

Ordinance No. 14-45

AN ORDINANCE APPROVING THE PARKITE COMMERCIAL 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 commercial condominium units and associated commercial common area.

WHEREAS, the property was properly noticed and posted on May 28, 2014 and July 30, 2014, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were 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, continued the item to the July 9, 2014 Planning Commission meeting; and

WHEREAS, the Planning Commission, on July 9, 2014, held a public hearing and continued the item to August 13, 2014 to allow the applicant time to resolve an ADA access issue for the lower level commercial space; and

WHEREAS, the Planning Commission held a public hearing on August 13, 2014, to receive input on the condominium plat and forwarded a positive recommendation to the City Council; and

WHEREAS, on September 18, 2014, the City Council held a public hearing on The Parkite Commercial Condominiums plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Parkite Commercial 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 known as the 333 Main Street Subdivision. 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 was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space for the entire building consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use applications. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR and Board of Adjustment approval.
5. The building has a single entity as owner and is currently being remodeled with an active building permit.
6. Commercial uses currently under construction within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
7. Residential condominium spaces within the building were platted with the concurrently submitted The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014.
8. 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 was constructed with non-complying side yard setbacks of 0.2' to 2.92' total within the HR2 zone and total of 30' is required.
9. 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.
10. On February 27, 2009, a Historic District Design Review (HDDR) 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 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 HDDR 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.
11. 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 the residential condominium record of survey plat for this property.

12. 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.
13. On June 27, 2011, the City received a complete application for a condominium plat to create commercial 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 within a one year time period and it expired.
14. 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 commercial and retail on the main and lower floors).
15. 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 units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.
16. Access is also contemplated via the existing north tunnel to a proposed underground parking garage with fifteen parking spaces for the residential condominium units only. The parking garage is located in the lowest level and is designated as common area for the residential uses.
17. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.
18. An elevator will be constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 will also be constructed. Easements for the elevator and walkway will be recorded prior to recordation of this plat to provide perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel. These easements will be recorded following recordation of The Parkite Residential Condominiums plat so that the Residential HOA is granting the easements.
19. Easement agreements between the City and Property Owner regarding the south and north tunnels will need to be revised to address tunnel access, utilities, maintenance, etc., as required by the City Engineer.

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 new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Access easements for all required access to the south tunnel for commercial units and access from the Main Street level to Commercial Unit C-1, shall be recorded prior to plat recordation in order to provide perpetual ADA access to Commercial Unit C-1 from Main Street and to provide required access to the south tunnel. Recording information shall be provided on the plat prior to recordation.
6. Easement agreements between the City and the Property Owner regarding the south and north tunnels shall be reviewed and any required revisions to address tunnel access, utilities, maintenance, etc. shall be made. The amended agreements shall be recorded prior to or concurrent with the Commercial plat and recording information shall be provided on the plat.

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

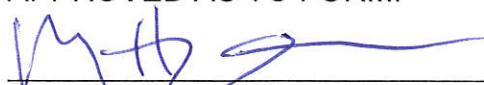
PASSED AND ADOPTED this 18 day of September, 2014.

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, MAYOR

ATTEST: 

Marci Heil, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney



OWNER'S CERTIFICATE

I, the undersigned, hereby certify that the above described premises are... (owner's name and address)

PROPERTY DESCRIPTION

The premises described herein are located in the City of Park City, Utah, in the... (property details)

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby dedicate and consent to the recording of this document... (owner's name and address)

ACKNOWLEDGMENT

STATE OF UTAH, County of SUMMIT, I, the undersigned, do hereby acknowledge...

