

**Ordinance No. 12-07**

**ORDINANCE ALLOWING AN EXTENSION OF THE APPROVAL OF THE FIRST  
AMENDMENT TO THE AMENDED AND RESTATED NAKOMA CONDOMINIUMS  
RECORD OF SURVEY PLAT  
LOCATED AT 8800 MARSAC AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for an extension of the approval of the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat; 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 property owners as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on April 28, 2010, to receive input on the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat;

WHEREAS, the Planning Commission, on April 28, 2010, forwarded a positive recommendation to the City Council regarding the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat;

WHEREAS, the City Council, on May 20, 2010, held a public hearing and approved the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat as stated in Ordinance 10-18; and

WHEREAS, a condition of approval of Ordinance 10-18 states that the applicant will record the plat amendment at the County by May 20, 2011, unless an application for an extension is filed with the Planning Department and approved by the City Council.

WHEREAS, on May 20, 2011, the applicant submitted an application for an extension to the approval to allow additional time to address revisions to the plat that came up during review of the final mylar by Planning, Engineering, and Legal Departments that needed to be resolved prior to recordation of the plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension request for the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat.

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 First Amendment to the Amended and Restated Nakoma Condominiums record of survey 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 8800 Marsac Avenue.
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. 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 (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II 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.
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 Unit Equivalent 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 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 6000 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 5000 square feet to 6000 square feet.
  - Reduce minimum unit size from 4300 to 4000 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 record of survey plats requiring a replatting of the units.
  12. Two parking spaces are required for each unit.
  13. Each building is required to conform to the 28+5 foot height requirement of the RD zone.
  14. Each building meets or exceeds the required setbacks of the RD zone.
  15. Each unit has a garage less than 600 square feet.
  16. The Total Unit Equivalents consumed in these eight units are 20.7 UEs.
  17. There have been no changes to the underlying plat or Land Management Code that affect the proposed plat amendment.
  18. If this plat is not recorded, the "as- built" units would not be in compliance with the amended Master Planned Development or the existing recorded Amended and Restated Nakoma Condominium record of survey plat and the related conditions of approval.
  19. On May 20, 2010, the City Council conducted a public hearing and approved Ordinance 10-18, the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat, with a condition that the plat be recorded at Summit county within a year of the approval date unless an application for an extension is filed prior to the expiration date with the Planning Department and approved by the City Council.
  20. On May 20, 2011, the applicant submitted a complete application for an extension request to allow additional time to correct the plat notes on a revised mylar and get final signatures.
  21. On April 19, 2012, the City Council conducted a public hearing on the extension request application.
  22. There have been no changes in circumstance, including changes to surrounding property, that result in an unmitigated impact or in a finding of non-compliance with the Park City General Plan or LMC. No changes are proposed to the final approved plat.

#### Conclusions of Law:

1. There is good cause for this extension to the approved amended record of survey.
2. The amended record of survey and the request for an extension are 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 record of survey or the extension of the approval.
4. Approval of the amended record of survey and extension, 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 record of survey 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 amendment at the County by May 20, 2012, unless an application for an additional extension is submitted by May 20, 2012 and the City Council grants an additional extension, or the approval will be void.
3. All conditions of approval of 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 construction requires a Building Permit and approvals from the Building and Planning Departments.

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

PASSED AND ADOPTED this 19th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

*Cynthia Matsumoto*

Cindy Matsumoto, Mayor Pro Tem

Attest:

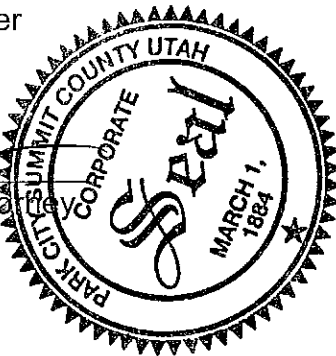
*Janet M. Scott*

Janet M. Scott, City Recorder

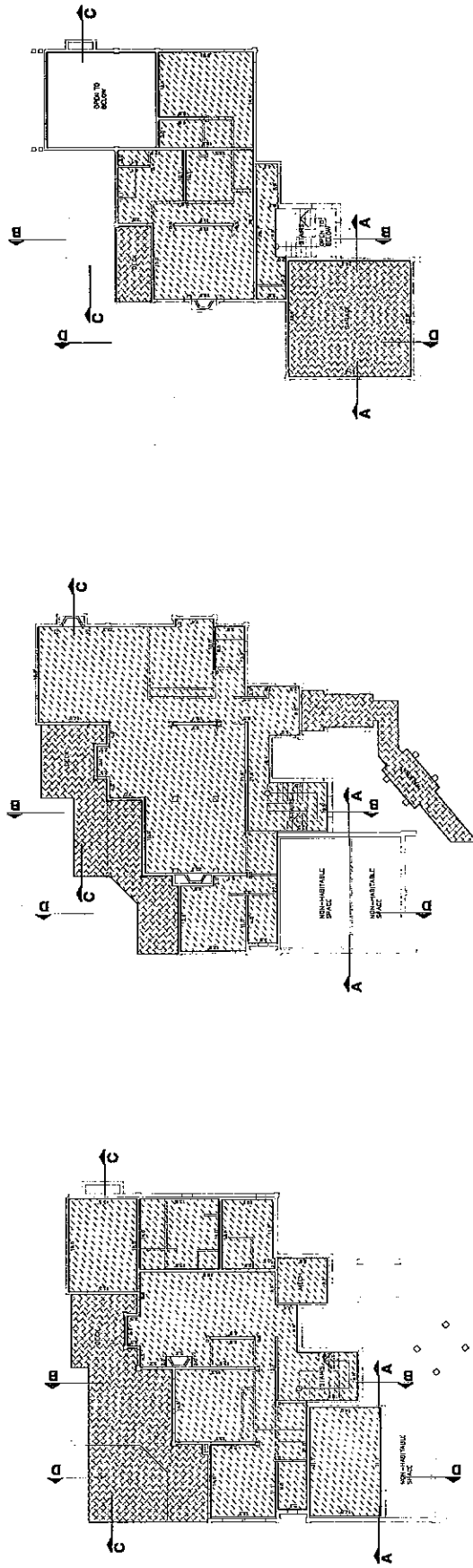
Approved as to form:

*Mark D. Harrington*

Mark D. Harrington, City Attorney







1 LOWER LEVEL AREAS  
SCALE: 1" = 10'

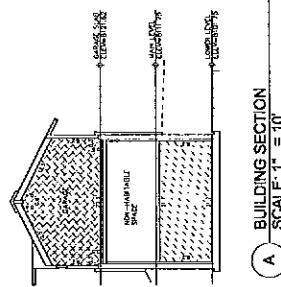
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SCALE: 1" = 10'

3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

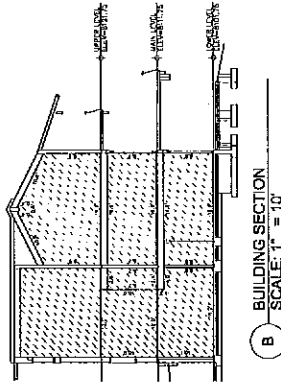
- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- UNITED COMMON AREAS AND FACILITIES

UNIT SQUARE FOOTAGE TABLE

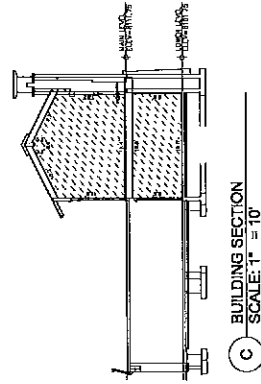
LEVELS	SQUARE FOOTAGE
LOWER	2,400 SF
MAIN	2,104 SF
UPPER	1,147 SF
TOTAL SF	5,651 SF
GARAGE	338 SF



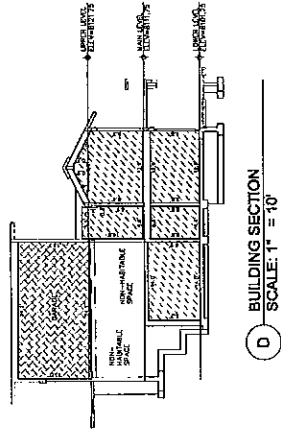
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SCALE: 1" = 10'



B BUILDING SECTION  
SCALE: 1" = 10'



C BUILDING SECTION  
SCALE: 1" = 10'

