



Ordinance No. 14-34

AN ORDINANCE APPROVING THE PARKITE RESIDENTIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street (aka the Main Street Mall), Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval of a condominium plat for fifteen residential condominium units, associated residential common area, and associated parking spaces (Exhibit A).

WHEREAS, the property was properly noticed and posted on May 28, 2014 according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on May 28, 2014; and

WHEREAS, the Planning Commission held a public hearing on June 11, 2014, to receive input on the condominium plat; and

WHEREAS, the Planning Commission, on June 11, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on June 26, 2014, the City Council held a public hearing on the Parkite Residential Condominiums; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Parkite Residential Condominiums record of survey plat.

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 condominium 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 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.

3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014 an application for a condominium record of survey plat was submitted to the City to plat fifteen residential units (total of 32,610 sf), residential common area, and fifteen parking spaces on the lowest level of the old Main Street Mall building. Access to the parking is contemplated through the north tunnel.
5. Fifteen residential units are platted with this record of survey. Units range in size from 1,334 sf to 3,586 sf for the two level penthouse unit. Average unit size is 2,174 sf. Residential units are located on the first floor (one unit), second floor (five units), third floor (7 units), and fourth floor (one unit). The condominium plat is required in order for the units to be sold individually. Common area for a lobby, recreation uses, and outdoor patios and decks is also being platted with this record of survey.
6. The building currently has a single entity as owner and is currently being remodeled with an active building permit.
7. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, of an application for a change of non-conforming use. The BOA approved the change of use for the area of the building within the HR2 zone (Park Avenue side) from legal non-conforming retail/office uses to multi-unit residential.
8. Commercial condominium spaces within the building are also being platted with the concurrently submitted Parkite Commercial Condominiums record of survey plat application.
9. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has existing non-complying side yard setbacks within the HR2 zone.
10. 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. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit. The building is currently owned by one entity.
11. On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit C) and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

12. 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 subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on this record of survey plat.
13. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
14. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded and it expired.
15. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). The residential units have a 26.5 space parking requirement that is met by the 56 spaces (in-lieu payment), 15 on-site, and 10 private spaces off of Swede Alley.
16. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront properties comply with the vertical zoning ordinance.
17. Access is also contemplated via the existing north tunnel to a proposed parking garage with fifteen parking spaces. The parking garage is located in the lowest level and is designated as common area for the residential uses. The City has utilities in the tunnel and the City Engineer recommends that the existing encroachment agreement between the City and Property Owner regarding the tunnels be revised to address the tunnel access, utilities, maintenance, etc. and that the agreement be recorded prior to or concurrent with the plat.
18. Existing easements that provide access through the north tunnel shall be recorded to accommodate vehicular access per requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel.
19. Applicant provided Planning Commission with a sketch of the proposed access easements which will be reflected in a revised sheet #9 of the plat. The revised sheet #9 is included in Exhibit A.

Conclusions of Law:

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

4. Approval of the condominium plat, 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 condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium 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 an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All conditions of approval of the June 18, 2013 Board of Adjustment approval of an application for a change of non-conforming use for the HR2 portion of the property shall continue to apply.
5. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
6. Prior to or concurrent with recordation of the plat, the existing Encroachment Agreement between the City and Property Owner, regarding the tunnels, shall be revised, executed, and recorded.
7. Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall reflect the revised easements. These easements shall be recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

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

PASSED AND ADOPTED this 26 day of June, 2014.

