

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO FAWNGROVE  
CONDOMINIUMS PHASE I LOCATED AT 1400 DEER VALLEY DRIVE NORTH,  
PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Fawngrove Condominiums, located 1400 Deer Valley Drive North within the Deer Valley Resort Eleventh (11<sup>TH</sup>) Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common area adjacent to unit 1: 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 November 28, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on December 13, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 11th Amended and Restated Master Planned Development to approve the proposed amendments to the Amendment to Fawngrove Condominiums Plat.

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 Amendment to Fawngrove Condominiums 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. Fawngrove Condominiums are located at 1400 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.

2. The site is within the RD District.
3. The owner of Unit 1 and the Fawngrove HOA request convert the common space adjacent to Unit 1 to private space.
4. The area conversion is to facilitate the construction/addition to an entry vestibule of approximately 128 square feet to existing condo Unit 1.
5. According to a letter submitted by the HOA in October 2012, the Fawngrove Home Owners' Association voted to approve this amendment to the record of survey request.
6. Fawngrove Condominiums consists of sixty-one (61) residential condominium built over two phases.
7. The sixty-one (61) units have been previously constructed.
8. The MPD did not approve the project under the unit equivalent formula.
9. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
10. The proposed amendment is consistent in that the additional floor area is minimal as it minimizes site disturbance.
11. The proposed amendment preserves the existing natural open space, and limits impacts of development.
12. Unit 1 would increase by approximately 128 square feet from 1,966 square feet to a total of 2,094 square feet.
13. The addition does not increase the number of units rather it allows the area of Unit 1 to increase by approximately seven percent (7%).
14. The proposed increase is allowed under the approved MPD.
15. All construction is proposed within the existing building envelope.
16. The minimum front yard within the RD District is twenty (20) feet.
17. The proposed addition is 36.31 feet from the front yard property line.
18. The proposed addition is off an existing shed roof that would meet the maximum height of thirty-three feet (33').
19. The plat identifies that a parking space has been assigned for the use of Unit 1. LMC § 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The site also contains visitor parking spaces that can be counted towards the additional parking space needed for the requested amendment to the record of survey.

#### Conclusions of Law:

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11<sup>th</sup> amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.


Conditions of Approval:

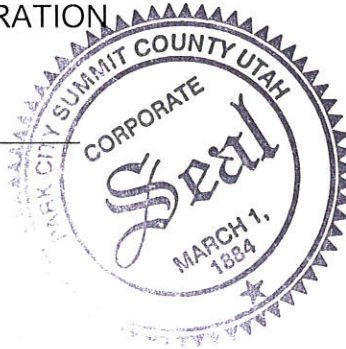
1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 1 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11<sup>th</sup> Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.

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


PASSED AND ADOPTED this 13<sup>th</sup> day of December, 2012.

PARK CITY MUNICIPAL CORPORATION

  
Dana Williams, MAYOR



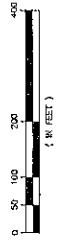
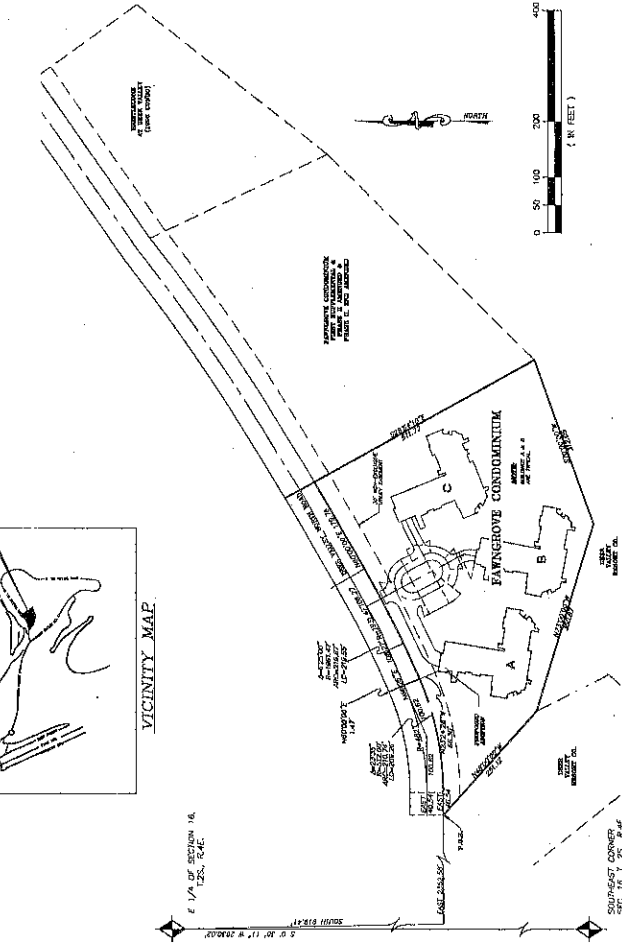
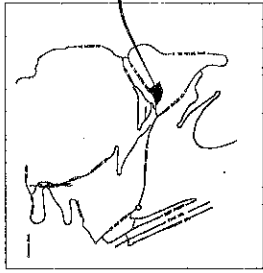
ATTEST:

  
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

  
Mark D. Harrington, City Attorney

**FIRST AMENDMENT TO  
FAWNGROVE CONDOMINIUMS  
AN AMENDMENT TO  
FAWNGROVE CONDOMINIUMS  
AMENDING THE RECORD OF SURVEY MAP OF  
"A UTAH EXPANDABLE CONDOMINIUM PROJECT"  
LOCATED IN SECTION 15, T2S, R. 4E, S15&M.**

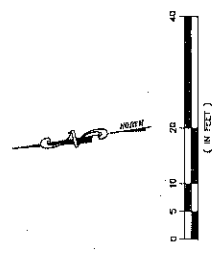
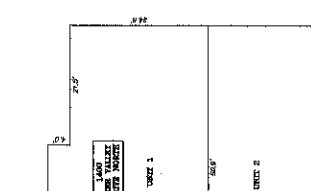


**SUBJECT PROPERTY**  
 THE LAND SHOWN ON THIS MAP IS A CERTAINLY OWNED LAND SURFACE AND THIS FIELD SURVEY HAS BEEN MADE BY THE SURVEYOR AND THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF UTAH. THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF UTAH AND HAS BEEN LICENSED BY THE STATE OF UTAH. THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF UTAH AND HAS BEEN LICENSED BY THE STATE OF UTAH. THE SURVEYOR HAS BEEN LICENSED BY THE STATE OF UTAH AND HAS BEEN LICENSED BY THE STATE OF UTAH.

**LEGAL DESCRIPTION**  
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**OWNER'S DECLARATION AND CONSENT TO RECORD**  
 I, THE UNDERSIGNED, HAVE READ THE FOREGOING AND THE INSTRUMENTS REFERRED TO THEREIN AND I HEREBY CERTIFY THAT THE SAME ACCURATELY REPRESENT THE REALITY AS SHOWN BY THE SURVEY AND THAT I AM THE OWNER OF THE SAME AND I HEREBY CONSENT TO THE SAME BEING RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF UTAH AND THE STATE OF UTAH.

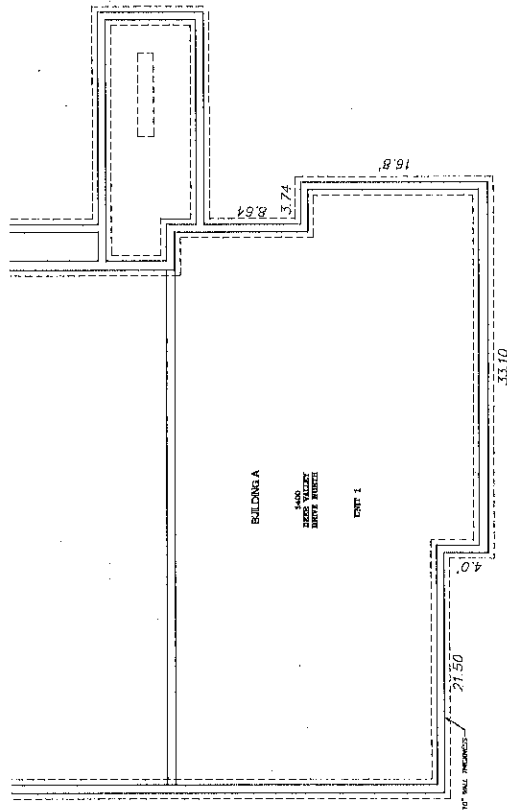
**ACKNOWLEDGMENT**  
 STATE OF UTAH )  
 COUNTY OF SUMMIT )  
 ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014 )  
 I, \_\_\_\_\_ )  
 PERSONALLY APPEARED BEFORE ME )  
 \_\_\_\_\_ )  
 A NOTARY PUBLIC AND KNOWN TO ME TO BE THE )  
 PERSON WHOSE NAME IS SUBSCRIBED TO THE )  
 FOREGOING INSTRUMENT AND I HEREBY CERTIFY )  
 THAT HE OR SHE IS THE PERSON WHOSE NAME IS )  
 SUBSCRIBED TO THE FOREGOING INSTRUMENT )  
 AND THAT HE OR SHE IS CAPABLE OF MAKING )  
 THE FOREGOING INSTRUMENT AND CONSENTS TO )  
 RECORD THE SAME IN THE PUBLIC RECORDS OF )  
 THE COUNTY OF UTAH AND THE STATE OF UTAH.



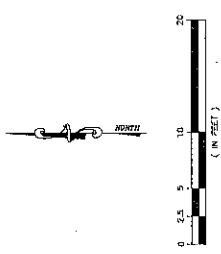
<p><b>CERTIFICATE OF ATTEST</b>          I, _____, CLERK OF THE COUNTY OF SUMMIT, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED IN MY OFFICE ON _____ DAY OF _____ 2014 A.D.</p>	<p><b>PLANNING COMMISSION</b>          APPROVED BY THE PARK CITY PLANNING COMMISSION          THIS _____ DAY OF _____ 2014 A.D.          BY: _____ CHAIRMAN</p>	<p><b>ENGINEER'S CERTIFICATE</b>          I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE          THIS _____ DAY OF _____ 2014 A.D.          BY: _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>          APPROVED AS TO FORM          THIS _____ DAY OF _____ 2014 A.D.          BY: _____ PARK CITY ATTORNEY</p>	<p><b>FIRST AMENDMENT TO FAWNGROVE CONDOMINIUMS</b>          AMENDING SHEET 1 OF 3          "A UTAH EXPANDABLE CONDOMINIUM PROJECT"          LOCATED IN SECTION 15, T2S, R. 4E, S15&amp;M.</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>          APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL          AND _____ OF _____ 2014 A.D.          BY: _____ MAYOR</p>	<p><b>RECORDED</b>          STATE OF UTAH, COUNTY OF SUMMIT, AND          AT THE REQUEST OF _____          THE _____ DATE _____ BOOK _____ PAGE _____          BY: _____ RECORDER</p>	<p><b>SHEET</b>          1 of 3</p>
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FIRST AMENDMENT TO  
**FAWN GROVE CONDOMINIUMS**  
 AN AMENDMENT TO  
 FAWN GROVE CONDOMINIUMS  
 AMENDING SHEET 2

"A UTAH EXPANDABLE CONDOMINIUM PROJECT"  
 LOCATED IN SECTION 15, T.2S. R. 4E., S.1/4B.M.



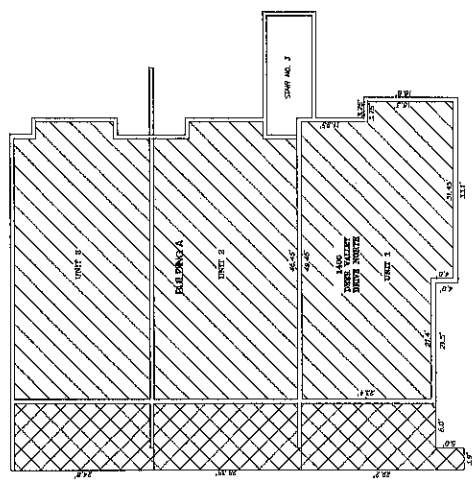
FOUNDATION



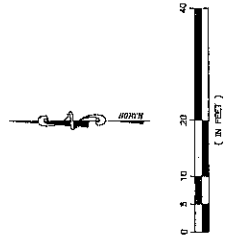
NOTES:  
 ALL DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE SPECIFIED.  
 ALL DIMENSIONS SHALL BE 1/4" UNLESS OTHERWISE SPECIFIED.

LEGEND:

- [Hatched: diagonal lines] COMMON OWNERSHIP
- [Hatched: vertical lines] PRIVATE OWNERSHIP
- [Hatched: cross-hatch] LIMITED COMMON OWNERSHIP



MAIN FLOOR



FIRST AMENDMENT TO  
 FAWN GROVE CONDOMINIUMS  
 AMENDING SHEET 2 OF 3  
 "A UTAH EXPANDABLE CONDOMINIUM PROJECT"  
 LOCATED IN SECTION 15, T.2S. R. 4E., S.1/4B.M.

TED MASON, P.L.S.  
 LAND SURVEYING &  
 DESIGN, LLC  
 LAND PLANNING - LAND SURVEYING -  
 CIVIL ENGINEERING  
 PROJECT NO. 2015-001

RECORDED

STATE OF UTAH, COUNTY OF SAMUEL, AND  
 AT THE REQUEST OF \_\_\_\_\_  
 THE \_\_\_\_\_ DATE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 FOR \_\_\_\_\_