

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 14, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 14, 2008.

Closed Session

4:30 p.m. Property

Work Session *(Times are approximate and may vary. Items are publicly discussed and direction may be given, if appropriate. No formal action is taken)*

5:30 p.m. Council questions/comments

5:45 p.m. Legislative update

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 31, 2008

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of a Master Festival License for the Queen's Cup Urban Rail Jam to be held on Main Street and approval of amplified music and a street closure from 5 p.m. to 8 p.m. on February 22, 2008

(a) Public hearing

(b) Action

2. Consideration of approval of an Ordinance approving a six month extension for the approval of the amended Spiro Condominiums Buildings A and G Record of Survey Plat and the Spiro Condominiums Buildings N - R (Silver Star Plaza) Record of Survey Plat located at 1825 and 1835 Three Kings Drive, Park City, Utah

(a) Public hearing

(b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH FEBRUARY 21, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, February 21, 2008.

Posted: 02/11/08

See www.parkcity.org

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 21, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, February 21, 2008.

Posted: 02/11/08

See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

February 2008

- 21 **No meeting**
- 28 Legislative update
Library update – 20 min
Sundance debrief - Racquet Club venue and The Yard
Review of Racquet Club feasibility study
Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah – KW
MFL – Park Silly Sunday Market
Consideration of approval an Ordinance regulating reckless skiing at ski resorts within Park City's boundaries
Consideration of approval of an amendment to the Water Agreement between the City and Talisker Corp, in a form approved by the City Attorney

March 2008

- 6 Legislative update
Recycle Utah update
Eden deployment update
Resolution adopting a Neighborhood Traffic Management Plan
- 13
- 20 **No meeting**
- 27

April 2008

- 3
- 10 **No meeting**
- 17
- 24

May 2008

- 1 Presentation of budget
- 3 *Move to Miners and Library and Education Center for meetings*
- 8 **No meeting**
- 15
- 22
- 29

Pending Items:

Resolution adopting a neighborhood traffic management program
Consideration of an amendment to the Burbs LLC Annexation Agreement/Affordable Housing
Resolution - Trails Master Plan
Business market analyses – Phases 1 and 2
Wild land interface issues

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 31 2008**

Present: Mayor Dana Williams; Council members Candace Erickson; Jim Hier; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Assistant Public Works Director; Jerry Gibbs, Public Works Director

David Smith, Esq., Tailsker Corp.

Absent: Council member Joe Kernan

1. Council questions/comments. Roger Harlan reported on the productive Historic Preservation Board meeting consultant Dina Blase conducted and the celebration of the acquisition of the Clissold Property with members of COSAC and BOSAC. Candace Erickson commented on the great skiing and encouraged staff to clear the piles of snow at intersections to improve sight lines. Jerry Gibbs responded that staff is aware of this problem and hiring a contractor may be needed this year to address these tasks. Liza Simpson agreed with Mr. Harlan's comments about the HPB and open space event and reported on the Chamber's Economic Summit. Jim Hier stated that he also attended the Chamber's session where Utah was identified among the economically healthier states in the nation. He commented on the benefits of COSAC and BOSAC networking and discussing matters of mutual interest. Dana Williams commented on the activities of the Beijing delegation who are visiting Park City this week.

2. Park and Ride update. Kent Cashel noted that this matter was discussed by Council in November when regular updates on the project were requested. A positive recommendation was rendered by the Snyderville Basin Planning Commission to the Summit County Commission with the provision that other required information be submitted as part of the application before the pending review. These relate to the construction of a transit shelter and providing security at the site. He explained the focus of constructing a self-sustaining facility without sewer, electric, or water service. The lighting is anticipated to be solar-powered and he pointed out that restrooms are not commonly built in park and ride lots and not included in this conceptual plan. However, utility corridors will be secured in the event power and water are desired in the future. He discussed the east access roadway and installing a signal in the long term. In order to secure federal funding, the environmental work must be completed.

Mr. Cashel addressed the transit shelter and security. The plan is to secure video monitoring equipment to be placed on the light poles and to place emergency communication stations in the lot, powered through solar and cellular communications. He relayed discussions with the County and our Police Department to explore patrolling

the area. Equipment has been ordered to accommodate bus service to the facility and dedicating a prioritized bus lane will be studied before approaching UDOT with a request for consideration. There will be regular updates to Council as the project unfolds and the park and ride's opening is slated for December 2008.

In response to a comment from Liza Simpson, Mr. Cashel explained that security and response to calls are being discussed with the Sheriff and City staff. Video monitoring is effective with regard to recording activities but provides limited security benefits. The *late comers* cost sharing fee was explained for use of the lot. David Smith stated that Talisker is under pressure to obtain approvals from Summit County and the EPA and members of City Council indicated that they are comfortable with moving ahead with the plan presented tonight. He invited any information and/or advice on selecting solar applications for the project.

3. Neighborhood traffic management program. Jerry Gibbs explained the change in the name of the program as many requests are not traffic calming in nature but rather deal with traffic management. The policy was drafted in 1999, formally adopted in 2002, and the amendment to the policy before Council reflects current circumstances and practices. The committee follows the Uniform Traffic Control Devices Manual as its criteria for recommendations and addresses residential, not commercial areas. He emphasized that the City Council has the discretion to implement, modify, or reject the committee's recommendation.

Candace Erickson pointed out that waiting three months for an answer on an initial request seems like a long time and will not meet the expectations of the public. Jerry Gibbs explained that some remedies can be accomplished in a relatively short amount of time, but traffic counts for instance, take time to set up and analyze. Establishing a zero to three month response time seems realistic in his opinion. Ms. Erickson felt that conducting counts would occur in Phase 2 and Mr. Gibbs explained that it really depends on the nature of the complaint; the committee responds to calls within 48 hours. Ms. Erickson then expressed concerns about the three to nine month time period identified in the next phase and Mr. Gibbs described resource issues and conflicts with existing City responsibilities; traffic management is extremely time consuming. She encouraged regular communication with the public which goes a long way in maintaining a positive relationship.

Mr. Gibbs spoke about traffic calming methods like restricting left hand turns and the associated undesired consequences. He felt there needs to be analysis of the maximum volume capacity for streets. Jim Hier responded that it seems more meaningful to determine where the traffic will be diverted to and taking into account the widths of streets. Mr. Gibbs agreed and suggested that creating a threshold for individual roads may be a more appropriate methodology. Jim Hier pointed out minor corrections to the draft and felt the section on driveways was confusing and Mr. Gibbs acknowledged that it should be better clarified.

Roger Harlan made a small correction and in response to his question regarding setting speed limits, Jerry Gibbs explained that the standard is setting the speed limit within five mph of the 85th percentile, which is practiced by UDOT. If this standard is applied to Park City streets, the recommended speed limit would be increased because residential streets in Park City reflect a speed limit within ten mph of the 85th percentile. He explained that arbitrarily setting speed limits too low prompts violations and enforcement issues and about 25% of tickets issued require a police officer to attend court.

With regard to the distribution of the document, Liza Simpson suggested including Park Avenue citizens in the review of the policy draft. She felt the traffic calming process and results were successful. Mixed use streets were discussed, as well as clarifying the wording on *perceived issues*. Jerry Gibbs stated that a position for traffic management will be proposed during the upcoming budget review. Jim Hier felt that this should be seriously considered given the high priority of safe streets in the community.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 31, 2008**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 31, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Council member Joe Kernan was absent and excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney;

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Resolution recognizing the successful programs between The Beijing People's Association for Friendship with Foreign Countries and the US-China Peoples Friendship Association – The Mayor read the proclamation into the record and presented formal resolutions to Wang Jian, Vice Secretary General of BPAFFC, Jin Pu, English interpreter of BPAFFC, Meng Haiyan, Deputy Director, Beijing No. 4 High School, Liu Kui, Chinese Language Teacher, Beijing No. 4 High School, Val Chin, US-China Peoples Friendship Association, and Shirley Smith, US-China Peoples Friendship Association.

