

Ordinance No. 14-13

AN ORDINANCE APPROVING THE AMENDED DVD CONDOMINIUMS PLAT AMENDING UNITS 5 AND 6, LOCATED AT 345 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as DVD Condominiums Units 5 and 6, have petitioned the City Council for approval of the Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 3, 2014, 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 Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project to document the as-built conditions for these completed condominium units.

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 Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 5 and 6 of the Amended DVD Condominiums Plat, is located at 345 Deer Valley Drive.
2. The property is located within the R-1 zoning district.
3. March 24, 2011, the City Council approved the DVD Condominiums Plat. This plat was recorded June 8, 2006.
4. On January 30, 2014, the Planning Department received a complete application for the Amended DVD Condominiums Plat amending Units 5 and 6.

5. The purpose of the supplemental plat is to describe and document the as-built conditions for constructed Units 5 and 6 at the DVD Condominiums prior to issuance of a certificate of occupancy.
6. The supplemental plat complies with the conditions of approval of the underlying plats, namely the DVD Condominiums plat.
7. Unit 5 contains a total of 6,052 square feet. Unit 6 contains a total of 2,828 square feet.
8. As conditioned, this supplemental plat is consistent with the conditions of approval of the DVD Condominiums plat.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 5 and 6.
2. The supplemental 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 supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, 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 of the supplemental 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 Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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 DVD Condominiums plat shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.
5. Units 5 and 6 will maintain a 50-foot limit of disturbance area from the rear yard setback.
6. The existing disturbed area in the rear yard setback shall not be improved with any structures, patios, decks or similar improvements.
7. The Unit sizes shall be reflected on the plat as they are to reflect the actual size of the Units.

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

PASSED AND ADOPTED this 3rd day of April, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas
Jack Thomas, MAYOR

ATTEST:

Marci Heil
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney



