

Ordinance No. 12-30

**AN ORDINANCE APPROVING THE STEIN ERIKSEN LODGE COMMON AREA
SECOND SUPPLEMENTAL SHEET FOR ALL PHASES, LOCATED AT
7700 STEIN WAY, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Stein Eriksen Lodge, located at 7700 Stein Way have petitioned the City Council for approval of the Stein Eriksen Lodge Common Area Second Supplemental Sheet amending the common meeting space area of the Stein Eriksen Lodge condominium 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 September 26, 2012, to receive input on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat;

WHEREAS, the Planning Commission, on September 26, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases as an amendment to the condominium 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 Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases 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 7700 Stein Way.
2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.
3. The property is subject to the Deer Valley Master Planned Development, as amended.
4. The Deer Valley Master Planned Development (11th Amended) allocates 66.75 units of density to the Stein Eriksen Lodge multi-family parcel. There are currently 65 residential units of varying sizes totaling 197,858.26 square feet due to the use of unlimited size Deer Valley units when developing this parcel.
5. On August 27, 2009, the City Council approved a First Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements and

- addition to the spa building, as support commercial space, within the existing platted common area. The First Supplemental Sheet was recorded on June 23, 2010.
6. On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrance and to add a porte cochere for the benefit of the members.
 7. On July 20, 2012 the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge condominium record of survey to reflect proposed changes to the existing platted Common area to construct 4,361 square feet of enclosed meeting space located on the 4th level of the Lodge (above the existing large meeting room). With this addition there would be a total of 9,927 square feet of support meeting space.
 8. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year.
 9. The additional meeting space is proposed to be constructed primarily on the paved patio area above the existing lower level meeting rooms. An additional 3,600 sf of building footprint is proposed where the building is not proposed over existing footprint. This additional footprint is for support uses and does not trigger additional parking.
 10. The height of the addition complies with the allowed height of 35' from existing natural grade and is 29' from existing natural grade. A porte cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. Exterior materials and architecture are proposed to match the existing buildings.
 11. The application was deemed complete on August 3, 2012.
 12. There are currently 5,566 square feet of support meeting space within the Lodge.
 13. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9,927 square feet of meeting space is allowed based on the 197,858.26 square feet of residential floor area.
 14. The proposed Supplemental Sheet amended plat record of survey is consistent with the 11th amended Deer Valley Master Planned Development. The total meeting space would not exceed the allowed 5% of the total residential floor area.
 15. No changes are proposed to the support commercial areas or to any residential or private area within the building or site.
 16. The proposed amendment maintains a minimum of sixty percent (60%) open space, actual 61.9%.
 17. There is good cause for the proposed amendment to the record of survey in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

Conclusions of Law:

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed

amended record of survey.

4. Approval of the amended record of survey, 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 amendment 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. The plat shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.
4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.
5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.
6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

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

PASSED AND ADOPTED this 11th day of October, 2012.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



