

Ordinance No. 15-45

**AN ORDINANCE APPROVING THE SEVENTH SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNITS 15 AND 16, LOCATED AT 52 AND 58 SILVER STRIKE TRAIL,
PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 15 and 16, have petitioned the City Council for approval of the Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

WHEREAS, on June 24, 2015 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 on June 20, 2015, and notice letters were sent to all affected property owners on June 24, 2015, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015, to receive input on the supplemental plat;

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

WHEREAS, on July 30, 2015, 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 Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for constructed Units 15 and 16.

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 Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Units 15 and 16 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 52 and 58 Silver Strike Trail. The property is located on portions of 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.

2. 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.
3. 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.
4. 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 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. 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 condominium plats Phases I, II, III, and IV. 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.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.
13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.
15. On May 19, 2015 the Planning Department received a complete application for the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
17. 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.
18. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike subdivision plat.
19. 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.
20. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not 600 square feet of garage area).
21. Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not 600 square feet of garage area).
22. The twelve (12) units platted to date (Units 1, 2, 4, 5, 6,7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE. Units 2, 13, and 14 are yet to be constructed.
23. 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.
24. 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.
25. The findings in the analysis section are incorporated herein.

Conclusions of Law:

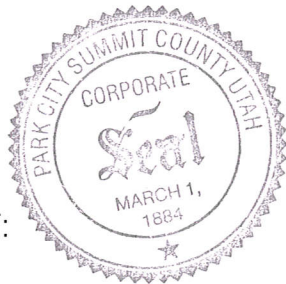
1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 15 and 16.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially 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 present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request 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 15 and 16, this 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.

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

PASSED AND ADOPTED this 30 day of July, 2015.



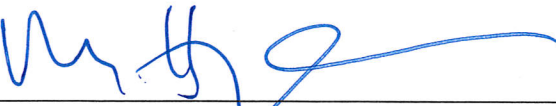
ATTEST:

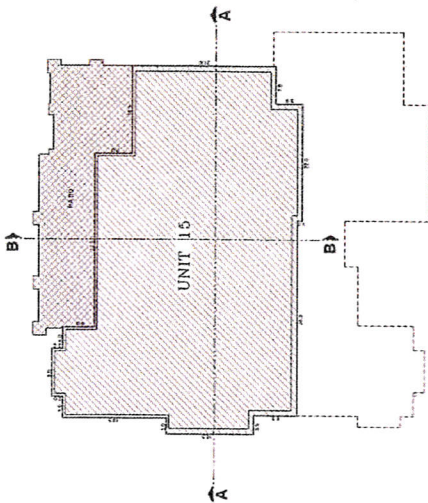

Michelle Kellogg, City Recorder

PARK CITY MUNICIPAL CORPORATION

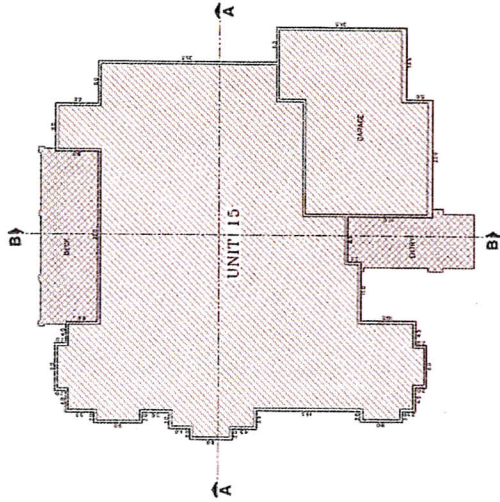

Jack Thomas, MAYOR

APPROVED AS TO FORM:

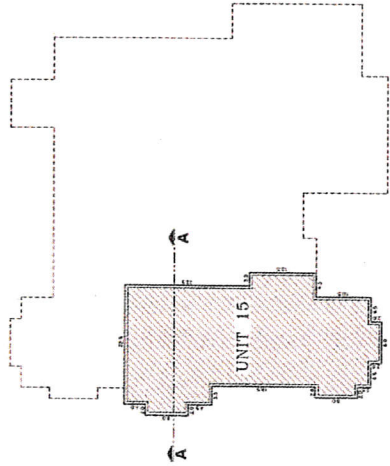

Mark Harrington, City Attorney



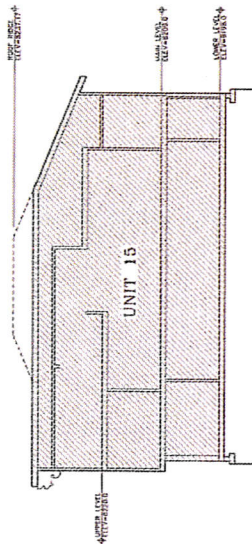
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



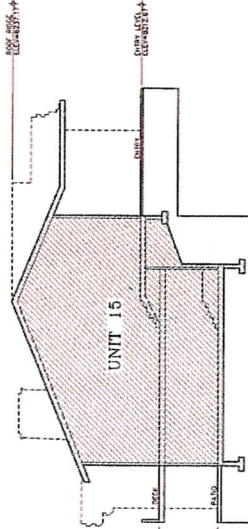
2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'



2 SECTION B-B
SCALE: 1" = 10'

UNIT 15 SQUARE FOOTAGE TABLE

LEVELS	UNIT SQUARE FOOTAGE	GROSS RESIDENTIAL FLOOR AREA (GFA)
LOWER	2,264.5	2,264.5
MAIN	3,177.3	3,177.3
GARAGE	711.0	711.0
TOTAL SF	7,258.8	7,258.8
Developer Allowance	-400.0	-400.0
Net Allowance	-1,050.0	-1,050.0
Final SF	6,208.8	6,208.8

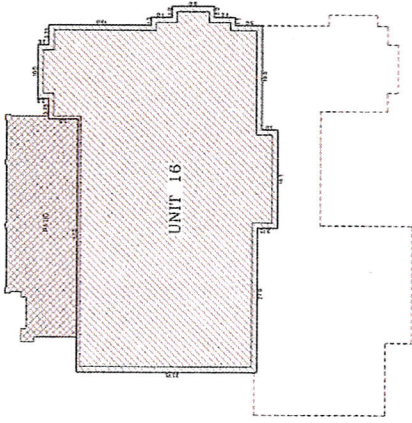
- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

Per Utah State Development Agreement
Per Land Management Code
Per Land Management Code

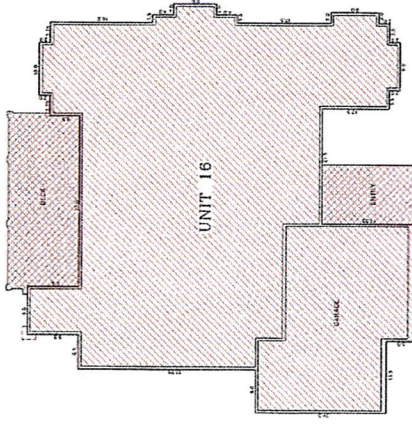
UNITED COMMON OWNERSHIP
See Sheet 1 for dimensions of Limited Common Area at the perimeter of the unit.

PROJECT NO.: 24-01-10 FILE: A:\Projects\240110\240110.dwg
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
DATE: _____ TIME: _____ ENTRY NO.: _____
BY: _____ TITLE: _____

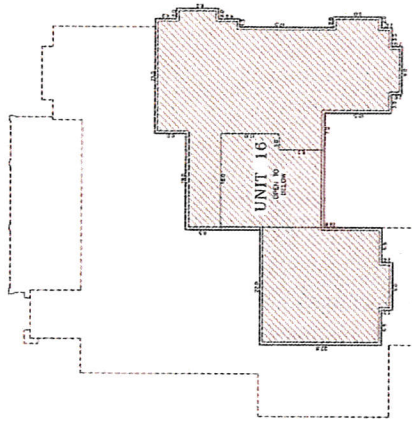
SEVENTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16
LOCATED IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 34TH & 35TH MAIN AND HARBORLAND PARK
CITY, SUMMIT COUNTY, UTAH



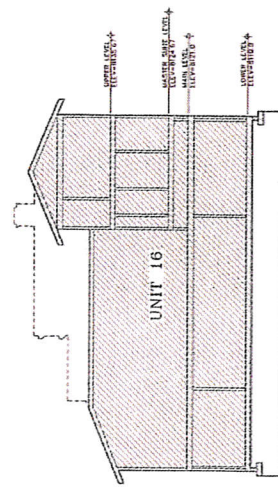
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



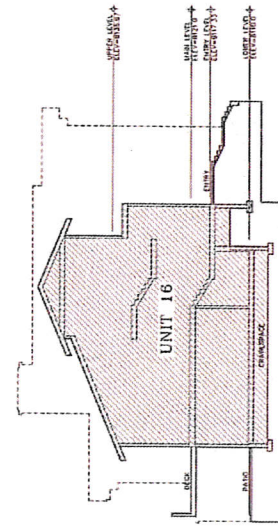
2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'



2 SECTION B-B
SCALE: 1" = 10'

UNIT 16 SQUARE FOOTAGE TABLE*

LEVELS	SQUARE FOOTAGE	NET AREA (SQ. FT.)
LOWER	2,250.0	2,250.0
MAIN	3,031.0	3,031.0
UPPER	1,944.8	1,944.8
TOTAL SF	7,225.8	7,225.8
Garage Allowance	400.0**	400.0**
Basement	No. Allowance	-1,854.0***
TOTAL SF	6,971.8	4,877.8

* Per Project Management Agreement
** Per Land Management Code
*** Allowance for finished garage or Lower Level
Per Land Management Code

COMMON AREA
 PRIVATE OWNERSHIP
 LIMITED COMMON OWNERSHIP

SEVENTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 16 & 16
 LOCATED IN EMERALD TOWNSHIP, SEVENTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS 16 & 16
 CITY, SUMMIT COUNTY, UTAH

209 101 - 6-12-10 FILED - DEPARTMENT OF HERITAGE AND ARTS
 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____ CHIFT NO. _____
 DATE _____ TIME _____