PARK CITY MUNICIPAL CORPORATION



Mayor Pro Tem Liza Simpson

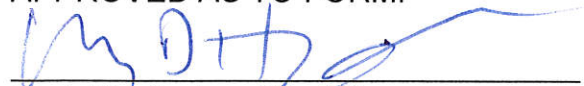
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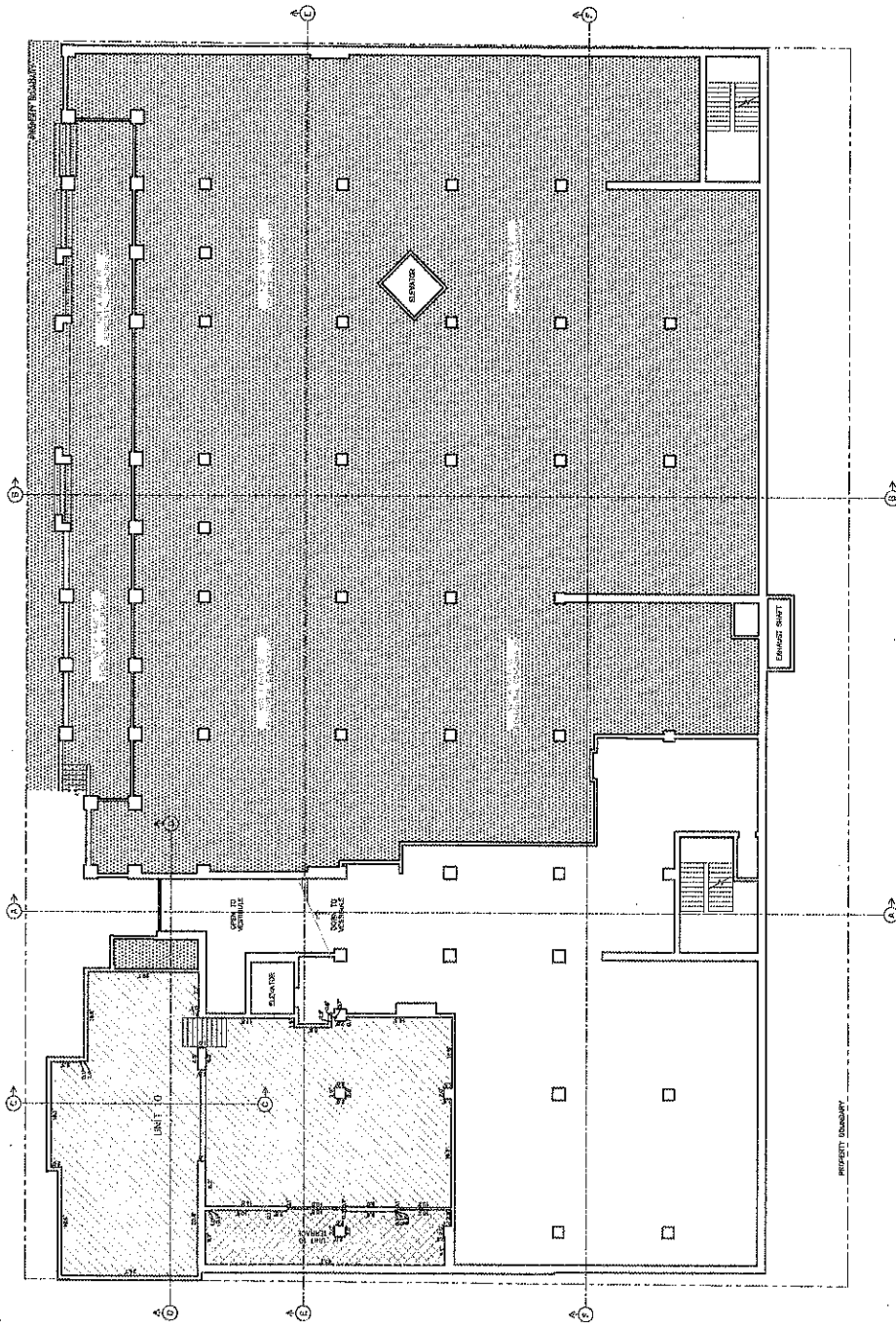
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APPROVED AS TO FORM:

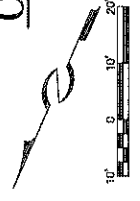


Mark Harrington, City Attorney



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PARKITE RESIDENTIAL CONDOMINIUMS

