed uses in the General Commercial District, i.e., Blind Dog Restaurant & Sushi, the Boneyard Saloon & Wine Dive).
6. The existing building also houses an event center, approved through a

- Conditional Use Permit in June 2009 as an indoor entertainment facility.
7. The half portion of the site to the south is used as a commercial parking lot, approved through a Conditional Use Permit in June 2009.
 8. Currently the entire site has enough room to accommodate approximately 339 parking spaces.
 9. The proposed Plat Amendment creates two (2) lots of record from the existing one-lot subdivision and dedicates ROW to the City for future Homestake Road expansion and Munchkin Drive extension.
 10. The proposal consists of creating a new lot towards the north end where the existing building sits, containing 2.31 acres, to be platted as Lot 1.
 11. The proposal consists of creating a new lot towards the south end where the parking lot is located, containing 1.86 acres, to be platted as Lot 2.
 12. The proposal consists of a ROW dedication to Park City Municipal Corporation of 0.43 acres consisting of the western twenty feet (20') of the site along the entire length of Homestake Road for future road expansion and the ROW dedication of Munchkin Drive for future extension as the City is acquiring the land to extend Munchkin Drive from the east connecting it to Homestake Road.
 13. Both lots are partially located in a Federal Environmental Management Agency Flood Zone X.
 14. All development activity must comply with the following minimum setback yards:
 - a. Front – Twenty feet (20').
 - b. Rear – Ten feet (10').
 - c. Side – Ten feet (10').
 - d. FPZ – Thirty feet (30'), from Kearns Boulevard only.
 15. The existing building complies with the minimum required setbacks in the district.
 16. The General Commercial District does not have a maximum or minimum area, width, or depth standard.
 17. The site currently complies with the frontage of a public right-of-way requirement and the proposal does not affect this existing compliance.
 18. The existing building is in compliance with this maximum building height.
 19. Snyderville Basin Water Reclamation District reviewed the proposed Plat Amendment that allowed them to evaluate their requirements for approval of the plat.
 20. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2.
 21. In response to the Department of Public Utilities review of the proposal, comments were made regarding fire flow and water system pressure, water infrastructure master planning, notice of storm drainage considerations, and off-site easements.
 22. Significant amount of parking located on the rear lot would no longer be part of the same property.
 23. On February 15, 2017, the Planning Department inspected the site and counted all stripped/available parking spaces located on the north end, proposed Lot 1, consisting of a total of 104 parking spaces.

24. The restaurants found onsite consisting of the Blind Dog Restaurant & Sushi and the Boneyard Saloon & Wine Dive have a total net leasable floor area of 10,338 square feet, which triggers a total of 104 parking spaces.
25. The parking ratio of a standard restaurant and bar is 1 space for every 100 sf. of net leasable area, including kitchen areas.
26. The Event Center has a floor area of 6,887 square feet, which triggers a total of 35 parking spaces.
27. The parking ratio of an indoor entertainment facility is 5 spaces per 1,000 sf. of floor area.
28. The proposed Plat Amendment creates a non-compliance of required on-site parking spaces for the event center.
29. Land Management Code § 5-3-2 *Requirement* indicates that required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.
30. The adjacent property that Park City is purchasing has historically been the parking area for the event space.
31. The event space can no longer be accommodated without an arrangement with the soon-to-be City property owner.
32. The applicant has primarily been concerned with the existing restaurants and their parking requirements.
33. The contractual purchase agreement with Park City Municipal Corporation allows for the applicant to lease spaces from the City for a rolling 90 days at a time in the back triangle parcel the City is purchasing.
34. The Planning Commission can allow off-site parking on adjacent property.
35. During the Planning Commission review and public hearing that took place on March 8, 2017, the Planning Commission deliberated regarding allowing off-site parking and found that the lease option allowed the property owner to keep utilizing the event space. If the property owner is unable to lease the required spaces from the future owner of proposed Lot 2, the City, the event space would need to cease any operations.
36. The Planning Department and Planning Commission finds this a good temporary solution to allow the applicant to use the event space with the utilized option of allowing the applicant to lease spaces.
37. Should the property owner not be able to lease the needed parking spaces from the property owner of proposed Lot 2, the event center would not be able to operate.
38. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

