

## City Council Staff Report

**Subject:** Marsac-Swede Condominiums First Amended  
**Author:** Hannah M. Tyler, AICP, Senior Planner  
**Project Number:** PL-19-04124  
**Date:** April 18, 2019  
**Type of Item:** Legislative – Condominium Plat

### Summary Recommendations

Staff recommends the City Council hold a public hearing for the Marsac-Swede Condominiums First Amended located at 460 Swede Alley and consider approving the proposed plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### Executive Summary/Proposal

KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums located at 460 Swede Alley. 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. The KPCW expansion will fulfill the postponed phase (un-built “Expandable Office” / “retail shell space”). The proposed KPCW expansion is consistent with the approved 2007 CUP and 2007 CUP Modification. The proposed expansion will require an amendment to Unit 200 of the Marsac-Swede Condominiums.

On March 27, 2019, the Planning Commission reviewed the proposed Condominium Plat Amendment and forwarded a unanimous positive recommendation to City Council.

### Description

**Applicant:** Community Wireless of Park City, Inc. a nonprofit Utah corporation (Represented by Marshall King, Alliance Engineering)  
**Location:** 460 Swede Alley  
**Zoning District:** Public Use Transition (PUT) Zoning District  
**Adjacent Land Uses:** Commercial, Parking Area, and Municipal Uses  
**Reason for Review:** Condominium Plat Amendments require Planning Commission review and City Council review and action

**Disclosure:** Park City Municipal Corporation owns the remaining units within the Marsac-Swede Condominiums.

### Background

The Marsac-Swede Condominiums were approved by City Council on August 28, 2008 ([Staff Report, Page 26](#) and [Minutes, Page 5](#)) and recorded on November 25, 2008.

The City received an application for the Marsac-Swede Condominiums – First Amended which will memorialize the proposed expansion area into the KPCW condominium unit (Unit 200). The Condominium Plat application was complete on February 1, 2019.

The Planning Commission reviewed the proposed Condominium Plat Amendment on March 27, 2019 ([Staff Report](#) and [Exhibits](#)) and forwarded a unanimous positive recommendation. The Condominium Plat Amendment was complete on February 1, 2019.

See the March 27, 2019 Planning Commission Conditional Use Permit Modification [Staff Report \(Page 2\)](#) for complete Background information.

### **Purpose**

The purpose of the Public Use Transition (PUT) Zoning District can be found [here](#).

### **Analysis**

As described in the Conditional Use Permit Modification [Staff Report](#), KPCW is proposing to expand their unit (Unit 200) within the Marsac-Swede Condominiums and Marsac Parking Structure Subdivision Amended Plat located at 460 Swede Alley. The proposed Marsac-Swede Condominiums First Amended memorializes the expansion of Unit 200 (KPCW) of the existing Marsac-Swede Condominiums. The KPCW expansion complies with applicable LMC requirements of the PUT Zoning District.

The proposed Marsac-Swede Condominiums First Amended consists of a 1,311 SF expansion of existing Unit 200 (as measured by the proposed Condominium Plat Amendment). The lot line between Lot 3B and Lot 2 will be removed to allow for Lot 3B to become part of the Marsac-Swede First Amended Condominiums. The remaining units of the existing Marsac-Swede Condominiums will remain unchanged both in size and ownership. 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.

The lot arrangement, proposed expansion, square footage, lot dimensions, access, easements, utilities, parking, and street frontage are consistent with the Land Management Code. As is detailed in the Conditional Use Permit Modification Staff Report (in this meeting packet), 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.

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.

The proposed KPCW expansion has also triggered the requirement of a Plat Amendment. The City has received an application for the Marsac Parking Structure Subdivision Plat - Second Amended which will amend the three-lot subdivision. Lot 1 contains the Marsac City Hall. Lot 2 contains the parking structure, radio station, and the liquor store space. Lot 3 contains a plaza. The proposed KPCW expansion will expand into Lot 3 so the applicant is requesting to subdivide Lot 3 into two (2) lots 3A and 3B. The Plat Amendment proposal is detailed as a separate application in this meeting packet.

### **Good Cause**

Staff finds good cause for this Condominium Plat Amendment as the proposal memorializes the expansion of the unit 200 (KPCW). There are no known adverse impacts to the public as a result of the proposed Condominium Plat Amendment.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

### **Department Review**

This project has been reviewed by Planning, Engineering, Legal, and Executive.

### **Notice**

On March 13, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on March 9, 2019 according to requirements of the Land Management Code.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The City Council may approve the Marsac-Swede Condominiums First Amended located at 460 Swede Alley as conditioned or amended; or
- The City Council may deny the Marsac-Swede Condominiums First Amended located at 460 Swede Alley and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Marsac-Swede Condominiums First Amended located at 460 Swede Alley to a future date.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Consequences of not taking recommended action**

Consequences of not taking the recommendation are that the Site would remain as is.

### **Summary Recommendation**

Staff recommends the City Council hold a public hearing for the Marsac-Swede Condominiums First Amended located at 460 Swede Alley and consider approving the proposed plat amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Proposed Project Intent

Exhibit C – Existing Conditions Survey

Exhibit D – Proposed Marsac Parking Structure Subdivision Plat - Second Amended

Exhibit E – Aerial Photographs with 500' Radius

Exhibit F – Site Photographs

Exhibit G – March 27, 2019 Planning Commission [Staff Report](#) and [Exhibits](#)

Exhibit A – Draft Ordinance

**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 ([Staff Report](#) and [Exhibits](#)) and forwarded a unanimous positive recommendation.
18. The Planning Commission reviewed the proposed Condominium Plat Amendment on March 27, 2019 ([Staff Report](#) and [Exhibits](#)) and forwarded a unanimous positive recommendation.

19. The Planning Commission approved the proposed Conditional Use Permit Modification on March 27, 2019 ([Staff Report](#) and [Exhibits](#)).
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 18<sup>th</sup> day of April, 2019.

PARK CITY MUNICIPAL CORPORATION

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Andy Beerman, MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Attachment 1** – Proposed Plat