

**Ordinance No. 2019-13**

**AN ORDINANCE APPROVING THE PARKVIEW CONDOMINIUMS FIRST AMENDMENT TO THE FIRST AMENDED AND RESTATED CONDOMINIUM PLAT AMENDING UNITS 25 AND 27, LOCATED AT 2212 AND 2208 JUPITER VIEW DRIVE, PARK CITY, UTAH**

WHEREAS, owners of property located at 2208 and 2212 Jupiter View Drive and the Parkview Condominiums Home Owners Association, petitioned the City Council for approval of a plat amendment known as the First Amendment to the First Amended and Restated Parkview Condominiums plat, amending Units 25 and 27; and

WHEREAS, on February 13, 2019, the property was posted and notice was sent to surrounding property owners according to the requirements of the Land Management Code; and

~~WHEREAS, on February 9, 2019, notice was published in the Park Record and the Utah Public Notice website according to requirements of the Land Management Code; and~~

WHEREAS, on February 27, 2019, the Planning Commission held a public hearing to receive input on the plat amendment; and

WHEREAS, on February 27, 2019, the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, On March 21, 2019, the City Council held a public hearing on the plat amendment; and

WHEREAS, there is good cause to approve the First Amendment to the First Amended and Restated Parkview Condominiums plat, amending Units 25 and 27, to properly reflect private, common and limited common area for proposed additions and to dedicate public trail, utility and snow storage easements in substantial compliance with the approved Parkview small scale MPD and conditions of the First Amended and Restated Parkview Condominium plat. The proposed plat amendment is consistent with the Land Management Code and State Condominium Act.

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 Parkview Condominiums First Amendment to the First Amended and Restated plat, amending Units 25 and 27, as shown on 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 2208 and 2212 Jupiter View Drive within the Residential Development- Medium (RDM) Zoning District subject to the Master Planned Development Overlay (MPD).
2. The applicant is requesting an amendment to the First Amended and Restated Parkview Condominiums plat for the purpose of allowing portions of limited common rear deck area to be enclosed as private area, similar to what was approved for Units 6-18 and Unit 22 with the First Amended and Restated plat. The plat amendment includes the following:
  - Converting 325 sf of limited common deck area to private area for Unit 25.
  - Converting 276 sf of limited common deck area to private area for Unit 27.
  - No increase in the number of units or required parking spaces.
  - Zone height and setbacks are maintained.
  - No new deck extensions or additions that encroach into the revised delineated wetland area buffer new deck areas are proposed.
  - No construction within or changes to the natural open space area adjacent to McLeod Creek are proposed.
  - Required fifty-foot (50') setback, between the delineated wetland high water mark of McLeod Creek and any structure, is maintained.
  - No new structures are proposed within the fifty-foot (50') setback area.
  - A 10' public utility easement is dedicated adjacent to the edge of pavement within the 40' access easement.
  - A 10' public snow storage easement is dedicated along Holiday Ranch Loop Road, a public street.
  - A 12.5' public trail easement for an existing public trail along the south property line is dedicated with this plat.
3. On December 17, 1984, the City Council approved the Parkview Subdivision plat that was recorded at Summit County on December 18, 1984.
4. On October 9, 1996, Planning Commission approved the Parkview small scale MPD for 36 townhome units in twelve buildings of three units each on the 5.237 acre Parkview Subdivision Lot 2.
5. On February 7, 1997, the City Council approved the Parkview Condominiums plat that was recorded at Summit County on February 11, 1997.
6. In 2007, a Letter of Map Amendment (LOMA) was issued by Federal Emergency Management Agency (FEMA). The LOMA adjusted the flood map for the Parkview property to remove everything outside of a new floodplain delineation line to "Zone X", which is a non-flood hazard area, and classified all of property contained within the creek and the meander corridor as "Zone C".
7. In 2009, the Parkview HOA hired IHI Engineering to re-delineate the wetlands, with approval by the Army Corps of Engineers (Corps), who oversees wetland designations and necessary permitting (404 permits) for encroachments into wetland areas. The delineation moved the designated wetland line back towards the creek by upwards of ten feet (10') in some locations and modified the 50' setback line.
8. On May 30, 2013, the City Council approved the First Amended and Restated Parkview Condominiums plat. The First Amended and Restated plat reflected the Army Corps of Engineers acceptance of changes to the high water mark and to

allow rear deck extensions to the 50' setback line, as well as rear deck enclosures. The plat was recorded at Summit County on July 28, 2015 and the 1997 Parkview Condominiums plat was retired by Summit County.

