

Ordinance No. 15-13

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS "N", "O", "P", "Q", AND "R" CONDOMINIUM RECORD OF SURVEY PLAT, A UTAH CONDOMINIUM PROJECT, LOCATED AT 1825 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, owners of the property known as Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project, (aka Silver Star Condominium project) located at 1825 Three Kings Drive, have petitioned the City Council for approval of an amended condominium plat to add a 2,260 square foot Building "S" that includes an 1,888 square foot commercial condominium unit, located between Buildings "O" and "R" for the purpose of changing the ownership designation for Building "S" from common area to private area.

WHEREAS, the property was properly noticed on March 21, 2015 and posted on March 25, 2015, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on March 25, 2015; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on April 8, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 7, 2015, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" condominium record of survey plat to add Building "S".

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 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and subject to the Spiro Tunnel Master Planned Development (MPD) (aka Silver Star MPD). Office uses are allowed within the Spiro Tunnel MPD.

3. The applicant's request for this plat amendment is to include a Building "S" as a commercial condominium unit with a designation as "private area". Building "S" includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building "S" also includes the existing historic mine tunnel entrance shed but not the covered tunnel leading to the mine.
4. Building "S" is proposed to be located between buildings "O" and "R" and consists of a total of 2,260 square feet gross floor area. The plat designates 1,888 square feet of net leasable space as a private commercial condominium unit.
5. Building "S" is located within the Park City Soils Ordinance Boundary.
6. On November 30, 2006, the City Council approved the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat. The plat was recorded at Summit County on February 19, 2008 and identifies the location and ownership of existing Buildings N, O, P, Q, and R.
7. This first amended plat adds Building "S" to the Silver Star Plaza Condominium Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat in order to identify the building as a commercial condominium unit designated as private ownership. The building is currently identified as common area owned by the Silver Star Plaza Condominiums HOA.
8. On January 16, 2015, an application was submitted for the first amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a condominium record of survey plat. The application was deemed complete on February 24, 2015.
9. The condominium plat amendment is required in order to identify the location and ownership of existing Building "S" and to include the proposed addition.
10. The proposed uses and amended condominium plat are consistent with the Spiro Tunnel MPD and the Three Kings Realty CUP.
11. No non-complying situations are created with the plat amendment.
12. The existing building is listed on the Historic Sites Inventory as a Significant Historic Site.
13. On December 4, 2014, the Silver Star Plaza Owners Association met and voted unanimously to approve the real estate office project as proposed.
14. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).
15. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
16. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring

the total support commercial uses to 5,914 sf. Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential uses.

17. Parking for the Spiro Tunnel MPD was built to accommodate all of the 14,500 sf of allowed commercial and office uses. Management of parking is the responsibility of the Silver Star Homeowners Association and various updates have been presented to the Planning Commission.
18. A water line previously located under the historic shed was relocated during construction of the Silver Star project. Additional relocation of this water line may be necessary prior to construction of Building S.
19. The historic shed and a portion of the mine tunnel are located on a 30' non-exclusive utility easement on the current recorded plat. This easement will need to be modified on the amended plat with final approval of the easement subject to City Engineer and City Water Department review.

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. As conditioned, 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, 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 Spiro Tunnel Master Planned Development shall continue to apply and a note shall be included on the plat referring to the Spiro Tunnel MPD prior to recordation.
4. All plat notes on the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" record of survey plat shall be included on the plat prior to recordation.
5. All conditions of approval of the Three Kings Realty at Silver Star Conditional Use Permit approved on October 22, 2014, shall apply to this plat and shall be referred to with a plat note on the plat prior to recordation.
6. All required ADA access, occupancy loads, and other specific Building and Fire Code requirements for the new building shall be addressed prior to issuance of a building permit.
7. Historic District Design Review approval for the addition to the historic structure is a condition of building permit issuance.
8. All required access and utility easements as required by the City Engineer shall be identified on the plat prior to recordation.

