Ordinance No. 2021-11

AN ORDINANCE APPROVING THE KING'S CROWN CONDOMINIUMS FIRST AMENDED CONDOMINIUM PLAT LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, on January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit for a 32-Lot subdivision with Single-Family Lots, Condominiums, Townhomes, and Open Space;

WHEREAS, there was a discrepancy in the information and exhibits presented to the Planning Commission regarding the location of the King's Crown Condominiums Building D during the King's Crown Master Planned Development approval;

WHEREAS, staff reviewed subsequent King's Crown plats based on the King's Crown Master Planned Development Findings of Fact, Conclusions of Law, and Conditions of Approval and the Applicant's engineer exhibits, but these exhibits differed from the Applicant's architect exhibits;

WHEREAS, on June 20, 2019, the City Council adopted Ordinance No. 2019-34, approving the King's Crown Condominium Plat for Condominium Buildings B | C | D;

WHEREAS, the Applicant did not record this approved plat with Summit County, but rather requested to amend the plat;

WHEREAS, on November 21, 2019, the City Council approved Ordinance No. 2019-56, amending the King's Crown Condominium Plat;

WHEREAS, on December 10, 2019, the Applicant recorded the Plat with the County (Summit County Recorder Entry No. 112337);

WHEREAS, on August 12, 2020, the Applicant submitted a letter requesting to vacate and rescind City approvals for King's Crown Condominiums Building D in order to begin the review process anew;

WHEREAS, the Applicant submitted an application to amend the King's Crown Condominiums Plat specific to Building D and to modify the King's Crown Master Planned Development;

WHEREAS, on January 27, 2021, the Planning Commission duly noticed a public hearing and determined the King's Crown Condominiums Building D Plat Amendment was a substantive King's Crown Master Planned Development modification and continued the discussion to February 10, 2021;

WHEREAS, on February 10, 2021, the Planning Commission amended the King's Crown Master Planned Development Findings of Fact 112 and 113 and added Conditions of Approval 4 through 11 to this Ordinance to establish Good Cause for the King's Crown Condominium Plat;

WHEREAS, on February 10, 2021, the Planning Commission forwarded a unanimous positive recommendation to the City Council for consideration;

WHEREAS, on February 25, 2021, the City Council duly noticed a public hearing and reviewed the proposed plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

<u>SECTION 1. APPROVAL</u>. The King's Crown Condominiums, First Amended Plat amending Building D is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

- 1. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit.
- The King's Crown Master Planned Development is a 32-Lot subdivision in the Recreation Commercial Zoning District that includes Single-Family Lots, seven townhomes on Lot 30, the King's Crown Workforce Housing Condominiums (Building A) on Lot 1, and the King's Crown Condominiums (Buildings B | C | D) on Lot 2. Over 11 acres are preserved as Open Space on Lots 31 and 32.
- 3. On February 1, 2018, the City Council approved Ordinance No. 2018-05, the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).
- 4. On June 13, 2018, the Planning Commission ratified the King's Crown Development Agreement (Summit County Recorder Entry No. 1093392).
- 5. On May 22, 2019, the Planning Commission modified the King's Crown Master Planned Development and Conditional Use Permit.
- On June 20, 2019, the City Council adopted Ordinance No. 2019-34, approving the King's Crown Condominium Plat for Buildings B | C | D on Lot 2 of the King's Crown Re-Subdivision. The Applicant did not record this plat, but further amended the plat.
- On November 21, 2019, the City Council adopted Ordinance No. 2019-56, amending the King's Crown Condominium Plat for Buildings B | C | D on Lot 2. On December 10, 2019, the Applicant recorded this plat (Summit County Recorder Entry No. 112337).
- 8. There was a discrepancy in the information and exhibits presented to the Planning Commission as part of the King's Crown MPD/CUP approval. The

discrepancy was specific to the King's Crown Condominiums Building D. An exhibit prepared by the Applicant's architect showed the southern boundary of Building D aligning with the southern boundary of the Lift Lodge Condominiums across Lowell Avenue. The exhibits prepared by the Applicant's engineer showed the southern boundary of Building D extending beyond the southern boundary of the Lift Lodge Condominiums. Staff did not identify this discrepancy prior to reviewing the subsequent plat approvals and based compliance of plats on the King's Crown MPD/CUP Findings of Fact, Conclusions of Law, Conditions of Approval, and the Applicant's engineer exhibits.

- On August 12, 2020, the Applicant submitted a letter to the Planning Department requesting to vacate and rescind City approvals for Building D of the King's Crown Condominium Plat and engineering approval to amend Building D.
- 10. The Planning Commission reviews plat amendments according to the requirements of LMC § 15-7.1-6(B) and makes a recommendation for City Council action. The Planning Commission reviews the plat, taking the Master Planned Development requirements into consideration.
- 11. MPDs provide design flexibility necessary for well-planned developments that are Compatible with the surrounding neighborhood.
- 12. The goal of MPDs is in part to ensure neighborhood compatibility. One of the required findings the Planning Commission must make when approving an MPD is that the MPD is compatible in use, scale, and mass with adjacent properties, and promotes neighborhood compatibility and protects residential neighborhoods and uses.
- 13. The King's Crown MPD/CUP was designed to locate Multi-Unit Dwellings near Marriott's Mountainside to the north and Lift Lodge Condos to the east. Building D of the King's Crown Condominiums is located across from the Lift Lodge Condos and the Residences at King's Crown, a three-unit condominium that is located between Lowell Avenue and Empire Avenue. (The Residences at King's Crown Condominiums are not part of the King's Crown MPD/CUP.
- 14. On January 27, 2021, the Planning Commission determined the King's Crown Condominiums Building D Plat amendment was a substantive MPD modification and continued the discussion to February 10, 2021.
- 15. On February 10, 2021, the Planning Commission unanimously approved a modification to the King's Crown MPD Findings of Fact 112 and 113 to clarify the location of Building D within the MPD. The King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847) is the baseline standard for King's Crown project compliance.
- 16. The proposed plat amendment complies with the King's Crown Re-Subdivision Plat, Lot 2 and:
 - a. Reduces the total units within Building D from 12 to 11;

- b. Reduces limited common space by 386 square feet;
- c. Increases private area by 712 square feet; and
- d. Reduces parking from 22 to 21 spaces.

Conclusions of Law

- There is Good Cause for this plat amendment because the amended King's Crown MPD/CUP Findings of Fact 112 and 113 and Conditions of Approval of this Ordinance mitigate the impact of Building D on properties across Lowell Avenue.
- 2. The plat amendment is consistent with the Land Management Code.
- 3. Neither the public nor any person will be materially injured by this plat amendment.
- 4. Approval of the plat amendment, 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 Applicant is responsible for compliance with all conditions of approval.
- 2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with state law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 3. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 4. The Building D garage entrance shall be as shown in Exhibit A;
- 5. The Applicant shall install signage approved by the Planning Department in compliance with the Park City Municipal Sign Code at the base of the public access easement informing the public of the public access to the ski run.
- 6. The side Setback for the southern boundary of Lot 2 shall exceed the coderequired side Setback of 10 feet and shall retain a 12-foot side Setback.
- 7. The 10-foot-wide public access is required to be retained along the southern boundary of Lot 2.
- 8. Applicant shall combine the public staircase access and the condo staircase into a single staircase as shown in Applicant's drawings included below, identified as Exhibits A and B.
- 9. Applicant shall place the stairway as shown in Applicant's drawings below as Exhibits A, B and C so that the southernmost edge of the single stairway wall is

located north of the northern lot line of the Residences at King's Crown Condominiums that fronts on Lowell Avenue.

- 10. Applicant shall provide a substantial level of landscape screening between the southernmost edge of Building D's property line and the single stairway, as shown on Applicant's Landscape Plan included below and identified as Exhibit A, that will include a line of four Colorado Spruce trees, each at least 15 feet tall, running between those two points, so that the screening is present throughout the year. The four Colorado Spruce trees between these two points shall be planted as close to each other as possible, while still allowing for the proper spacing between the trees to allow for future growth. The 15- foot height of the four Colorado Spruce trees will be measured from the ground at the level of the public access sidewalk located immediately to the west of the trees. Additional landscaping filling this area shall be as shown on the Applicant's Landscape Plan included below and identified as Exhibit A.
- 11. Applicant shall place all utilities and mechanical equipment for Building D on the northern side of the Building D driveway, with the only exceptions being: (a) vents, flues and other similar openings that will penetrate the exterior walls of individual condominium units necessary for furnaces, clothes dryer exhausts, fireplace exhausts, unit fan exhausts, fresh air intakes and other similar purposes pertaining to individual condominium units, and (b) the existing electric transformer, the future garage air intake grill and the future gas meters located within an enclosed area, as identified on Exhibits A and B below, subject however in all such cases to the approval by Park City and by the applicable utility company of the location of such grills, equipment, meters and utilities. Applicant shall place the future garage air intake grill as far north as feasible, subject to the requirement that the air intake grill needs to be located at the very south end of the garage. Subject to the exceptions listed above, the requirement pertaining to the placement of utilities and mechanical equipment includes, but is not limited to, electric meters, generators, generator exhaust and ventilation equipment (including intake and exhaust vents for the garage and the common spaces), and any other common exhaust for a common laundry, a common kitchen or other similar room serving all of the occupants of Building D. Applicant shall provide effective screening and shielding of all such utilities.
- 12. Applicant will place boulders in the area between the newly combined stairway and the Building D Driveway, as shown on Applicant's Landscape Plan included below and identified as Exhibit A.
- 13. Applicant shall clad exposed vertical concrete walls of the aboveground garage in corten steel south of the driveway, as shown on Exhibit B, provided however that the sloped concrete walls adjacent to the stairways shall not be clad with corten steel or with any other material, but shall remain board-formed concrete, as shown on Exhibit B.
- 14. The Applicant shall expand the public access easement at the base of the public access stairs within the setback from Lowell Avenue to include the stairs, as shown in Exhibit A.

