

Ordinance No. 10-02

AN ORDINANCE APPROVING THE FIRST AMENDED BLACK BEAR CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 7447 ROYAL STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Black Bear condominium unit #351, have petitioned the City Council for approval of the first amended Black Bear Condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 9, 2009, to receive input on the first amended Black Bear Condominium record of survey;

WHEREAS, the Planning Commission, on December 9, 2009, forwarded a recommendation to the City Council; and,

WHEREAS, on January 7, 2010, the City Council held a public hearing on the first amended Black Bear Condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the first amended Black Bear Condominium 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 first amended Black Bear Condominium 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 property is Unit 351 of the Black Bear condominiums, located at 7447 Royal Street.
2. The Black Bear condominiums are located in the RD-MPD zoning district and subject to the Deer Valley Master Planned Development. On May 10, 1995, the Planning Commission approved a Conditional Use Permit for the Black Bear Lodge.
3. The Deer Valley Master Planned Development allowed for either the utilization of the City's Unit Equivalent formula, up to the specified number, or the development of the proscribed units with no limit on unit sizes.
4. The project site had an allowed density of 51 units for the 1.39 acre site (lot 22 of the Deer Valley Club Estates).
5. The Black Bear development created 53 actual units of limited sizes utilizing the Unit Equivalent formula, equating to 42.75 UEs. There is a residual of 8.25 UEs of the 51 allowed UEs.
6. The proposed record of survey creates two units from the built Unit 351. The existing configuration and the operation of the current unit is as two units.
7. The proposed new Unit 351 is 1,312 square feet and Unit 352 is 1,243 square feet. The hallway accessing both of these proposed units will be platted as Limited Common.

8. The original unit required three parking spaces; the Planning Commission in its prior approval required 1.5 parking spaces for units of the proposed sizes. There is no net increase in parking demand and additional off-street parking is not required.
9. As the project is built and no new square footage is proposed, the unit equivalents for the building would be unchanged.
10. The Black Bear HOA voted to approve the change.

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.

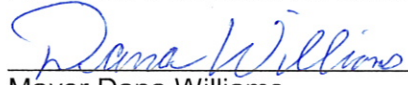
Conditions of Approval:

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 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.
3. All conditions of approval of the Deer Valley Master Planned Development and the May 10, 1995, Black Bear Condominium Conditional Use Permit and plat shall continue to apply.

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

PASSED AND ADOPTED this 7th day of January, 2010.

PARK CITY MUNICIPAL CORPORATION



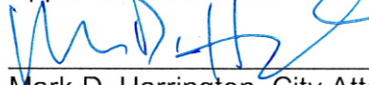
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





June 27, 2009

Park City Planning Department
Attn. Brooks T. Robinson
1255 Iron Horse Drive
Park City, UT 84060

Dear Brooks,

I am writing as the agent of the Black Bear Lodge Homeowners Association. The Black Bear Lodge was approached by the owner of unit 351 (a double unit) last fall with the request that he be allowed to split the unit in to two separate (single) units.

The Black Bear Lodge Homeowners Association is the successor to the Developer and as such is considered to be the "Declarant" pursuant to the definition of "declarant" in the CC&R's of the Black Bear Lodge. As the Declarant, the Black Bear Lodge Homeowners Association has the power to authorize the division of unit 351 as requested. Further, the separation of 351 in to two units is allowed under Section 4.3 of the CC&R's of the Black Bear Lodge.

The HOA provided its consent and affirmation to the split of unit 351 and the amendment of the record of survey as submitted by owner to effectuate the split of unit 351 in October 2008. Subsequent to that approval, the City required that the Association obtain a majority vote of the owners in favor of this split. The Association has complied with this request and has received a majority vote of the owners in favor of this owners request. We trust that the approval of the Board and the unit owners will allow the City to approve this owners request.

Should you have any questions concerning the application or the supporting documentation, please do not hesitate to contact me at 435-487-4105.

Sincerely,

Nicolas Caravaglia
President, David Holland's Resort Lodging
Agent for the Black Bear Lodge HOA