

Ordinance No. 14-02

**AN ORDINANCE APPROVING THE FIFTH SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS
CONDOMINIUMS AMENDING UNITS 10 + 11, LOCATED AT 20 + 26 SILVER
STRIKE TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 10 and 11, have petitioned the City Council for approval of the Fifth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 8, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on January 8, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 6, 2014, 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 Fifth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalentents for this completed condominium unit.

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 Fifth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 10 and 11 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 20 & 26 Silver Strike Trail.

2. The property is located on Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
3. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 17 PUD –style detached single family homes and duplexes.
6. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 10 and 11 are located on Lot 1 of the Silver Strike Subdivision.
7. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
8. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
9. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Unit 5 and 6.
10. On November 11, 2013, the Planning Department received a complete application for the Fifth Supplemental Plat for Constructed Units 10 and 11.
11. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 10 and 11 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
12. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
13. Units 10 and 11 are located on Lot 1 of the Silver Strike subdivision plat.
14. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 10 contains 4,993.5 sf Gross Floor Area and Unit 11 contains 4,993.5 sf Gross Floor Area.

15. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
16. Unit 10 contains a total of 5,745.5 square feet and utilizes 2.887 UE. Unit 11 contains a total of 5,754.5 square feet and utilizes 2.887 UE. The total UE for Units 1, 2, 4, 5, 6, 9, 10, 11 and 12 is 24.321 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
17. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
18. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 10 & 11.
2. The supplemental 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 supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, 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 of the supplemental 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 (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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 Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 10 & 11, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At

the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.

6. The Unit sizes and UEs shall be reflected on the plat as they are to reflect the actual size and UE of the Units.

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

PASSED AND ADOPTED this 6th day of February, 2014.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, Mayor

ATTEST:



Marci Heil, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

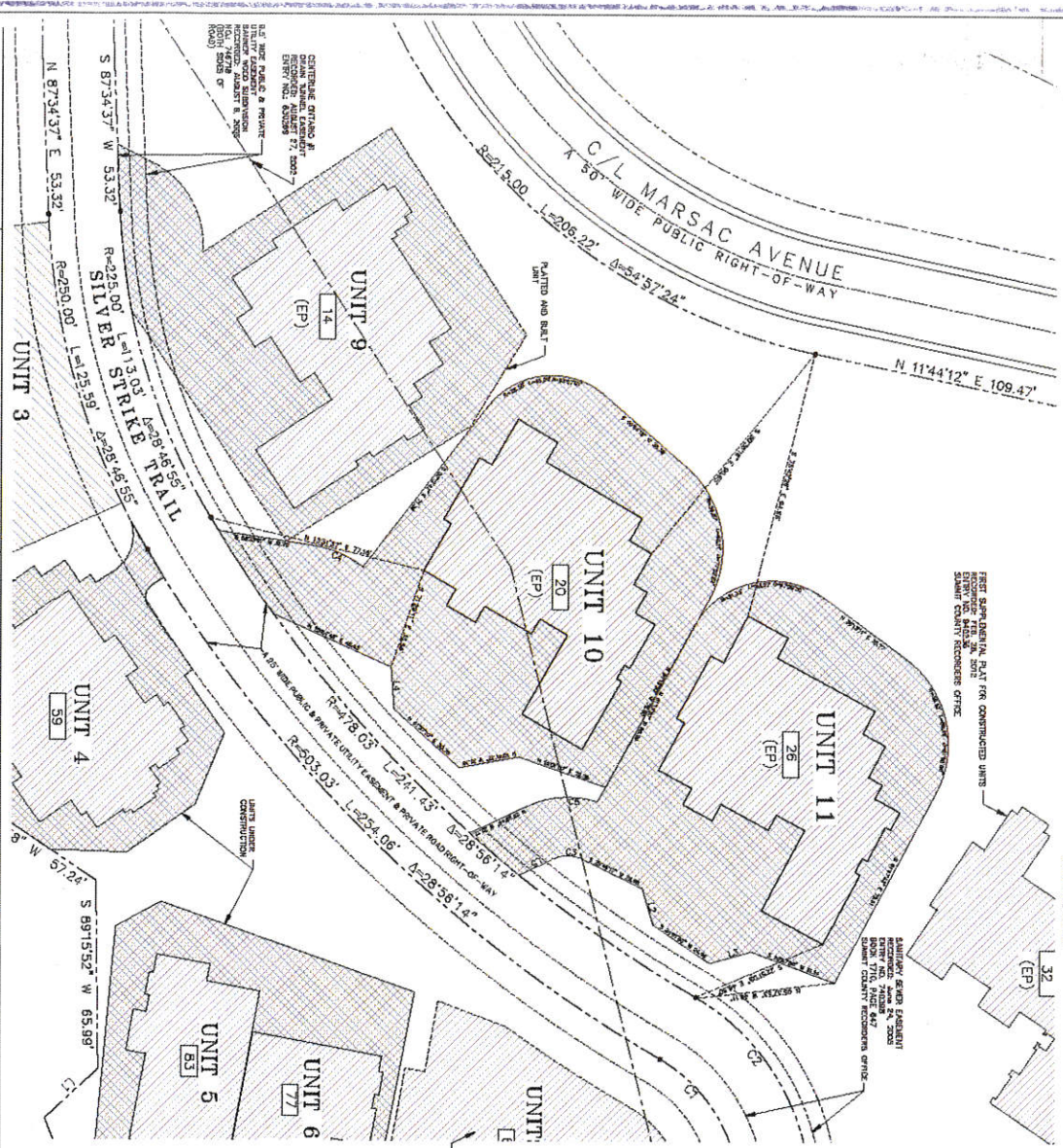




SMITH'S CERTIFICATE
 I, L. J. Smith, do hereby certify that the foregoing plat for proposed units 10 and 11 was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Utah, and that the same complies with the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the rules and regulations of the Utah Condominium Board. I am not aware of any other persons who have a right in the same.

BOUNDARY DESCRIPTIONS
 (See plat for details.)
 The boundary between the plat and the adjacent plat is as shown on the plat. The boundary between the plat and the adjacent plat is as shown on the plat. The boundary between the plat and the adjacent plat is as shown on the plat.

OTHER NOTES
 The plat is subject to the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the rules and regulations of the Utah Condominium Board. The plat is subject to the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the rules and regulations of the Utah Condominium Board.



NOTES
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ACKNOWLEDGMENT

I, L. J. Smith, do hereby certify that the foregoing plat for proposed units 10 and 11 was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Utah, and that the same complies with the provisions of the Utah Condominium Act, Chapter 37, Utah Code, and the rules and regulations of the Utah Condominium Board. I am not aware of any other persons who have a right in the same.