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 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 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. The requirement for a Line Extension Agreement with Snyderville Basin Water Reclamation District to extend the public wastewater system to the property will be deferred until the submittal of a subsequent subdivision plat for Lot 2 or submittal of plans for a construction project on Lot 2. The applicant shall be responsible for coordinating with Snyderville Basin Water Reclamation District as to the exact language needed to be placed on this plat as a note.
4. In order for the event center on Lot 1 to continue operation, the applicant shall secure parking of the missing parking spaces on their Lot or on Lot 2. Should the applicant fail to obtain a lease of the required parking for the event center for whatever reason, the applicant shall cease to operate the event center.
5. Ten foot (10') wide public snow storage easements shall be provided along the Homestake and Munchkin frontages for both lots.
6. Modified 13D sprinklers will be required for new construction 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.

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

PASSED AND ADOPTED this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

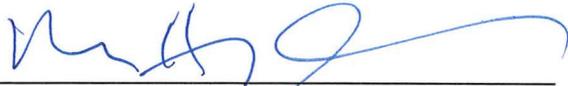


ATTEST:

Michelle Kellogg
Michelle Kellogg, City Recorder

Jack Thomas
Jack Thomas, MAYOR

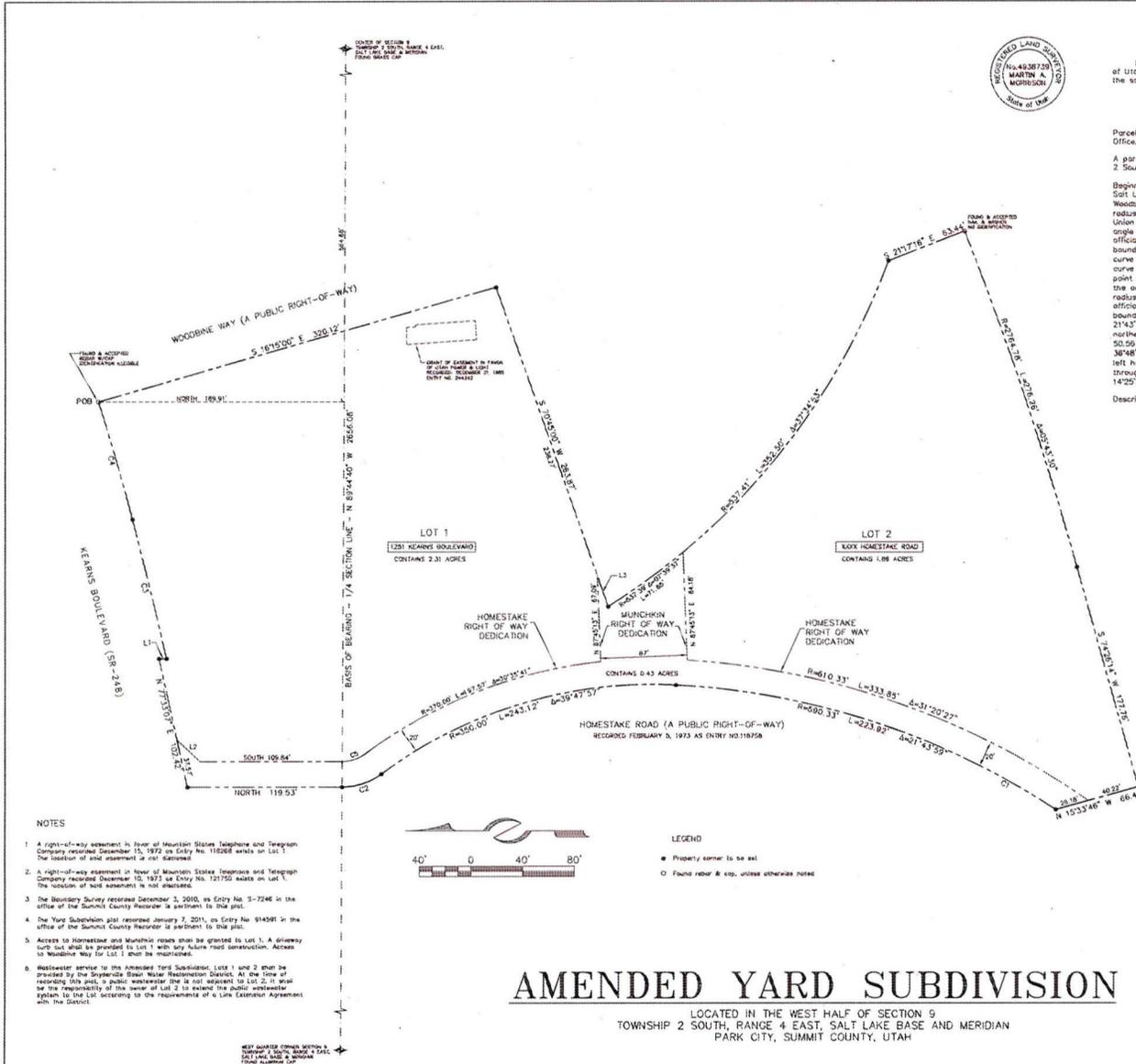
APPROVED AS TO FORM:



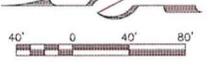
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat Amendment

Attachment 1 – Proposed Plat Amendment



- NOTES**
- A right-of-way easement in favor of Mountain States Telephone and Telegraph Company recorded December 15, 1973 as Entry No. 115268 relates to Lot 1. The location of said easement is not shown.
 - A right-of-way easement in favor of Mountain States Telephone and Telegraph Company recorded December 15, 1973 as Entry No. 121755 relates to Lot 1. The location of said easement is not shown.
 - The Boundary Survey recorded December 3, 2010, as Entry No. 5-7246 in the office of the Summit County Recorder is pertinent to this plat.
 - The Yard Subdivision plat recorded January 7, 2011, as Entry No. 914591 in the office of the Summit County Recorder is pertinent to this plat.
 - Access to Homestead and Munchkin roads shall be granted to Lot 1. A driveway curb shall be provided to Lot 1 with any future road construction. Access to Woodbine Way for Lot 1 shall be maintained.
 - Waterflow service to the Amended Yard Subdivision, Lots 1 and 2 shall be provided by the Snyderville Basin Water Reclamation District. At the time of recording this plat, a public waterflow line is not apparent to Lot 2. It shall be the responsibility of the owner of Lot 2 to extend the public waterflow system to the lot according to the requirements of a Line Extension Agreement with the District.