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

PASSED AND ADOPTED this 25th Day of February, 2021.

DS

Seal

PARK CITY MUNICIPAL CORPORATION

DocuSigned by: AndF 0340104CDC42481

Andy Beerman, MAYOR

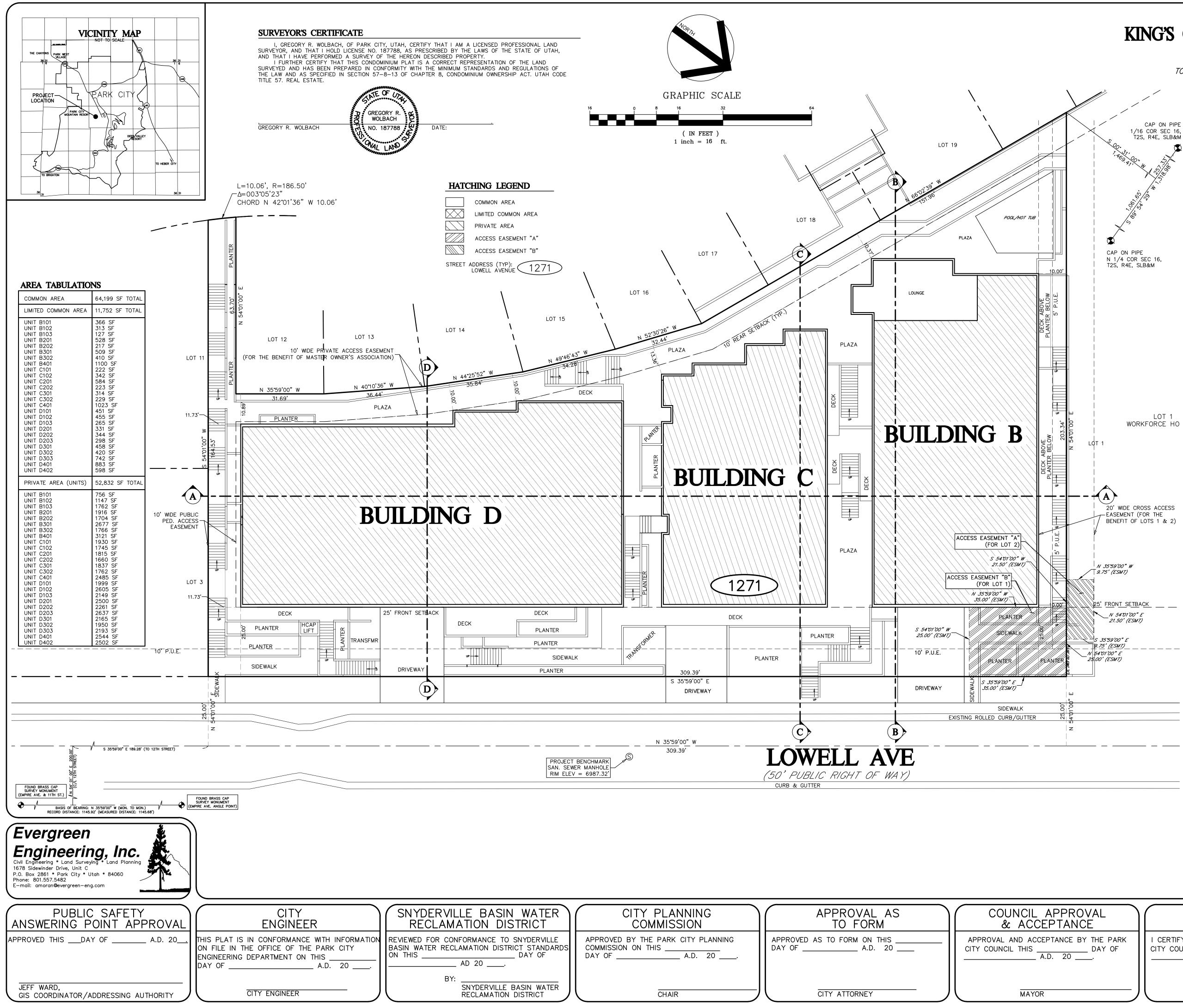
ATTEST: DocuSigned by: Michelle Kelligg

City Recorder

APPROVED AS TO FORM:

Margaret Plane

City Attorney's Office



SIN WATER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	COUNCIL APPROVAL & ACCEPTANCE
TO SNYDERVILLE DISTRICT STANDARDS DAY OF	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF A.D. 20	APPROVED AS TO FORM ON THIS DAY OF A.D. 20	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF A.D. 20
LLE BASIN WATER TION DISTRICT	CHAIR	CITY ATTORNEY	MAYOR

CONDOMINIUM PLAT

KING'S CROWN CONDOMINIUMS, FIRST AMENDED - A UTAH CONDOMINIUM PROJECT -

A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

UNIT NOS. B101, B102, B103, B201, B202, B301, B302, AND B401 IN BUILDING B; UNIT NOS. C101, C102, C201 C202, C301, C302, AND C401 IN BUILDING C; UNIT NOS. D101, D102, D103, D104, D201, D202, D203, D301, D302, D303, D401, AND D402 IN BUILDING D, CONTAINED WITHIN THE KING'S CROWN CONDOMINIUMS, AS THE SAME