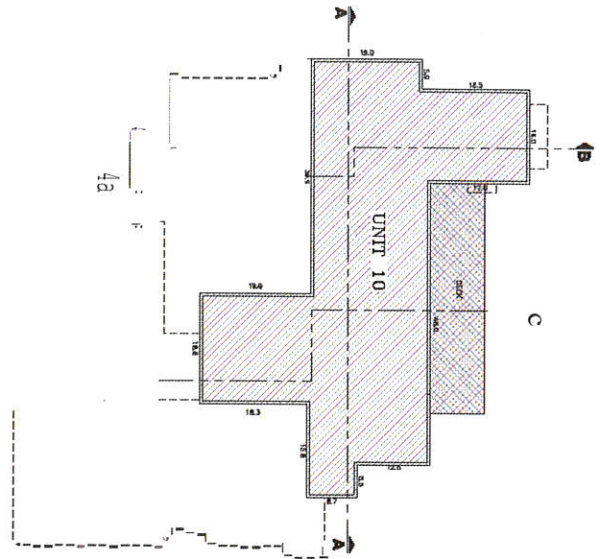
RECORDED

DATE 2013 ALL TIME 11:00 AM BOOK 11111

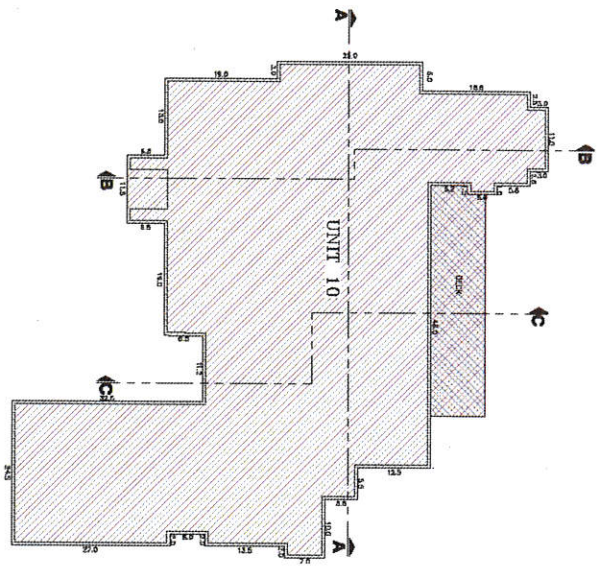
THE BELLES AT EMPIRE PASS

FIFTH SUPPLEMENTAL PLAT FOR CONSTRUCTION UNITS
 AUTAH EXPANDBLE CONDOMINIUM PROJECT AMENDING UNITS 10 + 11
 LOT 10121-10122, TOWNSHIP 22 NORTH, RANGE 12 EAST, T12N, R12E, S40E, ARIZONA COUNTY, UTAH

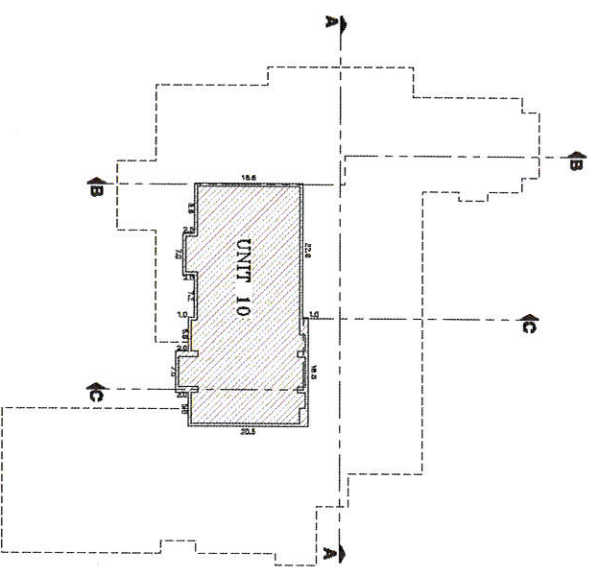
<p>REVIEWED FOR CONFORMANCE TO SINKOVIC BASIN WATER PLANNING COMMISSION ENGINEER'S CERTIFICATE APPROVAL AS TO FORM</p> <p>DATE OF <u>2013 ALL</u> BY <u>CHAIKIN</u> CHAIRMAN</p>	<p>APPROVED BY THE PARK CITY PLANNING COMMISSION</p> <p>DATE OF <u>2013 ALL</u> BY <u>PARK CITY ANTONEY</u></p>	<p>APPROVED AS TO FORM</p> <p>DATE OF <u>2013 ALL</u> BY <u>PARK CITY ANTONEY</u></p>	<p>APPROVED AS TO FORM</p> <p>DATE OF <u>2013 ALL</u> BY <u>PARK CITY ANTONEY</u></p>
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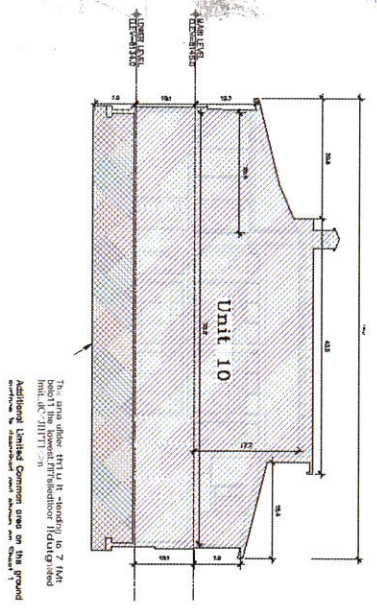
1 LOWER LEVEL AREAS
SCALE: 1/8" = 1'-0"



