

City Council Staff Report

Subject: 510 Ontario Avenue Plat Amendment &
Roundabout Condominiums First Amendment
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-16-03410
Date: 15 January 2019
Type of Item: Legislative – Plat Amendment

Recommendation

Staff recommends that the City Council review and hold a public hearing for 510 Ontario Avenue Plat Amendment, located at 510 Ontario Avenue, and the Roundabout Condominiums First Amendment, located at 300 Deer Valley Drive, and consider approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinances.

Proposals

Plat Amendment request for 510 Ontario Avenue to consolidate two (2) metes and bounds parcels plus a portion of Roundabout Condominiums common space into one (1) larger lot of record consisting of 7,646 square feet.

Condominium Plat Amendment at Roundabout Condominium at 300 Deer Valley Drive to correct an illegal subdivision in which the common space portion was deeded to the adjacent property (510 Ontario Avenue) owner without City approval.

Description

Applicant: Eliot Realty LLC, Ron Dichter (510 Ontario Avenue) and Roundabout LLC & Roundabout Condominiums Home Owners' Association, Blake Henderson (300 Deer Valley Drive) represented by Greg Ross
Location: 510 Ontario Avenue / 300 Deer Valley Drive
Zoning: Residential District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Background

On September 13, 2018, a complete application was submitted to the City requesting the 510 Ontario Avenue Plat Amendment and the Roundabout Condominiums (Plat) First Amendment. During the December 12, 2018 Planning Commission meeting, the Commission reviewed the application, opened a public hearing, and voted unanimously (6-0) by forwarding a positive recommendation to the City Council. The Planning Commission meeting minutes are found [here](#).

On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums; see Exhibit D – Document Entry 01055140 Special Warranty Deed. Also on October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums; see Exhibit E – Document Entry 01055142 Quit Claim Deed. This property transfer of the common area of the Roundabout Condominiums was transferred without any City approvals, which constitutes of an illegal subdivision. The entire area consisting of the proposed Plat Amendment and Condominium Plat Amendment consist of the following parcels:

1. Parcel no. PC-476-B-3

Address: n/a
Size: 723 square feet
Owner: Ron & Diana Dichter
Use: Driveway access for 510 Ontario Avenue single-family dwelling
Proposal: **510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat**

2. Parcel no. PC-476-B-3-A

Address: 510 Ontario Avenue
Size: 4,191 square feet
Owner: Eliot Realty LLC (Ron Dichter, registered agent)
Use: Existing single-family dwelling
Proposal: **510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat**

3A. Part of Serial Nos. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D

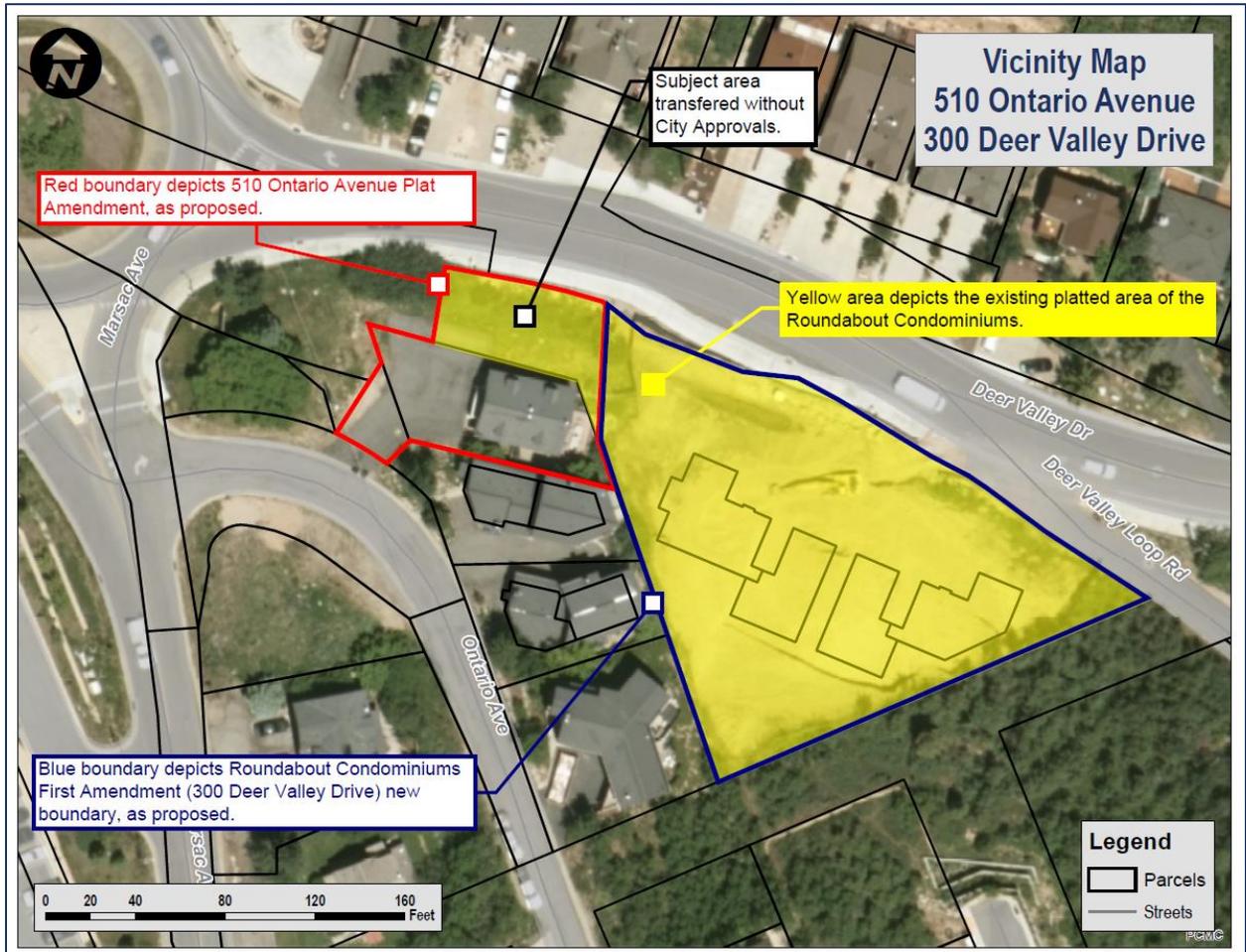
Address: 300 Deer Valley Drive
Size: 2731.8 square feet
Owner: Eliot Realty LLC (Ron Dichter, registered agent)
Use: Part of Roundabout Condominiums **common space**
Proposal: **510 Ontario Ave. Plat Amendment, one (1) lot subdivision plat**

