

**Ordinance No. 2017-01**

**AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE STAG LODGE PHASE I CONDOMINIUMS FOR UNIT 10, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.**

WHEREAS, the Stag Lodge Home Owners' Association has petitioned the City Council for approval of a request for an amendment to the Stag Lodge Phase I condominium, Unit 10, located at 8200 Royal Street East condominium plat to convert what is currently designated as Common Ownership area to Limited Common Ownership area to allow for the extension of a deck with use exclusive to Unit 10; 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 Utah Public Notice Website on November 11, 2016 and courtesy notice was sent to surrounding property owners, in accordance with the Land Management Code on November 11, 2016; and

WHEREAS, the Planning Commission held a public hearing on November 30, 2016, to receive input on the proposed amended condominium plat; and

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

WHEREAS, on January 5, 2017, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah and there is good cause, to approve the Third Amended Stag Lodge Phase I condominium plat for Unit 10, to convert existing Common Ownership area to Limited Common Ownership area without increasing the overall number of residential units or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11<sup>th</sup> Amended DVMPD, as of time of application).

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 Third Amended Stag Lodge Phase I condominium plat for Unit 10, 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 10.
2. The property is located within the Residential Development (RD) District 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, as long as the project maintains 60% or more of open space. In the case of Stag Lodge Phases I-IV, the developer utilized the number of units with no size restriction instead of the unit equivalent formula.
4. Stag Lodge Phase I condominium plat was approved by City Council on January 10, 1985 and recorded at Summit County on March 4, 1985.
5. The First Amended Stag Lodge Phase I plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003. The First Amendment replaced sheets 2, 3, 4, 5, and 6 (of 6) of Stag Lodge Phase 1, and converted areas of Limited Common and Common Ownership to Private Ownership.
6. The Second Amended Stag Lodge Phase I plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005. The Second Amendment affected sheets 2, 4, and 5 (of 6) of Stag Lodge Phase 1, and converted Common Ownership Area to Private Ownership in order to reflect as-built conditions of units that had been combined by removing interior Common walls that separated them.
7. On June 6, 2016, an application was submitted to the Planning Department for the Third Amended Stag Lodge Phase I condominium plat for Unit 10, to convert what is currently designated as Common Ownership area to Limited Common Ownership area to allow for the extension, and appurtenant use of, an existing deck outside of Unit 10's main-level living room. The application was deemed complete on October 7, 2016.
8. A conversion of Ownership from Common to Limited Common (and vice-versa) does not require that a plat amendment be recorded; however, the applicant requested that the change be recorded to ensure that the deck area is appurtenant to Unit 10 to the exclusion of other units.
9. The consent of 2/3 or more of the Unit Owners is required and 100% supported the conversion.
10. The amendment will not affect the overall number of residential units and at least 60% of open space is maintained.
11. The proposed amendment and deck extension will not increase the existing building footprint, or amount of Private Ownership area.
12. The proposed plat amendment does not increase the parking requirements for this unit.
13. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

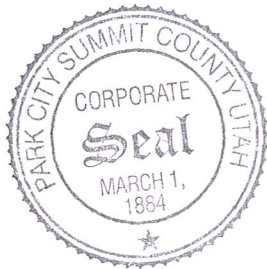
1. There is good cause for this amendment to the condominium plat.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the Deer Valley Master Planned Development, 11<sup>th</sup> Amended and Restated, which is most current at time of application.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions of approval below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

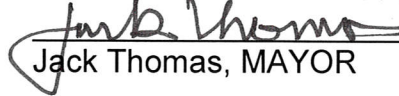
1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the 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 other conditions of approval of the Stag Lodge Condominium record of survey plats as amended and the Deer Valley MPD shall continue to apply.

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

PASSED AND ADOPTED this 5<sup>th</sup> day of January, 2016.



PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg  
City Recorder's Office

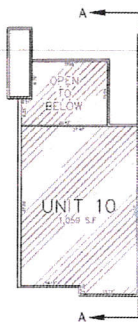
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney

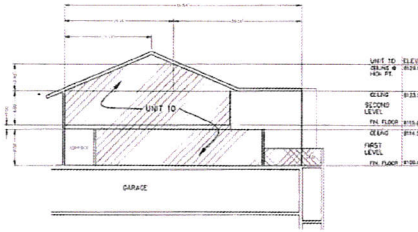
Exhibit A - Proposed Plat



MAIN LEVEL  
SCALE: 1"=10'



UPPER LEVEL  
SCALE: 1"=10'



SECTION  
SCALE: 1"=10'



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Licensed Land Surveyor and that I hold Certificate No. 4438735, as prescribed by the laws of the State of Utah, and that I am duly qualified to perform the duties of a Surveyor. This Record of Survey map of STAG LODGE PHASE 1, UNIT 10, was prepared under my direction and that the same has been measured on the ground as shown on the plat. I believe, certify that the information on the plat is accurate.

LEGAL DESCRIPTION

UNIT 10 STAG LODGE CONDOMINIUMS, a state condominium project, together with an undivided apartment ownership interest, as well as the common areas and facilities of the project as the same are identified and established in the record of survey map recorded March 4, 1983, as Entry No. 21129 in Book 212 Page 426; the instrument is description of condominium to Stag Lodge recorded June 1, 1984, as Entry No. 22091 in Book 473 Page 216; the record of survey map for Stag Lodge Phase 1 recorded January 11, 1985, as Entry No. 23244 and the record of survey map for Stag Lodge recorded January 17, 1989, as Entry No. 30342 in Book 505 at Page 425; of the other records and the record of survey map of Stag Lodge Phase 1, recorded March 1, 1982, as Entry No. 21728 and the final amendment to condominium declaration for Stag Lodge recorded March 1, 1990, as Entry No. 23287 in Book 554 at Page 128 and the amended record of survey map Stag Lodge Phase 1, recorded December 2, 1990, as Entry No. 33326 and the final amendment to condominium declaration for Stag Lodge recorded December 2, 1990, as Entry No. 33326 in Book 587 at Page 128 and the record of survey map of Stag Lodge recorded January 6, 1992, as Entry No. 35287 in Book 610 at Page 720 and the record of survey map for Stag Lodge Phase 1 recorded July 30, 1992, as Entry No. 36286 and the final amendment to condominium declaration for Stag Lodge recorded July 30, 1992, as Entry No. 36286 in Book 625 at Page 74 and the final amended record of survey map Stag Lodge Phase 1, recorded January 17, 2003, as Entry No. 44282 in Book 120 at Page 242, and the second amended record of survey map of Stag Lodge recorded January 17, 2003, as Entry No. 44282 in Book 120 at Page 242, and the second amended record of survey map of Stag Lodge recorded March 21, 2008, as Entry No. 84043, of the other records in Office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ken Condo, LLC, an Ohio limited liability company, the undersigned owner of the herein described tract of land, do hereby dedicate to Park City, Utah, the herein described Stag Lodge Phase 1, Unit 10, for the use and benefit of the residents of the Stag Lodge Phase 1, Unit 10, and do hereby consent to the recording of this Condominium Plat.

In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Ken Condo, LLC, by \_\_\_\_\_, Ohio limited liability company

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

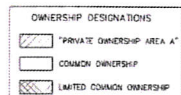
On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, Martin A. Morrison, a duly licensed and qualified land surveyor, and who by his duly authorized, do hereby certify that this plat complies with the requirements of the Utah Condominium Act, and that the same has been prepared under my direction and that the same has been measured on the ground as shown on the plat.

By: \_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

NOTE: This subdivision is subject to the Conditions of Approval in Ordinance # \_\_\_\_\_.

THIRD AMENDED  
CONDOMINIUM PLAT  
STAG LODGE PHASE 1  
UNIT 10

A UTAH CONDOMINIUM PROJECT  
LOCATED IN SECTION 22  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B. & M.  
PARK CITY, SUMMIT COUNTY, UTAH



<p>SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.</p> <p>BY: _____</p>
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