2. Legislative update – Tom Bakaly spoke about the status of the water rights forfeiture bill; staff is recommending support of the legislation. Jim Hier expressed interest in the bill dealing with regulating the inspection and/or licensing of rental units. He suggested a compromise exempting allowances for property management companies with an aggregate number of rental units over two which may retain 80% to 85% control of our nightly rental stock. The Mayor asked that the bills regulating carbon footprint be monitored. The City Manager stated that a task force has been formed to study SB20, forms of municipal government, which is supported by the ULCT. Sending a letter of support was discussed by members. Discussion ensued on formulating a strategy to modify the proposed bill redistributing RAP Tax revenues. Although the tax does not represent direct revenues to the City, its distribution is of great importance as a resort community.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

None.

IV CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 and 2". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye

Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

1. Appointment of Matt Brown to the Recreation Advisory Board to fill an unexpired term to July 1, 2009 – The Mayor recommends approval.

2. Resolution recognizing the successful programs between The Beijing People's Association for Friendship with Foreign Countries and the US-China Peoples Friendship Association - The Mayor directed staff to draft a resolution honoring the Associations and welcoming the Beijing delegation to Park City. See Communications from Council and Staff. Approval is recommended.

V ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was absent and excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property, personnel and litigation". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



City Council Staff Report

Subject: The Queen's Cup Open
Author: Max J. Paap
Department: Sustainability- Implementation
Date: February 14, 2008
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for The Queen's Cup Open, as conditioned, on February 22, 2008 to be held at Park City Mountain Resort, the Town Lift Plaza, and Main Street.

Description:

Topic:

Review the Master Festival License Application, submitted by The Queen's Cup Open, for the Breast Cancer Research Foundation Queen's Cup Open Charity Rail Jam at Park City Mountain Resort, the Town Lift Plaza, and Main Street on February 22, 2008.

Background:

The Queen's Cup Open submitted an application requesting a Master Festival License to hold a charity event to benefit the Breast Cancer Research Foundation (BCRF). The event includes slopestyle and halfpipe events at Park City Mountain Resort and an Urban Rail Jam on the Town Lift and lower Main Street between 7th and 9th Streets. The Main Street event would run from 5:00 pm - 8:00 pm on Friday, February 22, 2008. The Rail Jam had previously been held directly at the base of PCMR. Due to conflicts in its previous venue the applicant is seeking use of City property to facilitate the Rail Jam portion of the competition. HMBA has been notified of the partial closure to Main Street on Friday, February 22 and has no negative comment on the temporary closure.

The Queen's Cup Open is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:

The event organizers have requested to hold their event on Friday, February 22, 2008. The event would begin at 5:00 pm and conclude at 8:00 pm. Organizers anticipate attendance of 100 spectators and 20 athletes. Town Lift and Main Street would begin build out of the rail features beginning at 6:00 am and will have the street open to the public by 10:00 pm. There will be a maximum of 4- 10' x 10'

sponsor/support tents that will be placed on top of the Town Lift Plaza. There will be a DJ providing athlete announcement and amplified music. This application is being reviewed as a Master Festival License due to the request to play amplified music and use of City property. The applicant has indicated the amplified music would take place only between the hours of 5:00 pm and 8:00 pm at the Town Lift Plaza.

Department Review:

All applicable departments have reviewed The Queen's Cup Open and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing The Queen's Cup Open as described.

Deny the Request:

Deny the Master Festival License, preventing the addition of The Queen's Cup Open to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information.

Significant Impacts:

Park City has held many similar events to The Queen's Cup Open. The activities will be contained within the venue and will conclude by 8:00 pm. The street will be opened to the public by 10:00 pm on Friday, February 22, 2008.

Consequences of not taking the recommended action:

The Queen's Cup Open would not take place.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for The Queen's Cup Open on February 22, 2008 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Queen's Cup Open will be held Friday, February 22, 2008. The event will last from 5:00pm to 8:00 pm and will occur at the Town Lift Plaza and the lower portion of Main Street, between 7th and 9th Streets.
2. Parking for the anticipated crowd of 120 people can be accommodated with the existing parking in and around the venues. The conduct of The Queen's Cup Open will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with The Queen's Cup Open will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at the Town Lift Plaza and lower Main Street. The

concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

5. No other Master Festival or Special Event Licenses have been issued for February 22, 2008. The Queen's Cup Open will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All amplified music may begin at 5:00 pm and at least cease by 8:00 pm on Friday, February 22, 2008 on the Town Lift Plaza.
4. Applicant shall notify all adjacent neighbors 48 hours prior to the event.
5. The applicant will work with City Staff to orient the music stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
 - (A) The program manager, or his/her designee, shall provide on-site management for each event.
 - (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
 - (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
 - (D) All events shall be open to the public and free of charge.
6. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by February 15, 2008.

7. The applicant shall barricade and provide detour signage for the street closure in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit B- Event Site Plan

Exhibit A-

**PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART I**

A completed electronic copy submitted to the Special Events Department



**Special Events and Facilities
Department**
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted **electronically** to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. **Parts I and II of the application must be sent electronically** to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: The Queen's Cup Open

FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS): 3rd Annual

EVENT DATE(S): 2-22-08

EVENT TIME(S): 5pm-8pm

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Town lift plaza on lower Main Street

ANTICIPATED ATTENDANCE: 20 competitors 100 spectators

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*

The event is a BCRF charity Rail Jam for invited professional and amateur female athletes. The Queen's Cup Open also includes a slopestyle and halfpipe event hosted by Park City Mountain Resort. All proceeds will go to the Breast Cancer Research Foundation and additional donations are welcome.

APPLICANT: *(name of organization)* The Queen's Cup Open

CONTACTS

Event Manager: Anna De Masi
Mailing Address: PO Box 982902
Phone: 435.513.5655
Cell Phone: 435.513.5655

Fax: 435.649.4914

E-Mail: annaleah_dm@yahoo.com

Assistant Event Manager:

Mailing Address:

Phone:

Fax:

Cell Phone:

E-Mail:

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☐ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☐ attraction of large crowds, (Over 500)

☐ street closure,

☐ use of City park, building or property,

☐ use of off-site parking facility,

☒ use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐ causes significant public impacts via disturbance, crowd, traffic/parking,

☐ disruption of the normal routine of the community or affected neighborhood,

☐ necessitates temporary business or liquor licensing

☐ event signs, visible from public property

☒ temporary structures

CITY SERVICES (SERVICES WILL REQUIRE ADDITIONAL APPROVAL AND FEES)

- request for street closure(s)? ☐yes ☒no
if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☐yes ☒no
if yes, then list lot and closure times and dates:
if yes, complete and attach [Request for Special Use of Public Parking](#) form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
if yes, have you filed a [Beer and Liquor License Application](#) with Park City Finance Department? ☐yes ☐no
if yes, have you filed a [Single Event or Temporary Beer Permit](#) application w/ UDABC? ☐yes ☐no

