

Ordinance No. 2017-39

**AN ORDINANCE APPROVING THE RETREAT AT THE PARK CONDOMINIUMS
LOCATED AT 1450-1460 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1450-1460 Park Avenue have petitioned the City Council for approval of the Condominium Record of Survey; 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 June 28, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, June 28, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 15, 2017, 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 Retreat at the Park Condominiums.

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

SECTION 1. APPROVAL. Retreat at the Park Condominiums plat 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 property is located at 1450-1460 Park Avenue in the Historic Residential-Medium Density (HRM) District.
2. The subject property consists of Lots 1 and 2 of the Retreat at the Park Subdivision approved by the City Council as Ordinance 07-20 and recorded at Summit County on August 16, 2007.
3. On December 8, 2015, the Planning Department received two Historic District Design Review (HDDR) applications for the rehabilitation and relocation of the historic house at 1450 and 1460 Park Avenue. The HDDR applications were approved on November 21, 2016.
4. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstructions for 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park 8'6" to the west and the house at 1460 Park 5'5" to the west

towards Park Avenue was approved by the HPB on March 2, 2016.

5. On July 13, 2016, the Planning Department approved Conditional Use Permits (CUP) to allow access off Sullivan Road.
6. On March 20, 2017, the Planning Department received a Condominium Record of Survey application for the Retreat at the Park Condominiums; it was deemed complete April 14, 2017.
7. The property owner proposes to record a Condominium Record of Survey that creates a total of eight (8) units.
8. A condominium is not a type of use but a form of ownership.
9. The proposal complies with the allowed uses in the HRM District.
10. Together, Lots 1 and 2 of the Retreat at the Park Subdivision contain 18,294.43 square feet. This is greater than the minimum lot size required for eight (8) dwelling units which is 9,625 square feet.
11. The minimum lot width in the HRM District is 37.50 feet; together, Lots 1 and 2 are 108.25 feet in width.
12. The required front yard setback is 15 feet in the HRM District; the applicant is providing a 15 foot front yard setback.
13. The required rear yard setback is 10 feet in the HRM District; the applicant is proposing a 30 foot setback.
14. The required side yard setback is 5 feet in the HRM District; the applicant is proposing 5 feet along the north and side yards.
15. A single-family dwelling is an allowed use in the HRM District.
16. The proposed Condominium Record of Survey Plat is appropriate as the requested form of ownership is not detrimental to the overall character of the neighborhood.
17. This application allows the following residential units to be platted as private ownership:
 - a. Unit 1450A: 713.1 square feet
 - b. Unit 1450B: 944.5 square feet
 - c. Unit 1450C: 944.5 square feet
 - d. Unit 1450D: 1,170.6 square feet
 - e. Unit 1460A: 529.2 square feet
 - f. Unit 1460B: 944.5 square feet
 - g. Unit 1460C: 944.5 square feet
 - h. Unit 1460D: 944.5 square feet
18. The total private ownership of this project is 7,235.4 square feet.
19. This application allows the following residential units to be platted as limited common ownership:
 - a. Unit 1450A: 100.3 square feet
 - b. Unit 1450B: 139.3 square feet
 - c. Unit 1450C: 139.3 square feet
 - d. Unit 1450D: 160.0 square feet
 - e. Unit 1460A: 124.1 square feet
 - f. Unit 1460 B: 139.3 square feet
 - g. Unit 1460C: 139.3 square feet
 - h. Unit 1460D: 219.0 square feet

20. The application allows for 1,160.6 square feet of limited common area.
21. This application allow for 12,736.3 square feet in common area.
22. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.
23. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.
24. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. It is also located in FEMA flood zone A.
25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

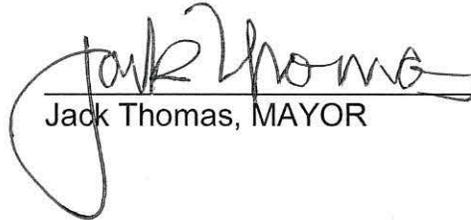
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval and after the homes are completed to ensure that the condo plat reflects the built conditions. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
4. The applicant shall dedicate façade preservation easements to the City for the historic structures at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic building to private property owners.
5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.
6. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the condo plat amendment.