9. All soil disturbance and proposed landscaping shall adhere to requirements of the Park City Soils Boundary Ordinance and Park City Municipal Code Section 11-15-1 and included in the building permit application.
10. A final utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and SBWRD District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
11. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit for construction on this property.
12. A construction mitigation plan (CMP) shall be submitted with the building permit application and shall identify how construction activity and construction parking impacts on the residential units and commercial uses will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.
13. Access to the tunnel shall be maintained at all times consistent with the easement and notes on the plat and conditions identified herein.
14. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:
 - a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
 - b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings.
 - c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars.
 - d. Provide a 5 foot minimum clearance on either side of the mine rail tracks.
 - e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel.
15. Proposed building improvements shall meet Utah DDW (Division of Drinking Water) and Park City's tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting all such security requirements.
16. A note shall be added to the plat indicating that the proposed shed remodel shall provide for adequate ventilation of the mine.
17. A note shall be added to the plat indicating that existing rails are the property of Park City for use in tunnel access maintenance.
18. The applicant is required to maintain security to the Spiro Tunnel during all proposed construction activities. The specifics of this security maintenance shall be provided with the building permit application.
19. A 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive shall be provided on the plat prior to recordation and a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance shall be provided on the plat prior to recordation. The final language shall be approved by the City Attorney and City Engineer prior to plat recordation.
20. The plat shall include language, in a form approved by the City Attorney, indicating that the tunnel access and operations may result in disturbances, such as

- construction activities, noise, fumes, etc., to the proposed office and storage uses, which may occur at any time and the City, shall be held harmless for such impacts.
21. Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along with the existing private drive shall be clarified and noted on the plat prior to recordation.
 22. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding and other such occurrences and this shall be noted on the plat prior to recordation.
 23. If relocation of any water lines is necessary for construction of Building S the lines shall be relocated prior to building permit issuance and only upon approval of a final utility plan by the City Engineer.
 24. All easements and encumbrances as identified in the current Title Report and as required by the City Engineer for utilities, access, and for exclusive use by the Park City Water Department shall be identified on the final mylar, to be verified and approved by the City Engineer prior to plat recordation.

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

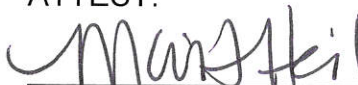
PASSED AND ADOPTED this 7th day of May, 2015.

PARK CITY MUNICIPAL CORPORATION




Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



Exhibit A- amended plat

EXHIBIT A

THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS "N", "O", "P", "Q" AND "R" FIRST AMENDMENT AMENDING SHEET 1 AND ADDING SHEET 2A (BUILDING "S")

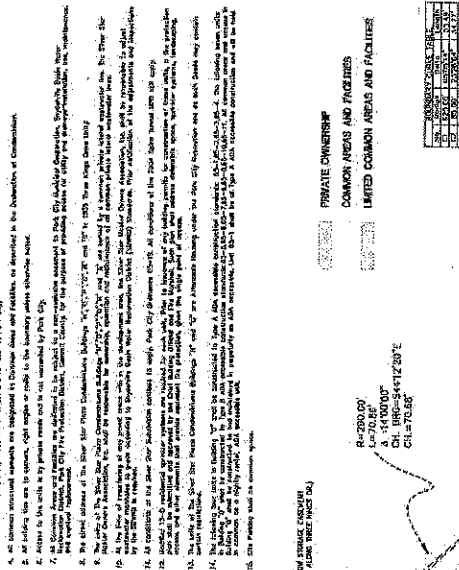
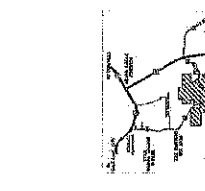


Table with 3 columns: Building, Area, and Other details. It lists various buildings and their corresponding areas in square feet.

Table with 2 columns: Building and Area. It provides a summary of building areas.

NOTES: 1. THE PROJECT IS SUBJECT TO THE CITY OF PARK CITY ZONING ORDINANCES AND OTHER APPLICABLE REGULATIONS. 2. THE PROJECT IS SUBJECT TO THE CITY OF PARK CITY SUBDIVISION MAP ACT AND THE CITY OF PARK CITY SUBDIVISION MAP ACT RULES AND REGULATIONS. 3. THE PROJECT IS SUBJECT TO THE CITY OF PARK CITY SUBDIVISION MAP ACT AND THE CITY OF PARK CITY SUBDIVISION MAP ACT RULES AND REGULATIONS.

SURVENOR'S CERTIFICATE: I, [Name], a Licensed Land Surveyor and State of Utah Professional Engineer, do hereby certify that the above described land is the same as shown on the subdivision map on file in the office of the County Clerk of Salt Lake County, Utah, and that the same is subject to the provisions of the Subdivision Map Act and the Subdivision Map Act Rules and Regulations.

LEGAL DESCRIPTION: The Silver Star Plaza Condominiums, Buildings "N", "O", "P", "Q" and "R" are situated on the east side of Main Street, between the east side of Three Kings Drive and the east side of the Silver Star Plaza Condominiums, Buildings "N", "O", "P", "Q" and "R". The area is approximately 100,000 square feet.

OWNER'S DECLARATION AND CONSENT TO RECORD: I, the undersigned, do hereby declare that I am the owner of the Silver Star Plaza Condominiums, Buildings "N", "O", "P", "Q" and "R", and I do hereby consent to the recording of this subdivision map and the recording of this declaration.

ACKNOWLEDGEMENT: I, the undersigned, do hereby acknowledge that I am the owner of the Silver Star Plaza Condominiums, Buildings "N", "O", "P", "Q" and "R", and I do hereby consent to the recording of this subdivision map and the recording of this declaration.

RECORDING INFORMATION: This document is for recording in the Office of the County Clerk of Salt Lake County, Utah. The recording fee is \$100.00.

CERTIFICATE OF ATTEST: I, the undersigned, do hereby certify that the above described land is the same as shown on the subdivision map on file in the office of the County Clerk of Salt Lake County, Utah, and that the same is subject to the provisions of the Subdivision Map Act and the Subdivision Map Act Rules and Regulations.

APPROVAL AS TO FORM: I, the undersigned, do hereby approve the form of this document.

CITY ENGINEER: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

PLANNING COMMISSION: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

GUARDIAN: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

RECLAIMATION DISTRICT: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

SWYDERVILLE BASIN WATER RECLAIMATION DISTRICT: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

P S O M A S: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

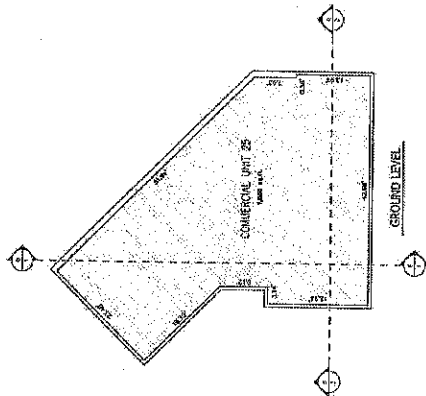
RECORDING INFORMATION: This document is for recording in the Office of the County Clerk of Salt Lake County, Utah. The recording fee is \$100.00.

RECORDING INFORMATION: This document is for recording in the Office of the County Clerk of Salt Lake County, Utah. The recording fee is \$100.00.

RECORDING INFORMATION: This document is for recording in the Office of the County Clerk of Salt Lake County, Utah. The recording fee is \$100.00.

P S O M A S: I, the undersigned, do hereby approve this plan in accordance with information on file in the City of Park City Planning Commission.

RECORDING INFORMATION: This document is for recording in the Office of the County Clerk of Salt Lake County, Utah. The recording fee is \$100.00.

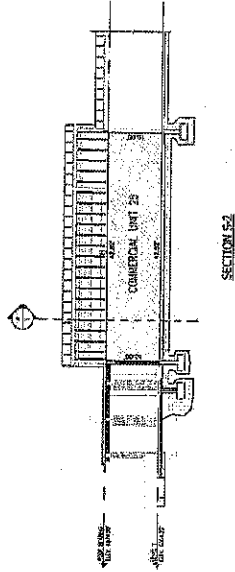


UNIT NUMBER	IDEAL SQUARE FOOTAGE
25	1000 SQ. FT.

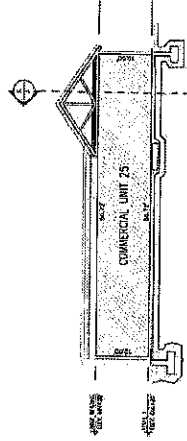


SCALE 1" = 10 FEET

- PRIVATE OWNERSHIP
- COMMON AREAS AND FACILITIES
- LIMITED COMMON AREAS AND FACILITIES



SECTION 52



SECTION 51

CONDOMINIUM PLAT
 THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDINGS "N", "O", "P", "Q" AND "R"
 FIRST AMENDMENT

A TOTAL CONDOMINIUM PROJECT
 CONSISTING OF BUILDINGS "N", "O", "P", "Q" AND "R"
 LOCATED AT THE CORNER OF
 THURSDAY STREET, MARKET STREET AND STATE STREET IN MEDFORD
 PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
 FEB 24 2005
 PARK CITY
 PLANNING DEPT.

SHEET 2A - FIRST AMENDMENT

RECORDED
 BOOK _____ PAGE _____
 COUNTY OF _____ STATE OF _____
 RECORDED AND FILED AT THE REQUEST OF _____
 COUNTY RECORDER