

**Ordinance No. 2018-61**

**AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 6 CONDOMINIUM PLAT LOCATED AT 7704 VILLAGE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Larkspur Townhomes 6 Condominiums, located at 7704 Village Way on Lot A of the Second Amendment to the Village at Empire Pass Phase 1 Subdivision, have petitioned the City Council for approval of the Larkspur Townhomes 6 Condominium plat; and

WHEREAS, on October 9<sup>th</sup>, the property was posted and notice was sent to property owners within 300 feet of the property; and

WHEREAS, on October 6<sup>th</sup>, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 24, 2018, to receive input on the Larkspur Townhomes 6 Condominium plat;

WHEREAS, the Planning Commission, on October 24, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on November 29, 2018, held a public hearing and took final action on the Condominium plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 6 Condominium plat consistent with the Flagstaff Annexation and Development Agreement and the Village at Empire Pass Master Planned Development.

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 Larkspur Townhomes 6 Condominium 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 at 7704 Village Way.
2. The property is Lot A of the Second Amended Village at Empire Phase 1 Subdivision plat.
3. The property is located in the RD-MPD zoning district.
4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999 and amended it in March of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

5. On July 28, 2004, the Planning Commission approved the Village at Empire Pass Master Planned Development.
6. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
7. A First Amendment to the subdivision amending Lot 9 was approved on January 6, 2011 and was recorded on January 4, 2012.
8. Between March 4, 2004 and April 27, 2006 the original Larkspur Townhomes and Larkspur Townhomes 2, 3, 4, and 5 condominium plats were approved by City Council and recorded at Summit County.
9. On November 9, 2017 a Second Amendment to the subdivision was approved combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018.
10. On August 8, 2018, an administrative conditional use permit was approved for the three unit Larkspur Townhomes and up to 5.75 UE, located on Lot A with a condition of approval that prior to issuance of a certificate of occupancy, a condominium plat was required to be approved and recorded.
11. The proposed condominium plat consists of three attached dwelling units consistent with the Village at Empire Pass MPD.
12. Units 33, 34 and 35 consist of 3,782 sf, 3,931 sf, and 3,782 sf respectively in total floor area, including basements but not including the garages.
13. Each unit has a garage less than 600 square feet and therefore no excess garage area is included in the total unit size.
14. The total Unit Equivalents consumed by these three units does not exceed 5.75 UE (11,500 sf), excluding the area of each garage.
15. Two parking spaces are required per unit and each unit has a two car garage.
16. Maximum building height is 28' measured from existing grade. An additional 5' of building height is permitted if the roof pitch is 4:12 or greater. Building height exceptions of LMC Section 15-2.13-4 apply.
17. The VEP-MPD permitted setback exceptions at the time of the Administrative Conditional Use Permit. Minimum front setbacks of 20' to the garage and 15' to the unit were approved with the ACUP on August 8, 2018. Setback exceptions of LMC Section 15-2.13-3 apply.

#### Conclusions of Law

1. There is good cause for this condominium plat.
2. The condominium plat 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 amended condominium plat.
4. 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 condominium 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
  3. All conditions of approval of the 2007 Amended Flagstaff Annexation and Development Agreement and Technical Reports and the Village at Empire Pass Master Planned Development, continue to apply.
  4. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
  5. All conditions and applicable notes, easements and requirements of the Second Amended Village at Empire Pass Phase 1 Subdivision plat continue to apply.
  6. All conditions of the Administrative Conditional Use Permit continue to apply.

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

PASSED AND ADOPTED this 29<sup>th</sup> day of November, 2018.

PARK CITY MUNICIPAL CORPORATION



  
Andy Beerman, MAYOR

ATTEST:

  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
Mark Harrington, City Attorney

**Exhibits**

Exhibit A – Condominium plat



**SURVEYOR'S CERTIFICATE**

I, Charles G. Galt, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 724889, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land of land into units, together with assessments, hereafter to be known as LARKSPUR TOWNHOMES II and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

Lot A, The Village at Empire Pass, Phase 1-Second Amended, Amending Lots 1 & 2, according to the official plat recorded April 10, 2016, as Entry No. 1059483, according to the office plat thereof on file and of record in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that Starved Deer Valley, LLC, a Delaware limited liability company, the undersigned owner of the herein described tract of land, do hereby dedicate to the public use of the State of Utah, the easements and rights herein caused by this plat to be improved, and does hereby consent to the dedication of this Condominium Plat. ALSO, the owner or its representative, hereby irrevocably agrees to dedicate to Park City of the easements and required utilities and assessments shown on the plat in accordance with an irrevocable offer of dedication.

