

Ordinance 14-43

**AN ORDINANCE APPROVING THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY FIRST AMENDMENT CONDOMINIUM PLAT, LOCATED AT 7379 SILVER BIRD DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Silver Bird Condominiums at Deer Valley, located at 7379 Silver Bird Drive, have petitioned the City Council for approval of the Silver Bird Condominiums at Deer Valley First Amendment condominium plat to convert existing limited common area deck space into private area for Units 25, 26, 27, 28, 29 & 30. The amendment also extends existing common area deck space to private on Units 27, 28, 29 & 30. This amendment also encloses and converts existing hallways from common area into private space for Units 25 & 29; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on August 13, 2014, to receive input on the proposed amended condominium plat;

WHEREAS, on August 13, 2014, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 4, 2014, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Silver Bird Condominiums at Deer Valley First Amendment condominium plat to allow the owners to utilize covered patio space as living area, increase existing deck space, and enclose existing hallways without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11<sup>th</sup> Amended MPD).

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 Silver Bird Condominiums at Deer Valley First Amendment 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 7379 Silver Bird Drive within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

2. 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.
3. A total of 6 units were constructed with allowed number of units per the Eleventh Amended Deer Valley MPD. The Silver Bird Condominiums parcels are all included in the 11<sup>th</sup> Amended Deer Valley Master plan and are developed using allowed number of units without a stipulated unit size.
4. Silver Bird Condominiums record of survey plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982.
5. On April 22, 2014, the applicants submitted an application for a condominium plat amendment to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they can enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 request to convert common area deck space to private so that they can extend their deck. Units 25 & 29 request to enclose existing hallways and convert them from common area into private space.
6. The application was deemed complete on May 8, 2014.
7. The square footage of the six units being converted is as follows: Unit 25 private area: 3,310.2 sq. ft.; Unit 26 private area: 3,320.38 sq. ft.; Unit 27 private area: 3,663.39 sq. ft.; Unit 28 private area: 3,356.93 sq. ft.; Unit 29 private area: 3,453.13 sq. ft.; Unit 30 private area: 3,475.87 sq. ft.
8. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The amendment does not change the number of residential units.
9. The plat amendment does not increase the parking requirements for these units.
10. The HOA received 100% approval to convert these units.
11. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium 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 condominium plat amendment.
5. Approval of the condominium 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 amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended 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 condominium plat 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 Bird Condominiums at Deer Valley condominium plat shall continue to apply.

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

PASSED AND ADOPTED this 4<sup>th</sup> day of September, 2014.

PARK CITY MUNICIPAL CORPORATION

  
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Jack Thomas, MAYOR

ATTEST:

  
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Marci Heil, City Recorder

APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney





