

Ordinance No. 11-23

**AN ORDINANCE APPROVING THE CONDOMINIUM PLAT LOCATED AT
333 MAIN STREET, PARK CITY, UTAH**

WHEREAS, owners of the property known as the Main Street Mall, located at 333 Main Street, have petitioned the City Council for approval of a condominium plat to create two non-residential condominium units (Unit A and Unit B) and convertible within the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A.

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 July 27, 2011, to receive input on the 333 Main Street condominium plat;

WHEREAS, the Planning Commission, on July 27, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 11, 2011, the City Council held a public hearing on the 333 Main Street condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 333 Main Street condominium plat.

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 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures

and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.

4. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has legal non-complying side yard setbacks within the HR2 zone.
5. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are proposing a renovation and improvement to the building.
6. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
9. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or condominiums are proposed.
10. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties. A review of parking requirements and parking agreements associated with additions to the building or changes of use of this building shall be reviewed at the time of building permit application.
11. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may used to create residential condominium units. As shown, these residential units are within the HCB zoned portion and are allowed uses by the zone. Any residential units requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development.

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.
- Neither the public nor any person will be materially injured by the proposed condominium plat.
 - 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:

- 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, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
- 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 application has been filed with the City prior to expiration.
- All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
- All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
- Prior to issuance of any building permits for reconfiguration of interior spaces that result in additional floor area or residential uses, a detailed parking analysis shall be presented to the Planning Department, identifying compliance with requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

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

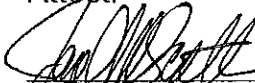
PASSED AND ADOPTED this 11th day of August, 2011.

PARK CITY MUNICIPAL CORPORATION



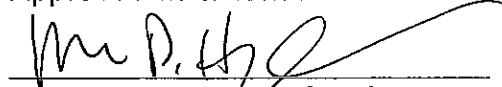
Mayor Dana Williams

Attest:



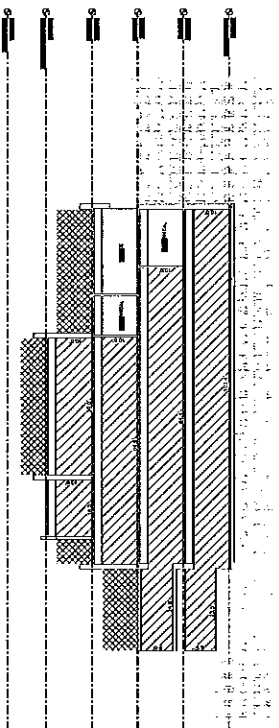
Janet M. Scott, City Recorder

Approved as to form:

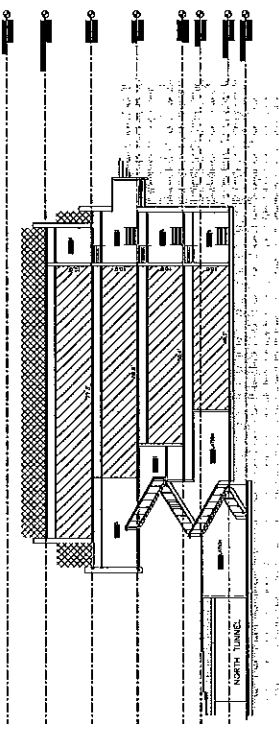


Mark D. Harrington, City Attorney

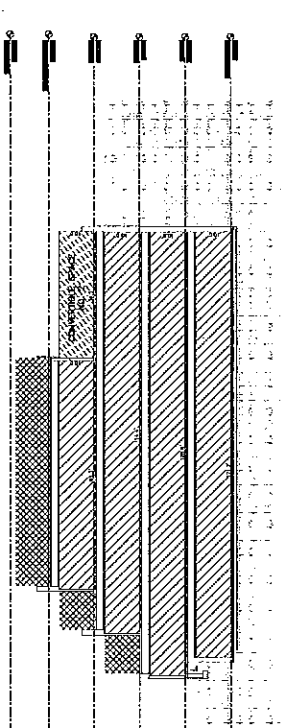




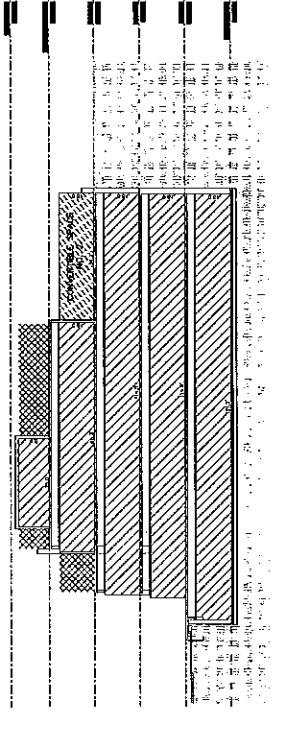
SECTION A



SECTION B



SECTION C



SECTION D

NOTE: Members of the State of Utah who are on this list and the State of Utah are based on drawings prepared by the architect. Therefore, no architect's seal is required.

OWNERSHIP DESIGNATIONS

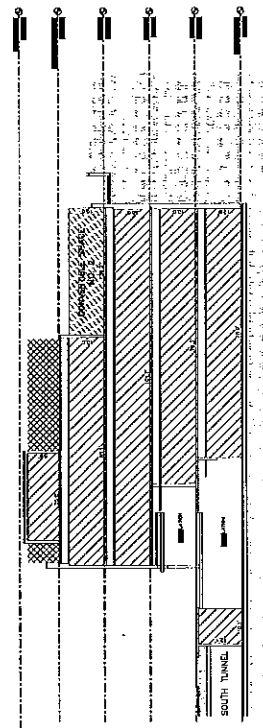
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE



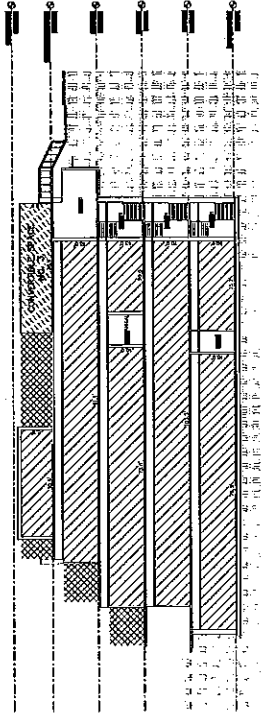
333 MAIN STREET CONDOMINIUMS

JOB NO. 8-11-08 FILE: \ARCH\CONDOM\333MAIN\333MAIN.DWG
 SHEET 4 OF 5
 RECORDED

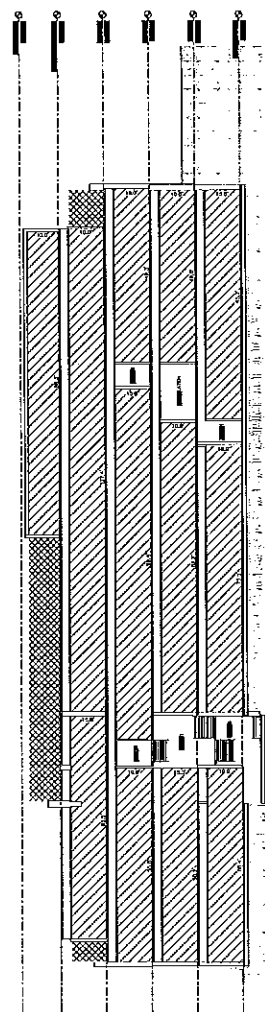
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____ PAGE _____



SECTION E



SECTION F

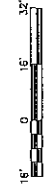
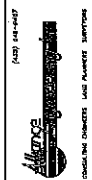


SECTION G

NOTE
 The dimensions of the units shown on this plan were for
 information only. The actual dimensions of the units
 provided by East West Group, Inc. shall be as set forth
 in the deed and the floor plan. Therefore, no official
 measurements were taken.