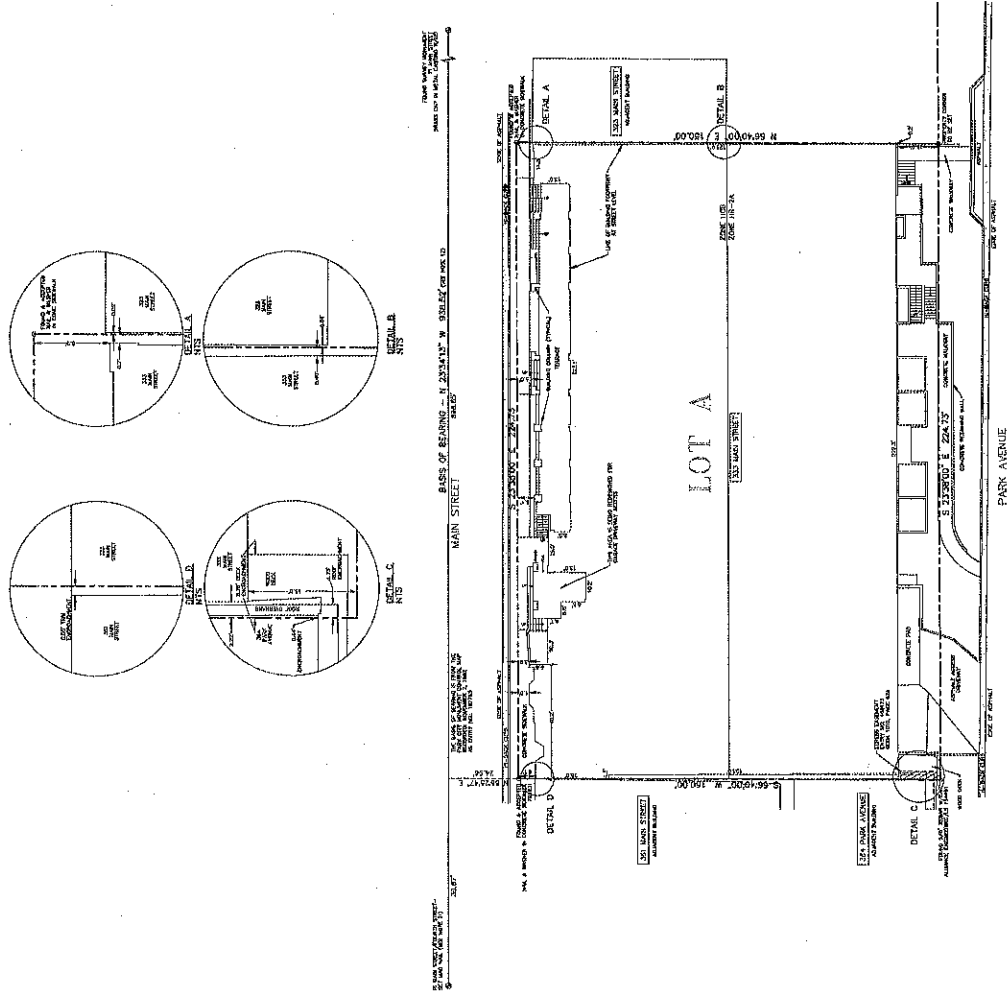
The foregoing instrument was acknowledged before me on this... day of... 2014...

My Commission Expires... (notary information)

Notary Public... (notary name and address)

NOTES

- 1. This subdivision map... 2. The lots are shown... 3. All easements... 4. All easements... 5. All easements... 6. All easements...



THE PARKITE COMMERCIAL CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 11, PARK CITY SURVEY AND ALSO THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PLANNING COMMISSION ENGINEER'S CERTIFICATE APPROVAL AS TO FORM... (signature and date)

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT... (signature and date)

CERTIFICATE OF ATTEST... (signature and date)

APPROVAL AS TO FORM THIS... (signature and date)