9. The First Amended and Restated plat allowed twenty-four (24) of the thirty-six (36) units to extend rear decks and allowed fourteen (14) of those units to expand the floor area by adding rear additions of approximately 500 square feet.
10. On January 30, 2019, a complete application for a First Amendment to the First Amended and Restated Parkview Condominiums plat was submitted to the Planning Department.
11. This First Amended plat requests conversion of limited common deck area to private area for additions to Units 25 and 27, as further described in item 2 above.
12. This First Amended plat does not include extensions of elevated decks or additional impacts to the natural open space area. Conditions related to stairs, landings and allowed use of the open space area will continue to apply.
13. The open space area remains in a natural state with grass, shrubs and trees present. It is important to maintain the natural character of this open space area. As originally conditioned, this area remains as common open space with limited use for passive recreation activities. Hot tubs and other amenities are conditioned to remain on the elevated decks, with open space areas to remain free of structures other than the stairways and limited landings.
14. Additions proposed with this First Amended plat do not encroach into the revised delineated wetland area buffer. No new deck extensions into the natural open space area adjacent to McLeod Creek are proposed.
15. The required fifty-foot (50') setback, between the delineated wetland high water mark of McLeod Creek and any structure, is maintained.
16. Original approval was for 36 units on 5.237 acres and was stated as 6.87 units per acre. Approved density was expressed in terms of units per acre, as opposed to total unit equivalents (UE) or floor area. No increase in the number of units is proposed.
17. This proposed First Amended plat does not increase density in terms of the number of units. There will still be 36 recorded condominium units.
18. The MPD required two parking spaces per unit, based on the number of units and floor area (72 spaces required). There are ninety-six (96) parking spaces on site, fifty-nine (59) are enclosed parking spaces (a 60th garage is a common storage garage), thirteen (13) are tandem spaces on private driveways, and twenty-four (24) are exterior common (guest) spaces. Current proposed changes to floor area do not increase parking requirements for the units or the overall development.
19. Original approval required sixty percent (60%) open space and seventy-five percent (75.04%), or approximately 3.93 acres (171,191 sf) was provided. Deck extensions and the rear additions permitted with the First Amended and Restated plat represent a reduction in open space from 75% to 71%. Upper level decks are not included as open space; therefore current proposal to enclose portion of existing deck area for Units 25 and 27 does not change the open space area.
20. The MPD did not grant any height increases over the RDM zone height. No building height exceptions are requested for the additions. Additions that back to the wetland buffer do not extend beyond the existing decks and maintain existing side and rear setbacks.

21. This proposed First Amended plat does not require a revised MPD as proposed changes to these units are in substantial compliance with the original approvals, consistent with approval of similar additions with the First Amended and Restated plat, no new units are proposed, no additional site work is proposed, no additional parking is required, and percentage of open space exceeds the required amount of 60%. All conditions of the Parkview small scale MPD and the First Amended and Restated Parkview Condominiums plat continue to apply.

#### Conclusions of Law

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
2. The plat amendment is consistent with the Parkview Condominiums MPD and First Amended and Restated Parkview Condominiums plat
3. Neither the public nor any person will be materially injured as a result of approval of the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval

1. City Attorney, City Engineer and City Planner review and approval of the final form and content of the amended plat for compliance with State law, the Land Management Code and these conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the amended plat at Summit 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 amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall indicate that all applicable conditions of approval of the Parkview Condominiums MPD and First Amended and Restated Parkview Condominium plat shall continue to apply.
4. A plat note shall indicate that this plat is subject to Ordinance 13-17 and Ordinance 2019-XX (the Ordinance approving this plat amendment).
5. A plat note shall state that all construction will be reviewed for compliance with adopted Building Codes, the Land Management Code, the First Amended and Restated Parkview Condominium plat, including residential fire sprinklers as required by the Chief Building Official.
6. The wetlands and open space areas are permanent no-build areas, with the exception of specified and approved utility and trail installations and improvements as noted on the plat.
7. Any work in the wetland areas requires a permit issued by the US Army Corps of Engineers. All such work shall be approved by the Park City prior to commencing, as noted on the plat.
8. Any fixed construction on the subject property within the FEMA regulatory floodplain, as further described in plat note #12, shall not cause the base flood water surface elevation to increase more than one foot, as noted on the plat.

