

Ordinance No. 15-39

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE PARKITE COMMERCIAL CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 333 Main Street, Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval to amend the Parkite Commercial Condominiums record of survey plat to create commercial condominium units D and E from a portion of the platted commercial convertible space.

WHEREAS, the property was properly noticed and posted on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on September 30, 2015, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015, to receive input on the amended condominium plat and forwarded a recommendation to the City Council; and

WHEREAS, on November 5, 2015, the City Council held a public hearing on The First Amendment to The Parkite Commercial Condominiums record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to The Parkite Commercial 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 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 Lot A of the 333 Main Street plat amendment. There is an existing four story commercial building on the property that was recently remodeled and a certificate of occupancy was issued in October 2015.
2. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to

- the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.
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 known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
 4. Commercial uses within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
 5. Residential condominium spaces within the building were platted with The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014 and recorded at Summit County on December 5, 2014.
 6. Commercial areas within the building were platted with The Parkite Commercial Condominiums record of survey plat approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014.
 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. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.
 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.
 9. This plat amendment does not change the existing access, utility, and parking easements.
 10. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).
 11. This plat amendment does not change the parking requirements or parking agreements.
 12. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.
 13. Access is provided to a parking garage via the existing north tunnel for residential condominium units only. The parking garage is located on the lowest level and is designated as common area for the residential uses.
 14. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.
 15. An elevator was constructed at the Main Street level to provide ADA access to Unit

- C-1 on the Lower Level. A walkway from the elevator to Unit C-1 provides ADA access. Easements for the elevator and walkway were recorded and documented on The Parkite Commercial Condominium plat providing perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel.
16. Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.
 17. The access easement for C-2 is memorialized on Sheet 3 of this amended plat.
 18. On September 1, 2015, an application was submitted to the Planning Department requesting an amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units (Unit D and Unit E) from platted commercial convertible space and to memorialize the access easement for Unit C-2 on the lower level.
 19. Unit D is identified as 1,851 square feet in area. Unit E is identified as 2,758 square feet in area. The remaining commercial convertible space decreases by 4,609 square feet to 10,883 square feet.
 20. Creation of private commercial condominium units allows this commercial area to be sold as a private commercial unit, as opposed to being a tenant leased space. No change of use or changes to any existing easements or agreements are proposed with this requested plat amendment.

Conclusions of Law:

1. There is good cause for this amended condominium plat.
2. The amended 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 amended condominium plat.
4. Approval of the amended 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 approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
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 applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.

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

PASSED AND ADOPTED this 5th day of November, 2015.



PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



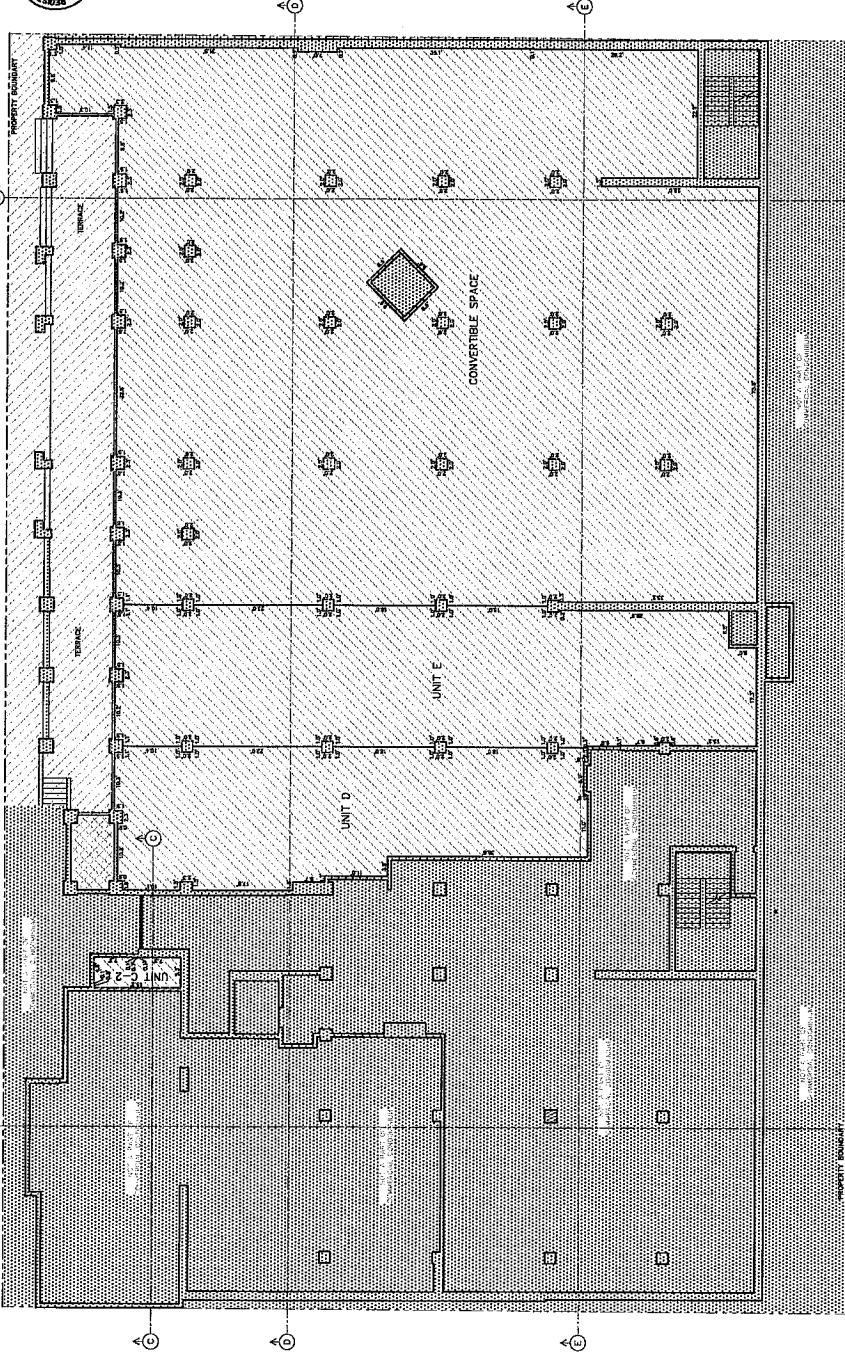
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