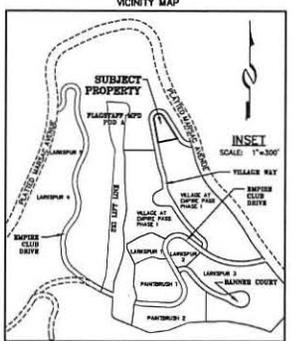
In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_ 2018.  
Starved Deer Valley, LLC,  
a Delaware limited liability company  
By: SDVP Utah I, LLC, a Delaware limited liability company  
its sole Member  
By: SDVP Manager, LLC, a Delaware limited liability company  
its sole Member  
By: Starved Deer Valley, LLC, a Delaware limited liability company  
its sole Member  
By: Mark Endrick, Managing Member

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2018, Mark Endrick personally appeared before me, who identify as the Managing Member of Starved Deer Valley, LLC, a Delaware limited liability company, the sole member of SDVP Manager, LLC, a Delaware limited liability company, the sole member of SDVP Utah I, LLC, a Delaware limited liability company, the sole member of Starved Deer Valley, LLC, a Delaware limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Dowering Agreement or Resolution of its Managers, and acknowledged to me the fact that

A Notary Public commissioned in \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_  
My commission expires \_\_\_\_\_  
Commission No. \_\_\_\_\_