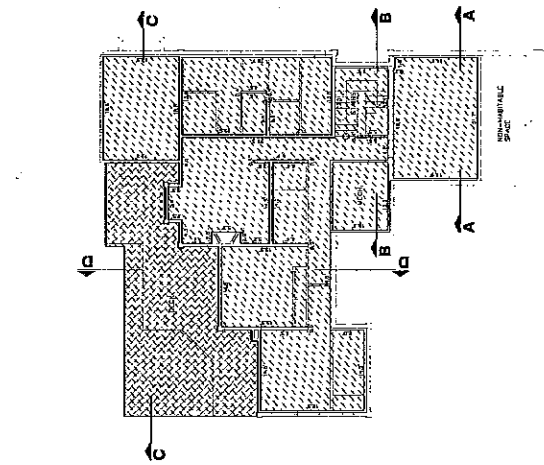


D BUILDING SECTION  
SCALE: 1" = 10'

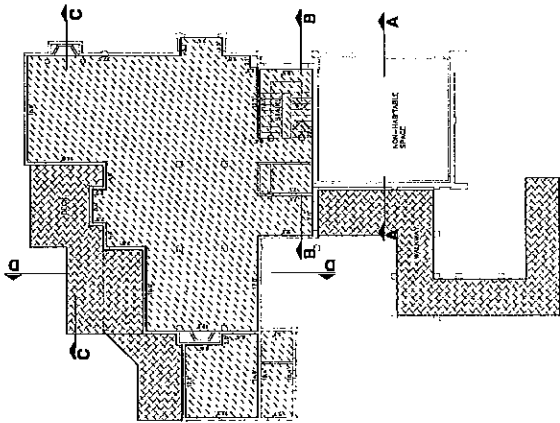
RECORD OF SURVEY PLAT  
**NAKOMA PHASE ONE UNIT 9**

A UTAH PROJECT  
 LOCATED IN SECTION 16, TOWNSHIP 35 SOUTH, RANGE 12 EAST AND MERIDIAN 10 WEST,  
 CITY, SUMMIT COUNTY, UTAH

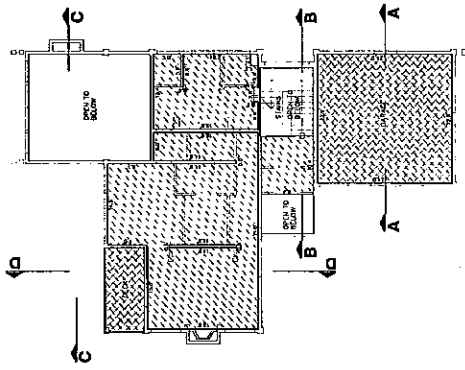
RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE CLERK'S OFFICE  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
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1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



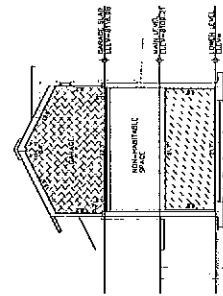
2 MAIN LEVEL AREAS  
SCALE: 1" = 10'



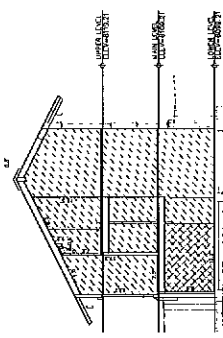
3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

[Hatched Pattern]	COMMON AREA
[Diagonal Lines]	PRIVATE OWNERSHIP UNIT
[Cross-hatched Pattern]	LIMITED COMMON OWNERSHIP

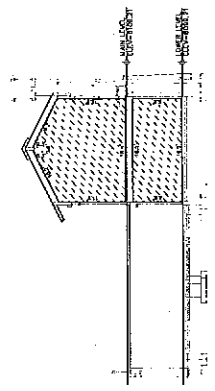
FLOOR	SQUARE FOOTAGE
LOWER	2,390 SF
MAIN	2,000 SF
UPPER	1,118 SF
TOTAL SF	5,508 SF
GARAGE	501 SF



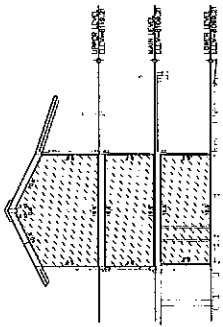
A BUILDING SECTION  
SCALE: 1" = 10'



B BUILDING SECTION  
SCALE: 1" = 10'



C BUILDING SECTION  
SCALE: 1" = 10'