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

PASSED AND ADOPTED this 13th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR



ATTEST:



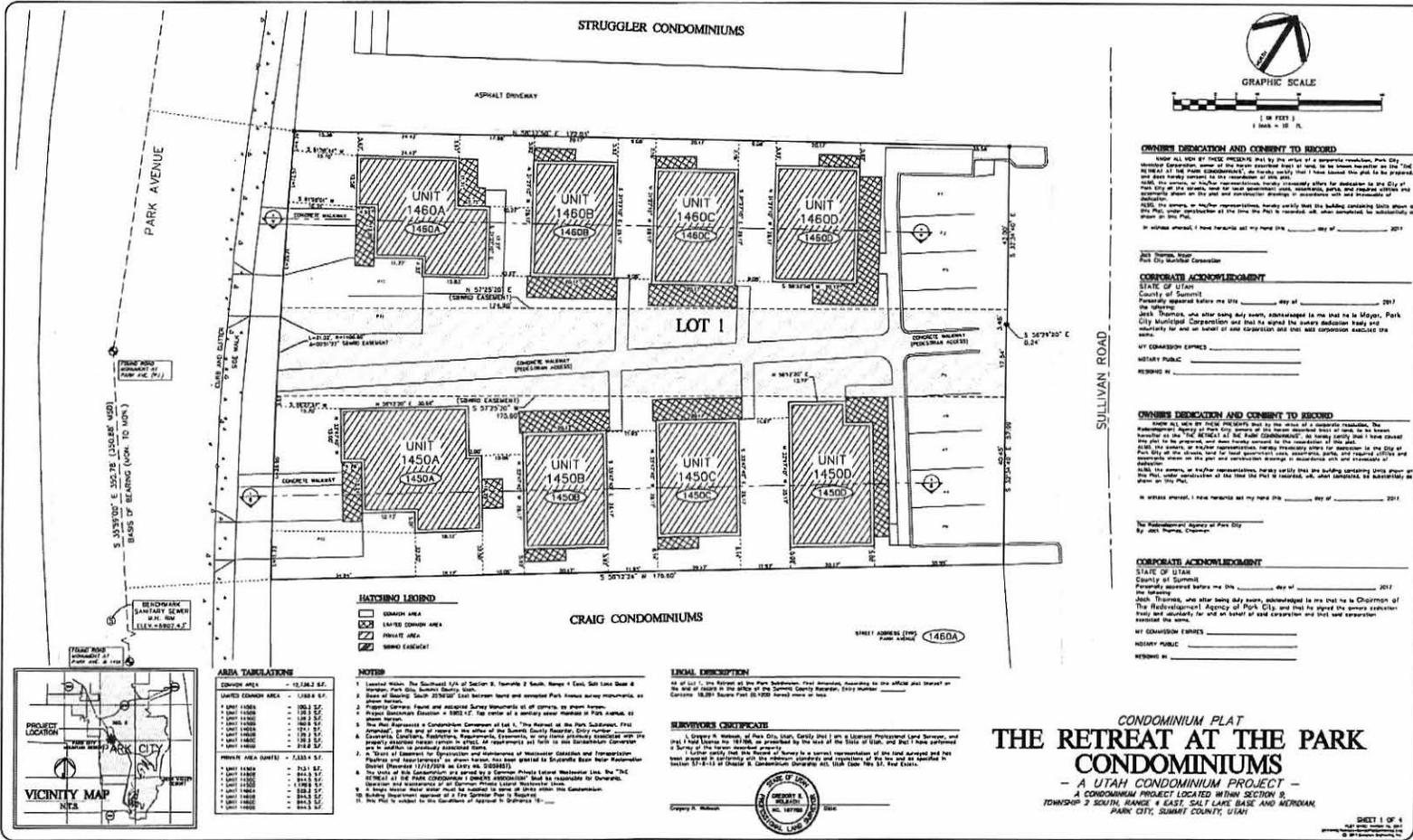
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



OWNER DEDICATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, do hereby dedicate to the City of Park City, Utah, the above described property, together with all easements, rights and appurtenances thereto, for the use and enjoyment of the public as a public park and recreation area, to be known as the "Park City Public Park and Recreation Area".

