

**Ordinance No. 12-29**

**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 an extension of the approved condominium plat which creates two non-residential condominium units (Unit A and Unit B) and convertible space 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 and approved the 333 Main Street condominium plat; and

WHEREAS, condition of approval #2 required the plat to be recorded within one year the City Council approval; and,

WHEREAS, on August 7, 2012, the applicant applied for a one year extension of 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.
12. On August 11, 2011, the City Council approved the Condominium Plat for 333 Main Street with a requirement (condition of approval #2) that the plat be recorded within one year of the City Council approval.
13. On August 7, 2012, the applicant requested an extension of one additional year to record the approved Condominium plat due to change in ownership.

Conclusions of Law:

1. There is good cause for the condominium plat.
2. The condominium plat 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 condominium plat.
4. 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:

1. 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.
2. The applicant will record the condominium plat at the County within one year from the date of City Council extension approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a second extension request application has been filed with the City prior to expiration.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. 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.
5. 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.

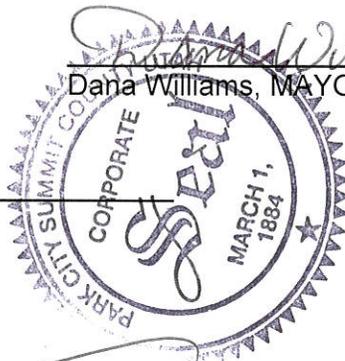
PASSED AND ADOPTED this 27th day of September, 2012.

PARK CITY MUNICIPAL CORPORATION

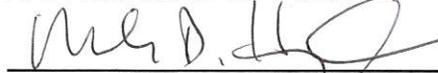
  
\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

  
\_\_\_\_\_  
Janet M. Scott, City Recorder



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**

I, John D. ... certify that I am a Registered Land Surveyor and that I have caused to be made under my direction and by authority of the owner, this ... plat of subdivision of land in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information herein is correct.

John D. ... Date

**PROPERTY DESCRIPTION**

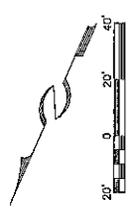
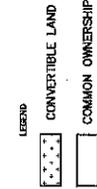
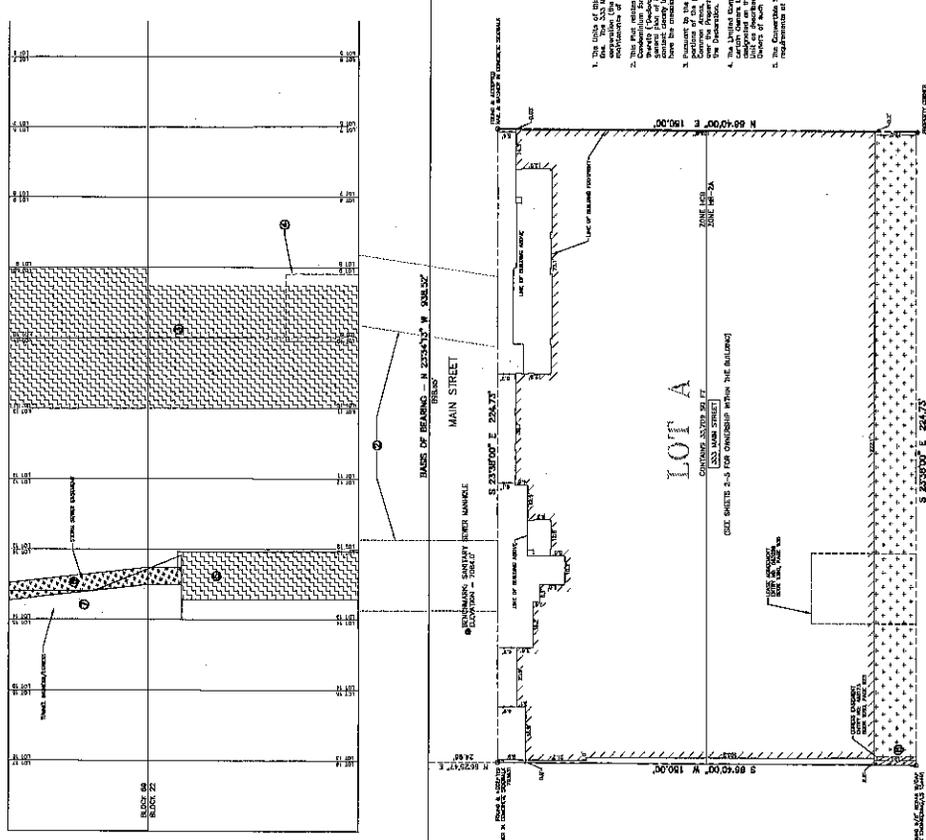
Lot A, 333 Main Street, Park City, Utah, containing approximately 0.12 acre, more or less, as shown on the attached plat of subdivision of land in the office of the Summit County Recorder.