D BUILDING SECTION  
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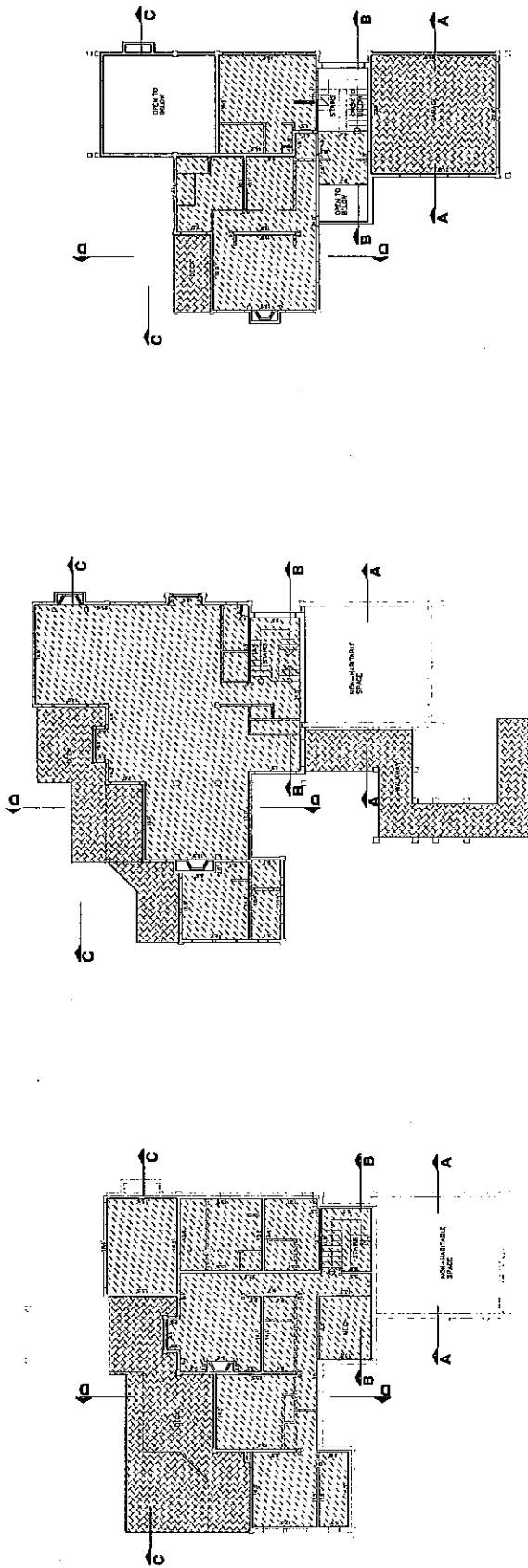
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
JOB NO. 2-10-03

# RECORD OF SURVEY PLAT NAKOMA PHASE ONE UNIT 10

A LITAH PROJECT  
LOCATED IN SECTION 24, TOWNSHIP 3 NORTH, RANGE 4 EAST, MOUNTAIN BASE AND INDEPENDENT PARK  
CITY, SUMMIT COUNTY, UTAH



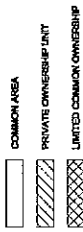




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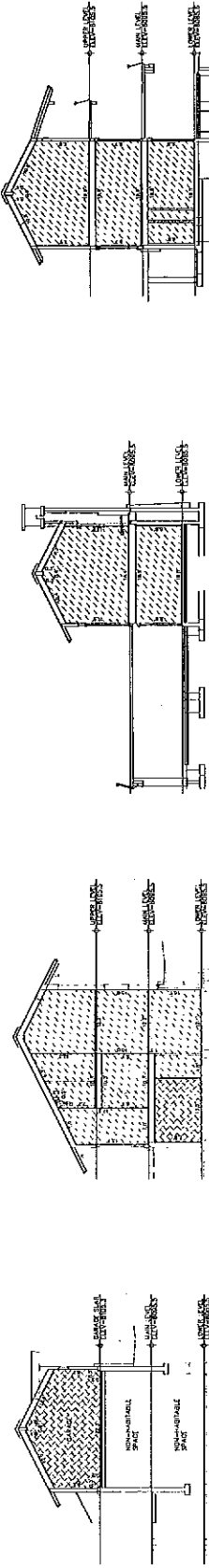
2 MAIN LEVEL AREAS  
SCALE: 1" = 10'

3 UPPER LEVEL AREAS  
SCALE: 1" = 10'



UNIT SQUARE FOOTAGE TABLE

FLOOR	SQUARE FOOTAGE
LOWER	2,497 SF
MAIN	2,602 SF
UPPER	1,178 SF
TOTAL SF	6,278 SF
GARAGE	521 SF



A BUILDING SECTION  
SCALE: 1" = 10'

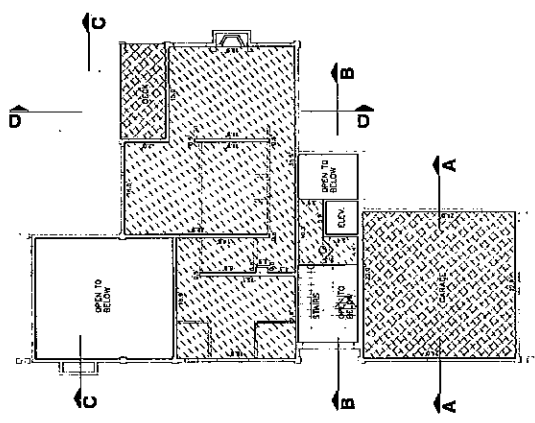
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SCALE: 1" = 10'

C BUILDING SECTION  
SCALE: 1" = 10'

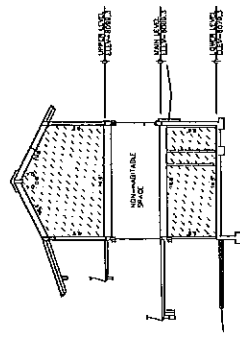
D BUILDING SECTION  
SCALE: 1" = 10'

RECORD OF SURVEY PLAT  
**NAKOMA PHASE ONE UNIT 12**  
 A UTAH PROJECT  
 LOCATED IN SECTION 28, TOWNSHIP 4 NORTH, RANGE 10 EAST, SALT LAKE BASIN AND HERRINGDALE, UTAH  
 CITY, SALT LAKE COUNTY, UTAH

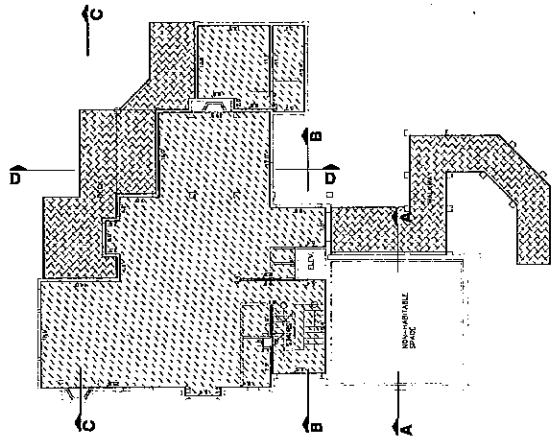
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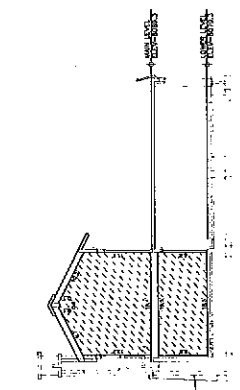
3 UPPER LEVEL AREAS  
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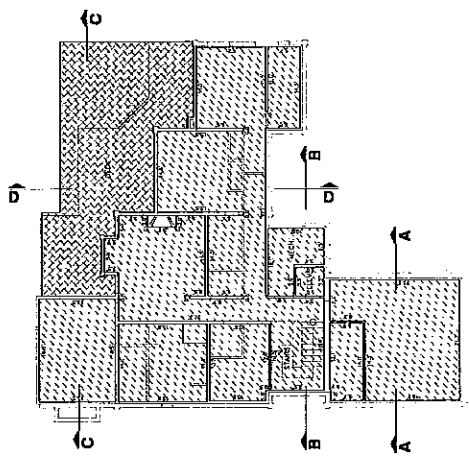
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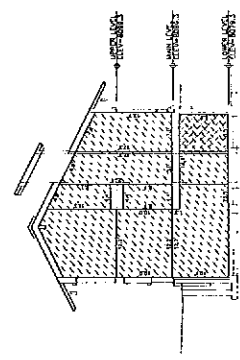
2 MAIN LEVEL AREAS  
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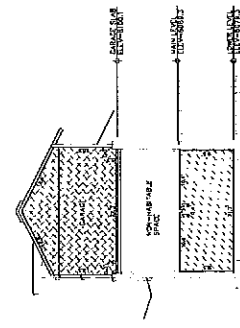
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SCALE: 1" = 10'



