

Draft Ordinance No. 2021-36

AN ORDINANCE APPROVING THE CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B, LOCATED AT 633 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 633 Park Avenue Unit B, petitioned the City Council for approval of the Crescent Condominiums First Amended, Amending Unit B; and

WHEREAS, on August 10, 2021, the property was properly posted, and legal notice was sent to all affected property owners; and

WHEREAS, on August 10, 2021, 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, on August 25, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on September 23, 2021, held a public hearing and took final action on the Plat Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Crescent Condominiums First Amended, Amending Unit B Plat Amendment.

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 Crescent Condominiums First Amended, Amending Unit B, 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 633 Park Avenue in the Historic Recreation Commercial (HRC) Zoning District.
2. The Crescent Condominiums is a 3-unit condominium building originally recorded in 2006.
3. The proposed amendment is to expand the second level of Unit B 51 square feet, by enclosing a portion of the limited common ownership deck at the rear of the building and converting the enclosed portion to private ownership.
4. The 631/633/635 Homeowners Association approved the proposed additions in a letter dated June 10, 2021.
5. The additions do not change the number of residential Lots, Density, or require additional parking.
6. The enclosed deck meets all setback requirements.

7. Staff finds Good Cause for this Plat Amendment as the Amendment expands the unit owner's private area with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
8. No Public Streets, Right-of-Way or easement has been vacated or amended.
9. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the Amendment expands the private area of Unit B with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
3. Neither the public nor any person will be materially injured by the proposed 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.
5. No Public Streets, Right-of-Way or easements have been vacated or amended.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment 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 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. The applicant shall receive Historic District Design Review approval prior to the issuance of a building permit for the enclosed deck.
4. A Plat Note shall indicate that any Conditions of Approval of the Crescent Condominiums Plat, shall continue to apply.
5. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-36.

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

PASSED AND ADOPTED this 23rd day of September, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Andy Beerman

0340104CDC42481...

Andy Beerman, MAYOR

ATTEST:

DocuSigned by:

Michelle Kellogg

E5F905BB533F431...

Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
B7478B7734C7490...

City Attorney's Office

Exhibits

Exhibit A – The Crescent Condominiums First Amended, Amending Unit B



SURVEYORS CERTIFICATE

I, **Charles Galt**, do hereby certify that I am a Professional Land Surveyor and that I hold the license No. 7248001, State of Utah, and that I am duly qualified to perform the duties herein. In accordance with the provisions of the Utah Condominium Ownership Act, I hereby do hereby certify that the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B is located in the CRESCENT CONDOMINIUMS FIRST AMENDED AMENDING UNIT B.

LEGAL DESCRIPTION

UNIT B of THE CRESCENT CONDOMINIUMS, a local condominium project, together with the appurtenant common areas, is located in the County of Summit, State of Utah, and is described as follows: **UNIT B** is located in Block 1790 in Book 1790 as Page 1272-1280 in the official records of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have read the provisions of the Utah Condominium Ownership Act, and that I have voluntarily and without any duress, coercion, or undue influence, executed this instrument for the purposes and consideration herein stated.

ACKNOWLEDGMENT

State of _____
County of _____
I, _____, do hereby certify that I am the owner of the above described property and that I have read the provisions of the Utah Condominium Ownership Act, and that I have voluntarily and without any duress, coercion, or undue influence, executed this instrument for the purposes and consideration herein stated.

ACKNOWLEDGMENT

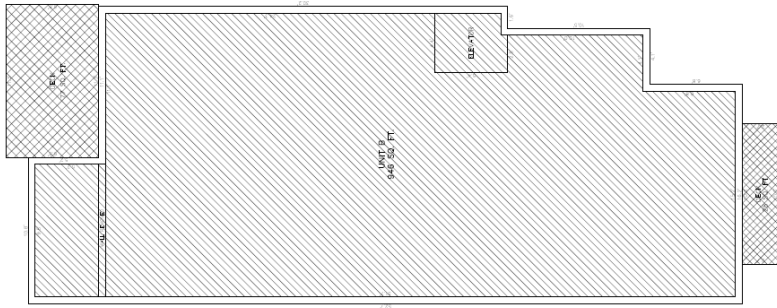
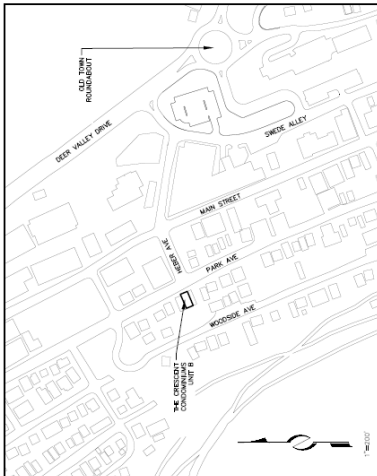
State of _____
County of _____
I, _____, do hereby certify that I am the owner of the above described property and that I have read the provisions of the Utah Condominium Ownership Act, and that I have voluntarily and without any duress, coercion, or undue influence, executed this instrument for the purposes and consideration herein stated.

ASSOCIATION CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the above described property and that I have read the provisions of the Utah Condominium Ownership Act, and that I have voluntarily and without any duress, coercion, or undue influence, executed this instrument for the purposes and consideration herein stated.

ACKNOWLEDGMENT

State of _____
County of _____
I, _____, do hereby certify that I am the owner of the above described property and that I have read the provisions of the Utah Condominium Ownership Act, and that I have voluntarily and without any duress, coercion, or undue influence, executed this instrument for the purposes and consideration herein stated.



SECOND LEVEL

OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

**THE CRESCENT CONDOMINIUMS
FIRST AMENDED
AMENDING UNIT B**

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH RANGE 10E MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

ENGINEERING CERTIFICATE
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2021.
BY _____ CHAIR

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2021.
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2021.
BY _____ CHAIR

APPROVAL AS TO FORM
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021.
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAN WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2021.
BY _____ CLERK

PUBLIC SAFETY
APPROVED BY _____ DAY OF _____, 2021.
BY _____

ANSWERING POINT APPROVAL
APPROVED BY _____ DAY OF _____, 2021.
BY _____

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF _____
FEE _____ REC'D _____
DATE _____

