AN ORDINANCE APPROVING THE AMENDED, CONSOLIDATED AND RESTATED RECORD OF SURVEY PLAT FOR PARKVIEW CONDOMINIUMS LOCATED AT 2260 JUPITER VIEW DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 2260 Jupiter View Drive have petitioned the City Council for approval of the Amended, Consolidated, and Restated Record of Survey Plat for Parkview Condominiums; 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 May 8, 2013 to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on May 8, 2013, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on May 30, 2013 and approved the plat amendment;

WHEREAS; on May 27, 2014, the applicant submitted a written request and complete application for a one year extension of the May 30, 2013 approval to allow additional time to obtain signatures of all property owners;

WHEREAS; on July 31, 2014, the City Council held a public hearing to consider the one year extension request; and,

WHEREAS, it is in the best interest of Park City, Utah to approve a one year extension of the approval of the Amended, Consolidated and Restated Record of Survey Plat for Parkview Condominiums.

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 Amended, Consolidated and Restated Record of Survey Plat for Parkview Condominiums located at 2260 Jupiter View Drive 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 2260 Jupiter View Drive within the Residential Development (RD) Master Planned Development Overlay (MPD) District.

- 2. The proposed plat records and memorializes the change to the wetland high water setback line from McLeod Creek by approximately 10-22 feet (eastward toward the creek) representing approximately 0.51 acres.
- 3. The Army Corps of Engineers has issued a LOMA Determination to the Parkview HOA which re-designated the property to show that all portions of the Parkview open space outside of the new McLeod Creek meander corridor to be "Zone X" which is a non-flood hazard designation.
- 4. None of the proposed rear expansions or deck extensions to the affected units are within the new flood designation or the McLeod Creek meander corridor, designation
- 5. The plat amendment fixes twelve (12) discrepancies of deck and basement areas noted on those units that were not constructed but were shown on the original plat, including showing basement square footages and decks for units that have neither a basement nor a deck.
- 6. The proposed changes to the plat will allow twenty-four (24) of the thirty-six (36) units within the Parkview Condominiums to extend their decks outward into the eastern portion of the site, and will allow fourteen (14) of those units to expand the square footage of their existing units by adding rear additions of approximately 500 square feet each, and decks from 187 to 310 square feet.
- 7. The proposed plat will not increase in the density above the original 36 recorded units.
- 8. The original Master Planned Development for Parkview did not contemplate a maximum FAR and does not prohibit an increase in unit or deck sizes. The only limiting factors to further development were the number of units, the established setback from the wetland high water mark, established height requirements and other setback requirements.
- 9. There are 102 parking spaces provided where seventy-two (72) spaces are required.
- 10. The original amount of open space provided was 75% of the total site, the overall amount of open space provided after the deck and square footage additions to the habitual living space (and the 30 additional parking spaces) is approximately 71%. The open space requirement was 60% when the original approval for the Condominiums was granted, thus the required open space is still exceeded.
- 11. The proposed plat amendment will not cause any nonconformities or noncompliance with the Residential Development-Medium (RDM) District designation or the Parkview MPD as there is no increase in the total number of units, front and rear setbacks, or building height. All units exceed the minimum rear yard setback requirements (25 feet), with the closest unit to the rear property line being approximately sixty feet (60') feet away.
- 12. Although the proposed amendment will increase the habitable living spaces for 14 of the 36 units, the amended plat will not require additional parking as the Parkview HOA previously installed additional parking, and only two (2) spaces are required per unit. The plat amendment does not increase the number of units.
- 13. The proposed amended plat will record a new sewer easement through the property as required by the Snyderville Basin Water Reclamation District.
- 14. The proposed additional square footage and deck extensions will occur within the Army Corps of Engineers FEMA flood zone "X" as delineated on the approved revised LOMA map.

- 15. The proposed condominium plat amendment does not require a revised MPD due to the fact that the proposed changes to the original approval of the Parkview MPD are in substantial compliance with the original approvals, and no new units are proposed, the amount of contemplated private space stays roughly the same, and the original open space proposed still exceeds the required amount of 60%.
- 16. On May 8, 2013, the Planning Commission held a public hearing and voted unanimously to forward a positive recommendation to the City Council for the approval of the Amended, Consolidated and Restated Record of Survey Plat for Parkview Condominiums.
- 17. On May 30, 2013, the City Council held a public hearing and voted unanimously to approve the Amended, Consolidated and Restated Record of Survey Plat for Parkview Condominiums.
- 18. On May 27, 2014, the applicant submitted a written request and complete application for a one year extension of approval in order to have more time to obtain notarized signatures of all 42 property owners.
- 19. There have been no changes to the Land Management Code since the May 30, 2013 approval that would cause the approval to be inconsistent with the Code or that create any non-conforming situations on the property. The applicant is not requesting any modifications to the approval.
- 20. There is good cause to approve a one year extension of approval to May 30, 2015, as there is good cause for the plat amendment. The plat amendment memorializes as built conditions, records a revised sanitary sewer easement, records a revised wetland setback line and does not cause undo harm on any adjacent property owners because the plat meets the requirements of the current Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conclusions of Law:

- 1. The proposed plat amendment is necessary to memorialize as-built conditions and correct existing discrepancies with the constructed units as compared to the original recorded plat.
- 2. The proposed plat amendment reflects the Army Corps of Engineers acceptance of the changes to the high water mark.
- 3. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
- 4. Neither the public nor any person will be materially injured by the proposed plat amendment.
- 5. Approval of the one year extension of the approved 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 Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 on or before May 30, 2015. If recordation has not occurred by this date, this approval for the plat will be

- void, unless a complete application requesting an extension is made in writing prior to the expiration date and a further extension is granted by the City Council.
- 3. All applicable original Conditions of Approval for the Parkview Condominiums shall apply.
- 4. All original notes on the Parkview Condominium Plat shall be noted on the amended plat.
- 5. Open Space areas are to remain free of structures or development, with an exception only for the required gravel stairway landings which shall not exceed the square footage minimum for each, as required by building code (approximately 36" x 36" or 6 feet by 6 feet for side-by-side stairways).
- 6. There will be no hot tubs, gazebos, barbeques, playgrounds, or any structures or active recreation areas allowed within the open space area between the buildings and the creek. The originally contemplated improvements within this area of the Parkview MPD are not allowed.
- 7. Deck areas shown on the plats are not to be converted to private living space or enclosed, nor are additional structures, etc. allowed within these or other opens space areas.
- 8. A revised landscape plan for the open space area between the existing units and the creek is required at the time of building permit submittal for the deck extensions. Said landscape plan shall incorporate the reintroduction of native, drought tolerant landscape materials within this area, and reduce the amount of sod-grass, especially near the creek.
- 9. No pesticides or herbicides shall be applied to this landscape area.

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

PASSED AND ADOPTED this 31th day of July, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney













