

**Ordinance No. 2019-23**

AN ORDINANCE APPROVING THE MARSAC PARKING STRUCTURE SUBDIVISION PLAT - SECOND AMENDED LOCATED AT 460 SWEDE ALLEY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 460 Swede Alley petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, On March 13, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 9, 2019, proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on March 27, 2019, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 27, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 18, 2019, 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 Marsac Parking Structure Subdivision Plat - Second Amended located at 460 Swede Alley, Park City.

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

**SECTION 1. APPROVAL.** The Marsac Parking Structure Subdivision Plat - Second Amended located at 460 Swede Alley, 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 proposed site is located at 460 Swede Alley within the Marsac Parking Structure Subdivision Plat and Marsac-Swede Condominiums.
2. The property is located within the Public Use Transition (PUT) Zoning District.
3. KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums located at 460 Swede Alley.
4. The current building was approved through the Conditional Use Permit process in April of 2007 as the "Park City Municipal Corporation China Bridge Shell." The building was approved as a shell for three (3) spaces containing retail and public/quasi-public uses, and a 915 SF "Expandable Office" space totaling 4,535 SF.

5. The applicant has submitted a Conditional Use Permit Modification for the proposed KPCW expansion which will fulfill the postponed phase (un-built "Expandable Office" / "retail shell space").
6. The proposed KPCW expansion is consistent with the approved 2007 CUP and 2007 CUP Modification.
7. The proposed expansion includes a 1,311 square foot expansion (as measured by the proposed Marsac-Swede Condominium Plat First Amended). The expansion will occur to the north and west sides of the structure on the second level only. The expansion will cantilever above the sidewalk area creating a covered walkway leading into the State Liquor Store in Unit 100.
8. The proposed Marsac-Swede Condominiums First Amended memorializes the expansion of Unit 200 (KPCW) of the existing Marsac-Swede Condominiums.
9. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District.
10. The Marsac Parking Structure Subdivision plat was approved by City Council on March 24, 2005 and recorded at Summit County in November of 2005. The Subdivision plat combined multiple City-owned metes and bounds parcels.
11. In 2008, City Council approved the Marsac Parking Structure Subdivision Amended Plat which created three (3) from one (1) lot of record and was recorded on November 25, 2008.
12. The proposed Marsac Parking Structure Subdivision Second Amended Plat amends the existing three-lot subdivision
13. The Planning Commission reviewed the proposed Plat Amendment on March 27, 2019 and forwarded a unanimous positive recommendation.
14. The Planning Commission reviewed the proposed Condominium Plat Amendment on March 27, 2019 and forwarded a unanimous positive recommendation.
15. The Planning Commission approved the proposed Conditional Use Permit Modification on March 27, 2019.
16. The PUT Zoning District has no minimum setbacks except where structures abut residential zoning districts.
17. As proposed, the lots, existing facilities, and proposed expansion comply with the requirements of the PUT Zoning District, except in areas where City Hall and existing China Bridge parking structure exist as legal non-complying structures because they do not meet required building setbacks abutting the HR-1 district along Marsac Avenue. This condition existed at the time of the Marsac Parking Structure Subdivision Plat (2005) and Marsac Parking Structure Subdivision Amended Plat (2008) and the buildings exist as non-complying structures.
18. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District. In addition, the KPCW expansion is being reviewed for compliance with the Land Management Code through the Conditional Use Permit Modification process (in this meeting packet).
19. The lot arrangement, proposed expansion, square footage, lot dimensions, access, easements, utilities, parking, and street frontage are consistent with the Land Management Code.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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.
4. There is good cause for this Plat Amendment.

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 year's 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 note shall be added to the plat prior to recordation stating that all conditions of approval of the Conditional Use Permits shall continue to apply.

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

PASSED AND ADOPTED this 18<sup>th</sup> day of April, 2019.

PARK CITY MUNICIPAL CORPORATION

  
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Andy Beerman, MAYOR

ATTEST:

  
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Michelle Kellogg  
City Recorder



APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney

**Attachment 1 – Proposed Plat**