9. Open Space areas are to remain free of structures or development, with an exception only for the required gravel (or other approved non-impervious material) stairway landings, which shall not exceed the square footage minimum for each, as required by current building code (approximately 36" x 36" or 6 feet by 6 feet for side-by-side stairways), as noted on the plat. There will be no hot tubs, gazebos, barbecues, playgrounds or any structures or active recreation areas allowed within the open space area between the buildings and the creek, as noted on the plat.
10. Deck areas as shown on the amended plat are not to be converted to private living space or enclosed, unless a plat amendment is approved, nor are additional structures, etc. allowed within these or other open space areas, as noted on the plat.
11. No chemical pesticides or synthetic herbicides shall be applied to the natural area landscaping due to proximity to the creek, as noted on the plat.
12. A landscape plan shall be submitted with all building permits. The landscape plan shall identify existing significant vegetation/trees within the proposed Limits of Disturbance area of the specific building permits for expansion of Units 25 and 27, and shall describe how any areas of disturbance will be landscaped following construction to maintain the character of the natural open space area.
13. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and these conditions of approval prior to building permit issuance.

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

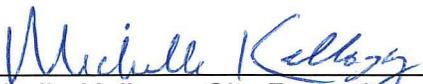
PASSED AND ADOPTED this 21<sup>st</sup> day of March, 2019.

PARK CITY MUNICIPAL CORPORATION



  
Andy Beerman, MAYOR

ATTEST:

  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
Mark Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**

I, Charles Galati, certify that I am a Registered Land Surveyor and that I hold License No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of PARKVIEW CONDOMINIUMS and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

**LEGAL DESCRIPTION**

All of Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, AMENDED, CONSOLIDATED & RESTATED PARKVIEW CONDOMINIUMS, a Utah Condominium Project, together with its undivided ownership interest in and to the Common Areas and Facilities of the project, as the same are identified and established in the Record of Survey map recorded February 11, 1997, as Entry No. 4720328, and in the Amended, Consolidated and Restated Record of Survey Map recorded July 28, 2015, as Entry No. 1024647 and in the Declaration of Condominium of Parkview Condominiums recorded February 11, 1997, as Entry No. 4720328 in Book 1028 at Page 635, and in the Amended and Restated Declaration of Condominium recorded July 28, 2015, as Entry No. 1024648 in Book 2356 at Page 664, records of Summit County, Utah.

**ASSOCIATION DEDICATION AND CONSENT TO RECORD**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, Parkview Condominium Owners' Association, a Utah non-profit corporation, does hereby certify that on the 1st day of November 2017, the Board of Trustees certified that more than two-thirds of the owners of the Association voted to convert specified common areas to private ownership for the benefit of certain owners. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consents to the recordation of this Record of Survey Map. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association does hereby dedicate the non-exclusive utility easements shown hereon to the use of the public in accordance with an irrevocable offer of dedication.

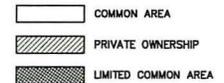
**PARKVIEW CONDOMINIUM OWNERS' ASSOCIATION**

By \_\_\_\_\_  
Derek A. Howard, Secretary/Treasurer  
Parkview Condominium Owners Association

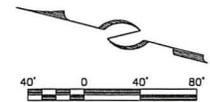
**ACKNOWLEDGMENT**

STATE OF UTAH )  
COUNTY OF SUMMIT ) ss.  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared before me, Derek A. Howard, who being by me duly sworn did say, that he is the Secretary/Treasurer of Parkview Condominium Owners' Association, a Utah nonprofit corporation, and that he signed the above Owner's Dedication and Consent to Record for, on and in behalf of the unit owners of said Association, and said Secretary/Treasurer duly acknowledged that said Association executed the same.

