

Ordinance No. 2019-24

AN ORDINANCE APPROVING THE MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED LOCATED AT 460 SWEDE ALLEY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 460 Swede Alley have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, On March 13, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 9, 2019, proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on March 27, 2019 , to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 27, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 18, 2019, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Marsac-Swede Condominiums First Amended located at 460 Swede Alley.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Marsac-Swede Condominiums First Amended located at 460 Swede Alley, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposed site is located at 460 Swede Alley within the Marsac Parking Structure Subdivision Plat and Marsac-Swede Condominiums.
2. The property is located within the Public Use Transition (PUT) Zoning District.
3. KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums located at 460 Swede Alley.
4. The applicant submitted a letter from the manager of the Marsac-Swede Condominium Owners Association presenting that the members conducted a vote and unanimously approved for the project to move forward with the land use process.
5. The current building was approved through the Conditional Use Permit process in April of 2007 as the "Park City Municipal Corporation China Bridge Shell." The

- building was approved as a shell for three (3) spaces containing retail and public/quasi-public uses, and a 915 SF "Expandable Office" space totaling 4,535 SF.
6. The applicant has submitted a Conditional Use Permit Modification for the proposed KPCW expansion which will fulfill the postponed phase (un-built "Expandable Office" / "retail shell space").
 7. The proposed KPCW expansion is consistent with the approved 2007 CUP and 2007 CUP Modification.
 8. The proposed expansion includes a 1,311 square foot expansion (as measured by the proposed Marsac-Swede Condominium Plat First Amended). The expansion will occur to the north and west sides of the structure on the second level only. The expansion will cantilever above the sidewalk area creating a covered walkway leading into the State Liquor Store in Unit 100.
 9. The lot arrangement, proposed expansion, square footage, lot dimensions, access, easements, utilities, parking, and street frontage are consistent with the Land Management Code.
 10. The proposed expansion complies with the Parking Ratio Requirements outlined in LMC 15-3. The 2019 CUP Modification Parking Ratio Requirement calculation is based on the known uses of the building, expandable area, tenant improvements, and leasable floor area. In total, the Parking Ratio Requirement has not increased based on the proposed expansion and updated square footage calculations. Therefore, staff finds that no additional Parking Ratio Requirement is required beyond what was satisfied as a part of the 2007 CUP approval.
 11. The PUT Zoning District has no minimum setbacks except where structures abut residential zoning districts. As proposed, the lots, existing facilities, and proposed expansion comply with the requirements of the PUT Zoning District, except in areas where City Hall and existing China Bridge parking structure exist as legal non-complying structures because they do not meet required building setbacks abutting the HR-1 district along Marsac Avenue. This condition existed at the time of the Marsac Parking Structure Subdivision Plat (2005) and Marsac Parking Structure Subdivision Amended Plat (2008) and the buildings exist as non-complying structures.
 12. The proposed Marsac-Swede Condominiums First Amended memorializes the expansion of Unit 200 (KPCW) of the existing Marsac-Swede Condominiums.
 13. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District.
 14. The current square footage of Unit 200 is 1,960 square feet.
 15. Unit 200 will expand to a total of 3,271 square feet.
 16. Unit 100 and Unit 300 will not be impacted by the proposed KPCW expansion.
 17. The Planning Commission reviewed the proposed Plat Amendment on March 27, 2019 and forwarded a unanimous positive recommendation.
 18. The Planning Commission reviewed the proposed Condominium Plat Amendment on March 27, 2019 and forwarded a unanimous positive recommendation.
 19. The Planning Commission approved the proposed Conditional Use Permit Modification on March 27, 2019.
 20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Condominium Plat.
2. The Condominium Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plat amendments.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat Amendment.
4. Approval of the Condominium 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CC&Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the Plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval or 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. A note shall be added to the plat prior to recordation stating that all conditions of approval of the Conditional Use Permits and Marsac-Swede Condominiums shall continue to apply.