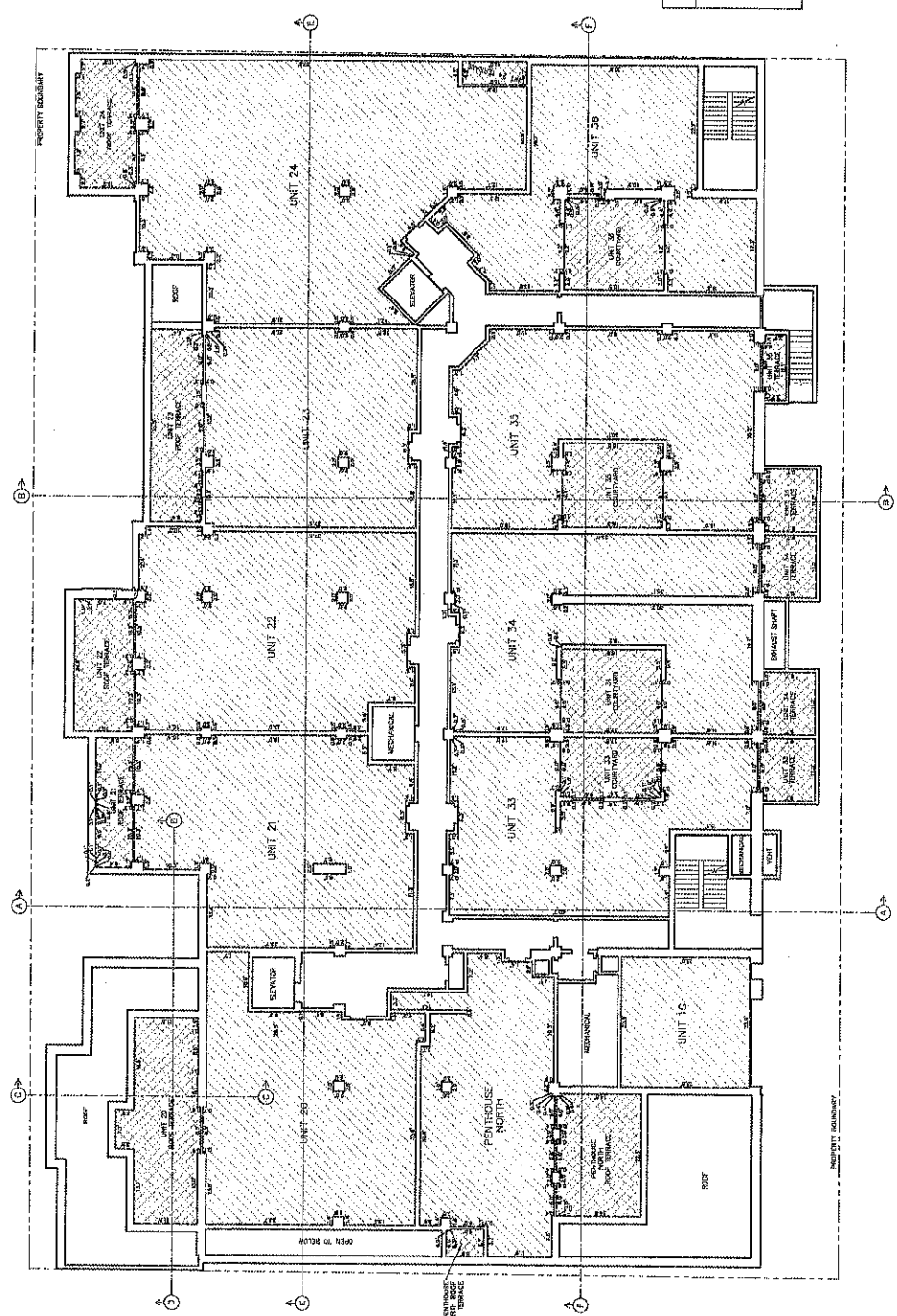


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SHEET 3 OF 9

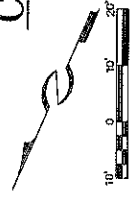


227 East Street, P.O. Box 2000, Park City, Utah 84302
 435.764.3477
 www.parkite.com



OWNERSHIP DESIGNATIONS		
	PRIVATE OWNERSHIP	
	COMMON OWNERSHIP	
	LIMITED COMMON OWNERSHIP	

PARKITE RESIDENTIAL CONDOMINIUMS



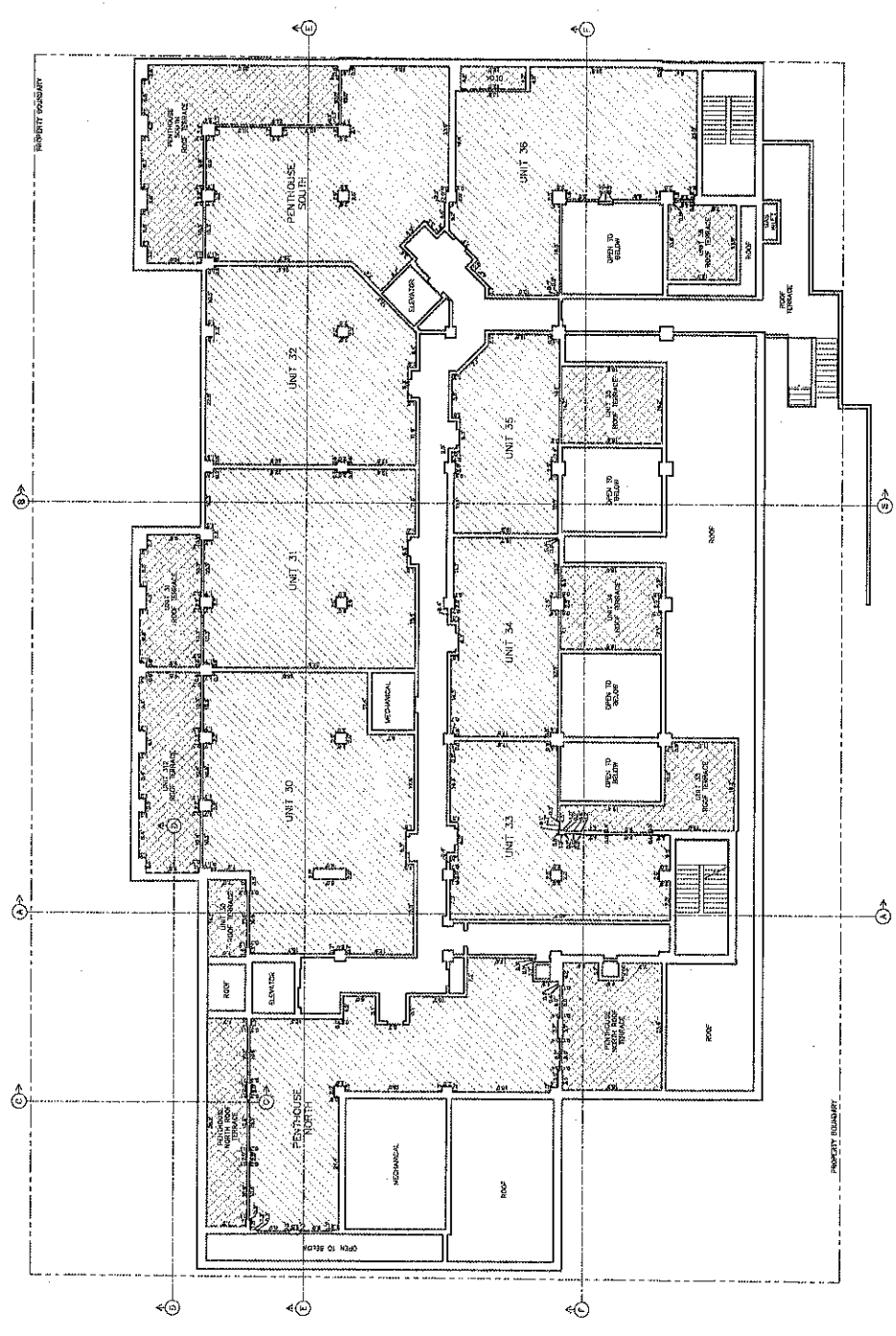
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(435) 644-8447

SURVEYORS AND ENGINEERS, INC.
CONSULTING ENGINEERS AND PLANNERS SERVICES
225 Lake Street, #111, Salt Lake City, Utah 84103-2841



LEVEL 3

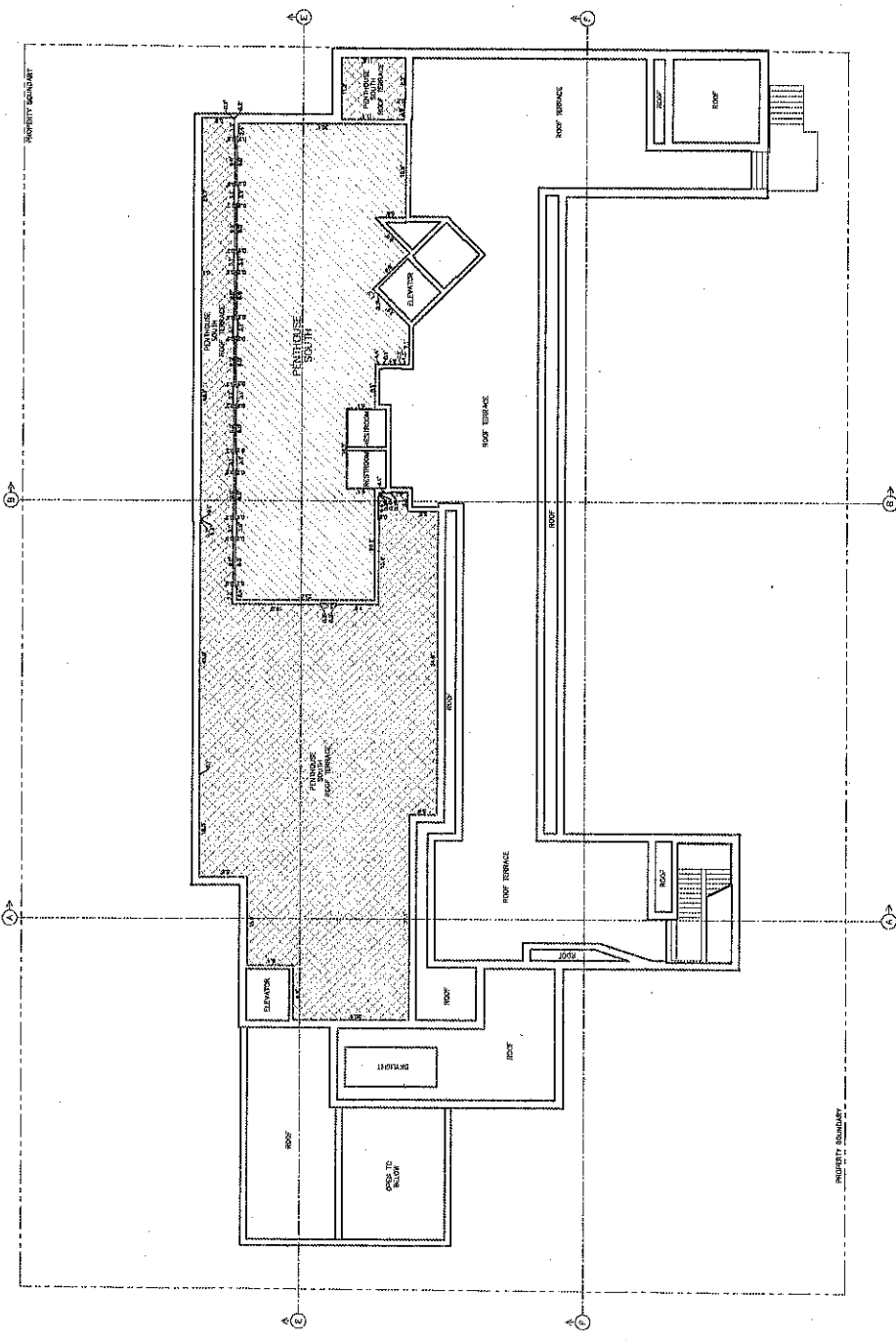
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PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 5 OF 9
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(435) 646-2447