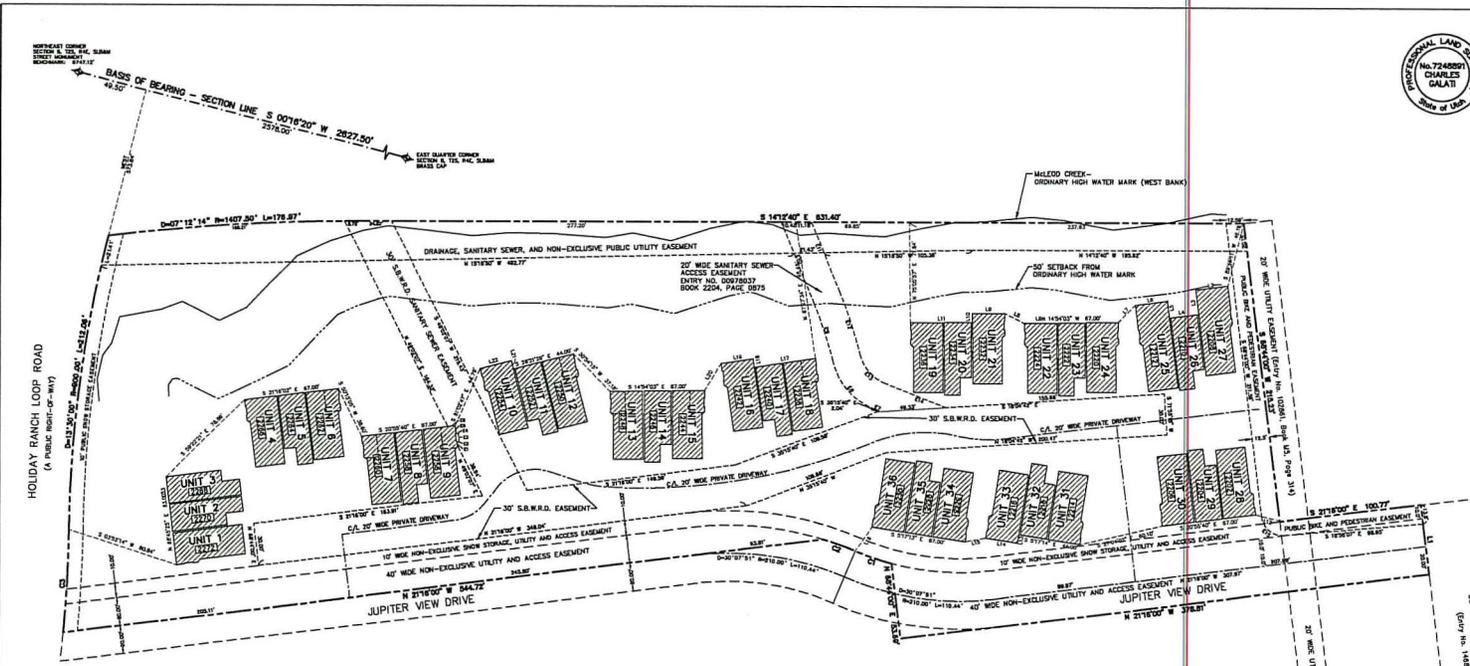
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My Commission Expires: \_\_\_\_\_  
My Commission No.: \_\_\_\_\_



LEGEND  
SF REPRESENTS SQUARE FEET  
PF REPRESENTS PERCENTAGE



THIS SHEET REPLACES SHEET 1 OF THE AMENDED PARKVIEW CONDOMINIUMS RECORDED JULY 28, 2015, AS ENTRY NO. 1024647



- NOTES**
- Plans and dimensions shown on this plot were compiled from architectural drawings prepared by John C. Sibley Architect & Associates and Editt Workgroup. No field measurements were made. Actual measurements may vary from those shown.
  - Interior dimensions shown are to finished surfaces.
  - All structural elements are designated as Common Areas.
  - Refer to declaration of condominium for complete description of ownership.
  - Setbacks: See street monument on Sheet 1 of 3 for location and elevation.
  - This project is served by common sewer interests and the ownership and maintenance responsibility of the common interests is the responsibility of Parkview Condominium Homeowners' Association.
  - All areas indicated as Common ownership are non-exclusive utility and access easements.
  - All areas will include residential fire sprinklers, as required by the Chief Building Official.
  - All conditions of approval for the PARKVIEW CONDOMINIUMS S.P.D. and the AMENDED, CONSOLIDATED AND RESTATED PARKVIEW CONDOMINIUMS and continue to apply and remain in full force and effect.
  - The setbacks and open space areas shown are permanent no-build areas, with the exception of specified and approved utility and lot improvements and improvements as indicated on this plot.
  - All work in the wetland areas requires a permit issued by the U.S. Army Corps of Engineers. All such work shall be approved by the Park City Community Development Department.
  - Portions of the subject property along McNeal Creek are located within the Federal Emergency Management Agency (FEMA) regulatory floodplain, the base flood water surface elevation and extent of which are addressed herein in the Flood Insurance Study (FIS) and on the Flood Insurance Rate Map (FIRM) issued by FEMA. Any future construction on the subject property within said floodplain shall not cause the base flood water surface elevation to increase more than one foot.
  - The statement plotted along the east boundary line was granted with the Parkview Subdivision Plat recorded as Entry #22844 and approved with the Parkview Condominiums Plat recorded as Entry #73202 on February 11, 1997.
  - The 30' S.B.M.R.D. easement was granted to Snyderville Basin Water Reclamation District by Order of Easement recorded as Entry #463355, Book 1011, Page 717. The easement area was separated by the Parkview Condominiums Plat recorded as Entry #732028 on February 11, 1997.
  - This plot is subject to the conditions of approval of Ordinance No. 13-17 and Ordinance No. 2018-\_\_\_\_.
  - Open Space areas are to remain free of structures or development.
  - There will be no hot tubs, pools, hotspots, playgrounds, or any structures or active recreation areas allowed within the open space area between the buildings and the creek.
  - Deck areas as shown on this plot are not to be converted to private living space or enclosed, nor are additional structures, etc. allowed within these or other open space areas.
  - No pesticides or herbicides shall be applied to the natural area landscaping due to proximity to the creek.
  - A landscape plan shall be submitted with all building permits. The landscape plan shall identify existing significant vegetation/trees within the Limits of Disturbance area and shall describe mitigation of any trees to be removed. The buffer of mature evergreen trees behind the units along Jupiter View Drive shall remain.

**LINE TABLE**

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**CURVE TABLE**

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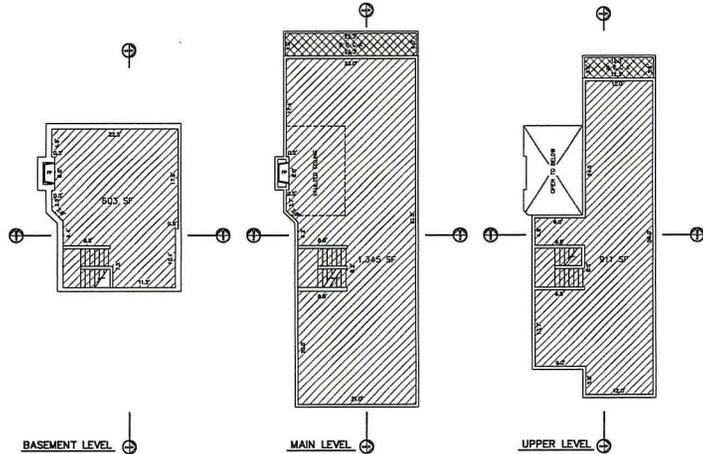
**EASEMENT CURVE TABLE**