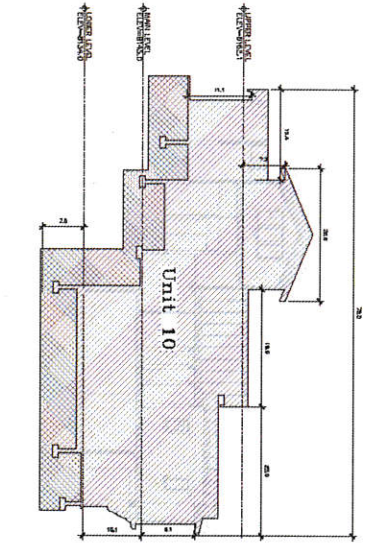
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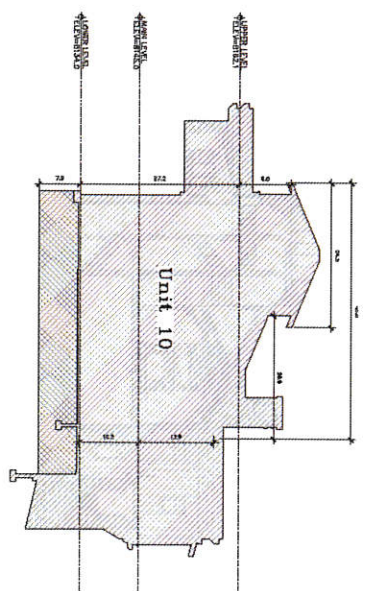
3 UPPER LEVEL AREAS
SCALE: 1/8" = 1'-0"



SECTION A-A
SCALE: 1/4" = 1'-0"



SECTION B-B
SCALE: 1/4" = 1'-0"



SECTION C-C
SCALE: 1/4" = 1'-0"

C=...J CONDOMINIA

PRIVATE COMMONS UNIT

LIMITED COMMONS, AREA, AND/OR ACTIVITIES

THE BELLES AT EMPIRE PASS

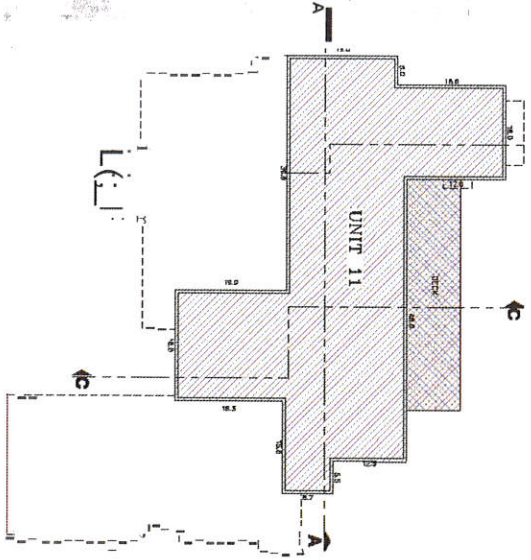
FIFTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 10 + 11
SCALED SECTIONAL
CITY OF SALT LAKE COUNTY, UTAH

UNIT SQUARE FOOTAGE TABLE

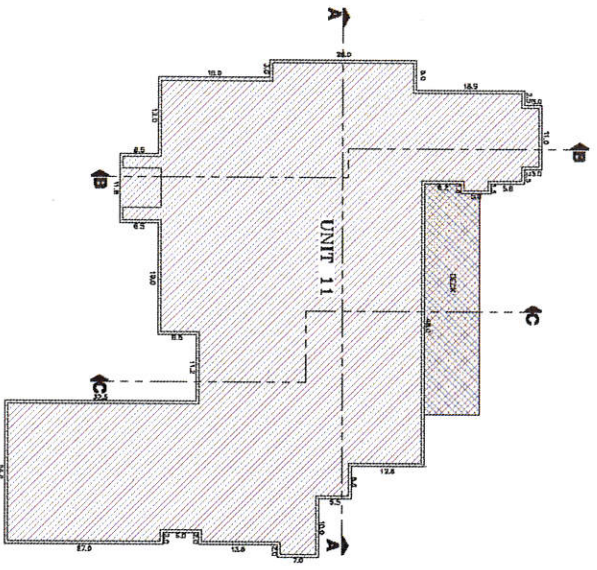
LEVELS	1F	0F
COMMONS	1,111.0	1,077.18F
MAIN	3,107.0 1F	3,107.0 1F
UPPER	1,741.18F	1,741.18F
TOTAL SF	6,159.18F	6,159.18F