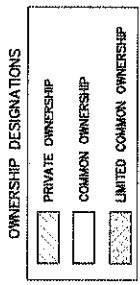
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 277 East Street, P.O. Box 2847, Park City, Utah 84302



LEVEL 4

UNIT AREA TABLE

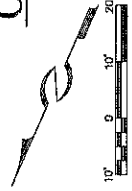
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UNIT 10	2,672 SQ. FT.
UNIT 20	1,877 SQ. FT.
UNIT 21	1,720 SQ. FT.
UNIT 22	1,720 SQ. FT.
UNIT 23	1,877 SQ. FT.
UNIT 24	2,729 SQ. FT.
UNIT 25	1,877 SQ. FT.
UNIT 26	1,877 SQ. FT.
UNIT 27	1,324 SQ. FT.
UNIT 28	2,341 SQ. FT.
UNIT 29	2,341 SQ. FT.
UNIT 30	2,341 SQ. FT.
UNIT 31	2,341 SQ. FT.
UNIT 32	2,341 SQ. FT.
UNIT 33	2,341 SQ. FT.
UNIT 34	2,341 SQ. FT.
UNIT 35	2,341 SQ. FT.
UNIT 36	2,341 SQ. FT.
UNIT 37	2,341 SQ. FT.
UNIT 38	2,341 SQ. FT.
UNIT 39	2,341 SQ. FT.
UNIT 40	2,341 SQ. FT.
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UNIT 90	2,341 SQ. FT.
UNIT 91	2,341 SQ. FT.
UNIT 92	2,341 SQ. FT.
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UNIT 94	2,341 SQ. FT.
UNIT 95	2,341 SQ. FT.
UNIT 96	2,341 SQ. FT.
UNIT 97	2,341 SQ. FT.
UNIT 98	2,341 SQ. FT.
UNIT 99	2,341 SQ. FT.
UNIT 100	2,341 SQ. FT.

