

Ordinance 16-08

AN ORDINANCE APPROVING THE ONE EMPIRE PASS CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 8910 EMPIRE CLUB DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the One Empire Pass, located at 8910 Empire Club Drive, Lot 15 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the One Empire Pass Condominiums record of survey; and

WHEREAS, the property was noticed on December 26, 2015 and posted on December 23, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 23, 2015; and

WHEREAS, the Planning Commission held a public hearing on January 13th, 2016, to receive input on the One Empire Pass Condominiums record of survey;

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 25th, 2016, the City Council held a public hearing on the One Empire Pass Condominiums record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the One Empire Pass Condominiums record of survey.

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 One Empire Pass Condominiums record of survey 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 One Empire Pass Condominiums are proposed on Lot 15 of the Village at Empire Pass West Side Subdivision, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is located at 8910 Empire Club Drive.
3. The property is in the Residential Development (RD) Zoning District.
4. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 as amended on March 2, 2007.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage).
6. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multi-family units) and 16 single-family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
7. To date, 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single-family units have been platted and/or built within the Mountain Village.
8. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Condominium record of survey plats have been approved and recorded for these buildings.
9. Still to be approved as Conditional Use Permits are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.
10. A Conditional Use Permit application for One Empire Pass, aka Building 5 was received on October 26, 2015 and is being reviewed concurrently with this application.
11. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.
12. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
13. On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat for the 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
14. The application was deemed complete on November 20, 2015.
15. The Village at Empire Pass West Side Subdivision was approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
16. The property is subject to subdivision plat notes that require compliance with RD District zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.
17. The proposed One Empire Pass Lodge building is a multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The ADA unit is platted as Common Area. The affordable unit is platted as Private Area and a deed restriction acceptable to the City will be recorded prior to recordation of the plat.

18. The proposed gross building area, including parking and all common areas is approximately 113,293 square feet. The total residential area subject to Unit Equivalents is 64,965 square feet utilizing 32.48 Unit Equivalents. All saleable residential area platted as private area within the Units is counted into the Unit Equivalent figure and one UE is 2,000 square feet of residential area. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. for the use of unit owners and guests) are proposed at the south end of levels one and two. No commercial uses are proposed.
19. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, 55 spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-5 surface spaces will be provided near the front drop-off area.
20. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.
22. The proposed building complies with the granted height exceptions and volumetric in terms of percentage at certain heights, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
23. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
25. The proposed record of survey plat for the condominium building and development is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey 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 record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not

adversely affect the health, safety and welfare of the citizens of Park City.

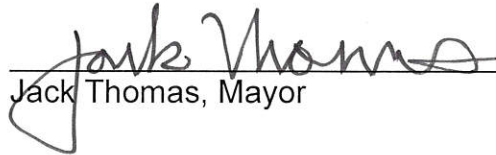
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 record of survey 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 a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The record of survey plat will note that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
5. The plat will note the Employee Housing Unit and the ADA accessible unit.
6. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on Lot 15.

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

PASSED AND ADOPTED this 25th day of February, 2016.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, Mayor

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



Exhibits

Exhibit A – Proposed record of survey plat

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, Mark A. Meridian, certify that I am a Registered Land Surveyor and that I hold Certificate No. 40325 in the State of Utah. I have personally conducted the survey and prepared this record of survey map of ONE EMPIRE PASS CONDOMINIUMS as shown on this plan. I further certify that the information on this plan is accurate.

LEGAL DESCRIPTION

All of Lot 15, THE WILAGE AT DAPHNE PASS WEST SIDE, according to the official plat thereof recorded in the office of the Summit County Recorder August 12, 2005 as Entry No. 742974, Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT ONE EMPIRE PASS, LLC, a Delaware limited liability company, owner of the above described property, has consented to the recording of this map and the Condominium Plan consisting of ten (10) units to be prepared, and does hereby consent to the recording of this Condominium Plan and the plat hereon. This property is the "Old Coliseum" Downtown Historic Area.

The owner certifies that the buildings shown on this plat, but not under construction at the time the plat was recorded, are, when completed, to substantially conform to the plat.

By: In witness whereof, the undersigned has executed this certificate and dedication this _____ day of _____ 2016.

ONE EMPIRE PASS, LLC, a Delaware limited liability company
By: [Signature] Title: _____

ACKNOWLEDGMENT

I, _____ of _____ County of _____ State of _____

On this _____ day of _____ 2016, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, he/she/it acknowledged to me that he/she/it is the Authorized Signatory of the above named party and that the contents of the foregoing instrument are true and correct. My Notary Public Commission Expires on _____.

A Notary Public commissioned in _____ State of _____

My commission expires: _____

NOTE

- 1. The operations of the private nature and nature of the buildings, as shown on this plan, are subject to the approval of the Summit County Planning Commission and the Summit County Council. The Summit County Council has approved this plan and the buildings shown thereon for the purposes stated herein. The Summit County Council's approval is subject to the approval of the Summit County Planning Commission. The Summit County Council's approval is subject to the approval of the Summit County Planning Commission. The Summit County Council's approval is subject to the approval of the Summit County Planning Commission.

1-10-16 SUBMITTAL

SETBACK NOTE: The required 20' setback for multi-dwelled developments is shown on this plan. The setback lines shown herein are temporary for zoning purposes. NO SETBACKS SHALL BE CONSIDERED FOR THIS PROJECT. 200' FROM ROAD (DISTANCE), 12' FROM CURB, & 10' FROM SIDEWALK.

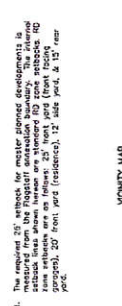
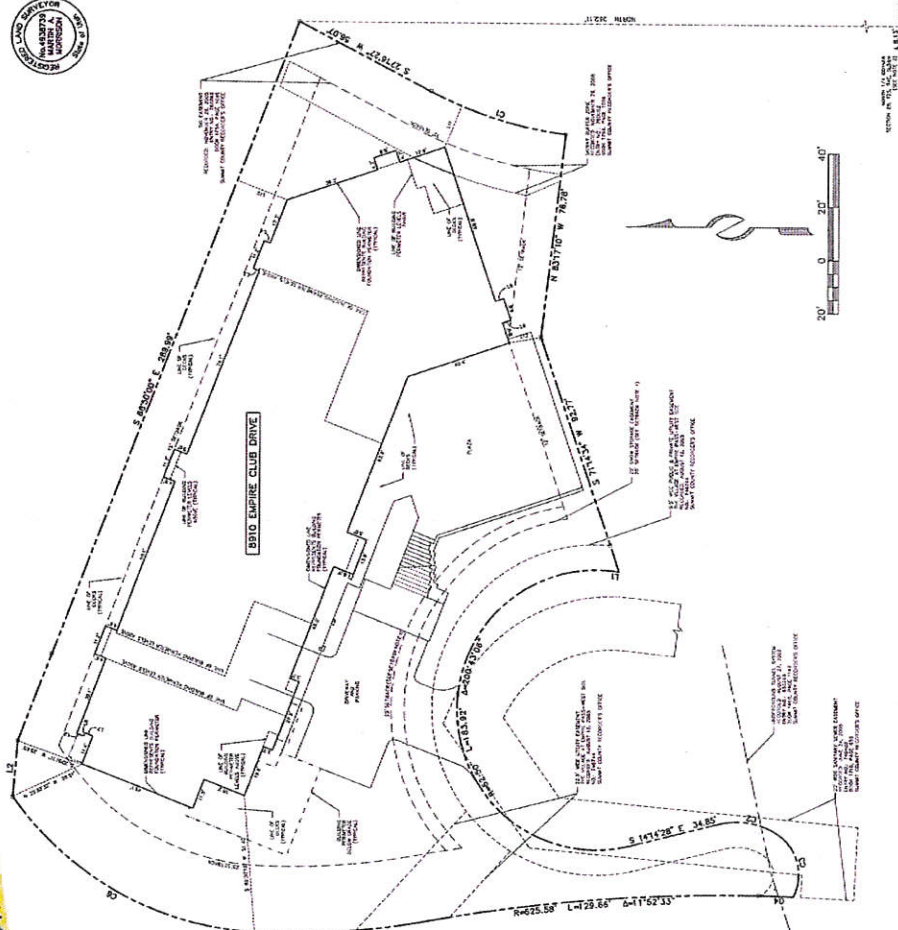


Table with 4 columns: CURVE, RADIUS, LENGTH, DELTA. It lists curve data for various points on the site plan.



CONDOMINIUM PLAT FOR ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Approval and Acceptance section with fields for Planning Commission, Engineer's Certificate, Council Approval, and Mayor/Attorney signatures. Includes dates and names of officials.

JAN 11 2016



RECORDED AND FILED IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH, ON JANUARY 11, 2016 AT 10:45 AM.