I, the undersigned, do hereby consent to the recording of this plat and the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2017.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit
Personally appeared before me this _____ day of _____, 2017
the undersigned, _____, who after being duly sworn, acknowledged to me that he is Mayor, Park City Municipal Corporation and that he signed the above dedication and consent to record and that he is duly qualified to execute the same.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____

OWNER DEDICATION AND CONSENT TO RECORD

I, the undersigned, being duly sworn, do hereby dedicate to the City of Park City, Utah, the above described property, together with all easements, rights and appurtenances thereto, for the use and enjoyment of the public as a public park and recreation area, to be known as the "Park City Public Park and Recreation Area".

I, the undersigned, do hereby consent to the recording of this plat and the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah, and to the recording of the same in the Public Records Office of the County of Summit, Utah.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2017.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit
Personally appeared before me this _____ day of _____, 2017
the undersigned, _____, who after being duly sworn, acknowledged to me that he is Mayor, Park City Municipal Corporation and that he signed the above dedication and consent to record and that he is duly qualified to execute the same.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____

HATCHING LEGEND

- COMMON AREA
- GARAGE COMMON AREA
- PRIVATE AREA
- WIND BREAKER

AREA TABULATIONS

CONDOMINIUM AREA	SQ. FT.
UNIT 1460A	1,082.57
UNIT 1460B	1,082.57
UNIT 1460C	1,082.57
UNIT 1460D	1,082.57
UNIT 1450A	1,082.57
UNIT 1450B	1,082.57
UNIT 1450C	1,082.57
UNIT 1450D	1,082.57
TOTAL	7,333.43

NOTES

1. Lot 1 is located within the Unincorporated City of Section 9, Township 2 South, Range 4 East, Salt Lake Basin 4, County of Summit, Utah, Survey 2011, Section 9 and adjacent Park Avenue Survey monuments, as shown hereon.
2. Project Location: Frame and Allocated Survey Monuments of all corners as shown hereon.
3. The boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, are the same as the boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, as shown hereon.
4. The boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, are the same as the boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, as shown hereon.
5. The boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, are the same as the boundaries of the Condominium Common Area of Lot 1, The Retreat at the Park Condominium, Project, as shown hereon.

LEGAL DESCRIPTION

Lot 1 is located within the Unincorporated City of Section 9, Township 2 South, Range 4 East, Salt Lake Basin 4, County of Summit, Utah, Survey 2011, Section 9 and adjacent Park Avenue Survey monuments, as shown hereon.

ENGINEER'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that I am a Licensed Professional Land Surveyor and that I have examined the above described plat and that the same is a correct representation of the land surveyed and that the same is in accordance with the provisions of the Utah Condominium Act, Chapter 10, Section 10-1, Utah Code, 1953, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2017.

Surveyor

CONDOMINIUM PLAT
THE RETREAT AT THE PARK CONDOMINIUMS
- A UTAH CONDOMINIUM PROJECT -
A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Evergreen Engineering, Inc.
1000 West 1000 South, Suite 1000
Park City, Utah 84302
Phone: 435-633-1111
Fax: 435-633-1112
www.evergreeneng.com

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REMOVED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE: _____ A.D. 2017.

BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ A.D. 2017.

BY: _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2017.

BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT MAP WAS APPROVED BY THE LAND USE AUTHORITY THIS _____ DAY OF _____ A.D. 2017.