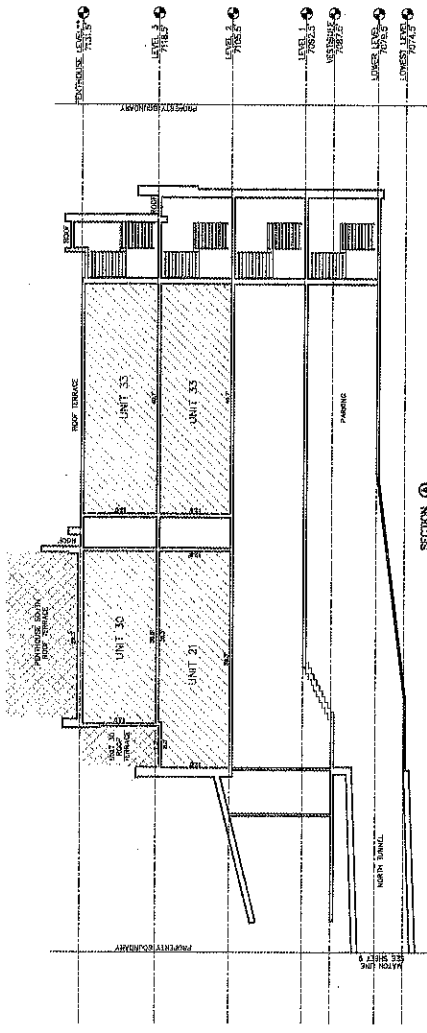


PARKITE RESIDENTIAL CONDOMINIUMS

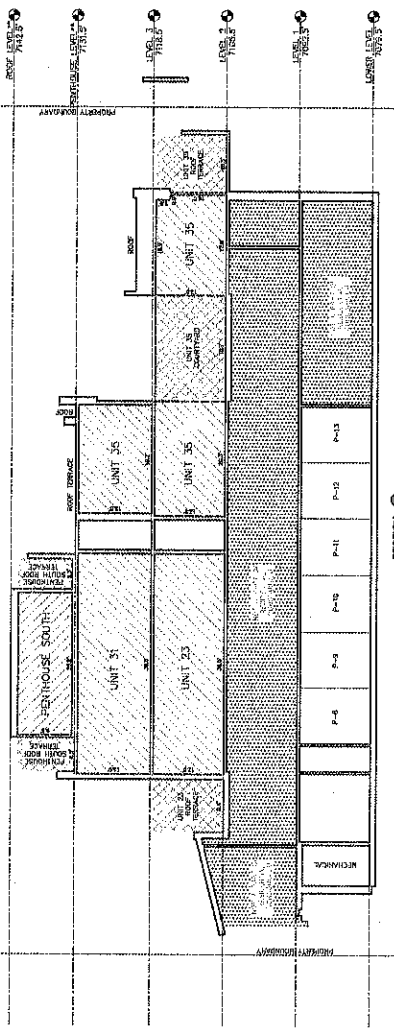
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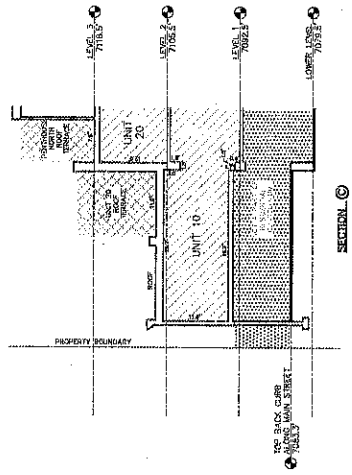




SECTION ④



SECTION ⑤



SECTION ⑥

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

NOT A PART OF RESIDENTIAL CONDOMINIUM

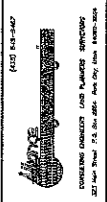
PARKITE RESIDENTIAL CONDOMINIUMS



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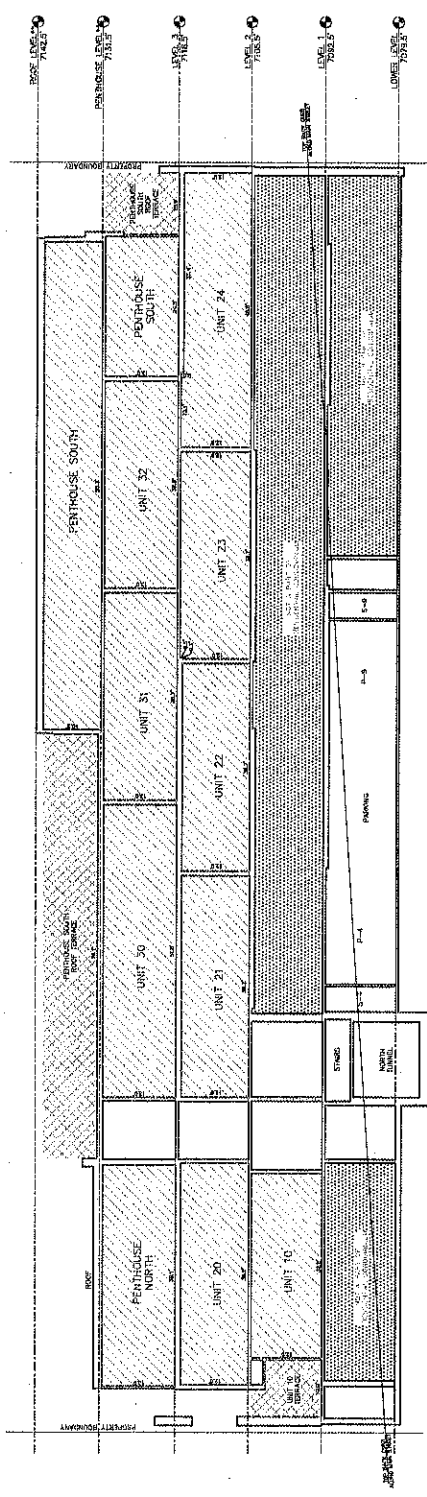
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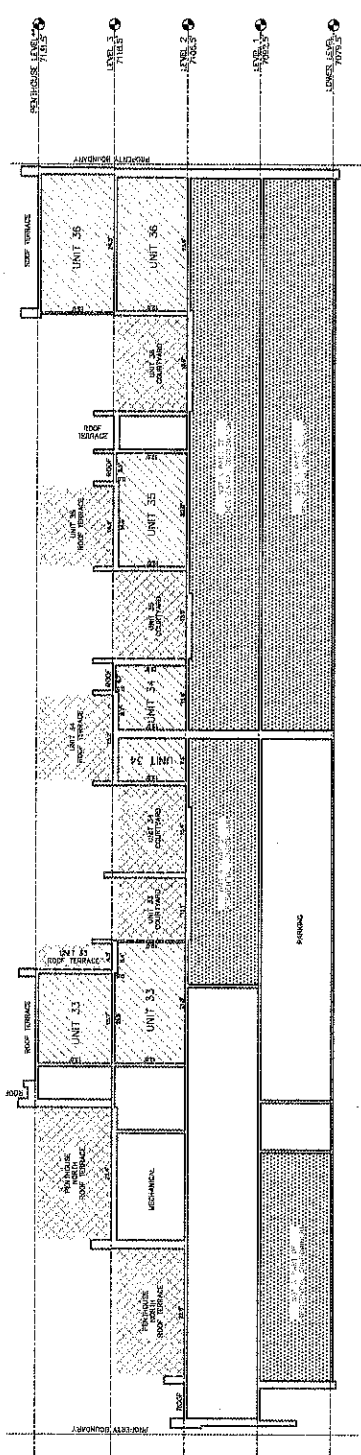


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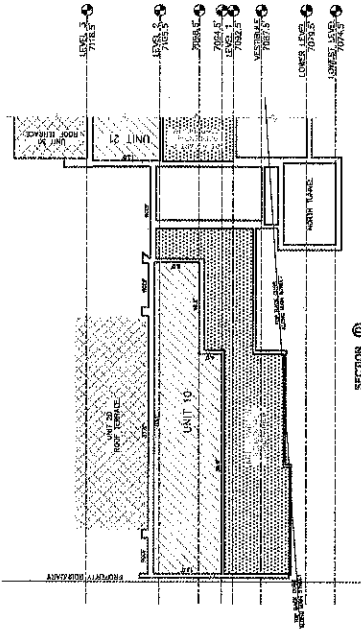
SHEET 7 OF 9



SECTION ⑤



SECTION ⑥



SECTION ⑦

PARKITE RESIDENTIAL CONDOMINIUMS

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- NOT A PART OF RESIDENTIAL CONDOMINIUM



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SHEET 8 OF 9

(435) 548-2447
PLANNING
CONSULTING ENGINEER LAND PLANNING ARCHITECTURE
222 Main Street, Salt Lake City, Utah 84103-2000

