

Ordinance No. 15-46

AN ORDINANCE APPROVING MOUNTAIN SPIRITS CONDOMINIUMS RECORD OF SURVEY PLAT, REPLACING HUNTER VILLA CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 533-537 WOODSIDE AVENUE PARK CITY, UTAH.

WHEREAS, the owner of the property located at 533-537 Woodside Avenue has petitioned the City Council for approval of the condominium record of survey plat; and

WHEREAS, on July 4, 2015, notice of the public hearing was posted and legal notice published in the Park Record according to the requirements of the Land Management Code; and

WHEREAS, July 8, 2015, proper legal notice was sent to all affected property owners and the property was posted; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2015, to receive input on the condominium record of survey plat; and

WHEREAS, the Planning Commission, on July 22, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 3, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Mountain Spirits Condominiums record of survey plat for the existing building located at 533-537 Woodside Avenue.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. Mountain Spirits Condominiums record of survey 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 533-537 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) Zoning District.
3. There is an existing non-historic 3 unit building located on the property that is an on-going remodel of a non-historic 4-plex condominium building, known as Hunter Villa Condominiums.
4. Hunter Villa Condominiums record of survey plat was recorded at Summit County on February 14, 1983.
5. The property consists of three (3) standard "Old Town" lots and a total of 5,625 square feet of lot area. The underlying lots are Lots 8, 9, and 10, Block 28, of the

Park City Survey.

6. On June 28, 1979, a CUP application was submitted for a four unit building on the subject property. According to the CUP application and subsequent building permit the building complied with the Land Management Code in effect at that time (June 1978) for height, setbacks, minimum lot size and minimum lot width, building coverage, and parking.
7. In the June 1978 Land Management Code, four-plex buildings required a CUP and required a minimum lot area of 5,625 square feet. Minimum side setbacks of five feet (5'), front setbacks of fifteen feet (15') and rear setbacks of ten feet (10') were required. Maximum building height was 28' measured from the mid-point of the gable roof to natural grade. Minimum lot width of 75' was required.
8. Construction of the building started in 1980 with a building permit (#213-80) approved by Park City Building Department on October 29, 1980.
9. On October 2, 1986, upon completion of construction of the four-plex, a Certificate of Occupancy was issued by the Park City Building Department.
10. According to documents on file at the Planning and Building Departments, the building complied with the LMC at the time of the CUP, the Building Permit application, and Certificate of Occupancy.
11. According to the existing conditions survey submitted with this application, the actual front setback of the existing foundation is 15.33' at the northeast corner and 14.74' at the southeast corner. The current LMC requires a front setback of ten feet (10') based on the lot depth of seventy-five feet (75').
12. According to the existing conditions survey the actual rear setback for the existing foundation is 14.43' at the northwest corner and 15.01' at the southwest corner. The current LMC requires a rear setback of ten feet (10') based on the lot depth of seventy-five feet (75').
13. According to the existing conditions survey, the actual side setbacks of the existing foundation range from 3.92' to 4.72' along the south property line and 4.77' to 5.58' along the north property line. The current LMC requires side setbacks of 5' minimum (18') based on the combined lot width of 75'.
14. The building was approved with a 28' building height to the midpoint of the gable roof in compliance with the LMC at the time of construction. Prior to the remodel and modification of the roof the highest ridgeline was noted on the recorded plat at USGS elevation of 7142.5. The current highest roofline, as depicted on the proposed plat is at USGS elevation of 7132.4. The overall height of the building was reduced by ten feet.
15. The remodel did not increase the degree of non-compliance with the LMC in effect at the time of construction in terms of building height. The building permit was issued prior to the latest LMC amendments to Section 15-2.2-5 that require horizontal stepping and maximum overall building height. The building is non-complying with regards to the current LMC Section 15- 2.2-5 (building height) because it was constructed prior to adoption of the current language.
16. The remodel did not increase the building footprint from what was approved with the original building permit. No maximum building footprint was required at the time of construction. According to the CUP the building was approved with a maximum building coverage of 3,250 sf. The existing building footprint, according

- to the current survey is 2,999 sf.
17. According to the current LMC, the maximum allowed building footprint for the property is 2,050 sf based on the lot size.
 18. The existing building continues to be a non-complying building according to the current Land Management Code in terms of side setbacks, building height, and building footprint and lot size and non-conforming in terms of use.
 19. The existing building provided eight parking spaces for four units in compliance with the LMC at the time of construction. The remodel reduced the parking to six parking spaces for three units in compliance with the current LMC.
 20. The proposed condominium Record of Survey plat memorializes each dwelling unit within the multi-unit dwelling as a separate unit that can be leased or owned separately.
 21. A condominium is not a type of use but a form or ownership.
 22. The current lot is 5,625 square feet. In the HR-1 Zoning District the minimum lot size for a single family house is 1,875 square feet and the minimum lot size for a duplex is 3,750 square feet. At the time of construction the minimum lot size for both a tri-plex and a four-plex was 5,625 square feet. The building complied with the LMC in effect at the time of construction and is currently non-complying with the current LMC in terms of minimum lot size.
 23. The current lot width is 75' and complies with the minimum lot width of 25 feet in the Historic Residential Zoning District.
 24. The requested form of ownership is not detrimental to the overall character of the neighborhood.
 25. This application allows the following units to be platted as private ownership:
 - a. Unit A – 1,763.9 sf
 - b. Unit B – 1,691.2 sf
 - c. Unit C – 4,320.9 sf
 26. Common space is platted for the parking garage, common rear stairs, mechanical room, roof, foundation, exterior walls, etc.
 27. Limited common spaces include the storage areas specific to individual units, entrance stairs and landing for specific units, balconies, patios, etc.
 28. On September 20, 2011, an application for a Historic District Design Review for a remodel of the building was submitted to the Planning Department.
 29. The Historic District Design Review was approved on September 4, 2012, and included removing the steep pitched roof/chimney elements, replacing the fifth floor with an open roof top garden and deck, replacing all exterior siding and insulation, re-designed fenestration and glazing, providing new garage door, re-landscaping of the front and rear yard areas, removing the asphalt parking in the front yard and City ROW area, adding an elevator, modifying the interior unit spaces, and modifying the unit entrances and circulation areas.
 30. Due to surveying methods there is a discrepancy between the new existing conditions survey and the recorded Hunter Villas plat in terms of foundation dimensions and setbacks. The proposed record of survey plat is based on a current survey of existing conditions and is not based on the Hunter Villas record of survey plat.
 31. The number of units was reduced from four units to three units and parking within

the garage was reduced from eight spaces to six spaces. The building requires five parking spaces and six spaces are provided in compliance with the current LMC Chapter 3 Off-Street Parking requirements.

32. A building permit for the remodel was issued on March 5, 2013. Construction is underway and the building permit is current.
33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. 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.
4. The Condominium plat does not create any new non-compliance with the HR-1 requirements and the building remains a legal non-conforming building as a triplex and a legal non-complying structure with regards to side setbacks, building height, and building footprint according to the Land Management Code in effect at the time of construction, Building Permit #213-80, and the Certificate of Occupancy issued on October 2nd, 1986.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the 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 the County within one year from the date of City Council approval or submit a written request for an extension, prior to expiration.
3. Prior to recordation of the proposed Mountain Spirits Condominiums record of survey plat, to replace the existing Hunter Villa Condominiums record of survey plat, the Planning and Building Departments shall verify that the structure complies with the current Building code and all required public improvements and landscaping are complete, or a financial security for completion of all requirements is in place.
4. The Hunter Villa Condominiums record of survey plat shall be retired prior to recordation of the Mountain Spirits Condominiums record of survey plat.
5. A ten foot (10') public snow storage easement across the lot frontage along Woodside Avenue shall be shown on the plat.
6. All recorded easements of record for utilities, access, encroachments, etc. associated with the property shall be noted on the plat.

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

PASSED AND ADOPTED this 3rd day of September, 2015.



PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



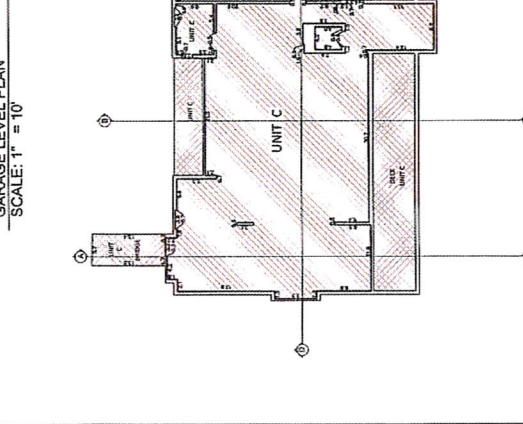
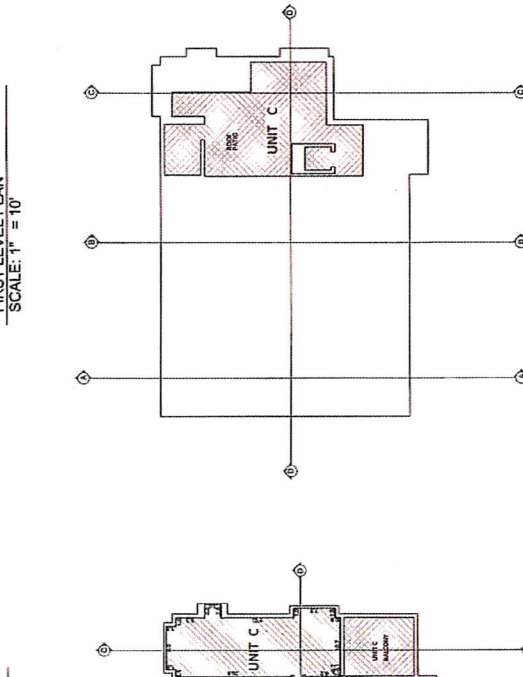
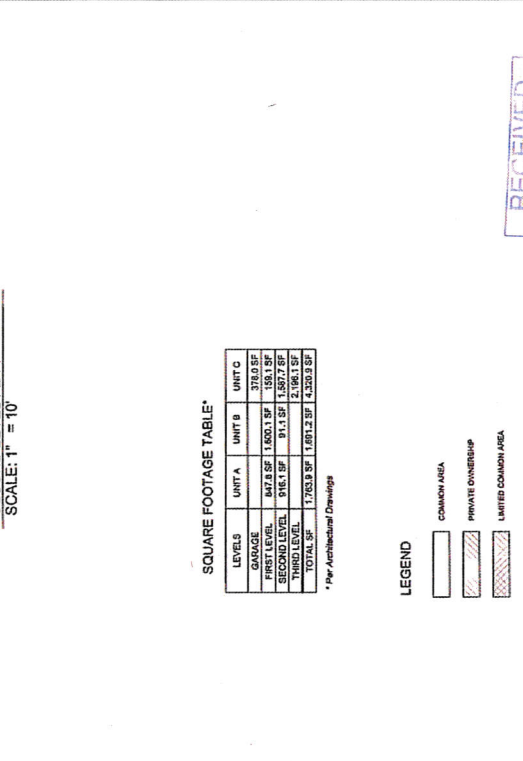
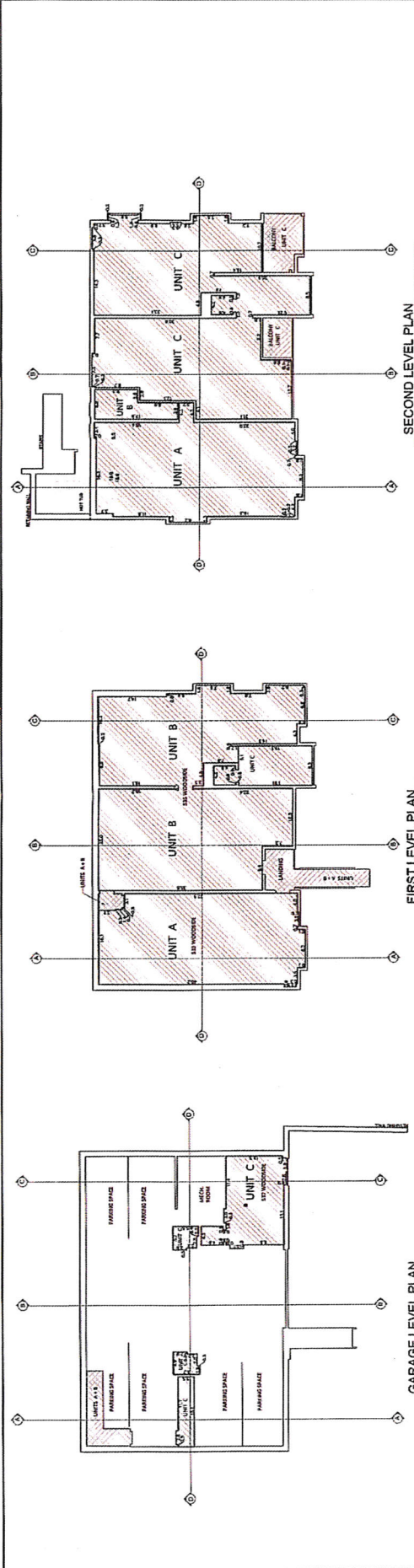
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

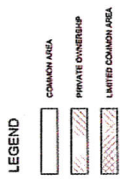
Exhibit A- Proposed Plat



SQUARE FOOTAGE TABLE*

LEVELS	UNIT A	UNIT B	UNIT C
GARAGE	370.0 SF	370.0 SF	370.0 SF
FIRST LEVEL	1,827.0 SF	1,827.0 SF	1,827.0 SF
SECOND LEVEL	913.5 SF	913.5 SF	913.5 SF
THIRD LEVEL	1,703.9 SF	1,703.9 SF	1,703.9 SF
TOTAL SF	7,614.4 SF	7,614.4 SF	7,614.4 SF

* Per Architectural Drawings

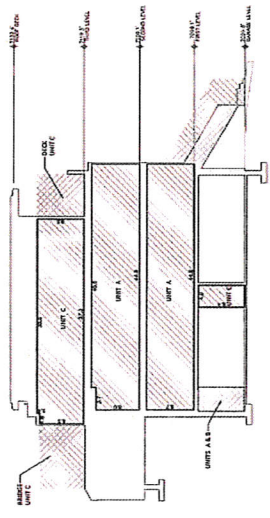


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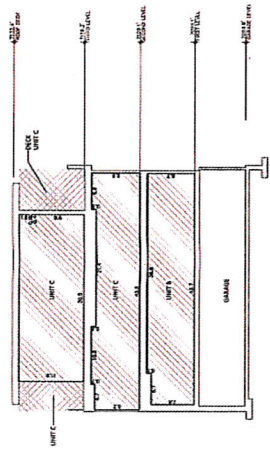
SHEET 2 OF 3
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
DATE TIME ENTRY NO.
FEE RECORDER

MOUNTAIN SPIRITS CONDOMINIUMS

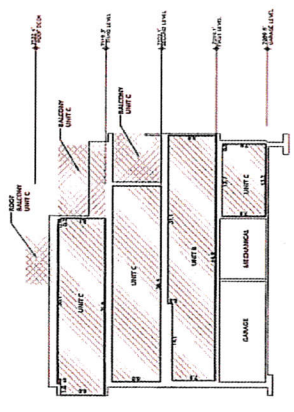
RECORD OF SURVEY
A UTAH CONDOMINIUM PROJECT
(FORMERLY KNOWN AS MOUNTAIN SPIRITS CONDOMINIUMS)
BLOCK 28, PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



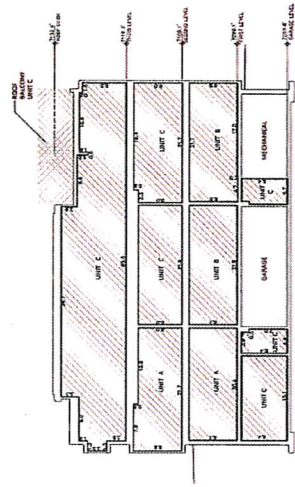
SECTION A-A
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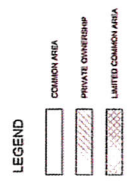
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SCALE: 1" = 10'



SECTION C-C
SCALE: 1" = 10'



SECTION D-D
SCALE: 1" = 10'



RECORD OF SURVEY
A UTAH CONDOMINIUM PROJECT
(FORMERLY MOUNTAIN SPIRITS CONDOMINIUMS)
MOUNTAIN SPIRITS CONDOMINIUMS
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MESA, PARK CITY, SUMMIT COUNTY, UTAH

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PLANNING DEPT.

SHEET 3 OF 3
JOB NO. 7-24-11 FILE: M:\Projects\Summit\Projects\1011107\1111.dwg
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AT THE REQUEST OF
DATE _____ TIME _____ ENTRY NO. _____
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