3B. Part of Serial Nos. RNDABTC-A, RNDABTC-B, RNDABTC-C and RNDABTC-D

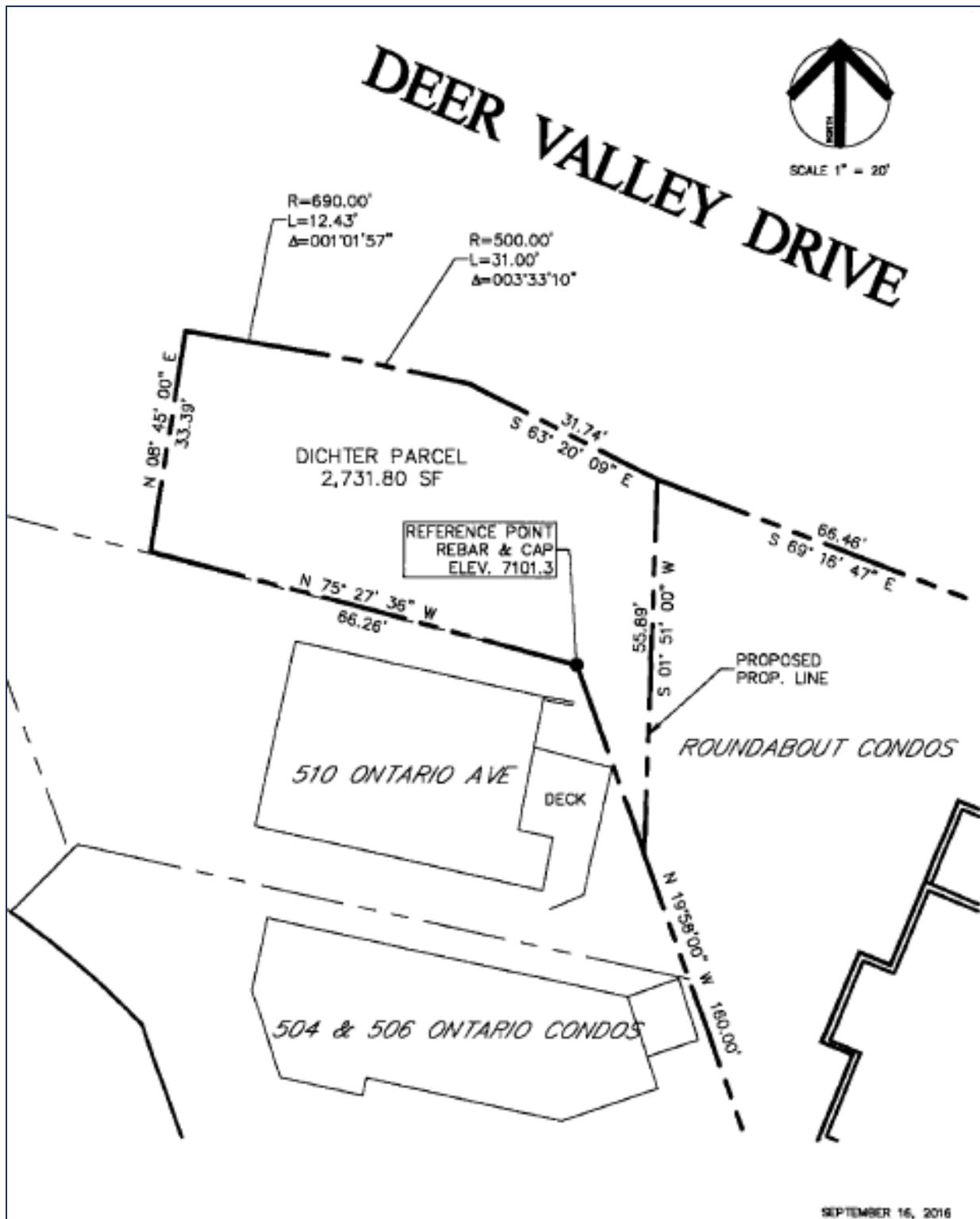
Address: 300 Deer Valley Drive
Owners: Unit A, B & C - The Roundabout LLC
Unit D - Kurt Campisano and Jenny Lepore
Use: 4 residential units, Roundabout Condominiums
Proposal: **Roundabout About Condominiums First Amendment reflecting the common area transferred over to Eliot Realty LLC (-2,731.8 square feet)**

See Vicinity Map on next page. The area in **yellow** represents the platted Roundabout Condominiums. The boundary in **red** represents the proposed 510 Ontario Avenue Plat Amendment, a one (1) lot subdivision plat (parcels 1, 2 and 3A above). The boundary in **blue** represents the proposed Roundabout Condominiums First amendment updated

boundary (parcel 3B above). The area in **yellow** within the **red** boundary (labeled subject area) represents the common space area that was transferred from Roundabout Condominiums to the adjacent property owner on October 4, 2016.



Above, Vicinity Map, created for graphical representation only.



Above, subject area transferred without City approvals, labeled Dichter Parcel.

Purpose

The purpose of the Residential District is found [Land Management Code § 15-2.12-1 Purpose](#).

Analysis – Proposed 510 Ontario Avenue Plat Amendment

The site is located at 510 Ontario Avenue. The site currently consists of an existing single-family dwelling accessed off Ontario Avenue. The site is within the Residential District. The proposed Plat Amendment consists of two (2) metes and bounds parcels (723 and 4,191 square feet each, respectively) plus a portion of Roundabout Condominium Plat common space consisting of 2,731.8 square feet. The proposed Plat Amendment consists of one (1) lot of record 7,646 square feet in size. This proposal does not increase density as there is already a single-family dwelling on site.