LEGEND

- Property owner to be set
- Found refer & copy, unless otherwise noted

AMENDED YARD SUBDIVISION

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



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Subdivision Plat map of AMENDED YARD SUBDIVISION has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Parcel 1, the Yard Subdivision, a parcel combination plat, according to the office plat thereof on file and of record in the Summit County Recorder's Office, and is more particularly described as follows:
A parcel of land located in the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 89°44'40" West 564.65 feet and North 189.91 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Woodbine Way, and running thence along the westerly boundary of Woodbine Way South 16°15'00" East 320.12 feet; thence South 70°45'00" West 203.87 feet to a point on a non-tangent curve to the left having a radius of 537.41 feet, of which the radius point bears North 57°34'28" East, said point also being on the easterly boundary of the east leg of the Union Pacific Railroad way, thence southeasterly along said easterly boundary of said way and along the arc of said curve 352.50 feet through a central angle of 37°24'33" to the northerly boundary of the First Amended Record of Survey Plat of Ironhorse Park Commercial Subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder, recorded as Entry No. 425123, thence along the northerly boundary of said Ironhorse Park Commercial Subdivision the following four (4) courses: 1) South 21°17'16" East 63.44 feet to a point on a non-tangent curve to the right having a radius of 279.78 feet, of which the radius point bears North 21°17'16" West; thence 2) westerly along the arc of said curve 276.28 feet through a central angle of 05°43'30"; thence 3) South 74°26'14" West 177.76 feet; thence 4) North 15°33'46" West 86.40 feet to a point on a non-tangent curve to the left having a radius of 590.33 feet, of which the radius point bears North 59°33'10" West; thence northerly along the arc of said curve 89.79 feet through a central angle of 08°42'54" to a point on a curve to the left having a radius of 590.33 feet, of which the radius point bears North 65°16'04" West, said point also being the southeasterly corner of the Dedication Plat of Homestead Road according to the office plat thereof on file and of record in the office of the Summit County Recorder, recorded as Entry No. 116750, thence along the easterly boundary of said Homestead Road the following four (4) courses: 1) northerly along the arc of said curve 223.02 feet through a central angle of 21°43'59" to a point of compound curve to the left having a radius of 350.00 feet, of which the radius point bears North 87°00'03" West; thence 2) northerly along the arc of said curve 243.12 feet through a central angle of 29°47'57" to a point of reverse curve to the right having a radius of 50.56 feet, of which the radius point bears North 5°12'00" East; thence 3) northerly along the arc of said curve 32.47 feet through a central angle of 38°48'00"; thence 4) North 119°53' 00" East 102.42 feet; thence South 5.86 feet to a point on a non-tangent curve to the left having a radius of 4481.93 feet, of which the radius point bears North 12°58'51" West; thence westerly along the arc of said curve 111.73 feet through a central angle of 01°25'42" to a point of compound curve to the left having a radius of 1677.02 feet, of which the radius point bears North 14°25'33" West; thence easterly along the arc of said curve 95.24 feet through a central angle of 03°15'13" to the point of beginning.
Description contains 4.60 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that 1251 Kearns, LLC, a Utah limited liability company, the owner of said tract of land, described herein as the YARD SUBDIVISION, has caused a survey to be made and this record of survey map consisting of one sheet to be prepared, and does hereby give its consent to the recordation of this record of survey map.

In witness whereof the undersigned has executed this certificate and dedication this _____ day of _____, 2016.

1251 Kearns, LLC,
a Utah limited liability company
By: _____
Its: _____

ACKNOWLEDGMENT

State of Utah)
County of Summit) ss:

On the _____ day of _____, 2016, personally appeared before me _____ who being by me duly sworn, did say that he is the _____ of M.F. 1998 Investment Partnership, LP, a Georgia limited partnership, and that the foregoing Owner's Certificate and Dedication was signed on behalf of said corporation by authority of its operation agreement, and said _____ acknowledged to me that said corporation executed the same.

A Notary Public commissioned in Utah
Printed Name _____
Residing in: _____
My Commission Expires: _____

LINE	BEARING	DISTANCE
L1 <td>SOUTH</td> <td>5.86</td>	SOUTH	5.86
L2 <td>N 43°02'27" E</td> <td>24.40</td>	N 43°02'27" E	24.40
L3 <td>S 70°45'00" W</td> <td>25.60</td>	S 70°45'00" W	25.60

CURVE	RADIUS	LENGTH	DELTA
C1	590.33	89.79	08°24'54"
C2	50.56	32.47	36°48'00"
C3	4481.93	111.73	01°25'42"
C4	1677.02	95.24	03°15'13"
C5	30.56	19.63	36°48'00"

<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 A.D. BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 7TH DAY OF OCTOBER, 2016 A.D. BY _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 A.D. BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4TH DAY OF NOVEMBER, 2016 A.D. BY _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____</p>
	<p>JOB NO.: 4-10-16 FILE: X:\Prospector\dwg\sr\pts\2016\041016-yard.dwg</p>					