*By Architect's Drawings
or Maximum Garage Elevations

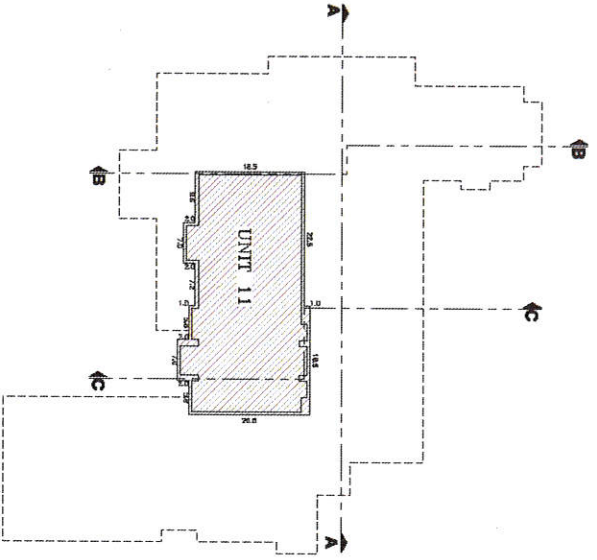
RECORDED
TRUSTED QUALITY DOCUMENT
OF
AT THE REQUEST



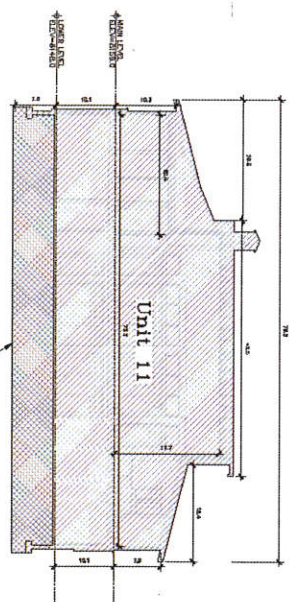
1 LOWER LEVEL AREAS
SCALE: 1" = 1'-0"



2 MAIN LEVEL AREAS
SCALE: 1" = 1'-0"

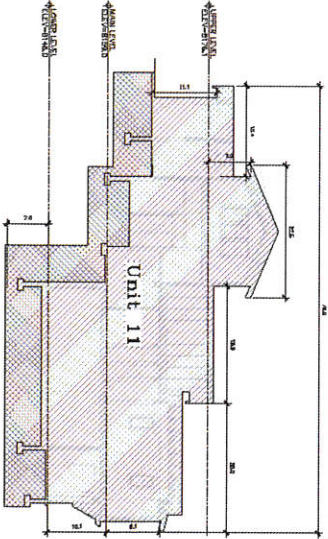


3 PENT LEVEL AREAS
SCALE: 1" = 1'-0"

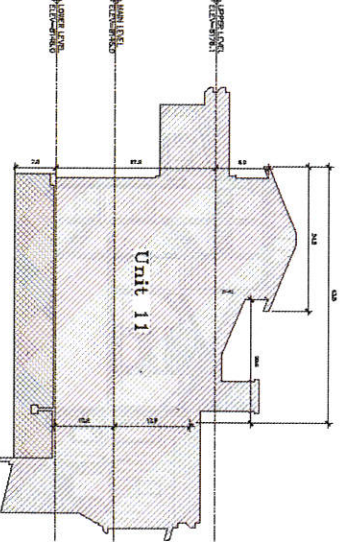


SECTION A-A
SCALE: 1" = 1'-0"

The area under this floor is reserved for use as a parking area. The area under the pent level is reserved for use as a parking area. The area under the pent level is reserved for use as a parking area.



SECTION B-B
SCALE: 1" = 1'-0"



SECTION C-C
SCALE: 1" = 1'-0"

COMMON AREA

PRIVATE OWNERS UNIT

UNIT COMMON AREA BOUNDARY CUTTER

THE BELLES AT EMPIRE PASS

FIFTH SUPPLEMENTAL PLATFORM CONSTRUCTED UNITS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 10 + 11
LIFE CYCLE DIRECTOR: TONY VITTORETTI, P.E., ARCHITECT: TERRY L. HARRIS, P.E., ARCHITECT: TERRY L. HARRIS, P.E., ARCHITECT: TERRY L. HARRIS, P.E.

UNIT SQUARE FOOTAGE TABLE

LAYER	AREA (SQ. FT.)	NET AREA (SQ. FT.)
UPPER	1,807.0 SF	3,114.0 SF
LOWER	6,741.0 SF	11,148.0 SF
TOTAL	8,548.0 SF	14,262.0 SF

*Per Architect's Drawing
*Minimum square footage

RECORDED
STATE OF UTAH, COUNTY OF KANE
EMERGENCY AT THE OFFICE OF THE COUNTY CLERK
RECORDED