BY: _____
PARK CITY RECORDER

GOVERNING BODY APPROVAL & ACCEPTANCE

APPROVAL THIS _____ DAY OF _____ A.D. 2017.
ON BEHALF OF THE PARK CITY COUNCIL, PER THE PARK CITY LAND MANAGEMENT CODE

BY: _____
THE PARK CITY PLANNING DIRECTOR
THE LAND USE AUTHORITY

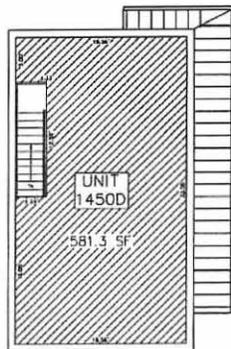
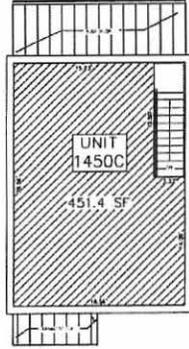
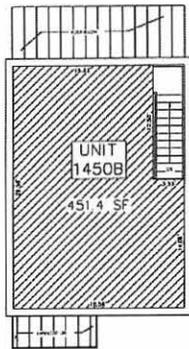
RECORDED

ENTRY NO. _____
STATE OF UTAH, COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
DATE _____ TIME _____ BK _____ PD _____
TCC COUNTY RECORDER

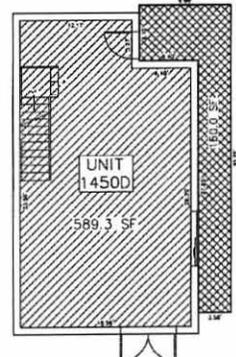
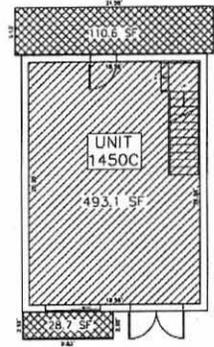
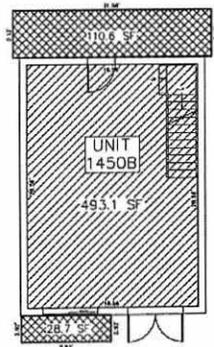
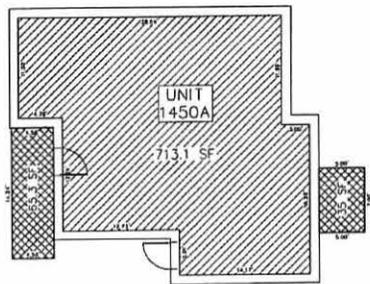
RECEIVED
MAR 20 2017

HATCHING LEGEND

-  COMMON AREA
-  LIMITED COMMON AREA
-  PRIVATE AREA



FLOOR PLAN - LEVEL 2
 UNITS 1450B, 1450C & 1450D
 FLOOR ELEV.=6912.0'



FLOOR PLAN - LEVEL 1
 UNITS 1450A, 1450B, 1450C & 1450D
 FLOOR ELEV.=6903.0'



NO. _____ RECORDED _____
 DATE _____
 SALE OF _____
 CITY OF _____
 RECORDS AT THE REQUEST OF _____
 FEES _____ CITY RECORDER _____

