

Ordinance No. 2017-63

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUM PLAT LOCATED AT 11, 14, 17 AND 24 NAKOMA TERRACE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 11,14,17 and 24 Nakoma Terrace, have petitioned the City Council for approval of the Second Amendment to the First Amended and Restated Nakoma Condominium plat; and

WHEREAS, on October 10th, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on October 7th, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2017, to receive input on the Second Amendment to the First Amended and Restated Nakoma Condominium plat;

WHEREAS, the Planning Commission, on October 25, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on November 9, 2017, held a public hearing on the plat amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amendment to the First Amended and Restated Nakoma Condominiums record of survey plat consistent with the Flagstaff Annexation and Development Agreement.

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 Amendment to the First Amended and Restated Nakoma Condominium 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 11, 14, 17 and 24 Nakoma Terrace.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999 and amended it in March of 2007. The Development Agreement is the equivalent of a Large-Scale Master

Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II that includes Pod B-1.
5. The approved MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B (aka Nakoma Condominiums).
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total UE count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of total floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
 - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
 - Reduce minimum unit size from 4,300 to 4,000 square feet.
 - Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous condominium plats requiring a re-platting of the units.

12. Units 1 and 2 each consist of 4,712 square feet in total floor area, including basements but not including the garages. Units 7 and 8 each consist of 5,463 sf in total floor area not including the garages.
13. Each unit has a garage less than 600 square feet and therefore no excess garage area is included in the total unit size.
14. These units do not exceed the maximum unit size of 5,750 square feet.
15. Units 1 and 2 each have a building footprint of 2,095 sf. The combined footprint is 4,190 square feet (not including decks, exterior stairways, or the common courtyard between them) which does not exceed the 6,000 square feet allowed.
16. Units 7 and 8 each have a footprint of 2,993 square feet which is less than the 3,000 square feet allowed for each.
17. The Total Unit Equivalents consumed in these four units is 10.176 UE (20,350 sf). With the 20.70 UE from the First Amendment there are now a total of 30.876 UE platted between the 4 Units of this plat and the previous 8 Units. There are 14.124 UE (28,248 square feet) remaining for units 3, 4, 5, 6 and 17.
18. Two parking spaces are required and provided for each unit.
19. The Flagstaff Density Summary already indicates that a total of 18 units and 45 UE are platted in the Nakoma development. The Summary is updated when certificates of occupancy are issued.

Conclusions of Law:

1. There is good cause for this amended condominium plat.
2. The amended condominium 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 amended condominium plat.
4. Approval of the amended condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

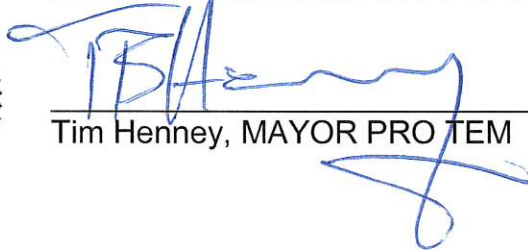
1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended condominium plat 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 plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All conditions of approval of the Flagstaff Annexation and Development Agreement, as amended, and the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
4. All applicable notes, easements and requirements of the First Amended and Restated Nakoma Condominium plat continue to apply and shall be shown and noted on this plat prior to recordation.

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

PASSED AND ADOPTED this 9th day of November, 2017.



PARK CITY MUNICIPAL CORPORATION



Tim Henney, MAYOR PRO TEM

ATTEST:



Michelle Kellogg, City Recorder

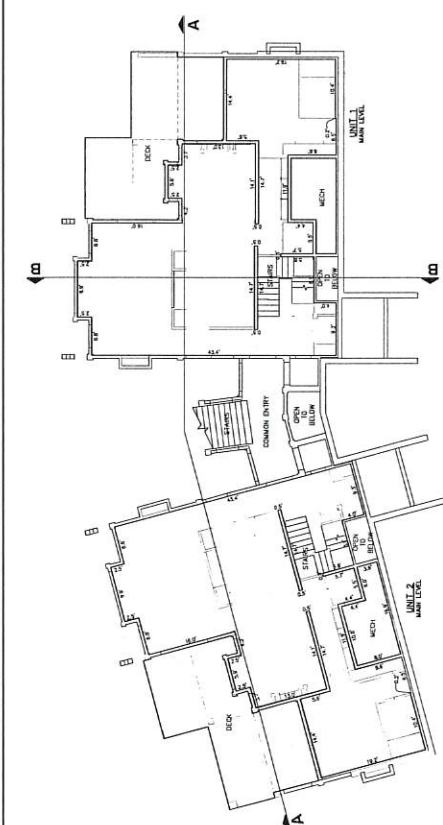
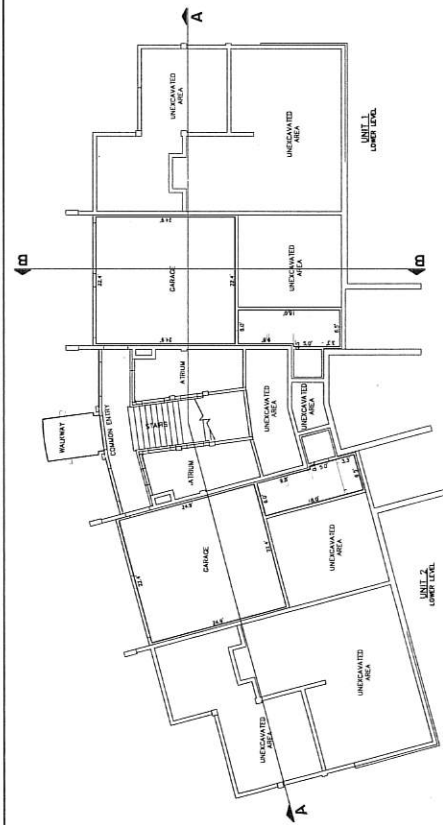
APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibits

Exhibit A – Condominium plat



UNIT #1 SQUARE FOOTAGE TABLE

LEVELS	SQUARE FOOTAGE
LOWER	1096 SF
MAIN	1883 SF
SECOND	1353 SF
THIRD	890 SF
GARAGE	228 SF

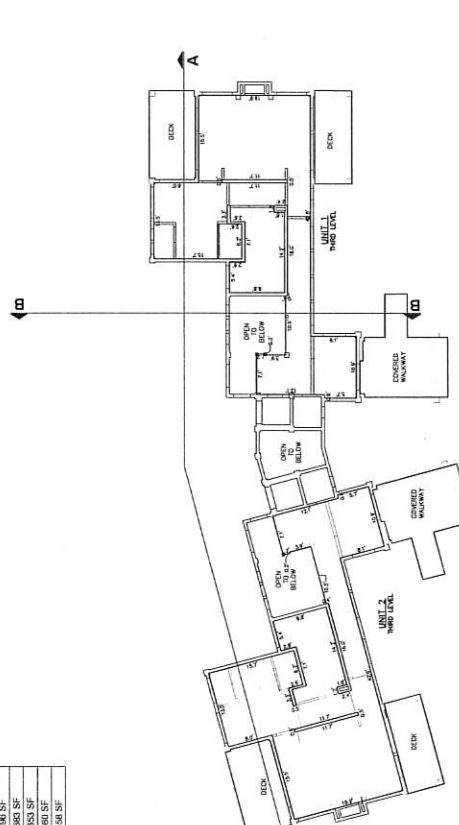
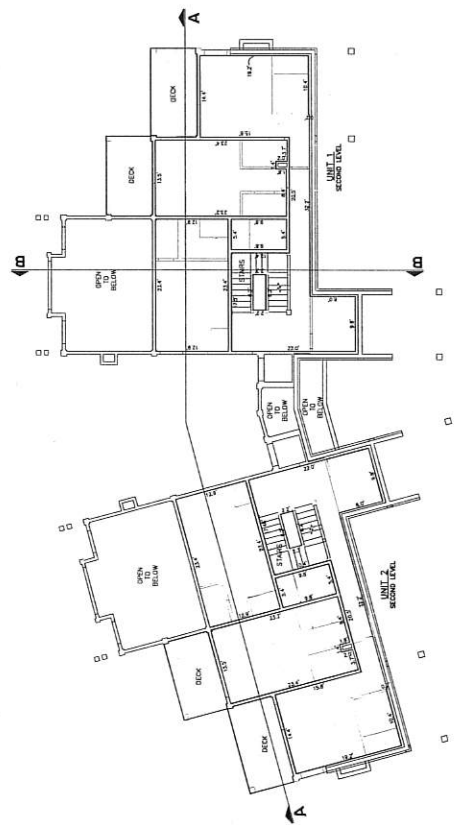
1 LOWER LEVEL - UNITS 1 & 2
SCALE: 1" = 10'



2 MAIN LEVEL - UNITS 1 & 2
SCALE: 1" = 10'

UNIT #2 SQUARE FOOTAGE TABLE

LEVELS	SQUARE FOOTAGE
LOWER	1096 SF
MAIN	1883 SF
SECOND	1353 SF
THIRD	890 SF
GARAGE	228 SF



3 SECOND LEVEL - UNITS 1 & 2
SCALE: 1" = 10'

4 THIRD LEVEL - UNITS 1 & 2
SCALE: 1" = 10'

NAKOMA PHASE TWO - UNITS 1&2

RECORD OF SURVEY PLAT

A UTAH PROJECT
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
 PARK CITY, SUMMIT COUNTY, UTAH