

Ordinance No. 2017-19

AN ORDINANCE APPROVING THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY SIXTH AMENDED, LOCATED AT 2700 DEER VALLEY DRIVE EAST, PARK CITY, UTAH

WHEREAS, the owner of the property known as the Courchevel Condominiums, located within the Deer Valley Community of the Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development (MPD) has petitioned the City Council for approval of a request for an amendment to the plat to convert the common attic space in Unit B101 to 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 April 12, 2017, to receive input on the amended plat;

WHEREAS, the Planning Commission, on April 12, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on April 27, 2017, the City Council held a public hearing on the amended plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Courchevel Condominiums at Deer Valley Sixth Amended plat to reflect as-built conditions and allow the owner to utilize the attic space in Unit B101 as private area without increasing the building footprint or parking requirements beyond existing conditions, consistent with provisions of the Deer Valley MPD, as amended (12th Amended MPD).

WHEREAS, Staff finds that the plat will not cause undue 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 Sixth Amended Courchevel Condominiums plat, 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 2700 Deer Valley Drive East.
2. The Courchevel Condominium at Deer Valley plat was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.

3. The Courchevel Condominiums at Deer Valley plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second plat amendment was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the plat.
9. In December of 2012, a third plat amendment was recorded. This third amendment converted 470 square feet of common attic area above Unit B304 to private area.
10. In January of 2013, a fourth plat amendment was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B202 to private area.
11. In January of 2013, a fifth plat amendment was recorded. This fifth amendment converted 139 square feet of common space to private area for Unit C301.
12. Currently there are 27 condominium units and 31 underground parking spaces.
13. Each existing condominium unit contains 759 square feet, except for Units B301, B303, and B304, which contain a total of 1,367 square feet, Unit B202 which contains 1,229 square feet, and Unit C301 which contains 898 square feet. Unit B101, if approved, will contain 1073.4 square feet.
14. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.
15. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
16. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
17. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 23,240.4 square feet, including the pending 314.4 square feet for Unit B101 subject to approval of the Sixth Amendment.
18. On June 9, 2016, the City received a completed application for a Sixth Amendment to the Courchevel Condominiums at Deer Valley plat requesting conversion of 314.4 square feet of common attic space above Unit B101 to private area.
19. Unit B101 is located on the second floor of Building B.
20. In February 2017, Courchevel Condominium owner's association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of 314.4 square feet of common attic space to private area for Unit B101.
21. There are no exterior changes proposed.
22. The proposed amendment is consistent with the purpose statements of the district.
23. Unit B101 would increase by 314.4 square feet from 759 square feet to 1,073.4 square feet, and the total floor area would become 23,240.4 square feet.
24. The total proposed UEs for the project, including the pending Sixth Amendment, would be 11.62 UEs.

25. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 3,759 square feet (1.88 UEs) of floor area remaining for future conversion of common area to private area. An additional 0.5 parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.
26. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
27. All construction is proposed within the existing building envelope.
28. The current LMC requires one and a half (1.5) spaces for each unit greater than 1,000 square feet and less than 2,000 square feet. The proposed Sixth Amendment complies with this requirement.
29. Twenty-nine and a half (29.5) parking spaces will be required and thirty-one (31) spaces will exist with approval of the Sixth Amendment.
30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
31. The expanded unit would comply with the current parking code.

Conclusions of Law:

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

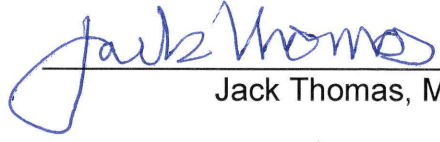
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended 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 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 plat 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 Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley plats shall continue to apply.
4. The applicant may submit an application for a building permit according to City procedures after this plat amendment has been recorded.

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

PASSED AND ADOPTED this 27th day of April, 2017.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



City Recorder



APPROVED AS TO FORM:



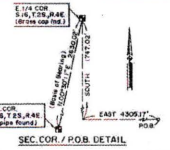
Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, James G. West, a Registered Land Surveyor holding License No. 3082 as prescribed under the laws of the State of Utah, do hereby certify that at the request of the owner identified herein, I have prepared this Record of Survey Map, consisting of three pages. I further certify that the information shown herein, to the best of my knowledge and belief, is accurate and complies with the provisions of Section 57-8-11 (1) of the Utah Code Annotated, as amended to date.

Dated this 17th day of July, 1984

James G. West
James G. West, R.L.S. No. 3082 - Utah



POINT OF BEGINNING
(SEE SEC. COR. / P.O.B. DETAIL.)