The minimum lot area for a single-family dwelling is 2,812 square feet; duplex dwelling is 3,750 square feet; and triplex dwelling is 5,625 square feet. Due to its proximity to Old Town, the applicant has been working with the Planning Dept. for an addition / renovation / remodel to the existing single-family dwelling. Single-family and duplex dwellings are listed as allowed uses, and a triplex dwelling is listed as a conditional use. Based on the proposed addition / renovation / remodel, and given the site's proximity to the Historic District, staff recommends adding a condition of approval that would limit development at 510 Ontario Avenue to one (1) single-family dwelling, as proposed. Staff recommends adding a plat note that would indicate such.

The Residential District requires a minimum front setback of fifteen feet (15'), new front facing garages for single-family and duplex must be at least twenty feet (20'), minimum rear setback of ten feet (10'), and a minimum side setback of five feet (5'). The proposed Plat Amendment, one (1) lot subdivision, meets front, rear, and side setbacks.

As typical on Plat Amendments / Subdivision requests, a ten foot (10') snow storage and non-exclusive public utility easement to extend along Ontario Avenue is to be noted on the Plat. Due to the fact that this proposed lot would now be adjacent to both Ontario Avenue and Deer Valley Drive, as well as having existing vehicular access off Ontario Avenue, staff recommends adding a condition of approval that would restrict access off Deer Valley Drive and maintain its current access off Ontario Avenue. Staff recommends adding a Plat note indicating such. A portion of the proposed lot is located within Flood Zone AO. Staff recommends adding a Plat note indicating such.

Existing Roundabout Condominium Plat has a platted five foot (5') utility easement around the rear and side property lines including the area already transferred. In order to modify the location of the platted five foot (5') utility easement, prior to plat recordation the applicant needs to be responsible of submitting to the Engineering Dept. proof that there are no existing utilities on this easement and a new five foot (5') easement would be required along the side property line adjacent to Roundabout Condominiums. See diagram on next page. Such can be accomplished via condition of approval. If existing utilities are found with the five foot (5') utility easement, the proposed plat amendment will not vacate the utility easement.