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

PASSED AND ADOPTED this 18th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION




Andy Beerman, MAYOR

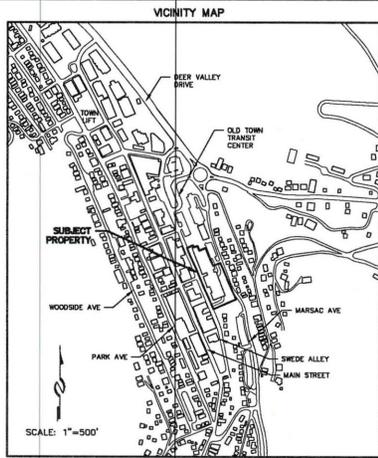
ATTEST:


Michelle Kellogg
City Recorder

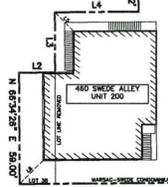
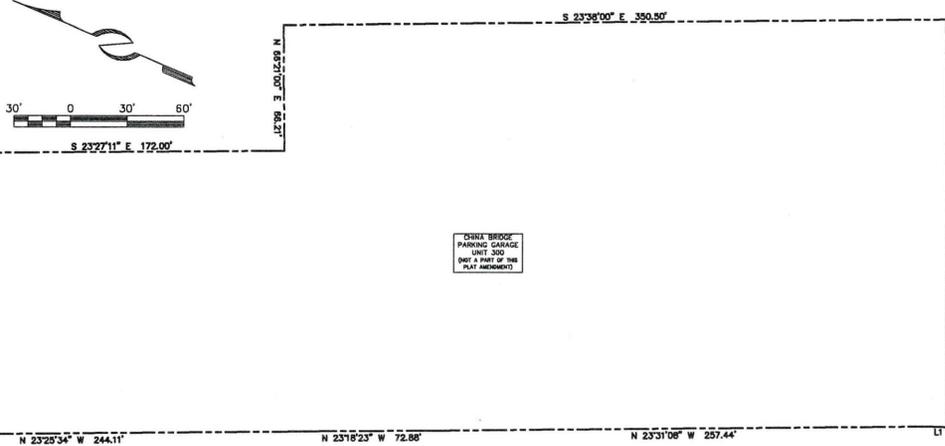
APPROVED AS TO FORM:


Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



LINE	DIRECTION	LENGTH
L1	N 21°28'15" W	11.25'
L2	S 23°28'34" E	19.00'
L3	N 66°34'28" E	32.00'
L4	S 23°28'34" E	44.10'
L5	S 82°51'4" W	14.31'
L6	S 89°51'4" W	14.31'



- NOTES**
- This plot amendment is subject to the Conditions of Approval in Ordinance 2019-_____.
 - The Units of this Condominium are served by a Common Private Lateral Wastewater Line. The "MARSAC-SWEDE CONDOMINIUM OWNERS ASSOCIATION" Shall be responsible for Ownership, Operation and Maintenance of all Common Private Lateral Wastewater Lines.
 - Unit 200 Access Easement: An access easement exists through Unit 300 (China Bridge Parking Garage) for the benefit of Unit 200. The purpose of this easement is to provide a handicap accessible ingress/egress point to Unit 200. It is the responsibility of the Association to ensure this access is maintained and available.
 - Public Access Easement: A Non-exclusive Public Access easement exists through Unit 300 (China Bridge Parking Garage) for the benefit of the general public. The purpose of this easement is to provide access for public parking to and within the existing China Bridge parking Garage.
 - All Conditions of Approval of the Marsac-Swede Condominiums, recorded November 25, 2008, as Entry No. 859972 shall continue to apply and remain in full force and effect.
 - The Marsac Parking Structure Subdivision Plat-Second Amended, recorded as Entry No. _____ creates Lot 38 as shown on this plot. This plot incorporates Lot 38 into Marsac-Swede Condominiums First Amended.

CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Redevelopment Authority, as their interests may appear, as to Parcel 2, to be known hereafter as MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2019.

PARK CITY REDEVELOPMENT AGENCY, also known as REDEVELOPMENT AGENCY OF PARK CITY, also known as PARK CITY REDEVELOPMENT AUTHORITY

By: _____
Andy Beerman, Chair

ACKNOWLEDGMENT

State of Utah)
County of Summit) ss.

On this _____ day of _____, 2019, Andy Beerman personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Andy Beerman acknowledged to me that he is the authorized representative of Park City Redevelopment Authority and that he signed the above Consent to Record freely and voluntarily.

Notary Public: _____
Printed Name: _____
Residing in: _____
My commission expires: _____
Commission No.: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Municipal Corporation, a Utah municipal corporation, as their interests may appear, as to Parcel 2, to be known hereafter as MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2019.

PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, also known as PARK CITY, UTAH, a body corporate and politic of the State of Utah

By: _____
Andy Beerman, Mayor

ACKNOWLEDGMENT

State of Utah)
County of Summit) ss.

On this _____ day of _____, 2019, Andy Beerman personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Andy Beerman acknowledged to me that he is the authorized representative of Park City Municipal Corporation and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____
Printed Name: _____
Residing in: _____
My commission expires: _____
Commission No.: _____



SURVEYOR'S CERTIFICATE

I, Michael Demkiewicz, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 4857264, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION

PARCEL 1
Unit 200, MARSAC-SWEDE CONDOMINIUMS, a Utah Expandable Condominium project, together with an undivided appurtenant ownership interest in the common areas and facilities as more particularly shown and described in the Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions recorded November 25, 2008 as Entry No. 859973 in Book 1958 at page 22 and Record of Survey Map recorded November 25, 2008 as Entry No. 859972 in the Summit County Recorder's Office, Summit County, Utah.

Together with the access easements through Unit 300 (China Bridge Parking Garage) to provide a handicap accessible point to Unit 200 and public parking to and within the existing China Bridge Parking Garage as disclosed on the recorded plot.

PARCEL 2
Lot 38, MARSAC PARKING STRUCTURE SUBDIVISION PLAT-SECOND AMENDED, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah.

ASSOCIATION DEDICATION AND CONSENT TO RECORD

On this _____ day of _____, 2019, Marsac-Swede Condominium Owners Association does hereby certify that on the 25th day of January, 2019, the Board of Trustees certified that more than two-thirds of the owners of the Association voted to convert specified common areas to private ownership for the benefit of certain owners. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consents to the recordation of this Record of Survey Map. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein.

By: _____
Jonathan Weidenhamer, President
MARSAC-SWEDE CONDOMINIUM OWNERS ASSOCIATION

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this _____ day of _____, 2019, personally appeared before me, Jonathan Weidenhamer, who being by me duly sworn, did say that he is the President of Marsac-Swede Condominium Owners Association, and that he signed the above Association Dedication and Consent to Record for, on, and in behalf of the unit owners of said Association, and said President duly acknowledged that said Association executed the same.

By: _____
Notary Public: _____
Printed Name: _____
Residing in: _____
My Commission Expires: _____
Commission No.: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that COMMUNITY WIRELESS OF PARK CITY, INC., a Utah Corporation, the undersigned owner of Unit 200, does hereby certify that it has caused this plot to be prepared, and does hereby consent to the recordation of this plot.

In witness whereof, the undersigned set her hand this _____ day of _____, 2019.

By: Renal Badley, General Manager
COMMUNITY WIRELESS OF PARK CITY, INC., a Utah Corporation