EXHIBIT A



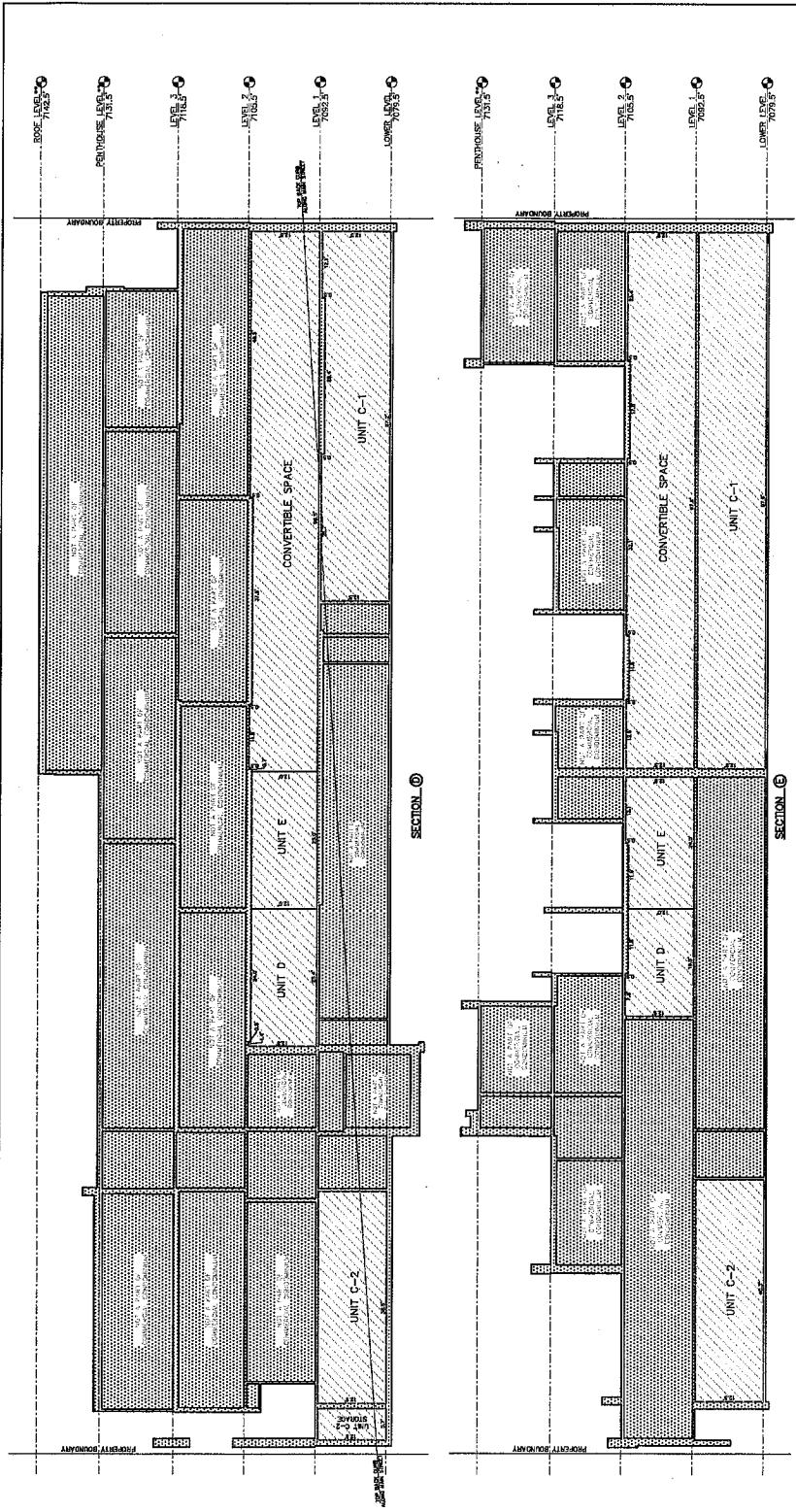
UNIT AREA TABLE		NOTES	
UNIT	PRIVATE AREA	COMMON AREA	NOTES
UNIT C-1	8,172.50 SF	1,372.50 SF	1. The Master Declaration of Units for the Project, dated November 5, 2014, was recorded in Book 2005, Page 177, in the Office of the Summit County Recorder's Office, under Entry No. 1008445. The Project is a residential condominium project consisting of 16 units. The Project is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah. The Project is developed by The Parkite Residential Condominiums, Inc., and is operated by The Parkite Residential Condominiums, Inc., a Colorado corporation. The Project is located in the Sydneyville Basin Water Reclamation District.
UNIT C-2	8,172.50 SF	1,372.50 SF	2. This sheet is an amendment to the Master Declaration of Units for the Project, dated November 5, 2014, as recorded in Book 2005, Page 177, in the Office of the Summit County Recorder's Office, under Entry No. 1008445. The Project is a residential condominium project consisting of 16 units. The Project is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah. The Project is developed by The Parkite Residential Condominiums, Inc., and is operated by The Parkite Residential Condominiums, Inc., a Colorado corporation. The Project is located in the Sydneyville Basin Water Reclamation District.
UNIT C-3	8,172.50 SF	1,372.50 SF	
UNIT C-4	8,172.50 SF	1,372.50 SF	
UNIT D	10,843.50 SF	1,733.50 SF	
UNIT E	10,843.50 SF	1,733.50 SF	
UNIT F	10,843.50 SF	1,733.50 SF	

SHEET 1 OF 3

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____
ENTRY NO. _____
BY PARK CITY RECORDER
FEE _____ RECORDER

2015 NOV 10-15 FILED 2015 NOV 10-15 RECORDED



FIRST AMENDMENT TO
THE PARKITE
COMMERCIAL
CONDOMINIUMS

THIS SHEET REPLACES SHEET 5 OF
PARKITE COMMERCIAL CONDOMINIUMS,
RECORDED DECEMBER 5, 2014,
AS ENTRY NO. 1008445.

COMMERCIAL CONDOMINIUM

OWNERSHIP DESIGNATIONS	
PRIVATE OWNERSHIP	<input checked="" type="checkbox"/>
COMMON OWNERSHIP	<input type="checkbox"/>

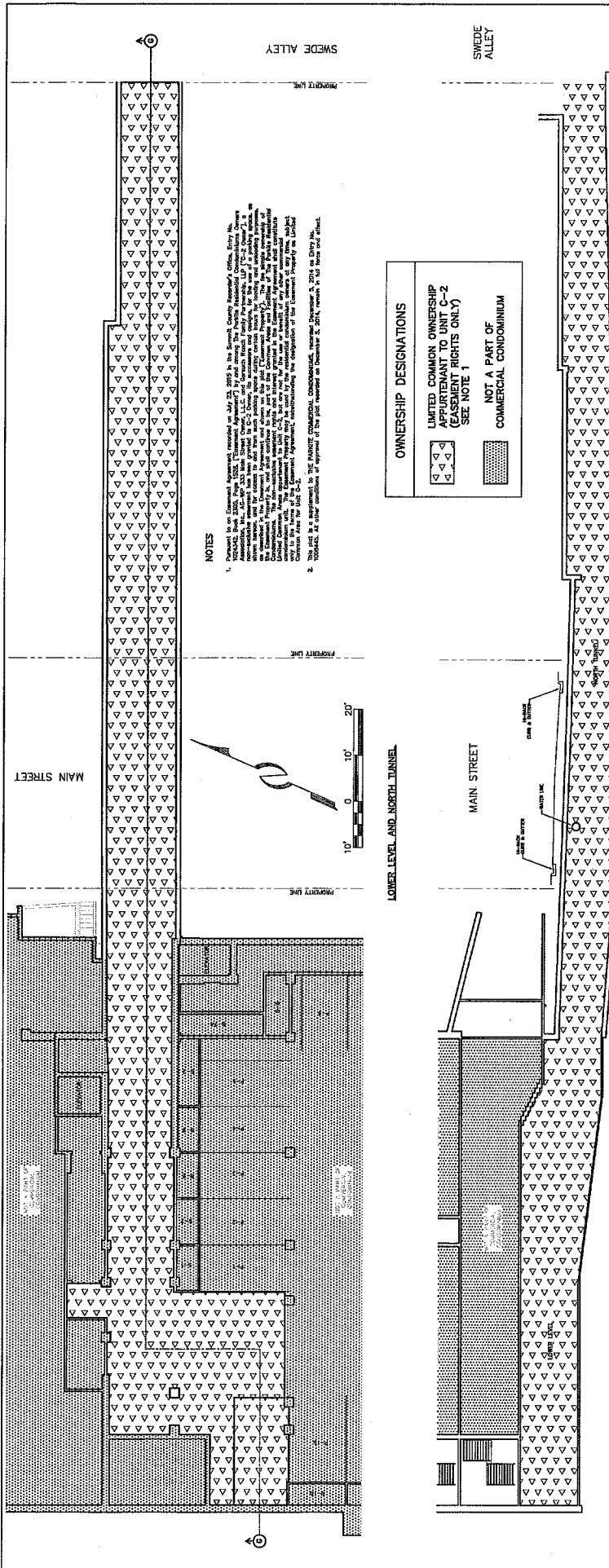
NOT A PART OF
COMMERCIAL
PROPERTY

NOTE This statement is an amendment to the Parental Commercial Communications, as amended in Document S-2016, on Entry 2, All TOBACCO and Nicotine Sheet 5 of the original document filed. This sheet is intended to be read in conjunction with Sheet 2, All other conditions of operation of the party recorded on December 5, 2014, remain in full force and effect.

NOTES

SECTION C

CONTRACTING ENGINEER LAND PLANNERS SURVEYORS
205 Main Street P.O. Box 20844 Park City, Utah 84060-2084



THIS SHEET IS AN ADDITION TO
PARKITE COMMERCIAL CONDOMINIUMS,
RECORDED DECEMBER 5, 2014,
AS ENTRY NO. 1008445.

THE PARKITE COMMERCIAL CONDOMINIUMS

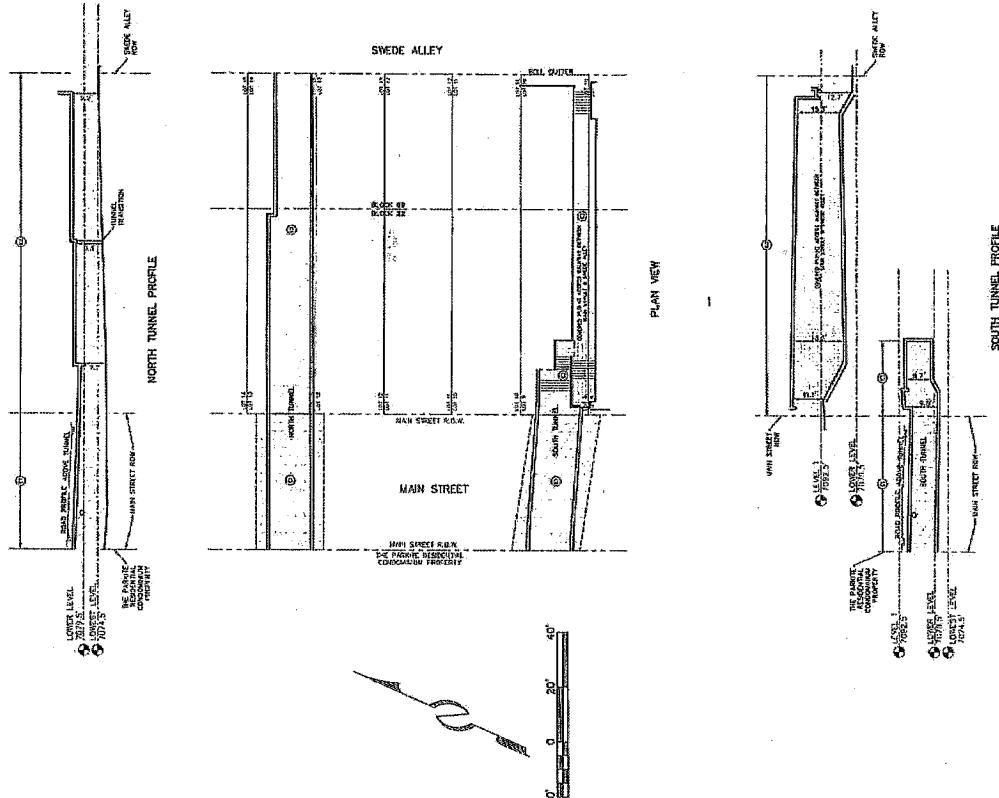
SHEET 3 OF 3	
JOB NO. 13-115 FILE: 24-Peckham/Summit County Sheriff's Office	
RECORDED	
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
W/M:	AT THE REQUEST OF _____
	DATE _____ TIME _____ ENTRY NO. _____
	SEARCHED _____ INDEXED _____ SERIALIZED _____
	APR 15 2013

<p>1. Colorado limited liability limited partnerships Title _____</p> <p>2. South Bond Company Title _____</p>	<p>ACKNOWLEDGMENT</p> <p>I, <u>John Doe</u>, do hereby acknowledge that I have read and understood the terms of the Colorado Limited Partnership Act, and that I am fully aware of my obligations as a limited partner under the Act. I further acknowledge that I have read and understood the terms of the South Bond Company Agreement, and that I am fully aware of my obligations as a limited partner under the Agreement. I certify under penalty of perjury under the laws of the State of _____ that the foregoing paragraph is true and correct.</p> <p>WITNESS my hand and attested this _____ day of _____, 19_____. <u>John Doe</u></p>
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OWNER'S DEDICATION AND CONSENT TO RECORD

CHASE PAPER, LLC, a New Mexico limited liability company, the owner of an unpatented right-of-way over the land described in the Deed of Conveyance from the State of New Mexico to the City of Roswell, New Mexico, dated December 1, 1910, and recorded in the Office of the County Clerk of San Miguel County, New Mexico, on December 1, 1910, as instrument number 10-1200, does hereby dedicate and consent to the recording of the Deed of Conveyance, and all other documents, maps, plats, surveys, and records relating thereto, in the Office of the County Clerk of San Miguel County, New Mexico, and to have and to hold the same in record forever, for the benefit of the public, and to give to all persons having an interest in the property described in the Deed of Conveyance, the right and privilege to use and occupy the same for the purpose of a public highway, street, or road, and for all other purposes, and to have and to hold the same in record forever, for the benefit of the public.

In witness whereof, Declarant has executed this Owner's Dedication as of the _____ day of _____, 2010.



RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND TIED AT THE REQUEST OF <u>JOHN D. BROWN, JR.</u>
DATE <u>1-25-13</u>
TIME <u>1:25 P.M.</u>
<u>J. D. BROWN, JR.</u>
<u>195-145</u>

408

RECORDED	
STATE OF UTAH, COUNTY OF SUMMIT, AND TIED AT THE REQUEST OF FOUNDERS TIME COMPANY	
DATE 12/5/14	TIME 2:22 PM
145	145

RECORDED

COUNTY OF SULLIVAN, AND TILED

卷之三

TIME 2:33 p.m.

C. M. Clegg et al. / *Ecology*

EXHIBIT C



EXHIBIT D

THE PARKITE COMMERCIAL CONDOMINIUMS
FIRST AMENDED
333 MAIN STREET

PROJECT INTENT

The Parkite Commercial Condominiums was recorded December 5, 2014, as Entry No. 1008445. The purpose of this plat application is to create a Unit D and a Unit E on Sheet 3 of 6 within the convertible space and will replace Sheet 3 of the current recorded plat. Sheet 5 of the currently recorded plat shows sections and will be replaced as well. Sheet 3 of the proposed amended plat shows an easement and access to a parking space for Unit C-2 that was recorded after the recording of the original plat.