Analysis – Proposed Roundabout Condominiums First Amendment

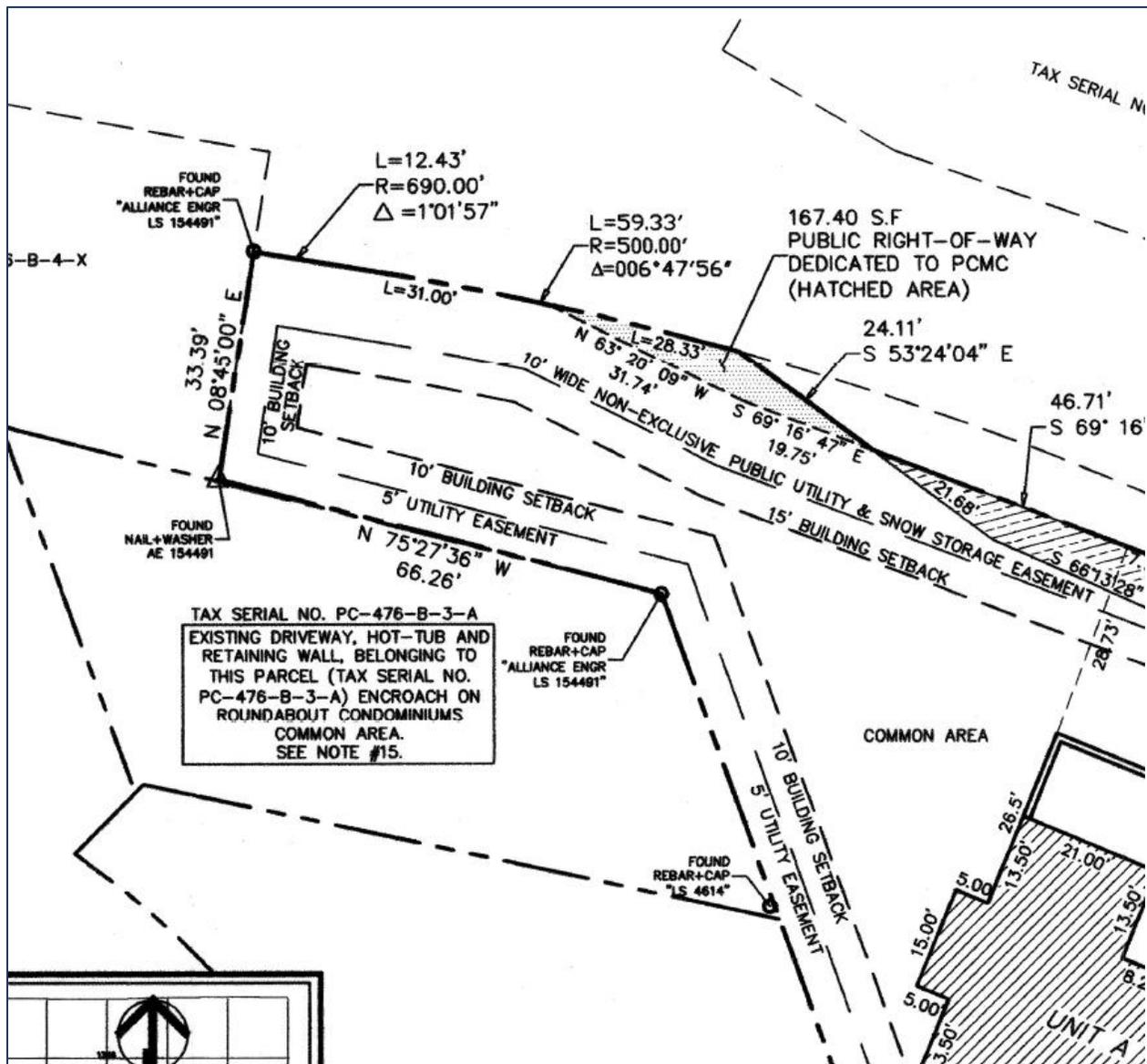
The subject site, Roundabout Condominiums, is located at 300 Deer Valley Drive. Roundabout Condominiums was approved as two (2) condominium buildings, consisting of two (2) units in each building for a total of four (4) units. On June 14, 2007 the City Council approved the Roundabout Subdivision Plat, a two (2) lot Subdivision Plat which was recorded February 21, 2008. In 2014 the site remained unimproved and on May 8, 2014 the City Council approved Ordinance No. 14-21 approving the Roundabout Condominiums Plat, which consisted of four (4) condominium units. On April 23, 2015 the City Council approved Ordinance No. 15-12 amending Ordinance No. 14-21 and approving the Roundabout Condominium Plat, four (4) condominium units. Due to the architect and developer deciding to utilize unexcavated space under the proposed footprint and decrease the limited common deck space to provide more interior private space, the square footage calculations were different and needed to be amended with the correct calculations. Everything else remained the same.

The site is within the Residential District. The proposed Condominium Plat Amendment consists of amending the boundary of the Roundabout Condominiums to reflect negative -2,731.8 square feet of common space that has already been transferred to the adjacent property owner. The proposed Condominium Plat Amendment consists of amending the overall Condominium site to 25,754 square feet. This proposal does not increase density; however, it would enable the construction of a bigger structure at 510 Ontario Avenue, as the Residential District does not regulate maximum house size, building footprint, etc.

The proposed Condominium Plat Amendment does not affect any private units, limited common spaces, parking areas, footprints, etc. The only platted designation of the subject area is **common space**. The existing Plat shows a platted ten foot (10') wide non-exclusive public utility & snow storage easement along Deer Valley Drive, as well as a five foot (5') utility easement along the side and rear property lines. Staff recommends adding a condition of approval that would keep the platted easement along Deer Valley Drive as well as keeping the utility easement along the newly proposed side property line.

Roundabout Condominiums does not have an open space requirement. The development was approved as a Condominium Plat, but a Master Planned Development was not required per the Land Management Code as the project was less than ten (10) units. The only restriction of open space (common area) is the required setbacks.

The proposed Condominium Plat Amendment does not affect the minimum lot area or any of the required minimum setbacks, based on the location of the 2,731.8 square feet of common space already transferred. See platted designation on the next page as well as platted easements.



Above, plated transferred area.