1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



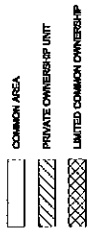
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A BUILDING SECTION  
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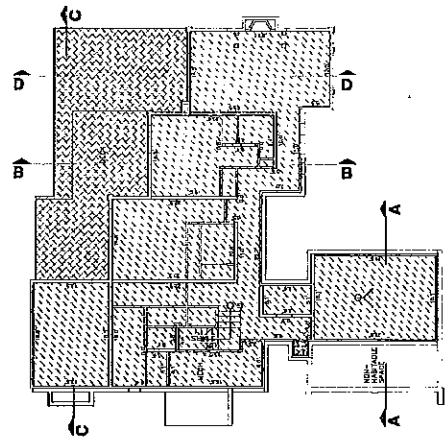
UNIT SQUARE FOOTAGE TABLE

FLOOR	SQUARE FOOTAGE
LOWER	2578 SF
MAIN	2478 SF
UPPER	1704 SF
TOTAL SF	5,760 SF
GARAGE	551 SF

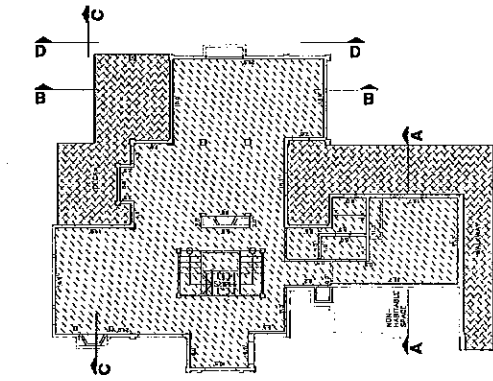


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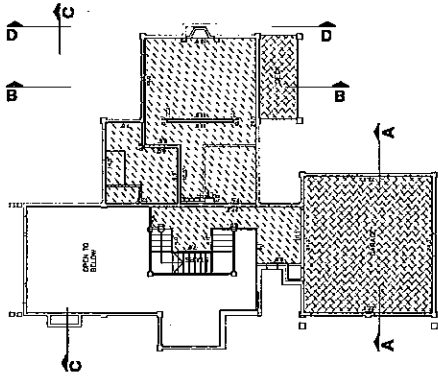
RECORD OF SURVEY PLAT  
**NAKOMA PHASE ONE UNIT 13**  
 A UTAH PROJECT  
 LOCATED IN SECTION 23, TOWNSHIP 37N, RANGE 121E, SALT LAKE BASIN AND MERRILLAN PARK  
 CITY, SUMMIT COUNTY, UTAH



1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



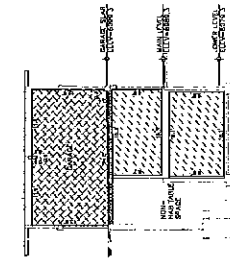
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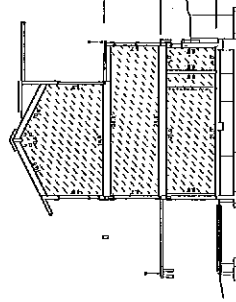
3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

FLOOR	SQUARE FOOTAGE
LOWER	2,365 SF
MAIN	1,077 SF
UPPER	848 SF
TOTAL SF	5,291 SF
GARAGE	551 SF

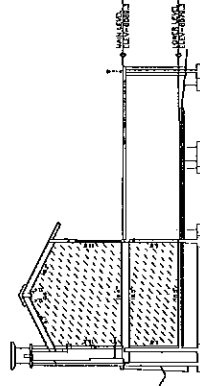
UNIT SQUARE FOOTAGE TABLE



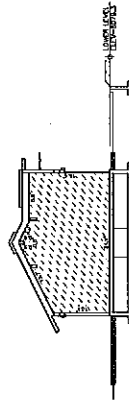
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B BUILDING SECTION  
SCALE: 1" = 10'



C BUILDING SECTION  
SCALE: 1" = 10'

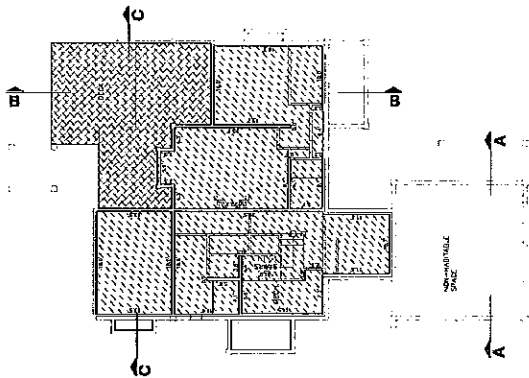


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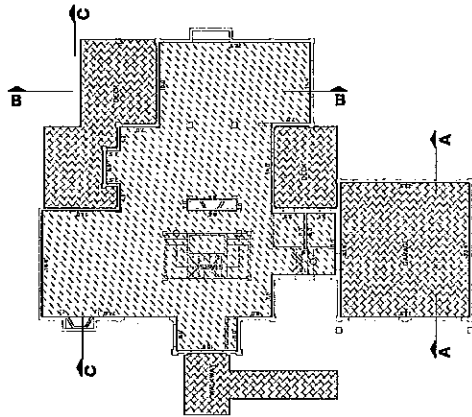
# NAKOMA PHASE ONE UNIT 14

A UTAH PROJECT  
 LOCATED IN SECTION 24, TOWNSHIP 24 NORTH, RANGE 4 EAST, SALT LAKE BASIN AND JURNEMAN PARK  
 CITY, WASATCH COUNTY, UTAH

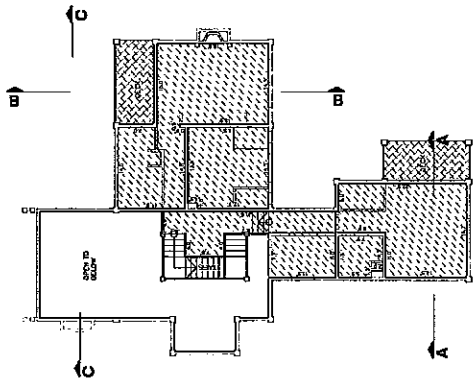
JOB NO. 2-10-93  
 RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 BY \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE \_\_\_\_\_ FILE \_\_\_\_\_ RECORDER \_\_\_\_\_



1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



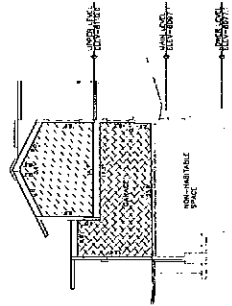
2 MAIN LEVEL AREAS  
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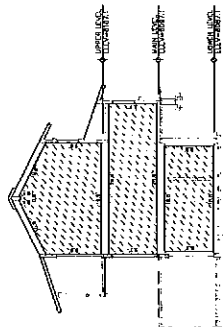
3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

[White Box]	COMMON AREA
[Diagonal Lines]	PRIVATE OWNERSHIP UNIT
[Cross-hatch]	LIMITED COMMON OWNERSHIP

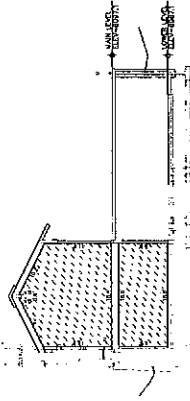
FLOOR	SQUARE FOOTAGE
LOWER	1,811 SF
MAIN	1,776 SF
UPPER	1,280 SF
TOTAL SF	4,867 SF
GARAGE	848 SF



A BUILDING SECTION  
SCALE: 1" = 10'



B BUILDING SECTION  
SCALE: 1" = 10'



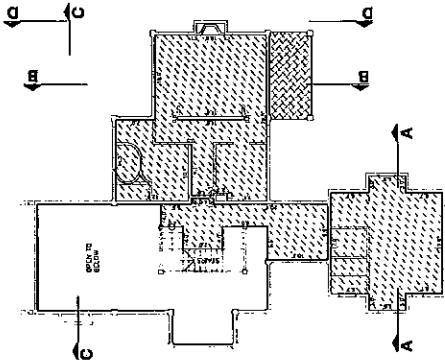
C BUILDING SECTION  
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# RECORD OF SURVEY PLAT