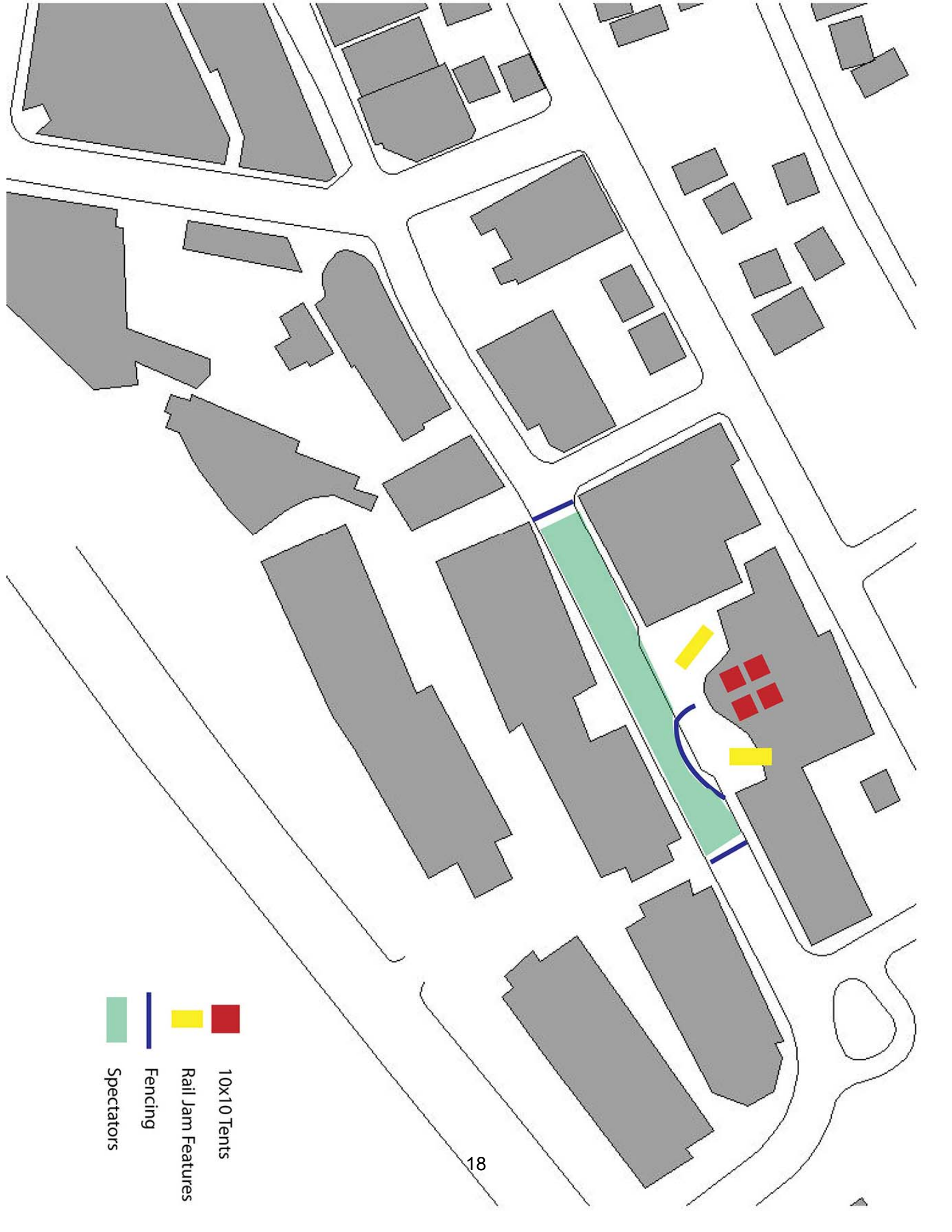
APPLICATION FEES

All new applications require a \$100 processing fee, all applications for returning events require a \$50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars (\$2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.



- Spectators
- Fencing
- Rail Jam Features
- 10x10 Tents

City Council Staff Report



Subject: The Spiro Condominiums-
Buildings A and G record of survey plat amendments
Author: Kirsten Whetstone
Date: February 14, 2008
Type of Item: Administrative- extension

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council review and consider approving a six month extension of the City Council's approval of the amended record of survey plats for the Spiro Condominiums Buildings A and G and the Spiro Condominiums (Silver Star Plaza) Buildings N- R.

Topic

Applicant: Rory Murphy for Paladin, LLC
Location: 1825-1835 Three Kings Drive
Zoning: Residential Development (RD) and RDM (Residential Development Medium Density) as part of the Spiro Tunnel MPD Master Planned Development (MPD)
Adjacent Land Uses: Park City Mountain Resort, Condominiums, City Golf Course, single family residences
Reasons for Review: Extensions of plat amendment approvals requires City Council approval.

Background

The subject plats are part of the Spiro Tunnel Master Planned Development (MPD). The Spiro MPD property is located at 1825-1835 Three Kings Drive and consists of a total of 19.96 acres. The property is subject to the Spiro Tunnel Annexation Agreement (August 12, 2004) and the Spiro Tunnel MPD Development Agreement (ratified by the Planning Commission on February 23, 2005).

On July 14, 2005, the City Council adopted an ordinance approving the record of survey plat for the Spiro Condominiums Building A. On November 17, 2006, the Council adopted an ordinance approving the record of survey plat for the Spiro Condominiums Buildings G- M. The purpose of the record of survey plats was to identify private, limited common and common areas within the project. Recordation of a condominium record of survey enables the owner to sell individual condominium units.

Plat amendments for Buildings A and G

On October 25, 2006, a completed application was submitted requesting amendments to Buildings A and G to revise the floor area calculations for 4 individual units to decrease the floor area of unit A-305 and increase the floor area of units G301, G302, and G303, with a net increase of 0.75 unit equivalents (of these amendments). The resulting total unit equivalents for the townhouse portion complies with the 74 approved

UE. The Spiro Tunnel MPD was approved for a total of 97 unit equivalents (74 townhouse UE, 22 cottages, and 1 single family house).

On January 10, 2007, the Planning Commission conducted a public hearing on this plat amendment. There was no public input and the Planning Commission forwarded a positive recommendation to the City Council. On January 25, 2007, the City Council approved the plat amendment for Building A and G with a condition of approval that the plats were to be recorded within one year of the Council approval date.

Spiro Condominiums Buildings N –R record of survey plat

On November 8, 2006, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council to approve a record of survey plat for the Spiro Condominiums Buildings N- R. This record of survey plat identifies 5 buildings. Three of them are renovated historic buildings containing a total of 8,255 sf of commercial uses, currently including a sales office for the Silver Star development and offices for the non-profit Sundance Institute. The remaining 2 buildings contain a total of 21 residential, affordable housing units ranging in size from 426 sf to 1,241 sf and 3,965 sf of support commercial space currently used for an artist-in-residence program associated with the Sundance Institute.

On November 30, 2006, the City Council approved the record of survey plat for Buildings N- R with a condition of approval that the plat was to be recorded within one year of the Council approval date.

Analysis

The applicant is requesting a six month extension of the one year approval time frame, in order to record the approved plats. The applicant has been working diligently with the City to address several complex issues regarding affordable housing agreements, ADA units, parking agreements, CCRs, condominium declaration agreements between the various homeowners associations that make up the master association, and title issues due to the fact that some of the units in Building A and G had sold since the Council approval, requiring a meeting and vote of the association regarding the amendments to Buildings A and G.