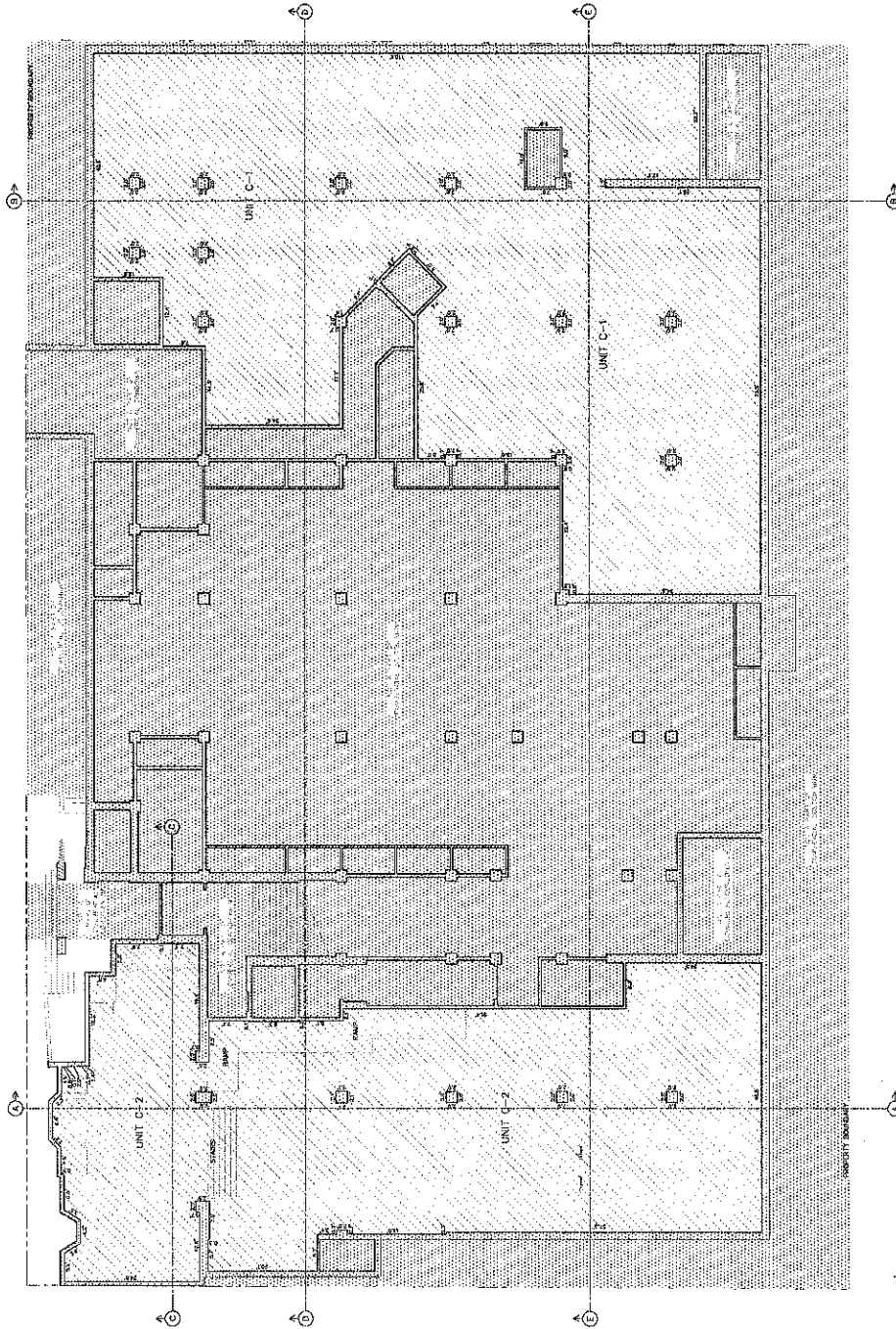
COUNCIL APPROVAL AND ACCEPTANCE... (signature and date)

RECORDED... (signature and date)




STATE OF UTAH, COUNTY OF SUMMIT, AND FILED... (signature and date)

ENTRY NO. FEE RECORDER... (signature and date)