Good Cause

Staff finds good cause for the requested 510 Ontario Avenue Plat Amendment and the Roundabout Condominiums First Amendment as the (2) two proposed Plats meet applicable City codes within the Residential District. The density at 510 Ontario Avenue, one (1) single-family dwelling, and Roundabout Condominiums, four (4) residential units, remains the same.

Process

Approval of these Plat Amendments by the City Council constitutes Final Action that may be appealed following the procedures found in [Land Management Code § 15-1-18 Review Procedure Under the Code](#).

Department Review

This project has gone through interdepartmental review. No further issues were brought up at that time.

Notice

On November 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on November 24, 2018.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may approve the proposed Plat Amendments, as conditioned or amended; or
- The City Council may deny the proposed Plat Amendments, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the proposed Plat Amendments, and request additional information or analysis in order to take final action; or
- The City Council may remand the proposed Plat Amendments to the Planning Commission with specific direction

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

The site at 510 Ontario Avenue would continue to be two (2) metes and bound parcels. The Roundabout Condominiums common space consisting of 2,731.8 square feet would not be owned by the Roundabout Condominiums Home Owner's Association. The City would start an enforcement action to remedy this situation.

Recommendation

Staff recommends that the City Council review and hold a public hearing for 510 Ontario Avenue Plat Amendment, located at 510 Ontario Avenue, and the Roundabout Condominiums First Amendment, located at 300 Deer Valley Drive, and consider approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinances.

Exhibits

Exhibit A1 – Draft Ordinance, 510 Ontario Plat Amendment

Attachment 1 – Proposed Plat Amendment

Exhibit A2 – Draft Ordinance, Roundabout Condominiums First Amendment

Attachment 1 – Proposed Condominium Plat Amendment

Exhibit B – Vicinity Map with Proposal (2015 Aerial Photograph)

[created for graphical representation only]

Exhibit C – 510 Ontario Avenue Survey
Exhibit D – Document Entry 01055140 Special Warranty Deed
Exhibit E – Document Entry 01055142 Quit Claim Deed
Exhibit F – Roundabout Condominiums Plat
Exhibit G – Roundabout Homeowners Association Letter
Exhibit H – Ordinance No. 15-12

Exhibit A1 – Draft Ordinance

Ordinance No. 2019-03

AN ORDINANCE APPROVING THE 510 ONTARIO AVENUE PLAT AMENDMENT LOCATED AT 510 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 510 Ontario Avenue have petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, on November 24, 2018, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on November 28, 2018, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2018, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission on December 12, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 15, 2019, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 510 Ontario Avenue Plat Amendment located at 510 Ontario Avenue.

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

SECTION 1. APPROVAL. The 510 Ontario Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 510 Ontario Avenue.
2. The site consists of an existing single-family dwelling accessed off Ontario Avenue.
3. The site is within the Residential District.
4. The proposed Plat Amendment consists of two (2) metes and bounds parcels (723 and 4,191 square feet each, respectively) plus a portion of Roundabout Condominium Plat common space consisting of 2,731.8 square feet.

5. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
6. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of open space of the Roundabout Condominiums.
7. The October 4, 2016 property transfer of the 2,731.8 square feet of common area of the Roundabout Condominiums took place without City approvals.
8. The proposed Plat Amendment consists of one (1) lot of record 7,646 square feet in size.
9. This proposal does not increase density as there is already a single-family dwelling.
10. The minimum lot area for a single-family dwelling is 2,812 square feet; duplex dwelling is 3,750 square feet; and triplex dwelling is 5,625 square feet.
11. The applicant has been working with the Planning Dept. for an addition / renovation / remodel to the existing single-family dwelling.
12. Single-family and duplex dwellings are listed as allowed uses, and a triplex dwelling is listed as a conditional use.
13. The Residential District requires a minimum front setback of fifteen feet (15'), new front facing garages for single-family and duplex must be at least twenty feet (20'), a minimum rear setback of ten feet (10'), and a minimum side setback of five feet (5').
14. The proposed Plat Amendment, one (1) lot subdivision, meets front, rear, and side setbacks.

Conclusions of Law:

1. There is good cause for the Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Plat Amendments.
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.