**EASEMENT DESCRIPTIONS**

- 1. Easement for utility lines...
2. Easement for access...
3. Easement for drainage...
4. Easement for view...
5. Easement for light...
6. Easement for air...
7. Easement for sound...
8. Easement for vibration...
9. Easement for electromagnetic interference...
10. Easement for radio frequency interference...

**NOTES**

- 1. The plat of this subdivision was prepared by a licensed land surveyor...
2. The plat of this subdivision was prepared by a licensed land surveyor...
3. The plat of this subdivision was prepared by a licensed land surveyor...
4. The plat of this subdivision was prepared by a licensed land surveyor...
5. The plat of this subdivision was prepared by a licensed land surveyor...

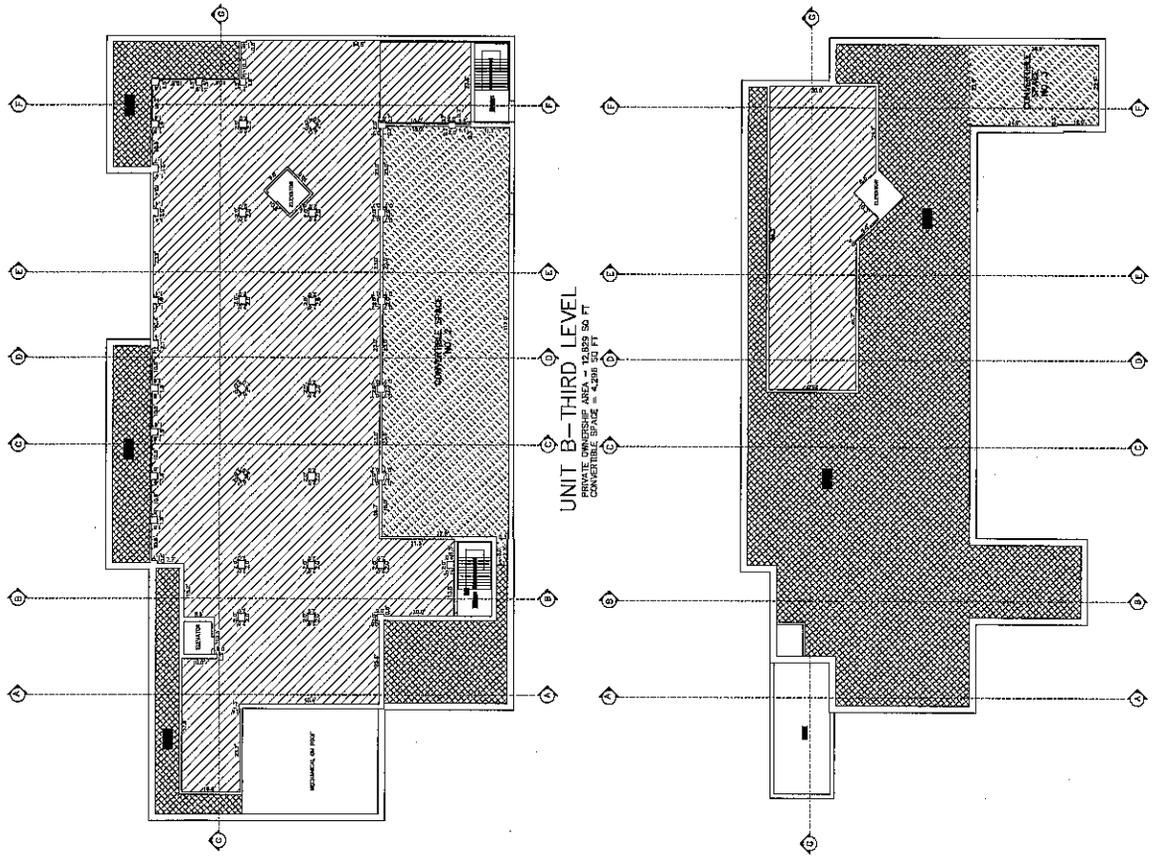


**333 MAIN STREET CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Table with 4 columns: Planning Commission, Engineer's Certificate, Park City Attorney, Park City Recorder. Includes dates and signatures for each step.





UNIT AREA TABLE

UNIT	AREA	TOTAL
A - LOWER LEVEL	22,864 SQ. FT.	84,935 SQ. FT.
A - FIRST LEVEL	22,877 SQ. FT.	84,935 SQ. FT.
A - SECOND LEVEL	18,634 SQ. FT.	84,935 SQ. FT.
B - COMMON LEVEL	13,427 SQ. FT.	15,178 SQ. FT.
B - PENTHOUSE LEVEL	2,547 SQ. FT.	15,178 SQ. FT.

CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
MS. 1	1,068 SQ. FT.	8,039 SQ. FT.
MS. 2	4,209 SQ. FT.	8,039 SQ. FT.
MS. 3	282 SQ. FT.	8,039 SQ. FT.

NOTE: Dimensions of the Units shown on this plan meet the minimum Building Code requirements and based on an average occupancy of 100 persons per unit. Therefore, no on-built requirements will be required.

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

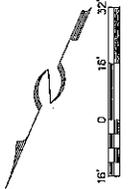
# 333 MAIN STREET CONDOMINIUMS

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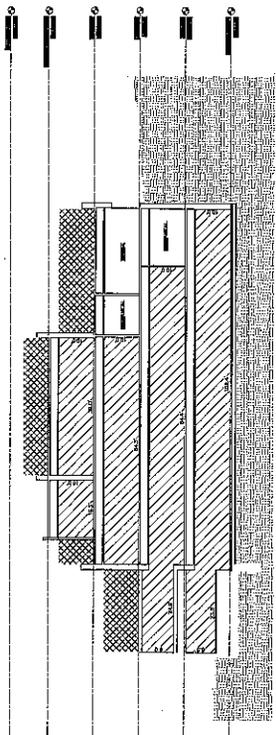
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 AT THE REQUEST OF \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

UNIT B-THIRD LEVEL  
 PRIVATE OWNERSHIP AREA = 13,427 SQ. FT.  
 CONVERTIBLE SPACE = 4,209 SQ. FT.

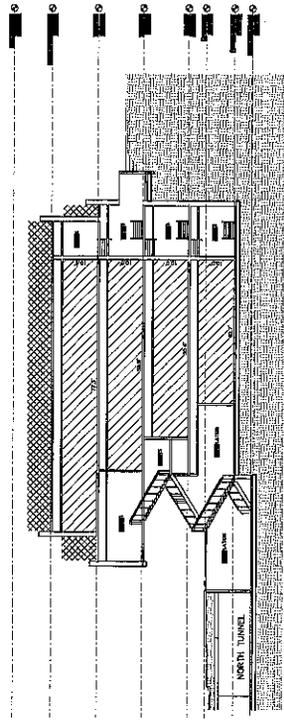
UNIT B-PENTHOUSE LEVEL  
 PRIVATE OWNERSHIP AREA = 2,547 SQ. FT.  
 CONVERTIBLE SPACE = 182 SQ. FT.