MAIN STREET



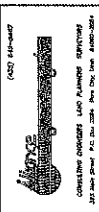
LOWER LEVEL

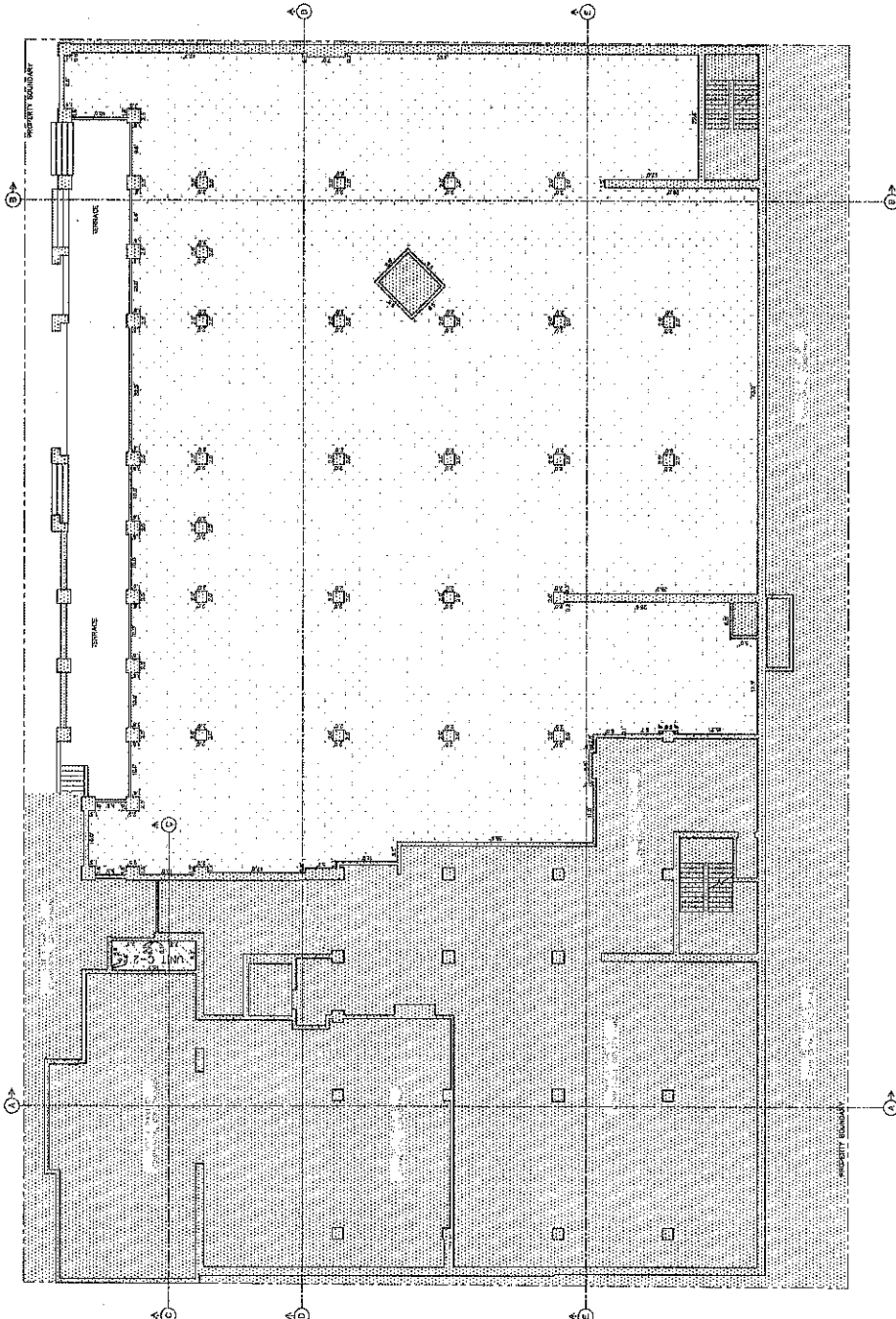
OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	NOT A PART OF COMMERCIAL CONDOMINIUM

THE PARKITE COMMERCIAL CONDOMINIUMS

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 DATE _____ TIME _____
 ENTRY NO. _____ FEE _____ RECORDER

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 DATE _____ TIME _____
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UNIT AREA TABLE

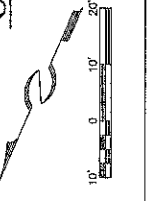
UNIT	UNIT AREA	COMMON AREA
UNIT C-1	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-2	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-3	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-4	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-5	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-6	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-7	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-8	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-9	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-10	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-11	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-12	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-13	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-14	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-15	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-16	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-17	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-18	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-19	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-20	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-21	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-22	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-23	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-40	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-41	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-46	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-47	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-72	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-74	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-79	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-80	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-81	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-82	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-83	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-84	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-85	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-86	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-87	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-88	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-92	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-93	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-94	1,513.50 SQ. FT.	1,513.50 SQ. FT.
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UNIT C-96	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-97	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-98	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-99	1,513.50 SQ. FT.	1,513.50 SQ. FT.
UNIT C-100	1,513.50 SQ. FT.	1,513.50 SQ. FT.

OWNERSHIP DESIGNATIONS

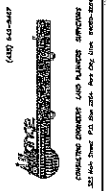
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- COMMON OWNERSHIP
- NOT A PART OF COMMERCIAL CONDOMINIUM

PARKITE COMMERCIAL CONDOMINIUMS

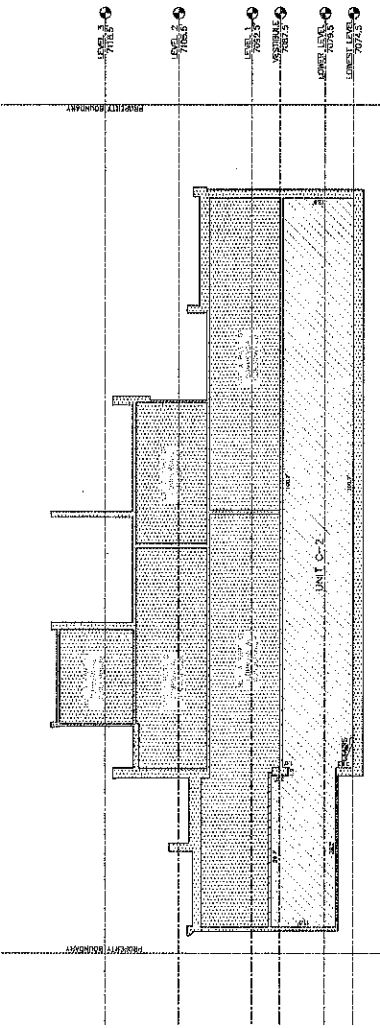
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ RECORDER



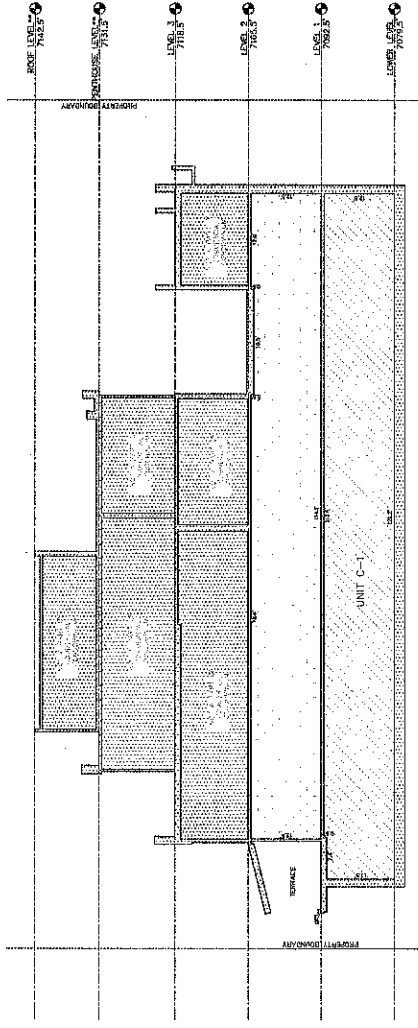
LEVEL 1



CONSULTING ENGINEER: LEO PLAMONDON ASSOCIATES
 202440 Thruway, 4th Floor, Salt Lake City, Utah 84143-2024



SECTION ④



SECTION ⑤

OWNERSHIP DESIGNATIONS	
[Pattern: Diagonal lines /]	PRIVATE OWNERSHIP
[Pattern: Dotted]	CONVERTIBLE SPACE/ PRIVATE OWNERSHIP
[Pattern: Horizontal lines]	COMMON OWNERSHIP

NOT A PART OF
COMMERCIAL CONDOMINIUM

PARKITE COMMERCIAL CONDOMINIUMS

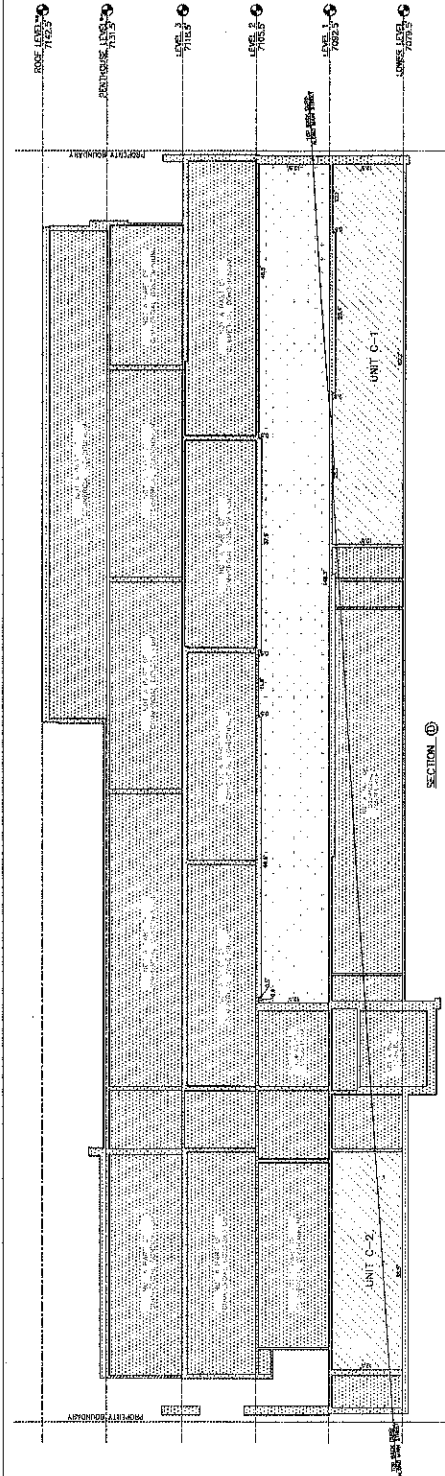
PLAT NO. 8-3-13 FILED AT PARK CITY, UTAH COUNTY CLERK'S OFFICE 03/13/2013 COMMERCIAL