Conditions of Approval:

1. 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.
2. The applicant shall record the Plats at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plats 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.
3. A Plat note shall be added to limit one (1) single-family dwelling. No duplexes / triplexes allowed based on its proximity to the Historic District.
4. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Ontario Avenue shall be noted on the Plat.
5. A Plat note shall be added indicating that access to the lot shall be from Ontario Avenue.

6. A Plat note shall be added indicating the portion of the site located within Flood Zone AO.
7. Prior to plat recordation the applicant shall be responsible of submitting to the Engineering Department proof that there are no existing utilities on the five foot (5') utility easement and a new five foot (5') utility easement is required along the side property line. If existing utilities are found with the five foot (5') utility easement, the proposed plat will not vacate the utility easement.
8. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the Plat.

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

PASSED AND ADOPTED this 15th of January, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A2 – Draft Ordinance

Ordinance No. 2019-04

AN ORDINANCE AMENDING ORDINANCE NO. 15-12 AND APPROVING THE ROUNDABOUT CONDOMINIUMS FIRST AMENDMENT, LOCATED AT 300 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 300 Deer Valley Drive have petitioned the City Council for approval of a Condominium Plat Amendment; and

WHEREAS, on November 24, 2018, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on November 28, 2018, the site was properly noticed and posted according to the requirements of the Land Management Code; and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on December 12, 2018, to receive input on the Plat Amendment; and

WHEREAS, the Planning Commission on December 12, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 15, 2019, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roundabout Condominiums First Amendment located at 300 Deer Valley Drive.

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

SECTION 1. APPROVAL. The Roundabout Condominiums First Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The subject site, Roundabout Condominiums, is located at 300 Deer Valley Drive.
2. Roundabout Condominiums was approved as two (2) condominium buildings, consisting of two (2) units in each building for a total of four (4) units.
3. On June 14, 2007 the City Council approved the Roundabout Subdivision Plat which was recorded February 21, 2008, a two (2) lot subdivision.

4. In 2014 the site remained unimproved and on May 8, 2014 the City Council approved Ordinance No. 14-21 approving the Roundabout Condominiums Plat, which consisted of four (4) condominium units.
5. On April 23, 2015 the City Council approved Ordinance No. 15-12 amending Ordinance No. 14-21 and approving the Roundabout Condominium Plat, four (4) condominium units.
6. The site is within the Residential District.
7. The proposed Condominium Plat Amendment consists of amending the boundary of the Roundabout Condominiums to reflect 2,731.8 square feet of common space that has already been transferred to the adjacent property owner.
8. On October 4, 2016 a special warranty deed was recorded at Summit County from Roundabout LLC to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
9. October 4, 2016 a quit claim deed was recorded at Summit County from Roundabout Homeowners Association, Inc., to Eliot Realty LLC consisting of 2,731.8 square feet of common space of the Roundabout Condominiums.
10. The October 4, 2016 property transfer of the common area of the Roundabout Condominiums took place without City approvals.
11. The proposed Condominium Plat Amendment consists of amending the overall Condominium site to 25,754 square feet in size.
12. This proposed Condominium Plat Amendment does not increase density.
13. The proposed Condominium Plat Amendment does not affect any private units, limited common spaces, parking areas, footprint, etc.
14. The only platted designation of the 2731.8 square feet area is common space.
15. The existing Condominium Plat shows a platted ten foot (10') wide non-exclusive public utility & snow storage easement along Deer Valley Drive, as well as a five foot (5') utility easement along the side and rear property lines.
16. Roundabout Condominiums does not have an open space requirement.
17. The proposed Condominium Plat Amendment does not affect the minimum lot area or any of the required minimum setbacks based on the location of the 2,731.8 square feet of common space already transferred.

Conclusions of Law:

1. There is good cause for the Condominium Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Condominium Plat Amendments.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat Amendment.
4. Approval of the Condominium 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 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.

2. The applicant shall record the Plats at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plats 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.
3. A ten foot (10') snow storage and non-exclusive public utility easement to extend along Deer Valley Drive shall be noted on the Plat.
4. A five foot (5') utility easement shall be noted on the Plat along the side property line.
5. All Conditions of Approval of the Ordinance No. 15-21 shall continue to apply.

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

PASSED AND ADOPTED this 15th day of January, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney