

Ordinance No. 13-40

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE STAG LODGE PHASE IV CONDOMINIUMS FOR UNIT 52, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owner of the property known as the Stag Lodge Phase IV condominium Unit 52, has petitioned the City Council for approval of a request for an amendment to the record of survey plat to designate additional basement area as private area; 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 September 25, 2013, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on September 25, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 17, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Stag Lodge Phase IV record of survey plat for Unit 52 to reflect as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 Second Amended Stag Lodge Phase IV condominium record of survey plat for Unit 52, 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 8200 Royal Street East, Unit 52.
2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.
10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.
11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.
12. The HOA voted unanimously for approval to convert common to private space
13. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will 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 amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the

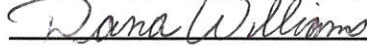
record of survey.

2. The applicant will record the amended record of survey 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 record of survey 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. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of certificates of occupancy for the interior basement finish work.

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

PASSED AND ADOPTED this 17 day of October, 2013.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



City Recorder's Office



APPROVED AS TO FORM:



Mark Harrington, City Attorney

EXHIBIT A

SURVEYOR'S CERTIFICATE

I, the undersigned, a duly licensed and qualified Surveyor of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey map as shown to me by the applicant and that the same is in accordance with the laws of the State of Utah.

LEGAL DESCRIPTION: A certain portion of the land described in the original survey map of the Stag Lodge Phase IV Unit 52, as shown on the attached survey map, and more particularly described as follows: ...

ASSOCIATION CONSENT AND CONSENT TO RECORD

I, the undersigned, the duly authorized representative of the Stag Lodge Phase IV Unit 52 Homeowners Association, do hereby consent to the recording of the foregoing survey map and to the issuance of a deed thereon.

ACKNOWLEDGMENT

On this day of _____, 2015, at the County of _____, State of Utah, the following persons, whose names are subscribed to the foregoing survey map, acknowledged to me that they executed the same as their free and voluntary act and deed.

OWNER'S CONSENT AND CONSENT TO RECORD

I, the undersigned, the owner of the land described in the foregoing survey map, do hereby consent to the recording of the same and to the issuance of a deed thereon.

ACKNOWLEDGMENT

On this day of _____, 2015, at the County of _____, State of Utah, the following persons, whose names are subscribed to the foregoing survey map, acknowledged to me that they executed the same as their free and voluntary act and deed.

SECOND AMENDED RECORD OF SURVEY MAP STAG LODGE PHASE IV UNIT 52

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN, MERIDIAN 12 WEST, PARK CITY, SUMMIT COUNTY, UTAH. SHEET 2 OF 2

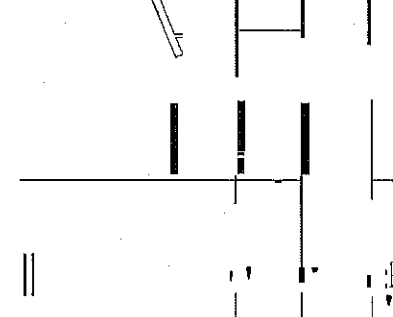
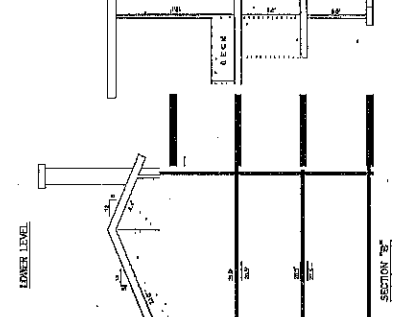
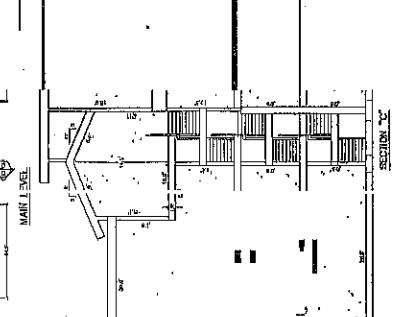
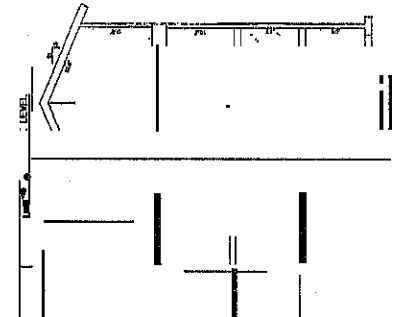
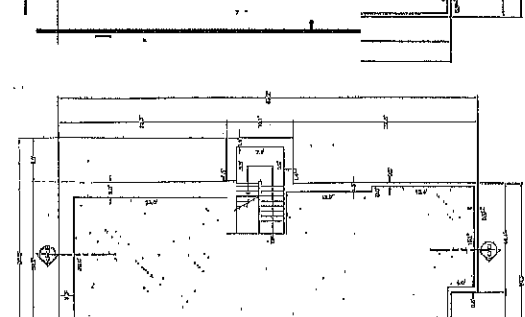
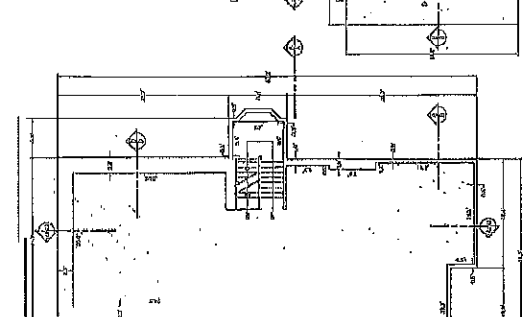
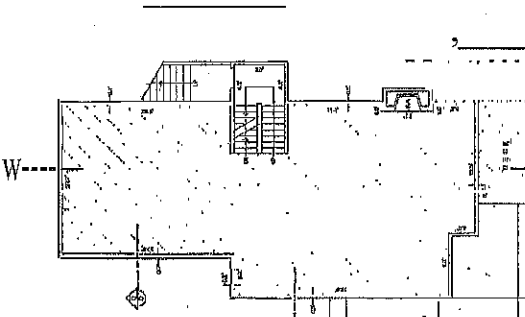
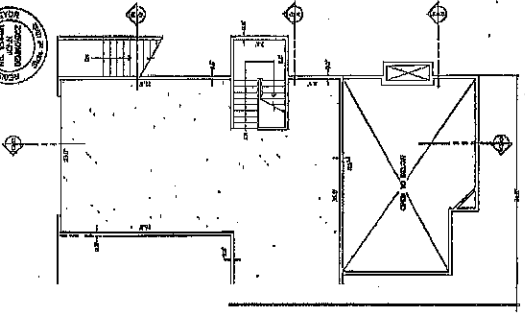


Table with 2 columns: FLOOR AREA, TIME. Rows include Lowest Level, Main Level, Upper Level, and Total.

ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT BY THE ENGINEER ON THIS DATE...

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DATE...

ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT BY THE ENGINEER ON THIS DATE...

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DATE...

ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT BY THE ENGINEER ON THIS DATE...

STATE OF UTAH, COUNTY OF SUMMIT, AND SAID AT THE RESIDE OF DATE THE BOOK PAGE RECORD

COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DAY OF 2015 A.D. BY MAYOR

CERTIFICATE OF ATTEST APPROVED AS TO FORM AND CONTENT BY THE CLERK OF THE PARK CITY COUNCIL THIS DAY OF 2015 A.D. BY PARK CITY CLERK

APPROVED AS TO FORM AND CONTENT BY THE CITY ATTORNEY DAY OF 2015 A.D. BY CITY ATTORNEY

ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT BY THE ENGINEER ON THIS DATE...

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DATE...

ENGINEER'S CERTIFICATE APPROVED AS TO FORM AND CONTENT BY THE ENGINEER ON THIS DATE...

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DATE...



Professional Engineer Name and License Information.