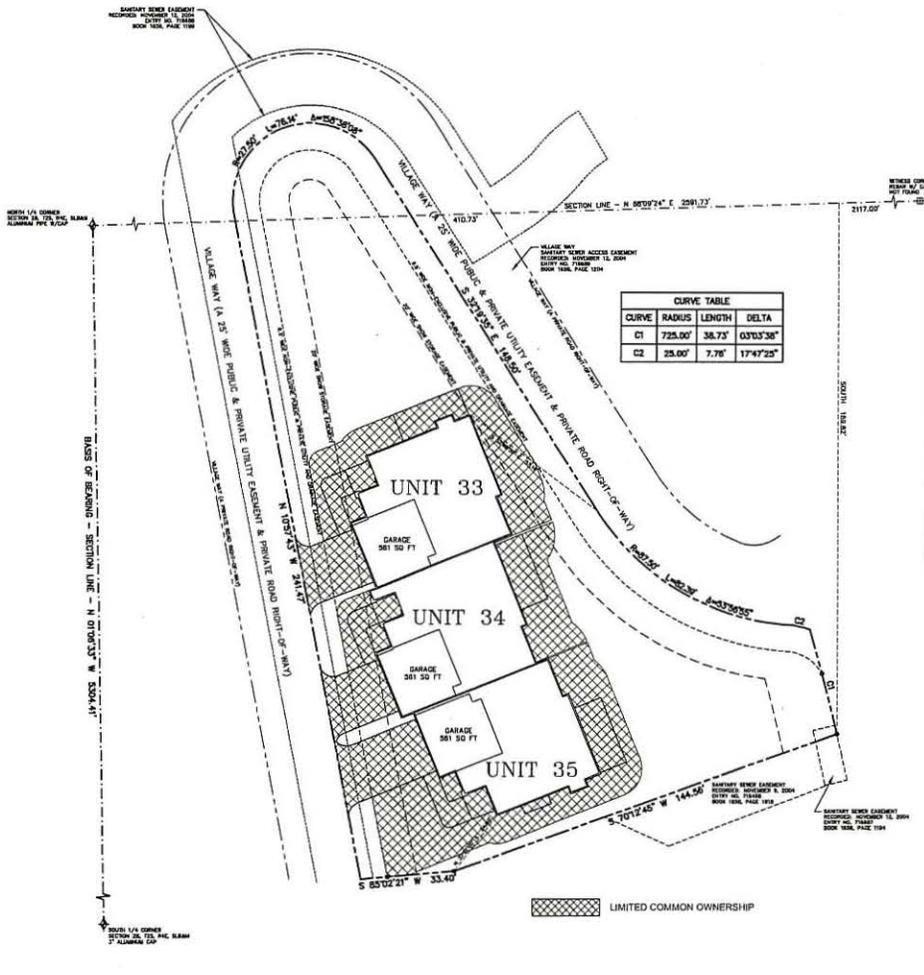


**NOTES**

- 1. This plat is subject to the Conditions of Approval in Ordinance 2018-\_\_\_\_.
- 2. All Conditions of Approval of the Village at Empire Pass, Phase 1 - Second Amended, Amending Lots 1 & 2, recorded April 10, 2016, as Entry No. 1059483 in the Office of the Recorder, Summit County, Utah and the Village at Empire Pass Master Planned Development (Map A) shall continue to apply and remain in full force and effect.
- 3. All building setbacks from property lines are to be the Residential Development zone (RD) minimum unless approved otherwise by the Empire Pass Village Master Plan Development.
- 4. An Administrative Conditional Use Permit approval will be required prior to the construction on the lot shown herein.
- 5. A dedication of condemnation and record of survey of condemnation will be required for the purpose of the sale of individual lots within the development lot shown herein.
- 6. All utility easements adjacent to or crossing across the lot, as shown herein, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.
- 7. The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Condominium, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of the lot owner. Membership as subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.
- 8. Public safety access and utility easements are hereby dedicated for all public and private roadways, and private easements.
- 9. The property is located within a water source protection zone. As sewer construction must comply with the State of Utah drinking water regulations.
- 10. Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass II. Care shall be taken to ensure that the use and benefit of the road is not impaired or interfered with. The Master Declaration, Village Way is not a public road or right-of-way. The Master Declaration shall be amended to grant the right to the Master Association to use Village Way to create any easements on the part of Park City Municipal Corporation to maintain or repair Village Way. As such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 13, 2004, as recorded March 19, 2004, as Entry No. 892320, in Book 1806 of Page 270 (and as amended from time to time) between Park City Municipal Corporation, REDUS Park City LLC and the Master Association.
- 11. At the time of any resurfacing of Village Way, the Master Association is responsible to defray assessment fees to grade according to Snyderville Basin Water Reclamation District Standards. Maintenance adjustment of monies within private roadways included as part of a specific development shall be the responsibility of the homeowners association for such development.
- 12. The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Village Way or the SDVPD assessment shown herein. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.
- 13. Property owners to be set along Village Way will be set at the intersection of the 8.5' wide public and private utility easement and the lot line.
- 14. Water efficient irrigation systems and limited turf are required. Limits of distance shall be indicated on Administrative CUP plans and Building Permit plans.
- 15. The maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.
- 16. All applicable conditions, regulations, requirements, and stipulations of the Amended and Revised Development Agreement for Flagstaff Mountain, Bonanza Park, Roundabout Flat, the 20-Acre of Queen's Junction Parcel and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements continue to apply.
- 17. Owners and potential buyers of any unit or lot within the lot depicted on this condominium plat are given notice that they own or are buying property in a resort area in which the common report activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by street slides, mountain fires and other resort related activities, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, debris or equipment falling from the water runoff, debris, heavy snow falls, and patients, and other conditions that may affect the property depicted herein. The applicant waives and its facilities are not exempted of any master declaration but are owned by a private resort and access to such lands and facilities is governed by such owner or agreement with such owner.
- 18. Utility structures such as ground wires and transformers and other dry utility boxes must be located on the lots.
- 19. Modified 15-0 fee schedule are required for new construction per the Chief Building Official at the time of review of the building permit.
- 20. This development is part of a common plan development and a USEA storm water permit is required for all land disturbance activities for each separate phase of construction prior to building permit issuance.
- 21. No vehicular access from Marsac Avenue is allowed due to the proximity of the Village Way and Marsac Avenue intersection.
- 22. A Construction Mitigation Plan shall be submitted with an Administrative Conditional Use Permit application and in advance of issuing building permits.
- 23. A financial security to guarantee for the installation of any required public improvements is required prior to any construction in a form approved by the City Attorney and in an amount approved by the City Engineer.
- 24. Lot A has no private Arroyo Housing obligations. The allocation of Lot 1 Units and 0.75 Lot A Units is subject to Lot A Units. Lot A Units are not to be used for any commercial unit equivalents.
- 25. All conditions of the Administrative CUP continue to apply.

**CURVE TABLE**

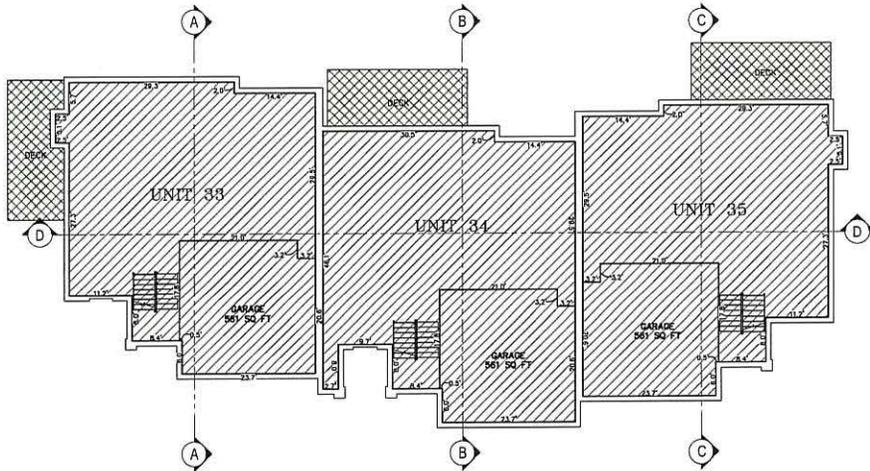
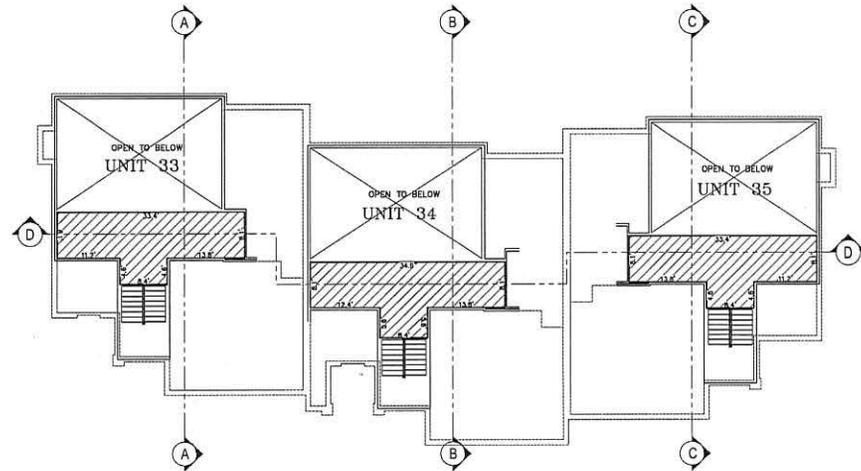
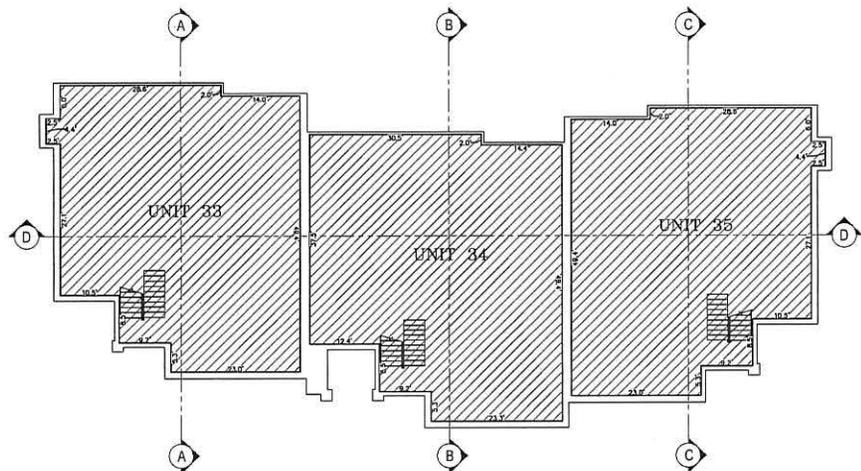
CURVE	RADIUS	LENGTH	DELTA
C1	725.00'	38.73'	03°03'30"
C2	25.00'	7.76'	17°47'23"



