

**Ordinance No. 13-46**

**AN ORDINANCE APPROVING THE SECOND AMENDMENT TO SILVER BARON LODGE PHASE II CONDOMINIUMS FOR CU-2, CU-13 AND CU-18, LOCATED AT 2880 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.**

WHEREAS, the owner of the property known as the Silver Baron Lodge Phase II condominiums, has petitioned the City Council for approval of a request for an amendment to the record of survey plat to designate the commercial units CU-2, CU-13, and CU-18 as common area; 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 a public hearing on October 23, 2013, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on October 23, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 14, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amendment to Silver Baron Lodge Phase II record of survey plat to reflect as-built conditions and allow the owner to utilize units CU-2, CU-13, and CU-18 as common area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11<sup>th</sup> Amended MPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 Second Amendment to Silver Baron Lodge Phase II condominium record of survey 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 2880 Deer Valley Drive.
2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. A total of 50 units were constructed with a Unit Equivalent density of 42.75 UE allowed per the Eleventh Amended Deer Valley MPD. The Silver Baron Lodge parcels are all included in the 11<sup>th</sup> Amended Deer Valley Master plan and are developed using the LMC Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75).
5. Silver Baron Lodge Phase II record of survey plat was approved by City Council on September 14, 2006 and recorded at Summit County on June 1, 2007. Silver Baron Lodge Phase II plat was first amended on April 7, 2011 and recorded at the County on April 15, 2011.
6. On September 3, 2013, a complete application was submitted to the Planning Department for the second amendment to the Silver Baron Lodge Phase II record of survey plat to convert Units CU-2, CU-13, and CU-18 from commercial units to common area.
7. The total square footage of the three units being converted to common area is 4,286 square feet.
8. The existing commercial units are located within the existing building footprint and there is no increase in the footprint for this building.
9. The plat amendment does not increase the parking requirements for these units.
10. The HOA received 76.432% approval to convert these three commercial units to common space.
11. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11<sup>th</sup> Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will 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 amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the record of survey.
2. The applicant will record the amended record of survey 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 record of survey will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Silver Baron Lodge Condominium record of survey plats as amended shall continue to apply.

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

PASSED AND ADOPTED this 14 day of November, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams  
Dana Williams, MAYOR

ATTEST:

Mairheil  
City Recorder's Office

APPROVED AS TO FORM:

Mark Harrington  
Mark Harrington, City Attorney