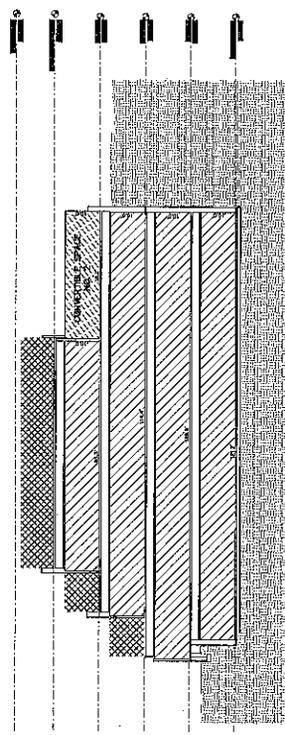
(435) 348-3447  
  
 CONSULTING ENGINEER LEAD PLANNING ARCHITECTS  
 333 Main Street, P.O. Box 2000, Park City, Utah 84302-0200



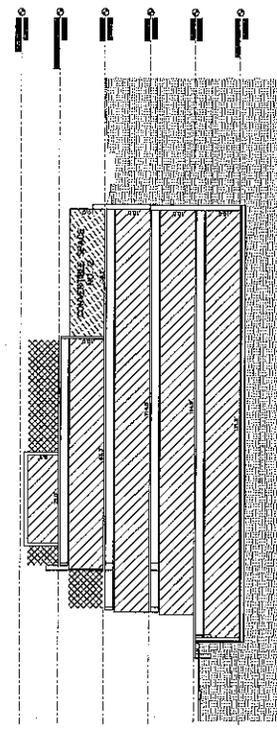
SECTION A



SECTION B



SECTION C



SECTION D

**NOTE**  
 The dimensions of the Units shown on this plan and the square footage calculations are based on a survey provided by Direct Real Estate Services, Inc. or their successors in title.

**OWNERSHIP DESIGNATIONS**

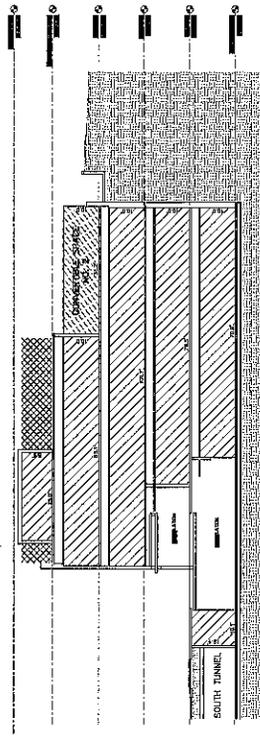
	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	CONVERTIBLE SPACE



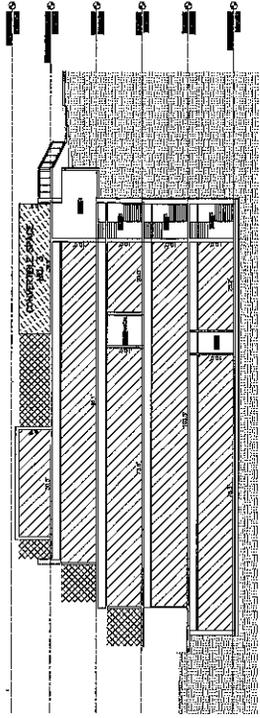
# 333 MAIN STREET CONDOMINIUMS

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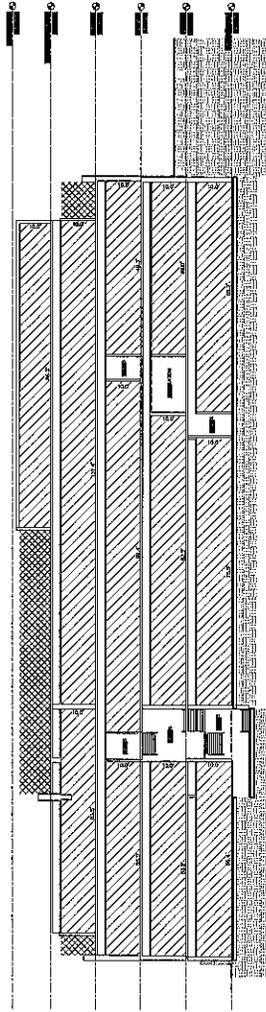
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SECTION E



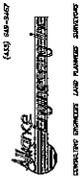
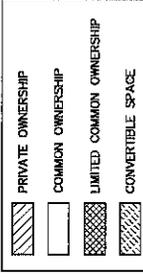
SECTION F



SECTION G

**NOTE**  
 The dimensions of the Units shown on this plan and the square footage calculations are based on average measurements. Therefore, no exact measurements were taken.

**OWNERSHIP DESIGNATIONS**



**333 MAIN STREET CONDOMINIUMS**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
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