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____ DATE _____ TIME _____
ENTRY NO. _____ FEE _____ RECORDER _____

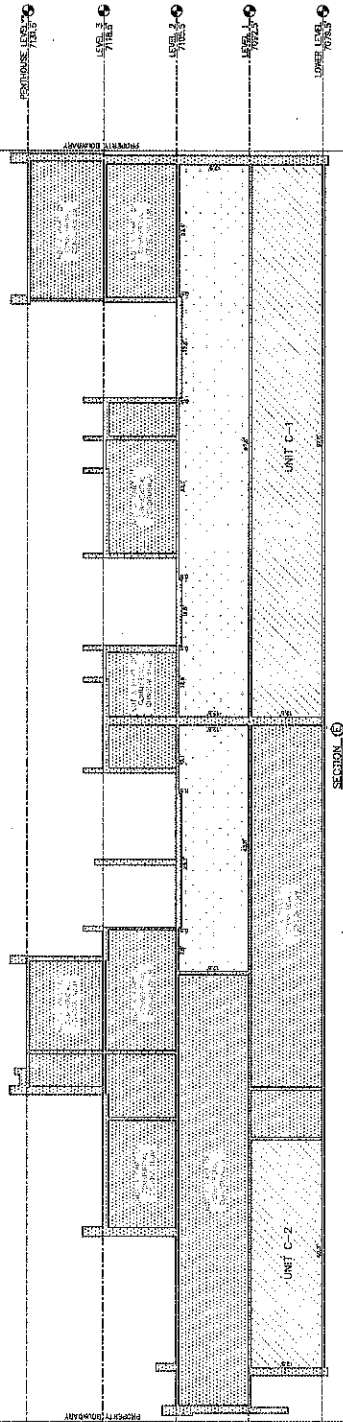
LAND 649-9447

WALLACE ASSOCIATES, INC.
CONSULTING ENGINEERS AND PLANNERS ARCHITECTS
207 West Street, P.O. Box 2007, Park City, Utah 84302

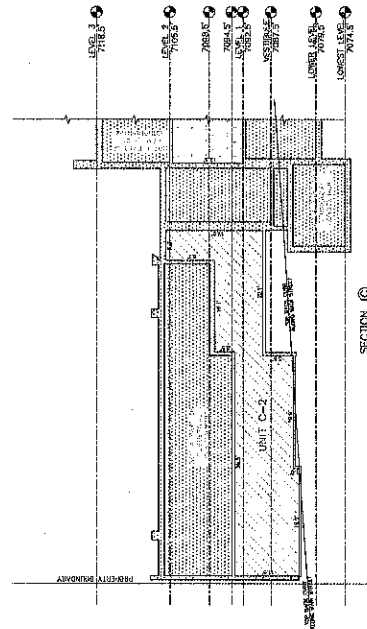




SECTION D



SECTION E



SECTION C

OWNERSHIP DESIGNATIONS

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[Pattern]	CONVERTIBLE SPACE/ PRIVATE OWNERSHIP
[Pattern]	COMMON OWNERSHIP

NOT A PART OF
COMMERCIAL CONDOMINIUM



PARKITE COMMERCIAL CONDOMINIUMS

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____
ENTRY NO. _____ FEE _____ RECORDER _____



CONDOMINIUM DESIGN AND PLANNING SERVICES
227 W. 200th St., Ste. 200, Provo, UT 84601-2000
(435) 540-9487