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE

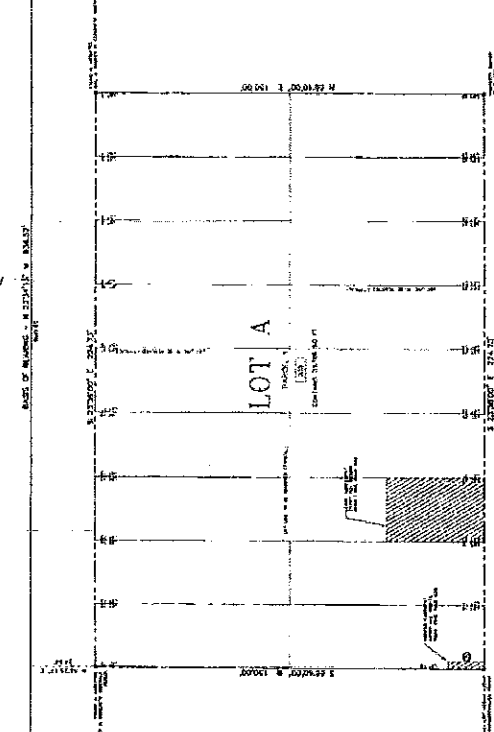
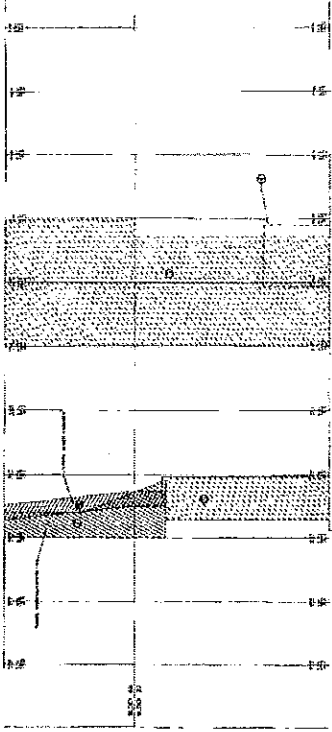


333 MAIN STREET CONDOMINIUMS



SECTION 16

333 MAIN STREET
PARK CITY, ILLINOIS 62450



333 MAIN STREET PLAT AMENDMENT
A COMBINATION OF LOTS 7-15 & 15-26 IN BLOCK 11, PARK CITY SURVEY
A PARCEL COMBINATION PLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 10 WEST, COUNTY OF ILLINOIS



PROPERTY DESCRIPTION
The property shown on this plat is a portion of the 11th Block of the Park City Survey, located in the Southeast Quarter of Section 16, Township 2 South, Range 10 West, County of Illinois. The property is bounded on the north by the 11th Street, on the east by the 12th Street, on the south by the 13th Street, and on the west by the 14th Street. The total area of the property is approximately 1.5 acres.

CASINMENT DESCRIPTIONS
1. The property shown on this plat is a portion of the 11th Block of the Park City Survey, located in the Southeast Quarter of Section 16, Township 2 South, Range 10 West, County of Illinois. The property is bounded on the north by the 11th Street, on the east by the 12th Street, on the south by the 13th Street, and on the west by the 14th Street. The total area of the property is approximately 1.5 acres.

OWNER'S DECLARATION AND CONSENT TO RECORD
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

ACKNOWLEDGMENT
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

WITNESSES
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

NOTARY PUBLIC
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

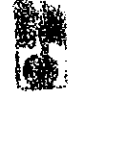
RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECORDED
I, the undersigned, being the owner of the above described property, do hereby declare that the information herein is true and correct, and that I consent to the recording of this plat.

RECEIVED
JUN 27 2011
PLANNING DEPT.



APPROVED BY: [Signature]
DATE: April 5, 2011

SYDNEY BEIN WATER RECLAMATION DISTRICT APPROVED FOR CONTINGENT TO INTERMEDIATE BENCH WORK RECLAMATION DISTRICT TOWNSHIP ON THIS DATE DATE: 4/5/11 BY: [Signature]	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DATE DATE: 4/5/11 BY: [Signature]	ENGINEER'S CERTIFICATE I AND THIS PLAT TO BE APPROVED AS TO FORM THIS DATE DATE OF RECORDING: 4/5/11 BY: [Signature]	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DATE DATE OF RECORDING: 4/5/11 BY: [Signature]	CERTIFICATE OF ATTEST I HEREBY REC'D & ATTEST THE RECORD OF THIS PLAT DATE OF RECORDING: 4/5/11 BY: [Signature]	COUNCIL APPROVAL AND ACCEPTANCE # 9-20178 RECORDED SEAL OF PARK COUNTY OF ILLINOIS AT THE REQUEST OF [Signature] DATE: 4/5/11 BY: [Signature]	SHEET 1 OF 1
---	---	--	--	---	--	--------------