

Ordinance No. 11-14

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER BARON LODGE at DEER VALLEY, PHASE II, RECORD OF SURVEY PLAT LOCATED AT 2800 DEER VALLEY DRIVE EAST, PARK CITY, UTAH

WHEREAS, the homeowner's association and receiver of certain property known as the Silver Baron Lodge, located at 2800 Deer Valley Drive East, have petitioned the City Council for approval of the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat; 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 March 23, 2011 to receive input on the record of survey plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 7, 2011, the City Council held a public hearing and voted to approved the record of survey plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey 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 First Amended Silver Baron Lodge at Deer Valley Phase II, 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 Silver Baron Lodge is located at 2800 Deer Valley Drive within the RD-MPD zone, subject to the 11th Amended and Restated Deer Valley Master Planned Development.
2. On January 4, 2011, the City received a complete application for an amendment to the Deer Valley Master Planned Development (MPD) (amending the 10th Amended and Restated MPD) to transfer one (1) unit equivalent of residential density from the Snow Park Village parcel to the Silver Baron Lodge. The application to amend the Deer Valley MPD allowing a density of 42.75 UE for the Silver Baron Lodge was approved by the Planning Commission on March 23, 2011.

3. On January 10, 2011, the City received a complete application for the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat to reflect final as-built conditions.
4. On April 15, 2005, the Planning Commission amended the 1996 The Lodges CUP separating out the two Silver Baron Lodge buildings as a separate Silver Baron Lodge CUP.
5. On November 9, 2005, the Planning Commission amended the Silver Baron Lodge CUP combining the density from The Lodges buildings A and F with 7 UEs from un-built Courchevel Building A, allowing a total density of 50 units.
6. The amended Silver Baron Lodge CUP approval also included 81.55% open space, 75 parking spaces, 6,884 sf of support meeting space (3,488 sf exist) and 6,884 sf of support commercial spa and exercise area (4,991 sf exist). Parking was allowed at 1.5 spaces per condominium unit and a building height of 35' plus an additional 5' for a pitched roof was approved consistent with the Deer Valley MPD.
7. The City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded on June 1, 2007.
8. The total number of condominium units platted with Phases I and II was 49 units with a unit equivalent density of 41.404 UEs.
9. The existing Silver Baron Lodge buildings, as constructed, are consistent with the Silver Baron Lodge CUP in terms of uses, density, required setbacks, open space, building height, and parking.
10. Construction of Silver Baron Lodge Phase II is complete resulting in 50 units and 42.75 UEs, consistent with the Silver Baron Lodge CUP and the 11th Amended and Restated Deer Valley MPD.
11. This plat amendment application correctly plats Units 6439 and 6443 as they were constructed by re-platting existing interior private and limited common space, and correctly plats roof deck area as limited common for Units 6324, 6437, 6439, and 6443. These units are located at the south end of Building B. Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
12. Construction of these units was based on a revised set of plans approved by the Building Department.
13. Approval of the as-built plat is required as a condition precedent to issuance of certificates of occupancy for Silver Baron units 6339, 6443, and 6439.

Conclusions of Law:

1. The First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat is consistent with the 11th Amended and Restated Deer Valley MPD and the November 9, 2005, amended Silver Baron CUP.
2. There is good cause for this record of survey plat amendment in that the amendments reflect the as-built conditions within the existing building envelope.
3. The plat amendment is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding condominium plats.

4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

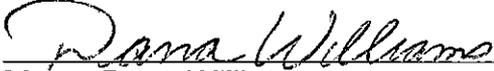
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the 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. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension 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 11th Amended and Restated Deer Valley Master Planned Development and the November 9, 2005 amended Silver Baron Conditional Use Permit continue to apply to this property.

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

PASSED AND ADOPTED this 7th day of April 2011.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

