

**Ordinance No. 2017-64**

**AN ORDINANCE APPROVING THE SECOND AMENDED VILLAGE AT EMPIRE PASS PHASE ONE SUBDIVISION PLAT, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH.**

WHEREAS, owners of the property known as Lots 1 and 2 of the Village at Empire Pass Phase I Subdivision located at 7690 and 7704 Village Way in Park City, Utah, petitioned City Council for approval of an amended subdivision plat to combine Lots 1 and 2 into one platted lot of record to be known as Lot A; and

WHEREAS, Lots 1 and 2 (Tax Serial numbers VEMP-1-1 and VEMP-1-2) are vacant lots subject to requirements and conditions of the Village at Empire Pass Master Planned Development.

WHEREAS, Lot 1 consists of 11,138 square feet and Lot 2 consists of 16,856 square feet and the proposed combined Lot A consists of 27,994 square feet; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on September 23, 2017 and the property was posted on September 27, 2017, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on September 27, 2017 for the revised plat, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 11, 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on October 11, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 9, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amendment to the Village at Empire Pass Phase One subdivision.

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 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 7690 and 7704 Village Way and within Pod A of the Master Planned Development for the Village at Empire Pass.
2. The property is located within the Residential Development (RD) zoning district.
3. The property is subject to the Flagstaff Mountain Annexation and Amended Development Agreement and the Village at Empire Pass Master Planned Development.
4. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
5. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
6. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
7. The Amended Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
8. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. An additional 16 single family home sites are allowed. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
9. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2). These units are platted with condominium plats to memorialize the size and UE of the units.
10. Based on a review of all UE and units constructed and platted to date within the Flagstaff Annexation Development area, there are sufficient remaining UE and units for Lot A.
11. Townhouse and PUD style units are allowed on Lot A subject to the remaining density of the Flagstaff Annexation Development Agreement and review of an Administrative Conditional Use Permit for site specific conditions.
12. The applicant is not requesting allocation of any MPD Resort Support Commercial for this Lot.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP-MPD) (Pod A).
14. The purpose of the VEP MPD was to establish unit mix and density for the Village Master Plan, as well as address overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density, and development locations for the Lodge Buildings.
15. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat, amending the configuration and easements for Lot 9,

was approved on January 6, 2011 and was recorded on January 4, 2012.

16. Six lodge buildings have been built to date namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units remain to be constructed. Additionally 13 PUD units within Nakoma in Pod B1 are constructed.
17. The plat amendment combines Lots 1 and 2 of the Village at Empire Pass Phase One Subdivision into one lot of record to be known as Lot A.
18. Removing the common lot line between Lots 1 and 2 allows for greater flexibility in site design. The property is constrained by the odd shape and length of street frontages.
19. Lot A consists of 27,994 square feet and has frontage on Village Way, a private street. There are also approximately 38 feet of frontage along Marsac Avenue just south of the intersection of Village Way and Marsac Avenue. Access off Marsac is not allowed due to proximity of the intersection.
20. According to the Village at Empire Pass MPD, an Administrative Conditional Use Permit (A-CUP) is required prior to construction of any townhouse or PUD style units.
21. Utilities are available to the lots.
22. SBWRD recommended conditions and plat notes to address their concerns.
23. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc.
24. No changes are proposed to any existing streets and no new streets are proposed.
25. There is no minimum or maximum lot size or lot width in the RD District.
26. All applicable requirements of Land Management Code apply, unless otherwise excepted per the Amended Development Agreement and Village at Empire Pass MPD.
27. Snow storage area is required along streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
28. No AUE were identified for Lots 1 and 2 of the Village at Empire Pass Phase One Subdivision and will also not be identified or required to be constructed on Lot A.
29. The property is part of a greater planned area and is subject to requirements of the MS4 Storm Water Permit program.
30. 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 subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the Village at Empire Pass Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.

4. Approval of the subdivision, 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 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 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 written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The plat will note that all applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along all street frontages.
9. Modified 13 D fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
11. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
12. A Construction Mitigation Plan shall be submitted with Administrative Conditional Use Permit application and in advance of issuing building permits.
13. The subdivision plat will include a plat note requiring water-efficient irrigation systems and limited turf area. Limits of disturbance shall be indicated on A-CUP plans.
14. The final plat shall contain a note that Village Way is a private road and another note that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.
15. No vehicular access from Marsac Avenue is allowed due to the proximity of the Village Way and Marsac Avenue intersection.

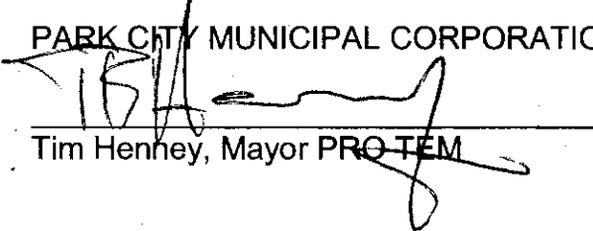
16. The final plat shall be approved and signed by the SBWRD to ensure that requirements of the District are addressed.
17. The Flagstaff Annexation and Empire Pass Units and Unit Equivalents density summary will be updated with each final development approval and condominium plat recordation.

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

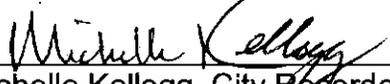
PASSED AND ADOPTED this 9<sup>th</sup> day of November, 2017.



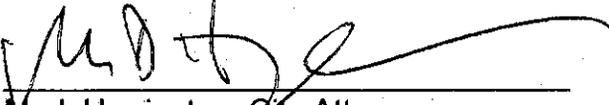
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Tim Henney, Mayor PRO TEM

ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney

**Exhibits**

Exhibit A – Proposed amended subdivision plat