IS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED IN SUMMIT COUNTY, UTAH, AS ENTRY NO. 1123377, IN BOOK 2544, AT PAGE 1025, AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND BYLAWS OF THE KINGS CROWN CONDOMINIUMS, RECORDED IN SUMMIT COUNTY, UTAH, ON DECEMBER 10, 2019, AS ENTRY NO. 1123378, IN BOOK 2544, AT PAGE 1123378, OF THE OFFICIAL RECORDS, AND ALL AMENDMENTS THERETO.

TOGETHER WITH: (A) THE UNDIVIDED OWNERSHIP INTEREST IN SAID CONDOMINIUM PROJECT'S COMMON AREAS AND FACILITIES WHICH IS APPURTENANT TO SAID UNIT, (THE REFERENCED DECLARATION OF CONDOMINIUM PROVIDING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED OWNERSHIP INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES); (B) THE EXCLUSIVE RIGHT TO USE AND ENJOY EACH OF THE LIMITED COMMON AREAS WHICH IS APPURTENANT TO SAID UNIT, AND (C) THE NON-EXCLUSIVE RIGHT TO USE AND ENJOY THE COMMON AREAS AND FACILITIES INCLUDED IN SAID CONDOMINIUM PROJECT (AS SAID PROJECT MAY HEREAFTER BE EXPANDED) IN ACCORDANCE WITH THE AFORESAID DECLARATION AND SURVEY MAP (AS SAID DECLARATION AND MAP MAY HEREAFTER BE AMENDED OR SUPPLEMENTED) AND THE UTAH CONDOMINIUM OWNERSHIP ACT.

CONTAINS: 41,773.16 SQUARE FEET (0.9590 ACRES) MORE OR LESS.

NOTES:

- 1. BASIS OF BEARING: NORTH 35"59'00" WEST BETWEEN FOUND AND ACCEPTED EMPIRE AVENUE SURVEY MONUMENTS, AS SHOWN HEREON.
- 2. PROJECT BENCHMARK ELEVATION = 6987.32'. SANITARY SEWER MANHOLE RIM IN LOWELL AVENUE, AS SHOWN HEREON. 3. THIS PLAT REPRESENTS AN AMENDMENT TO "KING'S CROWN CONDOMINIUMS", ON FILE AND OF RECORD IN THE
- OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 01123377. 4. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS
- CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS. THE UNITS OF THIS CONDOMINIUM PLAT ARE SERVED BY PRIVATE LATERAL WASTEWATER LINES THAT CROSS THE COMMON AREA. "THE KING'S CROWN CONDOMINIUM OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP. OPERATION AND MAINTENANCE OF THE PRIVATE LATERAL WASTEWATER LINES WITHIN THE COMMON
- ARFA 6. COMMON AREAS WITHIN THE PLAT ARE DEDICATED FOR PRIVATE UTILITIES, INCLUDING PRIVATE LATERAL WASTEWATER LINES.
- BUILDING DEPARTMENT APPROVAL OF A FIRE SPRINKLER PLAN IS REQUIRED. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 2019-34.
- 9. ALL CONDITIONS OF APPROVAL OF THE AMENDED MASTER PLAN NED DEVELOPMENT, CONDITIONAL USE PERMIT, KING'S CROWN RE-SUBDIVISION PLAT ORDINANCE NO. 2018-05, AND ORDINANCE NO. 2019-51, AND AMENDED HOUSING MITIGATION PLAN SHALL CONTINUE TO APPLY.
- 10. UNIT MEASUREMENTS SHOWN HEREON ARE FINISHED SURFACE OF INSIDE WALL TO FINISHED SURFACE OF INSIDE WALL (ON SHEETS 2-4).

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT BY THE VIRTUE OF A CORPORATE RESOLUTION, CRG PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY, OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE "KINGS CROWN CONDOMINIUMS, FIRST AMENDED", DOES HEREBY CERTIFY THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT. ALSO, THE OWNERS DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON. ALSO, THE OWNERS, OR HIS/HER REPRESENTATIVES, HEREBY CERTIFY THAT THE BUILDINGS CONTAINING UNITS SHOWN ON THIS PLAT, UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS ._____. DAY OF .____. 20_.

RORY MURPHY, MANAGER CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH) COUNTY OF SUMMIT)

PERSONALLY APPEARED BEFORE ME THIS ._____. DAY OF ._____., 20.__. THE F RORY MURPHY, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS MANAGER OF CRG . THE FOLLOWING DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND ON BEHALF OF SAID CORPORATION AND THAT SAID CORPORATION EXECUTED THE SAME

MY COMMISSION EXPIRES ._____

NOTARY PUBLIC ._____

RESIDING IN .

LIEN HOLDER CONSENT

ON THE _____, DAY OF ______20___, <u>CRG DEVELOPMENT. LLC. A UTAH</u> <u>LIMITED LIABILITY COMPANY</u>, ENTERED INTO A DEED OF TRUST WITH **STERLING NATIONAL BANK**, WHICH DEED OF TRUST IS SECURED BY THE PROPERTY MORE PARTICULARLY DESCRIBED IN THE ABOVE IDENTIFIED DEED OF TRUST. SAID DEED OF TRUST WAS RECORDED ON APRIL 10. 2020. AS ENTRY NO. 1130518 IN BOOK 2565 AT PAGE 0236 IN THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER'S OFFICE.

STERLING NATIONAL BANK IS FULLY AWARE THAT CRG DEVELOPMENT, LLC IS IN THE PROCESS OF RECORDING A PLAT CREATING A PROJECT KNOW AS "KING'S CROWN CONDOMINIUMS, FIRST AMENDED" AND STERLING NATIONAL BANK HEREBY CONSENTS TO THE RECORDING OF THE PLAT FOR ALL PURPOSES SHOWN THEREON.

DATED THIS _____ DAY OF _____, 20 _____,

STERLING NATIONAL BANK

ACKNOWLEDGMENT

STATE OF UTAH COUNTY OF .____ _____, 20 ____, BEFORE ME, A NOTARY PUBLIC, PERSONALLY ____ OF **STERLING NATIONAL BANK** PROVED ON THE BASIS OF ON THIS . APPEARED SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING LIEN HOLDER'S CONSENT REGARDING THE KING'S CROWN CONDOMINIUMS, FIRST AMENDED AND WAS SIGNED BY HIM ON BEHALF OF