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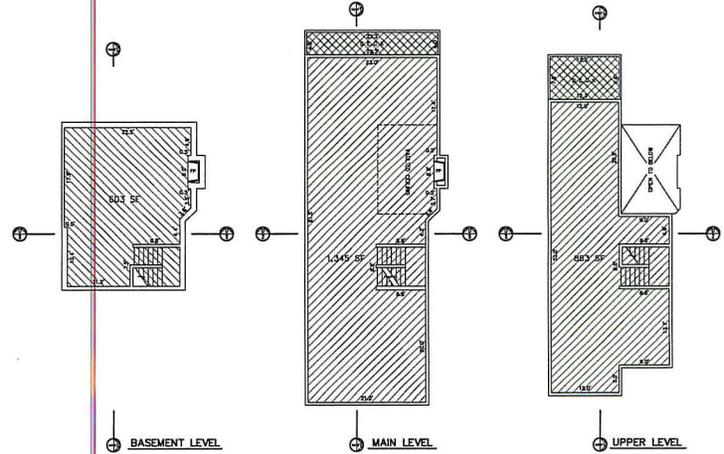
**PARKVIEW CONDOMINIUMS—FIRST AMENDMENT TO THE AMENDED, CONSOLIDATED AND RESTATED—AMENDING UNITS 25 & 27**

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2004, Park City, Utah 84060-2004</p>	<p>(432) 648-9487</p> <p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019</p> <p>BY _____ S.B.W.R.D.</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019</p> <p>BY _____ CHAIR</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ OF _____, 2019</p> <p>BY _____ MAYOR</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
	<p>1/26/19 JOB NO.: 19-12 FILE: X:\Park Meadows\dwg\arc\plot2019-010912-amended.dwg</p>						



UNIT 25  
2,056 TOTAL SQUARE FEET

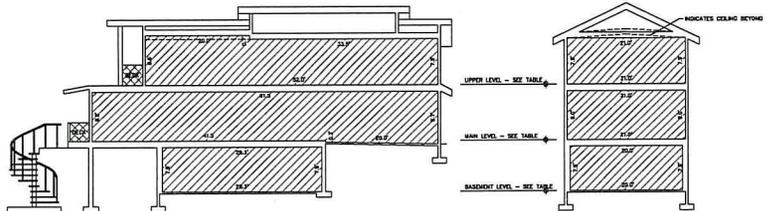


UNIT 27  
2,211 TOTAL SQUARE FEET

LEGEND  
S.F. REPRESENTS SQUARE FEET.  
FP REPRESENTS FIREPLACE.

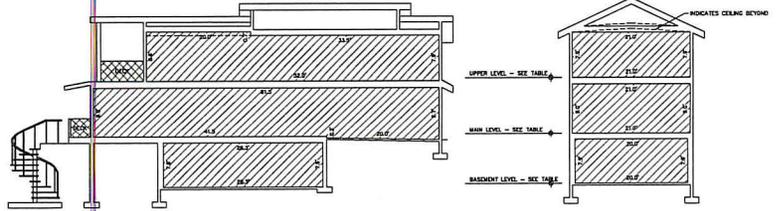
FLOOR ELEVATION TABLE

FLOOR NUMBER	25	27
UPPER LEVEL	8786.7	8786.7
MAIN LEVEL	8776.7	8776.7
BASEMENT LEVEL	8766.7	8766.7



SECTION A-2

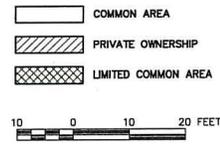
SECTION B-2



SECTION C-2

SECTION D-2

- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY ARCHITECT AND ELLIOTT WORKGROUP ARCHITECTURE.
  2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
  3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
  4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
  5. BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



## PARKVIEW CONDOMINIUMS—FIRST AMENDMENT TO THE AMENDED, CONSOLIDATED AND RESTATED—AMENDING UNITS 25 & 27

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

THIS SHEET IS A SUPPLEMENT TO SHEET 3 OF 11 OF THE AMENDED PARKVIEW CONDOMINIUMS RECORDED JULY 28, 2015, AS ENTRY NO. 1024647 AND REPLACES UNITS 25 & 27

JOB NO.: 1-9-12 FILE: X:\ParkMeadow\dwg\ar\plot2012\010912\_bh2-11-amended.dwg  
1/26/12

**RECORDED**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

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

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

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