On January, 23, 2008, Paladin submitted all of the mylar plats, redlines from the City, various agreements in final form, title reports, minutes of the HOA meeting, etc. These items have been reviewed as to form by the City Engineer and City Attorney. Because the one year recordation time frame has expired, a six month extension of the one year approval for these plats is now necessary.

There have been no substantial changes in the circumstance of the plats or the Land Management Code since the Council approvals. There is good cause to allow the extension as there has been a significant amount of diligence and effort made to finalizing the plats and agreements.

Department Review

This extension request has been reviewed by the Planning, Engineering, and Legal departments. There are no additional issues.

Alternatives

- The City Council may grant a six month extension for the recordation of these condominium plats as conditioned or amended, or
- The City Council may deny a six month extension for the recordation of these condominium plats and provide staff with findings for this decision, or
- The City Council may continue discussion of an extension request to a date certain.

Significant Impacts

The most significant fiscal impact resulting from this application is the ability of the owner to sell individual condominium units within the two affordable housing buildings and within Buildings A and G that were amended with these plats. There are no environmental impacts as a direct result of these condominium plats, as the buildings can be physically constructed without this condominium plat.

Consequences of not taking the Suggested Recommendation

The for sale affordable housing units can not be sold or closed on until the record of survey plat for Buildings N-R has been recorded.

Recommendation

Staff recommends that the City Council review and consider approving the extension request for an additional 6 month time frame.

Ordinance No. 08-

AN ORDINANCE APPROVING A SIX MONTH EXTENSION FOR THE APPROVAL OF THE AMENDED SPIRO CONDOMINIUMS BUILDINGS A AND G RECORD OF SURVEY PLAT AND THE SPIRO CONDOMINIUMS BUILDINGS N- R (SILVER STAR PLAZA) RECORD OF SURVEY PLAT LOCATED AT 1825 AND 1835 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, Paladin Development Partners, L.L.C., owner of lots 2 and 3 of the Silver Star Subdivision, including Unit A-305 and Units G301, G302, and G303 of the Spiro Condominiums, and Buildings N, O, P, Q, and R located at 1825-1835 Three Kings Drive, petitioned the City Council for approval of a six month extension of the approved amendment to the Spiro Condominiums Buildings A and G and the record of survey plat for Spiro Condominiums Buildings N- R (Silver Star Plaza), and

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

WHEREAS, proper legal notice was provided in the Park Record; and

WHEREAS, on February 14, 2008, the City Council reviewed the extension request.

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

SECTION 1. APPROVAL. A sixth month extension for the amended condominium record of survey plats for The Spiro Condominiums Buildings A and G and for the record of survey plat for The Spiro Condominiums Buildings N – R (Silver Star Plaza), is approved, subject to the following findings of facts, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located in the RD and RDM zoning district.
2. The property is subject to the 2004 Spiro Tunnel MPD Development Agreement.
3. The Spiro Tunnel MPD Development Agreement sets forth a maximum density of 97 unit equivalents (UE) for the MPD. The MPD approved the townhouse portion of the Spiro Tunnel MPD for 74 unit equivalents. The MPD approved 22 cottage units and one single family home with guest house on the “Donile Parcel” for a total of 97 unit equivalents.
4. Recorded condominium plats for Building A, Buildings B- F, and Buildings G-M identify 73.25 unit equivalents for the townhouse portion of the MPD.
5. Two parking spaces are required for each unit.
6. On July 14, 2005, the City Council adopted an ordinance approving the record of survey plat for the Spiro Condominiums Building A. On November 17, 2005, the

Council adopted an ordinance approving the record of survey plat for the Spiro Condominiums Buildings G- M.

7. On October 25, 2006, a completed application was submitted requesting amendments to Buildings A and G to revise the floor area calculations for 4 individual units to decrease the floor area of unit A-305 and increase the floor area of units G301, G302, and G303, with a net increase of 0.75 unit equivalents (of these amendments). The resulting total unit equivalent for the townhouse portion complies with the 74 approved UE and is consistent with the Spiro Tunnel MPD.
8. On January 10, 2007, the Planning Commission conducted a public hearing on this plat amendment. There was no public input and the Planning Commission forwarded a positive recommendation to the City Council. On January 25, 2007, the City Council approved the plat amendment for Building A and G with a condition of approval that the plats were to be recorded within one year of the Council approval date.
9. On November 8, 2006, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council to approve a record of survey plat for the Spiro Condominiums Buildings N- R. This record of survey plat identifies 5 buildings. Three of them are renovated historic buildings containing a total of 8,255 sf of commercial uses, currently including a sales office for the Silver Star development and offices for the non-profit Sundance Institute. The remaining 2 buildings contain a total of 21 residential, affordable housing units ranging in size from 426 sf to 1,241 sf and 3,965 sf of support commercial space currently used for an artist-in-residence program associated with the Sundance Institute.
10. On November 30, 2006, the City Council approved the record of survey plat for Buildings N- R with a condition of approval that the plat was to be recorded within one year of the Council approval date.
11. On November 30, 2007, the applicant indicated that there were title issues that needed to be resolved with a vote of the HOA. The applicant indicated that they would need a six month extension of the recordation deadline.
12. As of January 23, 2008, the mylar plats and agreements have been submitted to the City for final review and recordation.

Conclusions of Law:

1. There is good cause for this extension in that the applicant has been working diligently to address complex concerns regarding the affordable housing agreements, parking agreements, ADA requirements, title issues, and the form of the CCRs and Condominium Declaration.
2. The proposed record of survey plat amendments and plats are consistent with the approved Spiro Tunnel MPD Development Agreement.
3. The plats are consistent with the Park City Land Management Code and applicable State laws regarding condominium plats, and these codes and laws have not substantially changes since the original Council approvals.
4. Neither the public nor any person will be materially injured by the proposed extension.
5. Approval of the extensions, 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 plats for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCRs, as a condition subsequent to plat recordation, including compliance with any ADA requirements.
3. The applicant will provide the final plats and documents for the amended condominium plats for Buildings A and G in final form for recordation by July 25, 2008.
4. The applicant will provide the final plats and documents for Buildings N- R in final form to the City for recordation by April 30, 2008.
5. All conditions of approval of the Spiro Tunnel MPD continue to apply.
6. All conditions of approval of the Silver Star subdivision plat continue to apply.
7. All conditions of approval of the amended record of survey plats for Buildings A – G and for the record of survey plat for Buildings N- R shall continue to apply.
8. The Owner shall certify on the plats that the condominium project will be built substantially as shown.
9. All units required to be constructed per ADA, shall be so indicated on the plat, in a manner and form to be approved prior to recordation, by the City Attorney and Chief Building Official.
10. A financial guarantee for 125% of the value of public improvements shall be submitted prior to plat recordation, in an amount approved by the City Engineer and in a form approved by the City Attorney.

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

PASSED AND ADOPTED this 14th day of February, 2008.

Attachments:

November 30, 2006 Staff Report
January 25, 2007 Staff Report

City Council Staff Report



Author: Kirsten Whetstone
Subject: Spiro Condominiums-
Buildings N, O, P, Q, and R
Date: November 30, 2006
Type of Item: Administrative – Record of Survey Plat

PLANNING DEPARTMENT

Summary Recommendation

The Planning Department recommends the City Council conduct a public hearing, consider any input, and adopt an ordinance approving the Spiro Condominiums Buildings N-R record of survey plat, based on the findings of fact, conclusions of law, and conditions of approval as outlined in the ordinance.