**CONDOMINIUM PLAT  
LARKSPUR TOWNHOMES 6**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28  
AND THE SOUTHEAST QUARTER OF SECTION 21,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

 CONSTRUCTIVE DESIGNERS LAND PLANNERS SURVEYORS 322 West 20th Street, P.O. Box 2001, Park City, Utah 84302-2001	(435) 649-8447 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 2019 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2019 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2019 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
---	---	---	--	--	--	--	---



SQUARE FOOTAGE TABLE

UNIT No.	LOWER LEVEL	MAIN LEVEL	UPPER LEVEL	TOTAL	GARAGE
33	1,982	1,490	310	3,782	561
34	2,059	1,545	327	3,931	561
35	1,982	1,490	310	3,782	561

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

CONDOMINIUM PLAT  
**LARKSPUR TOWNHOMES 6**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28  
AND THE SOUTHEAST QUARTER OF SECTION 21,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 3

JOB NO.: 11-6-18 FILE: X:\Empire\dwg\plot2018\110618.dwg

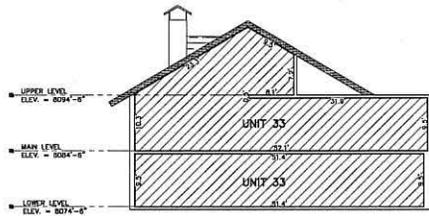
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

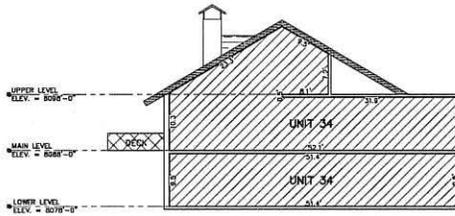
AT THE REQUEST OF \_\_\_\_\_

FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

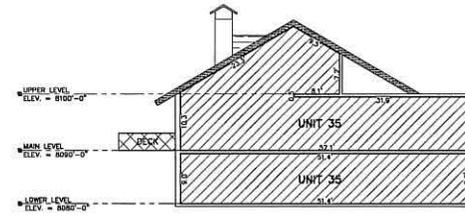
TIME \_\_\_\_\_ DATE \_\_\_\_\_ ENTRY NO. \_\_\_\_\_



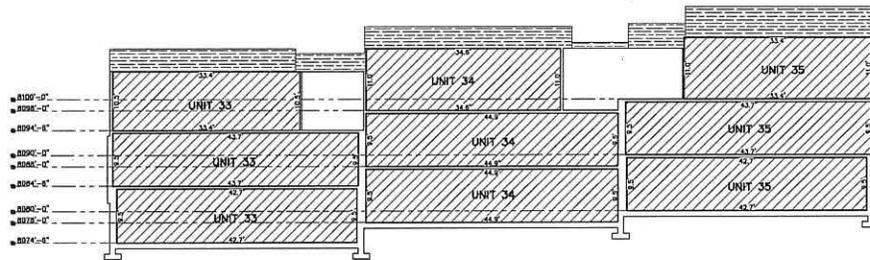
SECTION A  
UNIT 33  
SCALE: 1" = 10'



SECTION B  
UNIT 34  
SCALE: 1" = 10'



SECTION C  
UNIT 35  
SCALE: 1" = 10'



SECTION D  
UNITS 33, 34, & 35  
SCALE: 1" = 10'

SQUARE FOOTAGE TABLE

UNIT No.	LOWER LEVEL	MAIN LEVEL	UPPER LEVEL	TOTAL	GARAGE
33	1,982	1,490	310	3,782	561
34	2,059	1,545	327	3,931	561
35	1,982	1,490	310	3,782	561

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

CONDOMINIUM PLAT  
**LARKSPUR TOWNHOMES 6**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28  
AND THE SOUTHEAST QUARTER OF SECTION 21,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 3

JOB NO.: 11-8-18 FILE: X:\Empire\dwg\ar\plat2018\110818.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF \_\_\_\_\_

FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

TIME \_\_\_\_\_ DATE \_\_\_\_\_ ENTRY NO. \_\_\_\_\_