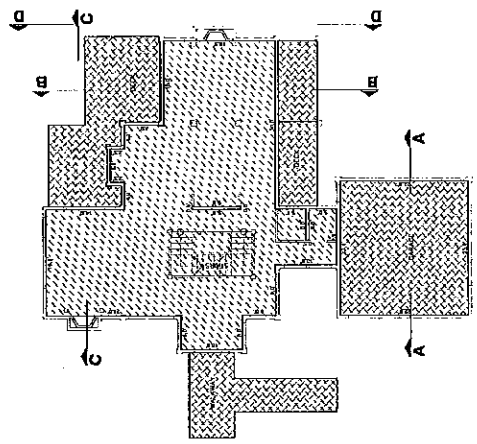
## NAKOMA PHASE ONE UNIT 15

A UTAH PROJECT  
LOCATED IN SECTION 28, TOWNSHIP 3 NORTH, RANGE 4 EAST, SALT LAKE BASIN AND HERRINGMAN PARK  
CITY, KANE COUNTY, UTAH

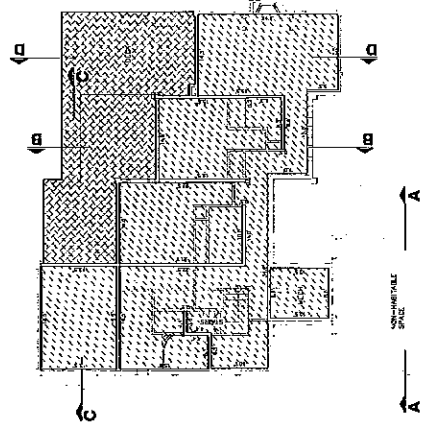
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OFFICE OF THE COUNTY CLERK  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
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3 UPPER LEVEL AREAS  
SCALE: 1" = 10'



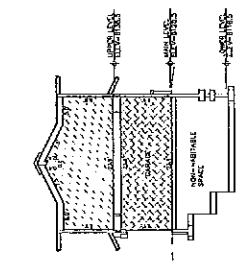
2 MAIN LEVEL AREAS  
SCALE: 1" = 10'



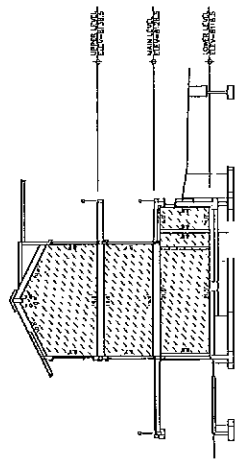
1 LOWER LEVEL AREAS  
SCALE: 1" = 10'

[White Box]	COMMON AREA
[Diagonal Lines]	PRIVATE OWNERSHIP UNIT
[Cross-hatch]	LIMITED COMMON OWNERSHIP

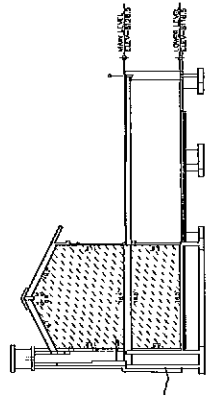
FLOOR	SQUARE FOOTAGE
LOWER	2,728 SF
MAIN	1,657 SF
UPPER	1,287 SF
TOTAL SF	4,672 SF
Garage	648 SF



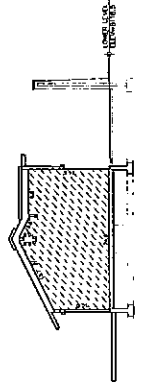
A BUILDING SECTION  
SCALE: 1" = 10'



B BUILDING SECTION  
SCALE: 1" = 10'



C BUILDING SECTION  
SCALE: 1" = 10'



D BUILDING SECTION  
SCALE: 1" = 10'

RECORD OF SURVEY PLAT  
**NAKOMA PHASE ONE UNIT 16**  
 A UTAH PROJECT  
 LOCATED IN SECTION 04, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASIN AND HERRINGDALE PARK  
 CITY, SALT LAKE COUNTY, UTAH

JOB NO. 2-10-35  
 RECORDED  
 STATE OF UTAH, COUNTY OF SALT LAKE, AND FILED  
 AT THE TIME \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
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