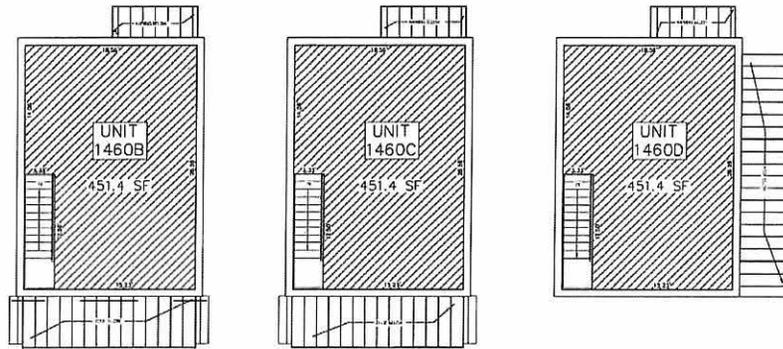


REVISION	DATE



DESIGNED BY: GRW
 DRAWN BY: GRW
 CHECKED BY: ADM/GRW

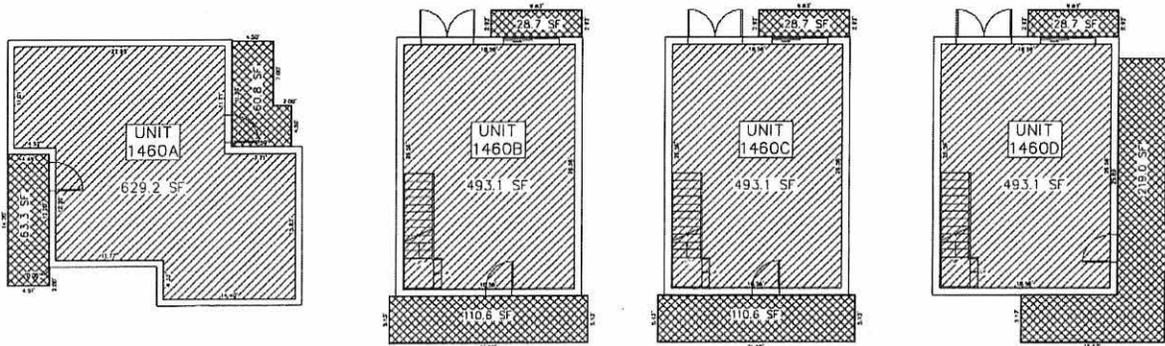
THE RETREAT AT THE PARK CONDOMINIUMS
 UNITS 1450A, 1450B, 1450C, 1450D
FLOOR PLANS
 PARK CITY MUNICIPAL CORP. (PLAT-PP-COMBINED) 1ST OF 2024



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

FLOOR PLAN - LEVEL 2
 UNITS 1460B, 1460C & 1460D
 FLOOR ELEV.=6910.0'



FLOOR PLAN - LEVEL 1
 UNITS 1460A, 1460B, 1460C & 1460D
 FLOOR ELEV.=6910.0'



NO. _____ RECORDED
 DATE OF _____
 CITY OF _____
 RECORDED AT THE REQUEST OF _____
 _____ CITY RECORDER

Evergreen Engineering, Inc.
 1700 Highway 1, Suite 200, Grand Prairie, TX 75050
 Phone: (972) 261-7744 Fax: (972) 261-1700

	SHEET NO. _____ OF _____ PROJECT NO. _____ DATE _____
SHEETED BY: GRW DRAWN BY: GRW CHECKED BY: ASH/GRW	
THE RETREAT AT THE PARK CONDOMINIUMS UNITS 1460A, 1460B, 1460C, 1460D FLOOR PLANS	
PARK CITY MUNICIPAL CORP. GROUP-PURCHASED	SHEET NO. 1062

RECEIVED
 MAR 20 2017
 PARK CITY
 PLANNING DEPARTMENT

Evergreen Engineering, Inc.
 10000 Evergreen Way, Suite 100
 Dallas, Texas 75243
 Phone: (972) 440-1111
 Fax: (972) 440-1112
 www.evergreeneng.com

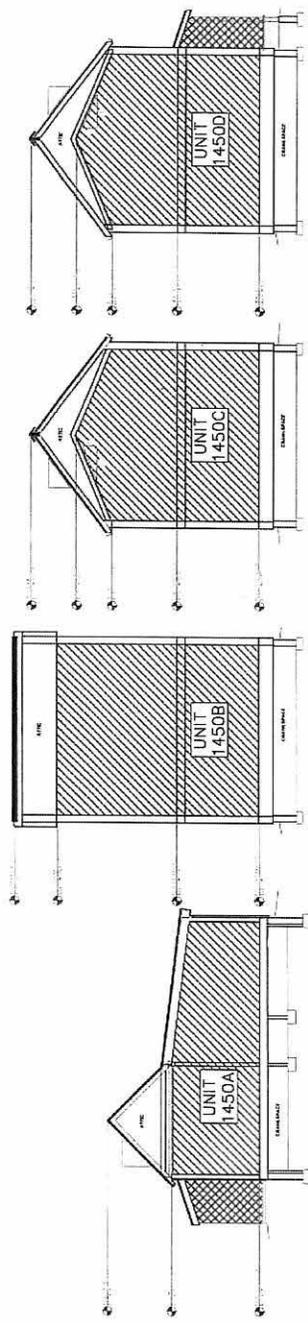
PROJECT NO.	DATE
CLIENT	DATE
DESCRIPTION	DATE
BY	DATE
CHECKED	DATE



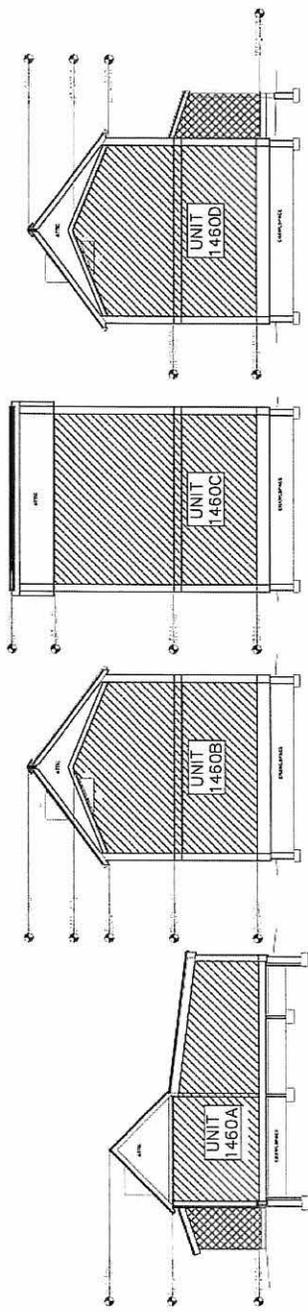
REGISTERED ARCHITECT
 STATE OF TEXAS
 NO. 12345
 EXPIRES 12/31/2018

THE RETREAT AT THE PARK CONDOMINIUMS
 BUILDING SECTION
 PARK CITY MANORIAL CORP.
 TRACT 77-COM-10
 10000
 SHEET 4 OF 4

RECORDED
 MAR 20 2017
 COUNTY OF DALLAS
 PLAT 12345



A BUILDING SECTION
 0' 2' 4' 8' 16'



B BUILDING SECTION
 0' 2' 4' 8' 16'

HATCHING LEGEND
 COMMON AREA
 LIMITED COMMON AREA
 PRIVATE AREA

RECORDED
 STATE OF TEXAS
 RECORDED AT THE REQUEST OF
 DATE RECORDED
 TITLE

THE RETREAT AT THE PARK SUBDIVISION

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



1450 STREET ADDRESS

FOUND AND ACCEPTED 5/8" REBAR AND CAP (3.131) TO CALCULATE PROPERTY CORNER

FOUND AND ACCEPTED 5/8" REBAR AND CAP (3.131) TO CALCULATE PROPERTY CORNER

FOUND AND ACCEPTED 1/2" SPIRE TO CALCULATE PROPERTY CORNER



PARK CITY SURVEYING
P.O. BOX 802909
PARK CITY, UTAH 84308
(435) 648-2910

OWNER'S DECLARATION AND CONSENT TO RECORD

I, ANDREW J. JENSEN, PRESIDENT OF THE RETREAT AT THE PARK SUBDIVISION, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS INSTRUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of July, 2007.

Andrew J. Jensen
ANDREW J. JENSEN, PRESIDENT

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit

I, Notary Public, do hereby certify that the foregoing instrument was signed and acknowledged before me on this 10th day of July, 2007, by Andrew J. Jensen, President of The Retreat at the Park Subdivision, and that the signed instrument meets the requirements of the Utah Uniform Gifts to Minors Act (UGMA) and the Utah Uniform Transfers to Minors Act (UTMA).

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of July, 2007.

Jack
NOTARY PUBLIC

OWNER'S CERTIFICATE

I, Andrew J. Jensen, do hereby certify that I am the owner of the property described in this instrument, and that the information contained herein is true and correct to the best of my knowledge and belief.

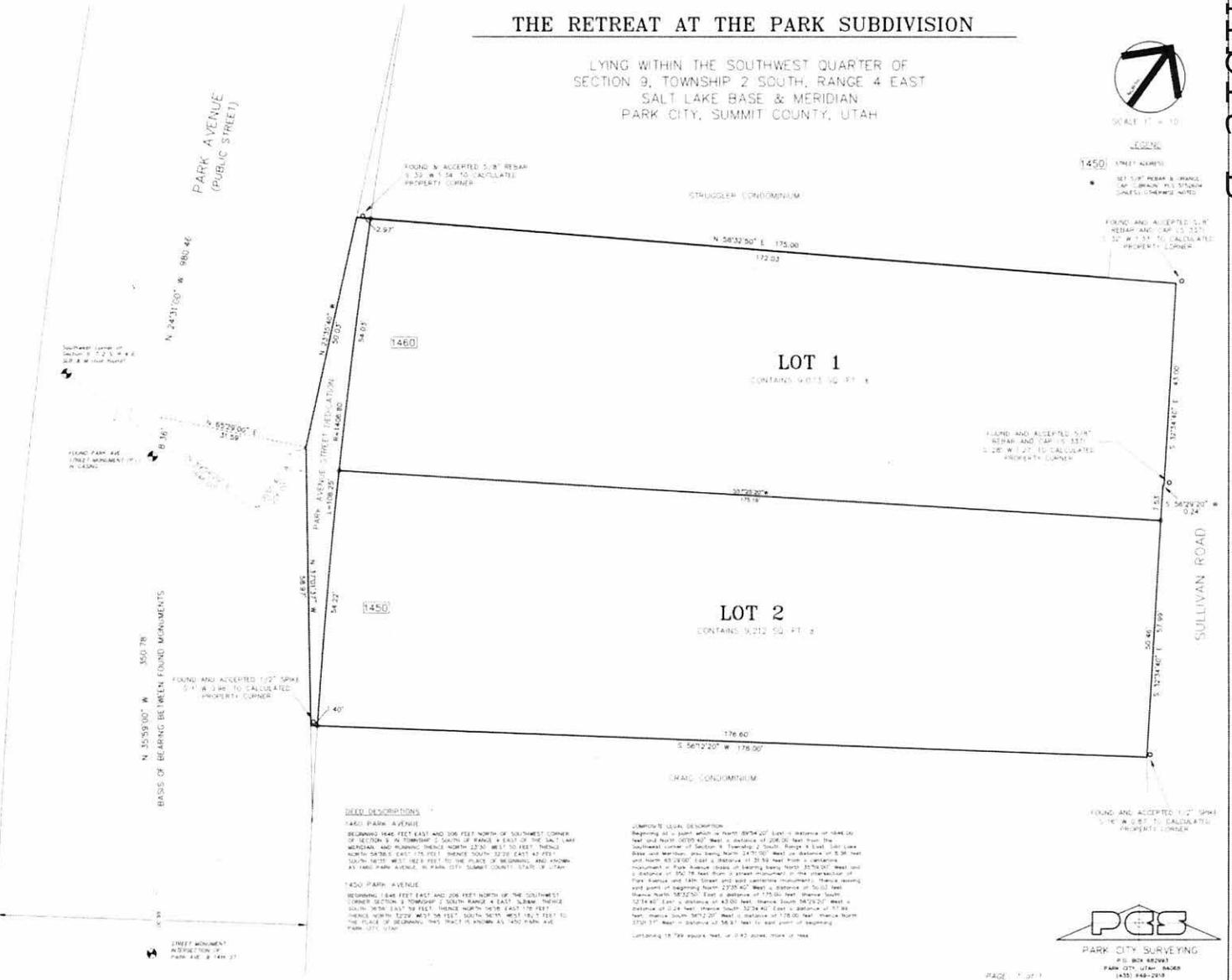
Andrew J. Jensen
7/007
ANDREW J. JENSEN

NOTES

1. ALL FIRE SPRINKLERS ARE REQUIRED TO BE INSTALLED AND OPERATIONAL IN THE LA THREE UNITS.

2. UTILITY WATER/WASTEWATER FACTOR RATES MAY BE REQUIRED IN ORDER TO PROVIDE WASTEWATER SERVICE FOR THE LAKE LEVELS.

3. NO REMAINING PARCELS OPERATED HEREIN IS NEARLYST BUILDABLE.



DEED DESCRIPTIONS

1460 PARK AVENUE
BEGINNING 1646 FEET EAST AND 306 FEET NORTH OF SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE SALT LAKE MERIDIAN, AND BEARING THENCE NORTH 22°50' WEST 100 FEET THENCE NORTH 86°54' EAST 174 FEET THENCE SOUTH 32°24' EAST 42 FEET SOUTH 90° WEST 86 FEET TO THE PLACE OF BEGINNING, AND KNOW AS 1460 PARK AVENUE, IN PARK CITY, SUMMIT COUNTY, STATE OF UTAH.

1450 PARK AVENUE
BEGINNING 1646 FEET EAST AND 306 FEET NORTH OF THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE SALT LAKE MERIDIAN, 1076 FEET EAST 174 FEET THENCE NORTH 90° EAST 174 FEET THENCE NORTH 32°24' EAST 42 FEET SOUTH 90° WEST 86 FEET TO THE PLACE OF BEGINNING, THIS TRACT IS KNOWN AS 1450 PARK AVENUE, IN PARK CITY, UTAH.

COMMONLY LEGAL DESCRIPTION

Beginning at a point which is 1646 feet east and 306 feet north of the southwest corner of Section 9, Township 2 South, Range 4 East of the Salt Lake Base and Meridian, and being 1076 feet east and 174 feet north and being 42 feet east and 42 feet south and being 86 feet west and being 86 feet west to the place of beginning, and being 174 feet east and 174 feet north and being 42 feet south and being 86 feet west to the place of beginning, and being 1646 feet east and 306 feet north of the southwest corner of Section 9, Township 2 South, Range 4 East of the Salt Lake Meridian, 1076 feet east and 174 feet north and being 42 feet south and being 86 feet west to the place of beginning, and being 1646 feet east and 306 feet north of the southwest corner of Section 9, Township 2 South, Range 4 East of the Salt Lake Meridian, 1076 feet east and 174 feet north and being 42 feet south and being 86 feet west to the place of beginning.

<p>PARK CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 14th DAY OF MARCH A.D. 2007.</p> <p><i>Mark Walsh</i> CHAIRMAN</p>	<p>CERTIFICATE OF ATTEST</p> <p>I HEREBY DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS SIGNED AND ACKNOWLEDGED BEFORE ME ON THIS 10th DAY OF JULY, 2007, BY ANDREW J. JENSEN, PRESIDENT OF THE RETREAT AT THE PARK SUBDIVISION.</p> <p><i>Jack</i> NOTARY PUBLIC</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 10th DAY OF JULY, 2007 A.D.</p> <p><i>By [Signature]</i> SECRETARY</p>	<p>ENGINEERS CERTIFICATE</p> <p>I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 10th DAY OF JULY, 2007 A.D.</p> <p><i>By [Signature]</i> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS 13th DAY OF JULY, 2007 A.D.</p> <p><i>By [Signature]</i> PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26th DAY OF MARCH, 2007 A.D.</p> <p><i>By [Signature]</i> MAYOR</p>	<p># 822375 RECORDED</p> <p>BOOK OF UTAH COUNTY OF SUMMIT AND FREE AT THE REQUEST OF <u>Andrew J. Jensen</u> Title</p> <p>DATE 8-14-07 TIME 12:47 PM PAGE 1</p> <p><i>By [Signature]</i> DEPUTY RECORDER</p>
--	---	--	--	---	--	---