

Ordinance No. 13-34

AN ORDINANCE APPROVING THE SIXTH AMENDMENT TO THE KNOLL AT SILVER LAKE CONDOMINIUM RECORD OF SURVEY PLAT FOR UNITS 1 AND 3 LOCATED AT 7885 AND 7905 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the Knoll at Silver Lake Condominium Owner's Association and the owners of property known as Units 1 and 3, located at 7885 and 7905 Royal Street East, have petitioned the City Council for approval of a record of survey plat amendment to transfer 711.1 sf of platted, un-built private area from Unit 1 to Unit 3 and to additionally convert 100.6 sf of common area to private area for Unit 3 for the purpose of constructing a lower level addition and upper level deck to the rear of Unit 3; 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 August 28, 2013 to receive input on the proposed amendment to the record of survey plat;

WHEREAS, the Planning Commission, on August 28, 2013 forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 12, 2013, the City Council held a public hearing on the proposed amendment to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed amendment to the Royal Plaza condominiums 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 Royal Plaza condominium 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 property subject to this plat amendment is located at 7885 and 7905 Royal Street East and consists of Units 1 and 3 of The Knoll at Silver Lake Condominiums Phase I and associated common area.
2. The Knoll at Silver Lake Condominiums Phase I record of survey plat was originally recorded at Summit County on April 5, 1982. A first amended plat was recorded at Summit County on November 11, 1996, followed by subsequent amendments on December 21, 1999; November 29, 2005; April 5, 2006; and February 28, 2007.

3. The Knoll at Silver Lake Condominiums Phase I is located on a parcel that is 27,184 square feet in total area and consists of four (4) residential condominium units in one building with twelve (12) parking spaces located in an underground parking structure. The remaining phases were reconfigured in the 1980s with an MPD amendment and developed as detached single family homes, known as Knoll Estates.
4. The property is located within the Residential Development (RD-MPD) zoning district and is subject to the Deer Valley Master Planned Development (MPD) that sets forth maximum densities, location of densities, allowed uses, developer-offered amenities, and other conditions for the entire Master Plan. The property is located within the Silver Lake Community of the MPD.
5. The Knoll at Silver Lake Condominiums Phase I was approved for four (4) "Deer Valley Units" similar to Stag Lodge with no maximum floor area or residential unit equivalents (UEs) were assigned to these units. The MPD requires a minimum of 60% open space and compliance with the RD zone setbacks and building height limitations.
6. On July 1, 2013, an application for a plat amendment was submitted to the Planning Department requesting an amendment to the record of survey plat to transfer 711.1 sf of unused, un-built private area from Unit 1 to Unit 3 and to convert 100.6 sf of common area to private area for Unit 3 for the purpose of constructing an addition to Unit 3. The addition would increase the platted floor area and building footprint of Unit 3 by 811.7 square feet and decrease the platted floor area and building footprint of Unit 1 by 711.1 sf. There is a net change of floor area and building footprint of 100.6 sf.
7. No new units are created and the Deer Valley MPD concept and configuration of property and uses are not changed.
8. The amount of open space decreases from 65.3% to 64.9 % and the property continues to comply with the MPD requirement of 60% open space.
9. The State Condominium Act requires a vote of the condominium owners and approval of the amendment by 2/3 of the condominium owners.
10. On August 2, 2013, the owners signed a Sixth Amendment to the Declaration of Condominium and Consent to Record of Survey Amendment to be recorded with the amended plat and indicated that $\frac{3}{4}$ of the owners were in favor of the amendment.
11. No new units are created and the MPD concept and configuration of property and uses is not changed. No new uses are created with the plat amendment. The proposed modifications are not substantive and will not have a negative impact on the surrounding area, the Deer Valley project, or the greater Park City community.
12. The MPD required 2 parking spaces per unit for a total of eight (8). There are twelve (12) spaces provided within an underground parking structure. No additional parking is required or proposed. No additional parking demand is created by the proposed amendments.
13. Findings in the staff analysis section are included herein.

Conclusions of Law:

1. There is good cause for this record of survey plat amendment.
2. The record of survey plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat amendment is consistent with the current

- Eleventh Amended and Restated Deer Valley MPD.
4. The proposed record of survey plat amendment will materially injure neither the public nor any person.
 5. Approval of the record of survey 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 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, unless a complete application requesting an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley MPD and Knoll at Silver Lake Condominium record of survey plat continue to apply.
4. All construction subject to this plat amendment requires a Building Permit and approvals from the Building and Planning Departments.
5. A plat note shall be added requiring maintenance of all required elements of the fire protection plan, including residential fire sprinkler systems, according to the Building Code in effect at the time of building permit application submittal.

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

PASSED AND ADOPTED this 12 day of September, 2013.


PARK CITY MUNICIPAL CORPORATION

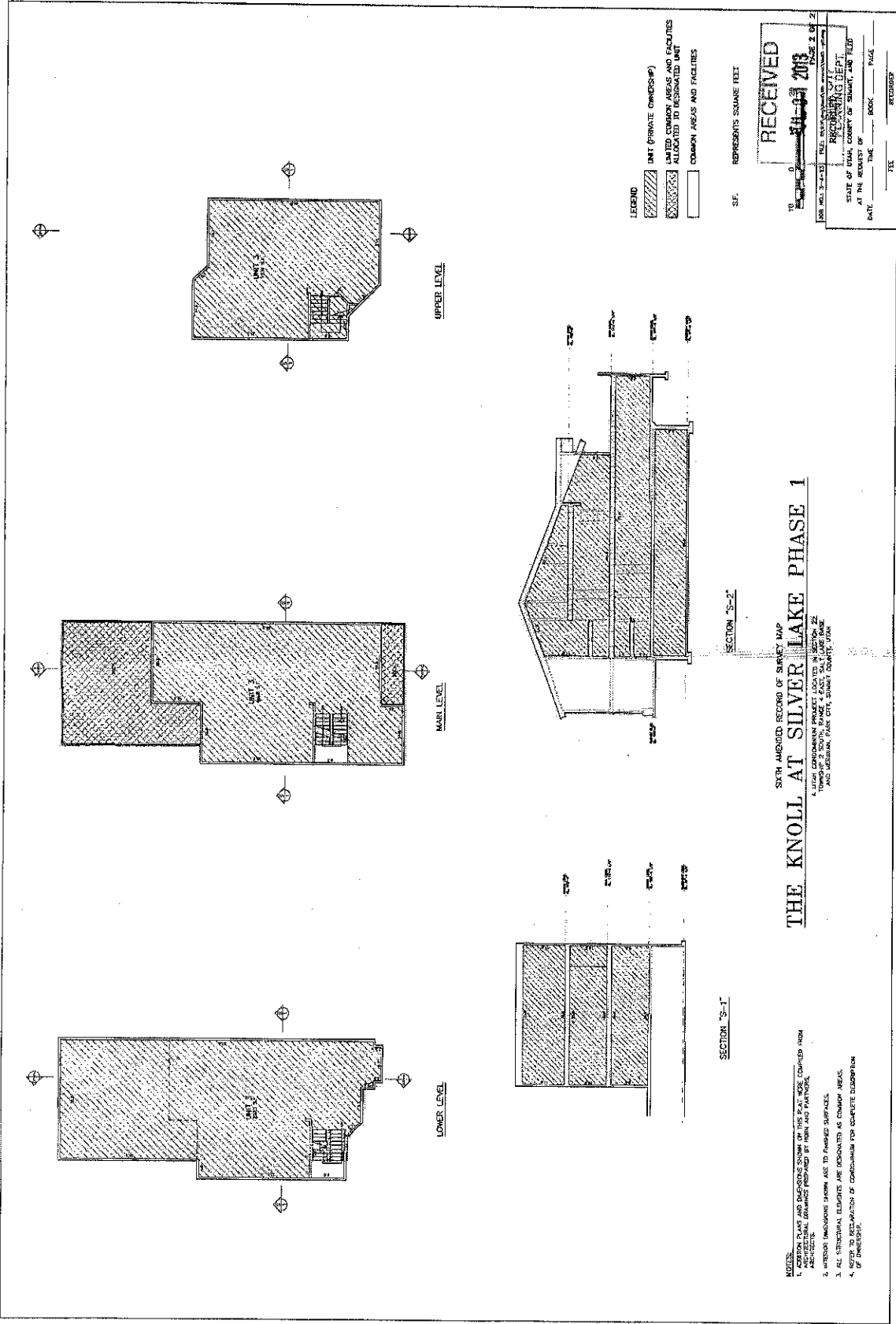

Dana Williams, MAYOR

ATTEST:


Marci S. Heil, City Recorder



APPROVED AS TO FORM:

Mark Harrington, City Attorney



RECEIVED
 TO 0
 MAY 03 2013
 RECORDING DEPT.
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 DATE TIME BOOK PAGE
 RECORDED

SIXTH JUDICIAL RECORD OF SURETY MAP
THE KNOLL AT SILVER LAKE PHASE 1
 A LEASE CONDOMINIUM PROJECT LOCATED IN SECTION 22
 TOWNSHIP 2 SOUTH RANGE 4 EAST, 101 WEST UTAH
 COUNTY, UTAH

- NOTES:
1. COMMON PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE CHECKED FROM ARCHITECT'S DRAWINGS PREPARED BY HIM AND PARTNER, ARCHITECTS.
 2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
 3. ALL STRUCTURAL ELEMENTS ARE INDICATED AS COMMON AREAS.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF DIMENSIONS.

SECTION "S-1"

SECTION "S-2"

LOWER LEVEL

MAIN LEVEL

UPPER LEVEL

LEGEND
 UNIT (PRIVATE OWNERSHIP)
 UNIT (COMMON AREAS AND FACILITIES)
 COMMON AREAS AND FACILITIES

SE. REPRESENTS SQUARE FEET