Description

Project Name:	Spiro Condominiums Buildings N-R (Silver Star)
Applicant:	Rory Murphy for Paladin, LLC
Location:	1835 Three Kings Drive
Zoning:	Residential Development (RD) and RDM (Residential Development Medium Density) as part of the Spiro Tunnel MPD Master Planned Development (MPD)
Adjacent Land Uses:	Park City Mountain Resort, Condominiums, City Golf Course, single family residences

Background

The subject property is a portion of the Spiro Tunnel Master Planned Development. The Spiro MPD property is located on Three Kings Drive and consists of a total of 19.96 acres. The property is subject to the Spiro Tunnel Annexation Agreement (August 12, 2004) and the Spiro Tunnel MPD Development Agreement (ratified by the Planning Commission on February 23, 2005).

A subdivision plat, known as the Silver Star Subdivision was approved by the City Council on March 31, 2005. The subdivision plat created 4 platted lots for the Spiro Tunnel MPD. The subdivision plat was recorded on June 10, 2005. The property subject to this record of survey plat amendment consists of Buildings N-R, located on Lot 2 of the Silver Star subdivision (Exhibit A).

The Spiro Tunnel MPD and conditional use permit set forth further conditions regarding the specific development of the Spiro Tunnel site. The Spiro Tunnel MPD was approved for 22 cottage units, 1 single family residence with guest house, 75 condominium units, as well as 14.5 commercial Unit Equivalents (UEs) of office and retail, support commercial, and 14-18 employee housing units to satisfy the affordable housing component of the MPD.

The purpose of a condominium record of survey plat is to identify private, limited common and common areas within a project, and/or phase of a project. Recordation of a condominium record of survey enables the owner to sell individual condominium units. This record of survey plat identifies 5 buildings. Three of them are renovated historic buildings containing a total of 8,255 sf of commercial uses, currently including a sales office for the Silver Star development and offices for the non-profit Sundance Institute. The remaining 2 buildings contain a total of 21 residential, affordable housing units ranging in size from 426 sf to 1,241 sf and 3,965 sf of support commercial space currently used for an artist-in-residence program associated with the Sundance Institute. The 2 affordable housing buildings (N and O) are at the permitting stage of construction. The 21 affordable housing units are held in common by the developer and subject to deed restrictions approved by the City.

On November 8, 2006, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council to approve this record of survey plat. There was no public input.

Analysis

The project is located at 1835 Three Kings Drive within the Park City limits. The property is zoned RD, Residential Development, and is subject to the Spiro Tunnel MPD. The proposed condominiums are consistent with the zoning district and the MPD.

Primary access to all five buildings is from Three Kings Drive via Silver Star Court, a private street within the Silver Star project. The plat is consistent with the Spiro Tunnel MPD, in terms of size and location of the buildings, proposed uses, access, and required parking. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code. All conditions of approval of the Spiro Tunnel MPD and Silver Star Subdivision plat approval continue to apply.

The condominium record of survey plat identifies private, common, and limited common areas for these buildings.

Building N consists of 10 affordable housing residential units ranging in size from 426 sf to 820 sf with 3,965 sf of commercial space and 410 sf of storage space. These rental units are platted as private and will be held by the developer as seasonal rental housing under a master lease. Currently, the Sundance Institute will hold the lease; however this may change over time.

Building O consists of 11 affordable housing residential units ranging in size from 611 sf to 1,241 sf. These units are platted as private and will be for sale subject to the affordable housing deed restriction. Unit O-101 is identified on the plat as an ADA unit, to be constructed in compliance with the Americans with Disabilities Act. This unit is platted as private.

Buildings P, Q, and R are platted as private and consist of a total of 8,255 sf of commercial space.

The commercial space within Building N is for office and artist-in-residence use. The commercial spaces in P, Q, and R are currently used by the Sundance Institute and the Silver Star Development for offices. These uses are consistent with the Spiro Tunnel MPD.

A total of 110 surface parking spaces are provided for these uses, per the Master Planned Development. Twenty one spaces are for the residential units and 89 spaces are provided for the commercial uses, including the seasonal use for the Sundance Institute. All parking spaces are identified as common area. The Code requires between 36 and 40 spaces for office uses. The additional 49-53 spaces are provided per an agreement with the Sundance Institute to meet the higher demand during the Festival, to meet a parking demand by Public Works that is currently occurring on Three Kings Drive, to provide trailhead parking for the Spiro Trail, and for uses within Building A. The lower lot closest to Three Kings Drive includes approximately 28 spaces, subject to a parking easement and agreement with the City, for use by City employees of the Public Works department. These parking spaces may also be used for trail head parking. Staff recommends that prior to plat recordation, a parking agreement between Park City and the Applicant, shall be executed and recorded to address parking issues related to the 110 surface parking spaces at the Silver Star development. Specifically, these issues include spill over parking onto Three Kings Drive and restrictions on use by day skiers.

At the Council meeting on November 16, 2006, Claire Jackson, a neighbor in the Thaynes Canyon subdivision, commented about the on-street parking situation along Three Kings Drive. The parking lots being provided by the Silver Star Development will resolve much of conflicts. The applicant will provide hang tags for people who are permitted to park in the Silver Star lots. The City may need to post Three Kings Drive as no-parking if the problem continues. The City Engineer and Public Works department will need to review the situation for a season and determine whether this is necessary.

Prior to recordation, the plat and condominium declaration and CCR's will be reviewed as to form, by the City Engineer and City Attorney. Unit O-101 shall be identified on the plat as an ADA unit. This unit is within the affordable for-sale building, but is not part of the affordable housing equivalent. As the ADA unit is appurtenant to all other units and is not counted towards the Unit Equivalents, the ADA unit cannot be separately rented, without increasing the total UE for the project. It can be leased with lease of another unit within the project. This unit shall be constructed according to all ADA requirements.

A note is required on the plat identifying the residential units as affordable housing units and shall reference the affordable housing mitigation plan approved on March 23, 2006, consistent with the Spiro Tunnel MPD, and compliant with requirements of the City's housing resolution. Deed restrictions consistent with the housing mitigation plan shall be recorded as a precedent to plat recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record.

Department Review

This project was reviewed at the interdepartmental review meetings on August 22nd and September 26th, 2006. Traffic on Three Kings Drive will be heavily affected by construction of these buildings and the utilities serving them.

Alternatives

- A. Council may approve the Spiro Condominiums Buildings N- R record of survey plat based on the findings of fact, conclusions of law, and conditions of approval stated in the attached Ordinance; or
- B. Council may deny the record of survey plat and direct and guide staff to make specific findings for this decision; or
- C. Council may continue discussion on this condominium plat to a specific date, providing clear direction on issues to be resolved.

Significant Impacts

The most significant impact to the City, resulting from this application is the establishment of individual owner units. These units are being constructed to satisfy the affordable housing requirement of the Spiro Tunnel MPD. In order to provide for sale units, this plat must first be approved and recorded at Summit County. There are no environmental impacts as a direct result of this condominium plat as the buildings can be physically constructed, or already exist, without this condominium plat. The historic buildings have been renovated and are currently being used for office uses for the Sundance Institute and the Silver Star Development, as contemplated with the Spiro Tunnel MPD.

Consequences of Not Following the Recommendation

The Applicant can not sell individual residential or commercial units if this plat is approved and recorded.

Recommendation

The Planning Department recommends the City Council conduct a public hearing for the Spiro Condominiums Buildings N, O, P, Q, and R record of survey plat, consider any input, and approve the record of survey plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

Exhibits

Exhibit A – Record of Survey plat sheets 1-8- (larger versions have been attached to the Council packet under separate cover and are also available at the Planning Department or by e-mail)

Ordinance No. 06-

**AN ORDINANCE APPROVING THE SPIRO CONDOMINIUMS BUILDINGS N - R,
RECORD OF SURVEY PLAT, LOCATED AT
1835 THREE KINGS DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of lot 2 of the Silver Star Subdivision, located at 1835 Three Kings Drive, petitioned the City Council for approval of a 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 November 8, 2006, to receive input on the proposed condominium record of survey plat; and

WHEREAS, the Planning Commission, on November 8, 2006, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 30, 2006, the City Council held a public hearing and approved the condominium record of survey plat; and

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

SECTION 1. APPROVAL. The 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 is located in the RDM zoning district.
2. The property is subject to the 2004 Spiro Tunnel MPD Development Agreement.
3. The Spiro Tunnel MPD Development Agreement sets forth a maximum density of 97 unit equivalents (UE), 14.5 UE of support commercial/office uses, and 14-18 affordable housing units. This condominium plat identifies private area for 21 affordable housing units and 12,220 sf of support commercial/office uses. The residential units range in size from 426 to 1,241 square feet. The remaining floor area is designated as either common area or limited common area (exclusive use of a particular unit).
4. A total of 110 parking spaces are required for these uses and have been provided at the site. These surface parking spaces are identified as common area on the plat. A parking agreement between Park City Municipal and the Applicant is required to

address restricting day skier parking and enforcement of parking to prevent daily spill over parking onto Three Kings Drive.

5. A lower surface parking lot of 28 spaces is subject to a parking agreement between the City and the Applicant for the purpose of seasonal employee parking for Public Works, as well as trailhead parking for the general public.
6. Record of survey plats for Building A, Buildings B-F, Buildings G-M, and Cottage Units 1-22 have been previously approved and recorded.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey 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 Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved Spiro Tunnel MPD Development Agreement.

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, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCRs, as a condition subsequent to plat recordation, including compliance with any ADA requirements.
3. 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.
4. All conditions of approval of the Spiro Tunnel MPD continue to apply.
5. All conditions of approval of the Silver Star subdivision plat continue to apply.
6. The Owner shall certify on the plat that the condominium project will be built substantially as shown.
7. A financial guarantee for 125% of the value of any public improvements shall be submitted prior to plat recordation, in an amount approved by the City Engineer and in a form approved by the City Attorney.
8. The lower surface parking lot, containing approximately 28 parking spaces, is subject to a parking agreement between PCMC and Paladin LLC (Applicant) for the trail head and Public Works employee parking areas. As a condition precedent to plat recordation, an amendment to the parking agreement between Park City and the Applicant, shall be executed and recorded, to address parking issues related to the 110 surface parking spaces. Those issues include enforcement to prevent daily spill over parking onto Three Kings Drive and restrictions on use of the surface parking by day skiers. The agreement should outline a yearly review of the parking situation and identify complaints and problems.

9. The affordable housing units are subject to an affordable housing mitigation plan, approved by the Housing Authority on March 23, 2006. The housing units shall comply with all applicable affordable housing requirements and deed restrictions as required by the plan and all applicable Park City affordable housing resolutions and requirements.
10. Deed restrictions consistent with the housing mitigation plan shall be recorded as a precedent to plat recordation.
11. All required ADA units shall be identified on the plat.

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

PASSED AND ADOPTED this 30th day of November, 2006.

City Council Staff Report



Author: Kirsten Whetstone
Subject: The Spiro Condominiums-
Buildings A and G record of survey plat amendments
Date: January 25, 2007
Type of Item: Administrative

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Spiro Condominiums Buildings A and G (Silver Star at Park City) record of survey plat amendments and consider approving the request based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Topic

Applicant: Rory Murphy for Paladin, LLC
Location: 1825-1835 Three Kings Drive
Zoning: Residential Development (RD) and RDM (Residential Development Medium Density) as part of the Spiro Tunnel MPD Master Planned Development (MPD)
Adjacent Land Uses: Park City Mountain Resort, Condominiums, City Golf Course, single family residences
Reasons for Review: Plat amendments require Planning Commission review and City Council approval

Background

On October 25, 2006, a completed application was submitted requesting amendments to Buildings A and G to revise the floor area calculations for 4 individual units to decrease the floor area of unit A-305 and increase the floor area of units G301, G302, and G303, with a net increase of 0.75 unit equivalents (of these amendments). The resulting total unit equivalents for the townhouse portion is in compliance with the 74 approved UE. The Spiro Tunnel MPD was approved for a total of 97 unit equivalents (74 townhouse UE, 22 cottages, and 1 single family house). See Exhibits A and B.

On January 10, 2007, the Planning Commission conducted a public hearing on this item. There was no public input. The Planning Commission forwarded a positive recommendation to the City Council.

The subject property is a portion of the Spiro Tunnel Master Planned Development. The Spiro MPD property is located at 1825-1835 Three Kings Drive and consists of a total of 19.96 acres. The property is subject to the Spiro Tunnel Annexation Agreement (August 12, 2004) and the Spiro Tunnel MPD Development Agreement (ratified by the Planning Commission on February 23, 2005).

On July 14, 2005, the City Council adopted an ordinance approving the Record of Survey Plat for Spiro Condominiums Building A. On November 17, 2006, the Council adopted an ordinance approving the record of survey plat for Spiro Condominiums Buildings G- M. The purpose of the record of survey plats was to identify private, limited common and common areas within the project. Recordation of a condominium record of survey enables the owner to sell individual condominium units.

All but the most recently approved condominium plat for Buildings N - R have been recorded at Summit County. Various stages of building permits have been issued for construction of these buildings. A total of 73.25 unit equivalents of townhouses have been platted with the condominium plats to date. These current amendments will add 0.75 unit equivalents to the project. A total of 97 unit equivalents (74 townhouse UE, 22 cottages, and 1 single family house) were approved for the Spiro Tunnel Master Planned Development.

Analysis

The project is located at 1825-1835 Three Kings Drive within the Park City limits. The property is zoned RD, Residential Development, and RDM (Residential Development Medium Density) and is subject to the Spiro Tunnel MPD. The proposed condominium unit layout and sizes are consistent with the zoning district and the Spiro Tunnel MPD.

The applicant is requesting an amendment to reduce the platted floor area of unit A-305 by 55 sf from 2,537 sf to 2,482 sf. This amendment would reduce the unit equivalent calculation for this unit from 1.50 to 1.25 unit equivalent and decrease the total UE for the MPD from 73.25 to 73 UE. Building A is located on Lot 2 of the Silver Star Subdivision plat.

The applicant is also requesting an amendment to increase the floor area of units G-301, G-302, and G-303 to convert planned upper level air/loft space into upper level bedroom space in these units. This additional area does not increase the building height over the height approved with the MPD (35' plus 5' for pitched roof). Building G is located on Lot 3 of the Silver Star Subdivision plat.

The applicant is requesting an increase in the floor area of each of units G-301 and G-303 from 1,997 sf to 2,443 sf. The applicant is requesting an increase in the floor area of Unit G-302 from 1,467 sf to 2,433 sf. This is a total increase of 1.0 unit equivalent over the 3 units and yields (with the Building A amendment) a total of 74 unit equivalents for the townhouse portion of the Spiro MPD, which is consistent with the MPD approval.

In combination, the amendments to Buildings A and G, increase the total unit equivalents for the project from 73.25 UE to 74 UE, consistent with the approved MPD.

The applicant amended and recorded the CC&Rs and Condominium Declaration for Silver Star on February 24, 2006 and included the change to Unit A-305, at that time, in the CC&Rs. The recorded plat for Building A however, does not include the change to

Unit A-305. The change to Units G-301, 302, and 303 are not reflected on the recorded plats or in the most recent recorded CC&Rs and Condominium Declaration.

No parking, building height, density, affordable housing, ADA or other MPD approval related issues are associated with this amendment. The parking requirement for Unit A-305 is reduced from 3 spaces to 2, reducing the overall parking required for Building A to 30 spaces. A total of 29 parking spaces are provided in the garage and an additional 16 spaces are located in the surface lot adjacent to the west of the building. All spaces are identified as common area for the use of Building A. All parking for Building G, at a rate of 2 spaces per unit, is located within the associated underground parking structure. The amendments do not increase the parking requirements for Buildings A or G.

Prior to recordation, the amended plats, condominium declaration, and CCRs will be reviewed as to form, by the City Engineer and City Attorney.

Department Review

This project was reviewed at the interdepartmental development review meeting on November 7, 2006. The applicant has addressed issues related to the amended CCRs and Condominium declaration. Traffic on Three Kings Drive will continue to be heavily affected by construction of the units within Buildings A and G.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record.

Public Input

No public input has been received by the Planning Staff on this item, by the time of this report.

Alternatives

- The City Council may approved the amended record of survey plats for the Spiro Condominiums Buildings A and G as conditioned or amended, or
- The City Council may deny the amended record of survey plats and direct staff to make findings for this decision, or
- The City Council may continue discussion on the amended record of survey plats.

Significant Impacts

The most significant fiscal impact resulting from this application is the ability of the owner to sell individual condominium units that are accurately represented on the recorded documents. There are no environmental impacts or other significant fiscal impacts on the City, as a direct result of this condominium plat, as the building can be physically constructed without this condominium plat.

Consequences of not taking the Suggested Recommendation

The Units can only be constructed as currently platted and the proposed changes could

not be constructed.

Recommendation

Staff recommends the City Council hold a public hearing for the amended record of survey plats for Spiro Condominiums Buildings A and G and consider approving the request based on the findings of fact, conclusions of law and conditions of approval as found in the ordinance.

Ordinance No. 07-

AN ORDINANCE APPROVING THE SPIRO CONDOMINIUMS BUILDINGS A AND G RECORD OF SURVEY PLAT AMENDMENTS, LOCATED AT 1825 AND 1835 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, Paladin Development Partners, L.L.C., owner of lots 2 and 3 of the Silver Star Subdivision, including Unit A-305 and Units G301, G302, and G303 of the Spiro Condominiums, located at 1825-1835 Three Kings Drive, petitioned the City Council for approval of an amendment to the Spiro Condominiums Building A record of survey plat and an amendment to the Spiro Condominiums Buildings "G", "H", "I", "J", "K", "L" and "M" and Parking Structures 2 and 3 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 January 10, 2007, to receive input on the proposed condominium record of survey plat amendments. No public input was received; and

WHEREAS, the Planning Commission, on January 10, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, on January 25, 2007, the City Council held a public hearing and approved the amended condominium record of survey plats for Buildings A and G; and

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

SECTION 1. APPROVAL. The amended condominium record of survey plats for The Spiro Condominiums for Buildings A and G, as shown in Exhibits A and B, are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located in the RD and RDM zoning district.
2. The property is subject to the 2004 Spiro Tunnel MPD Development Agreement.
3. The Spiro Tunnel MPD Development Agreement sets forth a maximum density of 97 unit equivalents (UE) for the MPD. The MPD approved the townhouse portion of the Spiro Tunnel MPD for 74 unit equivalents. The MPD approved 22 cottage units and one single family home with guest house on the "Donile Parcel" for a total of 97 unit equivalents.
4. Recorded condominium plats for Building A, Buildings B- F, and Buildings G-M identify 73.25 unit equivalents for the townhouse portion of the MPD.

5. Two parking spaces are required for each unit.
6. On October 25, 2006, a completed application was submitted to the Planning Department for a record of survey plat amendment to reduce the platted floor area of unit A-305 by 55 sf from 2,537 sf to 2,482 sf. This is a decrease by 0.25 unit equivalents for the MPD. The application also included a request to increase the floor area of units G-301 and G-303 from 1,997 sf to 2,443 sf. and increase the floor area of Unit G-302 from 1,467 sf to 2,433 sf. This is a total increase of 1.0 unit equivalents for the MPD. Together these amendments result in a total of 74 unit equivalents for the townhouse portion of the Spiro MPD, consistent with the MPD approval for 74 unit equivalent townhouses.
7. The amendments to Buildings A and G do not increase the parking requirements for these buildings.
8. Building heights for the Spiro Tunnel MPD were approved by the Planning Commission. A building height of 35' plus 5' for the pitched gable roof area was approved for Building G. The amendments to Buildings A and G are consistent with the approved heights.
9. Townhouse projects that are part of a city wide nightly rental management pool are required to provide units consistent and compliant with the American Disabilities Act.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey 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 Record of Survey, as conditioned.
4. Approval of the amended record of survey plats, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat amendments are consistent with the approved Spiro Tunnel MPD Development Agreement.

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, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCRs, as a condition subsequent to plat recordation, including compliance with any ADA requirements.
3. 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.
4. All conditions of approval of the Spiro Tunnel MPD continue to apply.
5. All conditions of approval of the Silver Star subdivision plat continue to apply.
6. The Owner shall certify on the plat that the condominium project will be built substantially as shown.

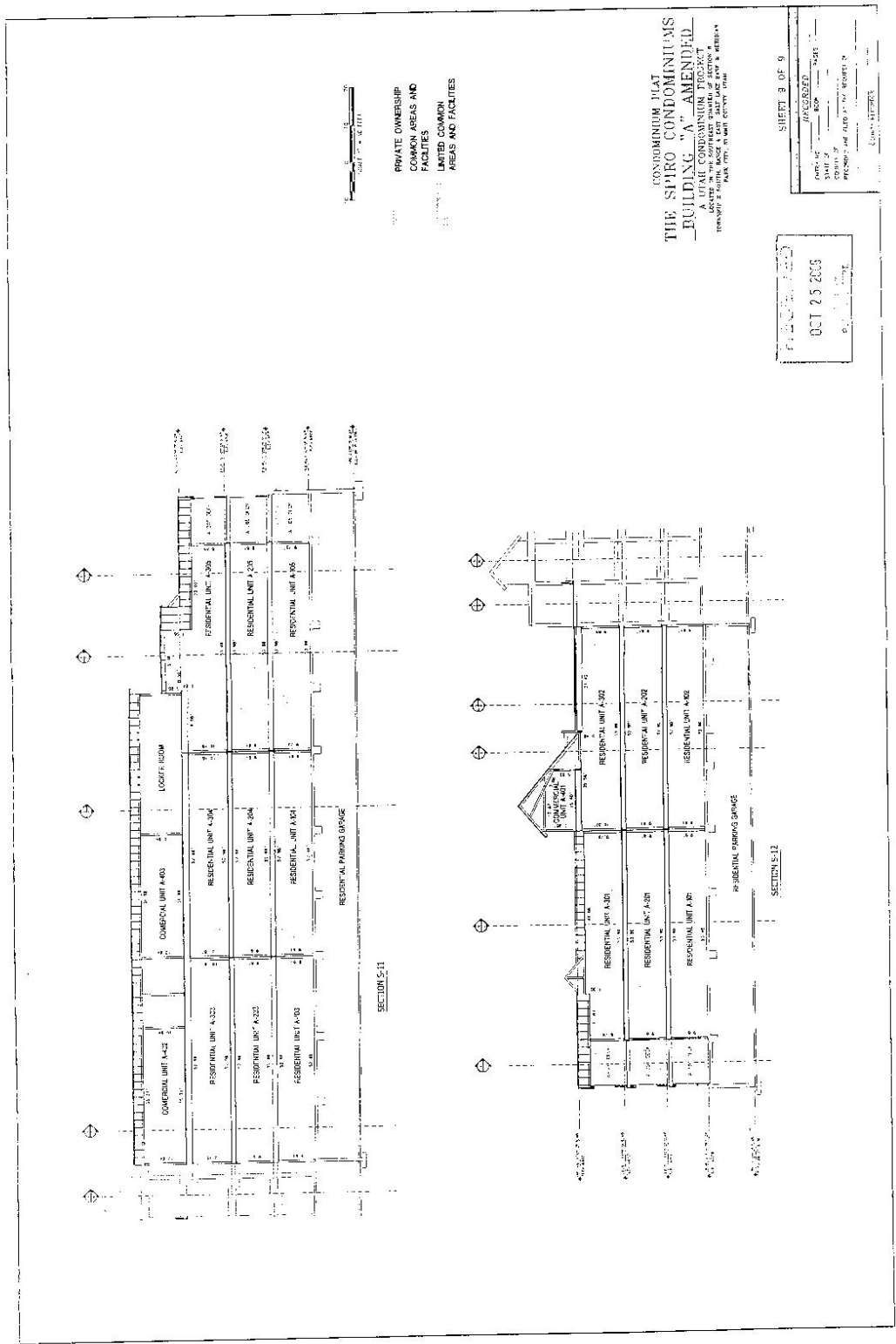
7. All units required to be constructed per ADA, shall be so indicated on the plat, in a manner and form to be approved prior to recordation, by the City Attorney and Chief Building Official.
8. A financial guarantee for 125% of the value of public improvements shall be submitted prior to plat recordation, in an amount approved by the City Engineer and in a form approved by the City Attorney.

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

EXHIBITS

Exhibit A -The Spiro Condominiums Building "A" Amended, record of survey plat cover sheet and amended pages only.

Exhibit B- The Spiro Condominium Buildings "G", "H", "I", "J", "K", "L", "M" and Parking Garages 2 and 3 Amended, record of survey plat cover sheet and amended pages only.



THE SPIRO CONDOMINIUMS BUILDINGS "G", "H", "I", "J", "K", "L", "M" AND PARKING GARAGES 2 AND 3 AMENDED

NOTES:

- The property is located in the City of Springfield, Massachusetts, and is subject to the provisions of the Massachusetts Condominium Act, Chapter 18A, and the Massachusetts Uniform Condominium Act, Chapter 18A, as amended.
- The plan shows the layout of the buildings, parking garages, and common areas. The buildings are labeled G, H, I, J, K, L, and M. The parking garages are labeled 2 and 3.
- The plan shows the location of the buildings and parking garages relative to the surrounding streets and landmarks.
- The plan shows the location of the buildings and parking garages relative to the surrounding streets and landmarks.

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CCT 25 2025
SPRINGFIELD CITY PLANNING DEPT.

PSOMAS
SPRINGFIELD MASS. WATER
RECLAMATION DISTRICT
1000 N. STATE ST. SPRINGFIELD, MA 01103
TEL: (413) 263-1234

LEGAL DESCRIPTION

That certain Condominium Units, together with the undivided common areas, including the parking garages, located in the City of Springfield, Massachusetts, and more particularly described as follows: ...

OWNER'S DECLARATION AND ACCEPTANCE TO RESIDE

I, the undersigned, do hereby declare that I am the owner of the above described property, and I accept the terms and conditions of the Condominium Declaration and the rules and regulations of the Condominium Association, and I agree to be bound by the same.

ACKNOWLEDGMENT

Notary Public for the State of Massachusetts
My Comm. Expires: ...

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE BOARD OF DIRECTORS OF THE SPIRO CONDOMINIUMS ASSOCIATION, INC. on this ... day of ... 2025.

APPROVAL AS TO FORM

APPROVED BY THE CITY ENGINEER on this ... day of ... 2025.

APPROVAL AS TO SUBSTANCE

APPROVED BY THE CITY ENGINEER on this ... day of ... 2025.

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION on this ... day of ... 2025.

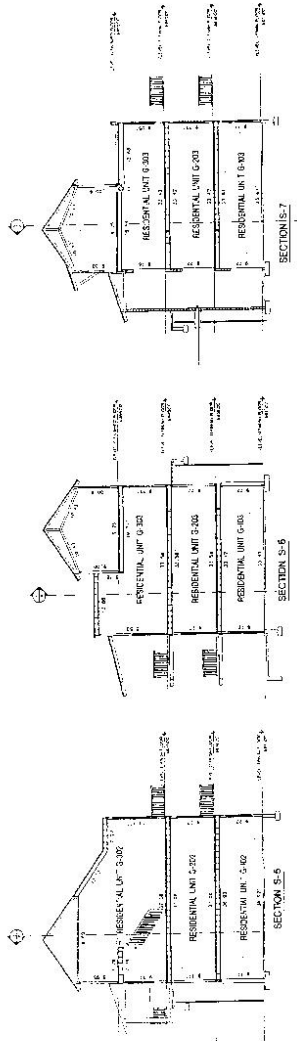
CITY ENGINEER

APPROVED BY THE CITY ENGINEER on this ... day of ... 2025.

SWITCHVILLE BASIN WATER RECLAMATION DISTRICT

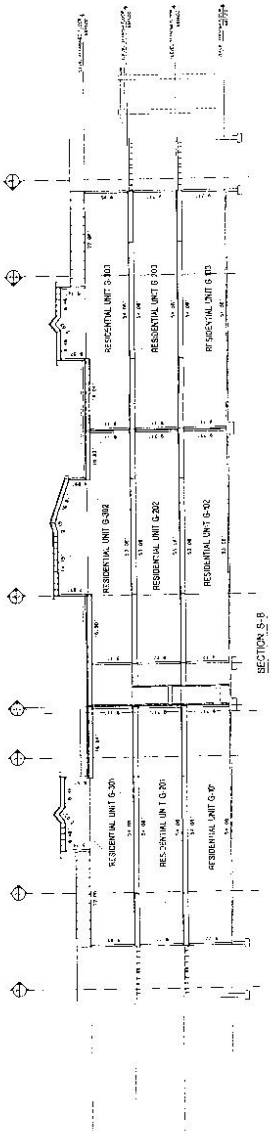
APPROVED BY THE DISTRICT BOARD on this ... day of ... 2025.

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SPRINGFIELD CITY PLANNING DEPT.



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAN
THE SPIRO CONDOMINIUMS
BUILDING "G" AMENDED
A LHA CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST CORNER OF SECTION 8
TOWNSHIP 6 SOUTH, RANGE 10 WEST, 15TH N. & W. 15TH E.
PARISH CITY, LOUISIANA



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OCT 25 2008
PARISH CITY
PLANNING DEPT.

SHEET 6 OF 24

PROJECT: THE SPIRO CONDOMINIUMS
DRAWN BY: [blank]
CHECKED BY: [blank]
DATE: 10/25/08
PAGE: 6