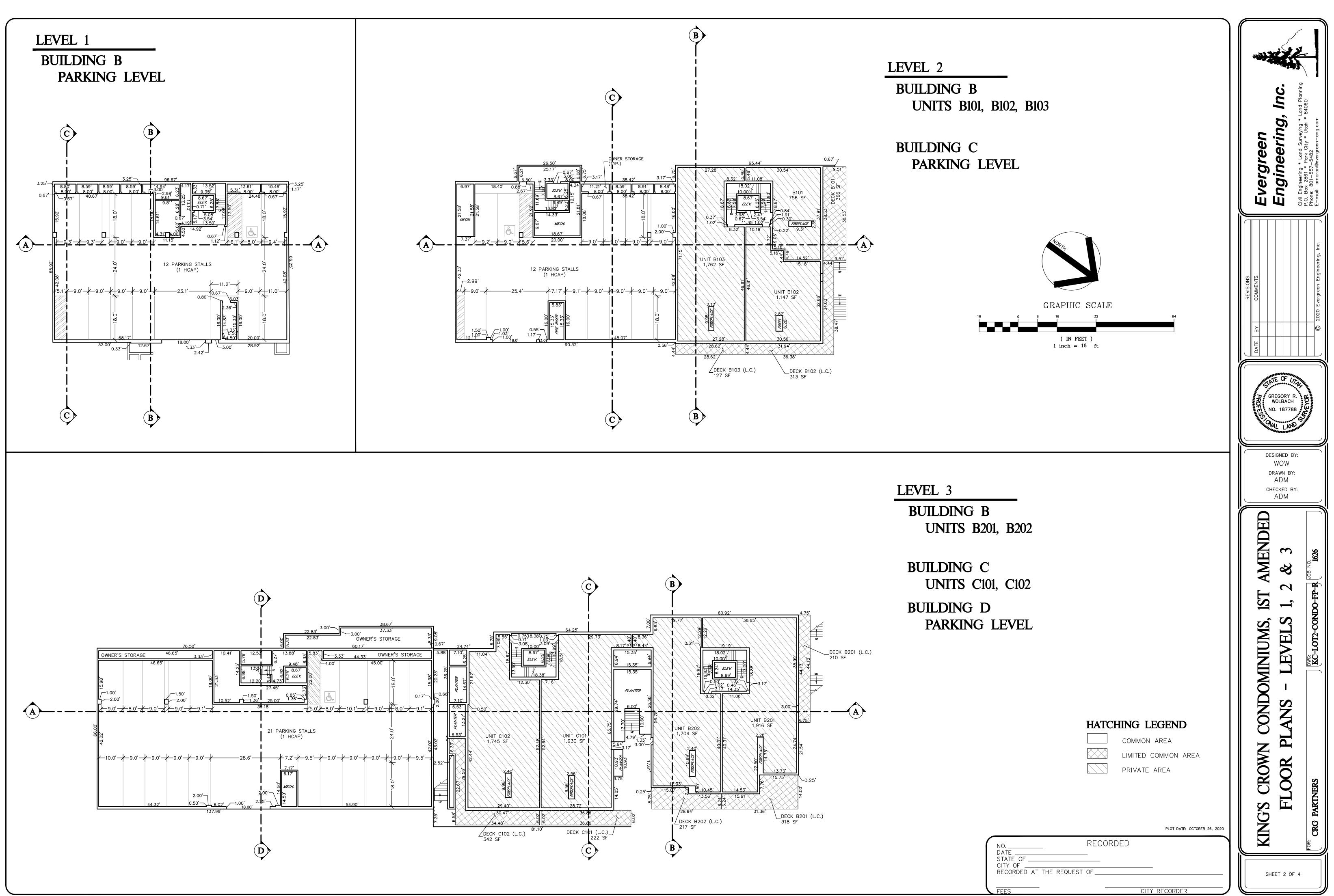
SAID STERLING NATIONAL BANK AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME. MY COMMISSION EXPIRES .