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

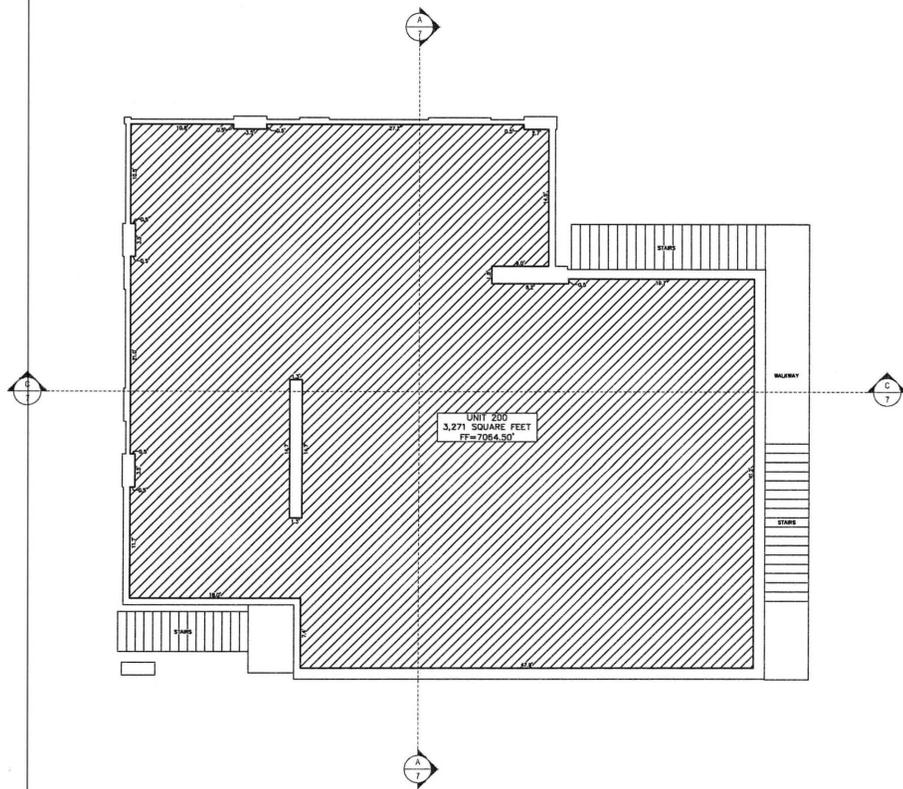
On this _____ day of _____, 2019, Renal Badley personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she is the General Manager of COMMUNITY WIRELESS OF PARK CITY, INC., a Utah Corporation, and that said document was signed by her on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and she acknowledged to me that she executed the MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED.

By: _____
Notary Public: _____
Printed Name: _____
Residing in: _____
My commission expires: _____
Commission No.: _____

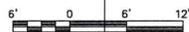
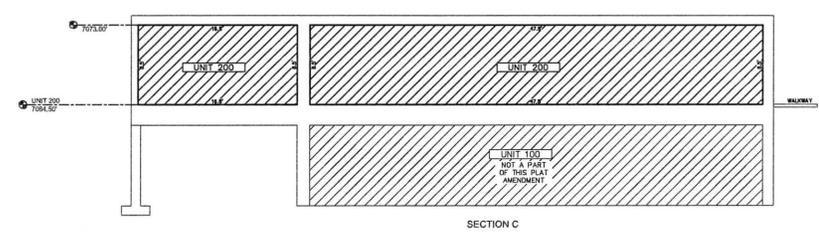
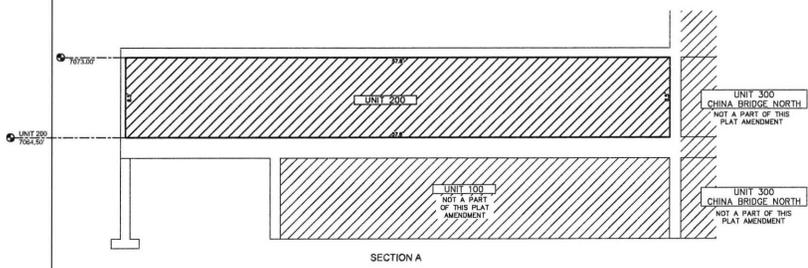
**MARSAC-SWEDE CONDOMINIUMS
FIRST AMENDED**

LYING WITHIN A PORTION OF BLOCK 71 AND 72 OF THE
MILLSITE RESERVATION TO THE PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 252 Main Street, P.O. Box 2664, Park City, Utah 84099-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2019 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2019 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2019 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
	(435) 646-7447						



-  COMMON AREA
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP



MARSAC-SWEDE CONDOMINIUMS FIRST AMENDED

LYING WITHIN A PORTION OF BLOCK 71 AND 72 OF THE
MILLSITE RESERVATION TO THE PARK CITY SURVEY
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 2

Alliance
Engineering Inc.

(435) 848-8487

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street, P.O. Box 2884 Park City, Utah 84002-2884

4/16/18 JOB NO.: 10-11-18 FILE: X:\PCS\dwg\en\plot2018\101118-condo.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____