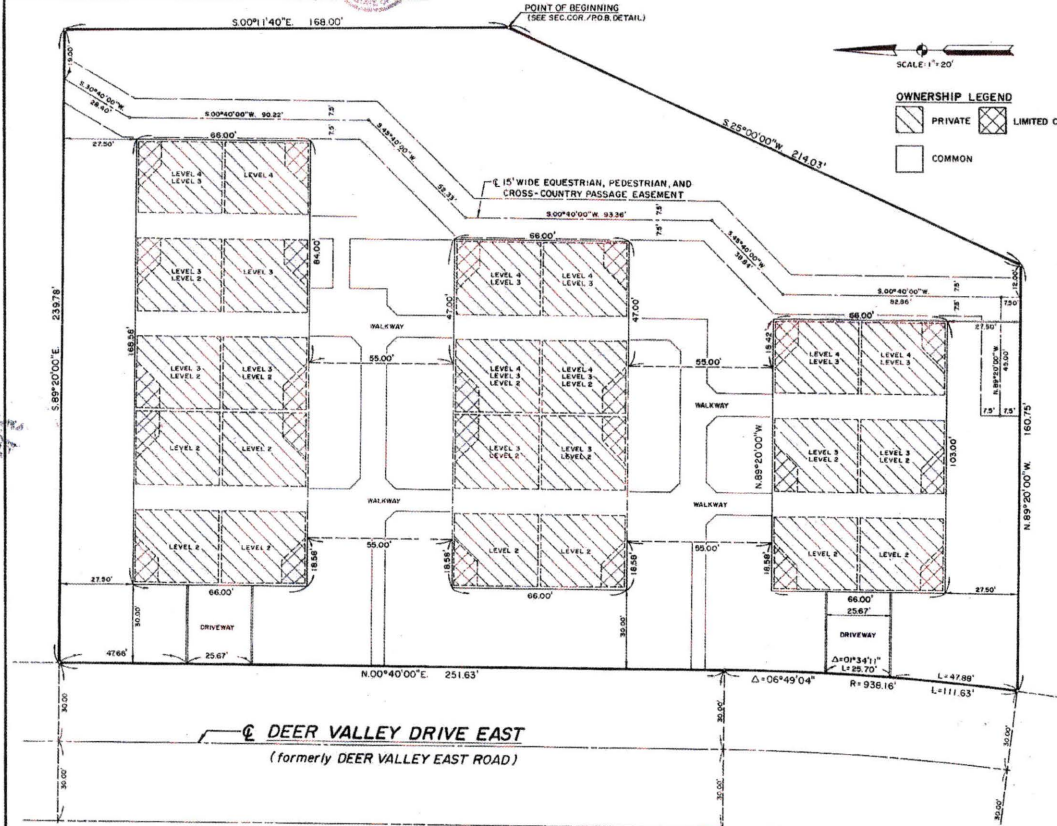
SCALE: 1" = 20'

OWNERSHIP LEGEND



NOTES:

1. The homeowners' association is to maintain the sanitary sewer improvements.
2. "m" indicates 5/8" rebar set at boundary corner.



COURCHEVEL CONDOMINIUMS
Beginning at a point which is South 1743.07 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" East 211.03 feet; thence North 89° 20' 00" West 160.75 feet to a point on a 938.16 foot radius curve to the left, the radius point bears North 82° 30' 36" West, of which the central angle is 98° 49' 48"; thence northwesterly along the arc of said curve 111.43 feet; thence North 00° 00' 00" East 251.63 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 40" East 168.08 feet to the point of beginning; containing 1.8226 acres, more or less.

OWNER'S CERTIFICATE AND CONSENT TO RECORD
KNOW ALL MEN THESE PRESENTS, that the undersigned declarant, Howe Development Utah, Inc., a Utah corporation, being the owner of the land described and shown hereon, having caused this Record of Survey Map to be prepared, does hereby consent to the recording of the same hereafter to be known as Courchevel Condominiums at Deer Valley. Declarant hereby submits the property shown and described hereon, including the tract of land, buildings and other improvements constructed hereon or hereafter to be constructed, together with all appurtenances thereto, to the provisions of the Utah Condominium Ownership Act, as a condominium project and subject to the declaration of Condominium recorded concurrently herewith. Owner hereby dedicates all easements as shown, and further certifies that buildings shown on this plat, but which are not yet under construction, will, when completed, be substantially as shown on this plat.

Executed this 17th day of July, 1984
Howe Development Utah, Inc., a Utah corporation
By: *Richard P. Howe*

ACKNOWLEDGEMENT
STATE OF UTAH
COUNTY OF Summit
On this 17th day of July, 1984, personally appeared before me *Richard P. Howe*, who being by me duly sworn, did say that he is the President of Howe Development Utah, Inc., a Utah corporation, and the signer of the foregoing Owner's Declaration and Consent to Record, and that said instrument was signed in behalf of said and he acknowledged to me that said corporation same.
Notary Public: *Marlene Russell*
Residing at: *4-16-84*
My Commission: *4-16-84*



COURCHEVEL CONDOMINIUMS AT DEER VALLEY
LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN IN PARK CITY, SUMMIT COUNTY, UTAH.
SHEET 1 OF 3

original Plat

CITY COUNCIL APPROVAL
PRESENTED TO THE PARK CITY COUNCIL THIS 27th DAY OF DECEMBER, A.D. 1984. AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED.
William Johnson
MAYOR
ATTEST CITY RECORDER

CITY ENGINEER
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 30th DAY OF DECEMBER, A.D. 1984.
Eric W. DeWan, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 30th DAY OF DECEMBER, A.D. 1984.
Chairman
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 31st DAY OF DECEMBER, A.D. 1984.
Attesty Atorney
Attesty Atorney

RECORDED
No. 229039
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Summit County Title
65
COUNTY RECORDER

J.J. Johnson & Associates
Park Meadows Plaza,
Highway 2400
Park City, Utah 84080
(801) 649-9811
JOB No. J-402-84