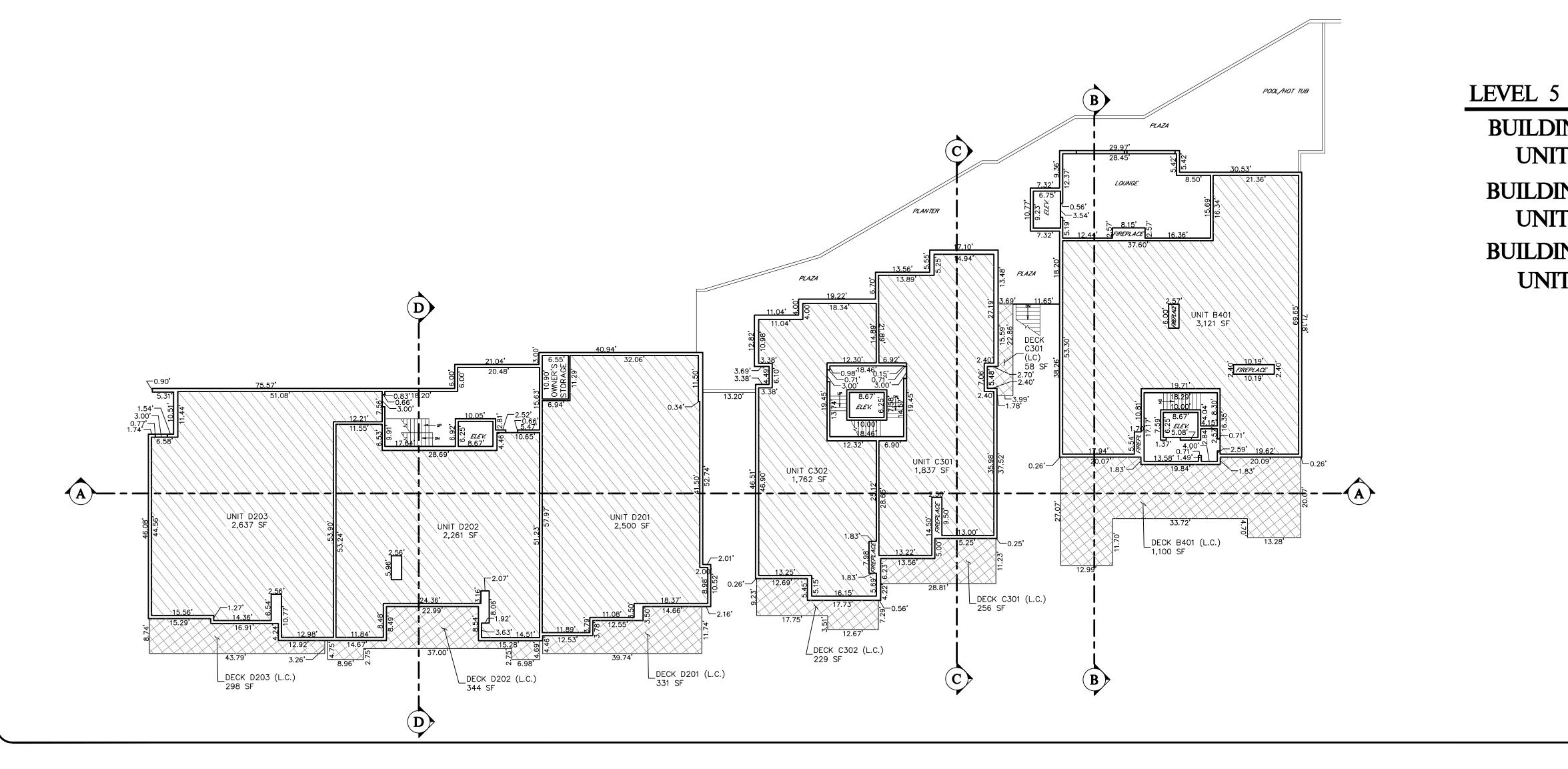
NOTARY PUBLIC ._____

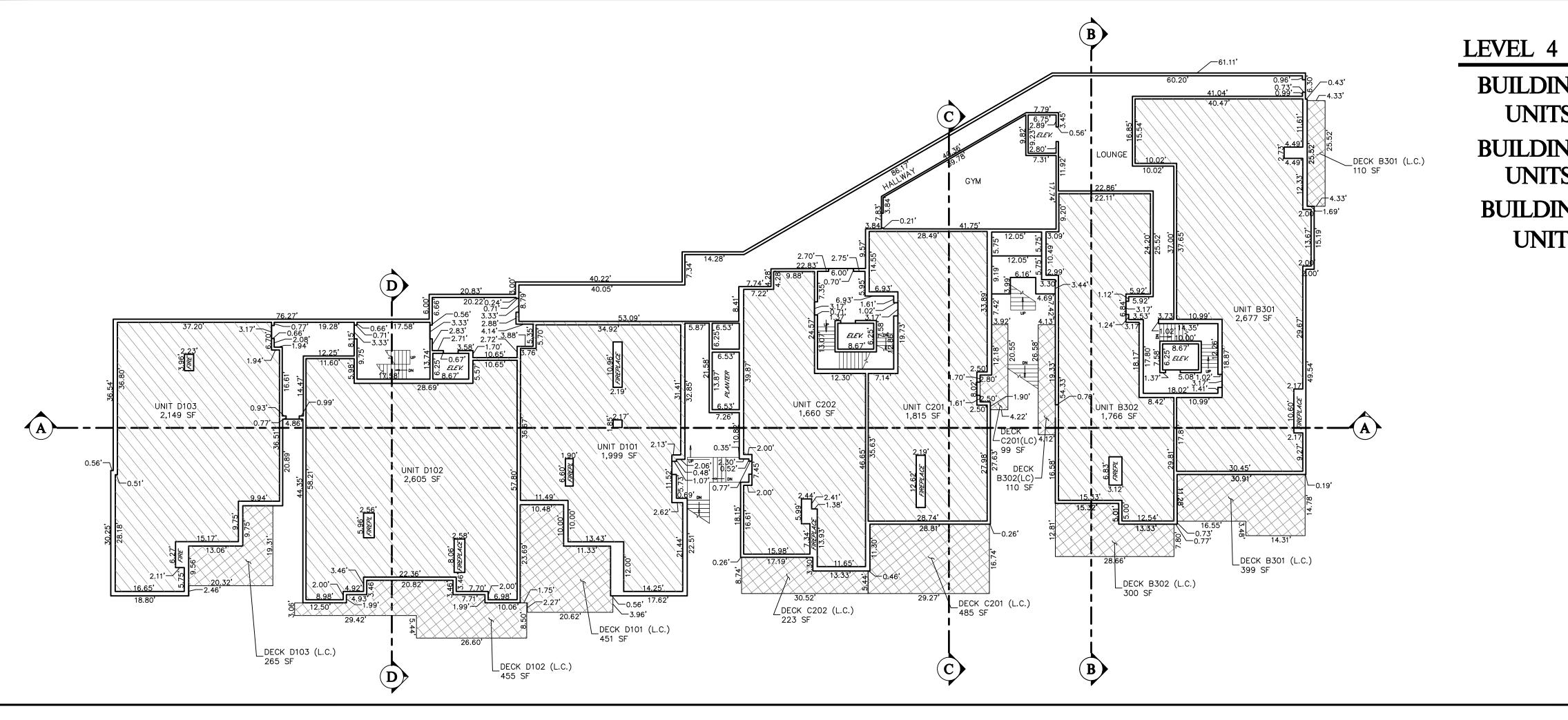
RESIDING IN ._____

SHEET 1 OF 4 PLOT DATE: OCTOBER 26, 2020 DRAWING: KC-LOT2-CONDO-FP-R.dwg © 2020 Evergreen Engineering, Inc.

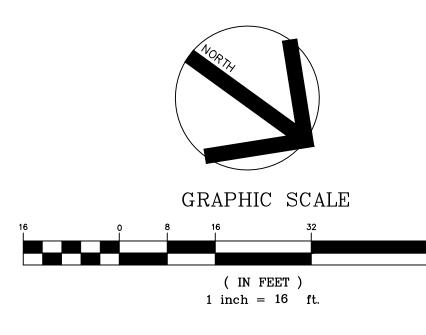
	DRAWING: KC-LOT2-CONDO-FP-R.d © 2020 Evergreen Engineering, II
CERTIFICATE OF ATTEST	RECORDED
IFY THIS PLAT WAS APPROVED BY PARK OUNCIL THIS DAY OF A.D. 20	N ^o · STATE OF · COUNTY OF · RECORDED AND FILED AT THE REQUEST OF:
CITY RECORDER	COUNTY RECORDER







BUILDING B UNITS B301, B302 BUILDING C UNITS C201, C202 BUILDING D UNITS D101, D102, D103



BUILDING B UNITS B401 BUILDING C UNITS C301, C302 BUILDING D UNITS D201, D202 & D203

HATCHING LEGEND

COMMON AREA LIMITED COMMON AREA PRIVATE AREA

	Evergreen Evergreen Engineering * Land Planning P.O. Box 2861 * Park City * Utah * 84060 Phone: 801-557-5482 F-mail: amoran@evergreen-eng.com	
64	REVISIONS DATE BY COMMENTS Contract Contract </th	
	GREGORY R. WOLBACH NO. 187788	
	DESIGNED BY: WOW DRAWN BY: ADM CHECKED BY: ADM	
	N CONDOMINIUMS, IST AMENDED R PLANS - LEVELS 4 & 5 KG-LOT2-CONDO-FP-R	

SHEET 3 OF 4

NO._____RE DATE _____ STATE OF _____ CITY OF _____ RECORDED AT THE REQUEST OF _

RECORDED

CITY RECORDER

