

When Recorded, Mail To:

Lori Yates, City Recorder
City of Saratoga Springs
1307 N. Commerce Dr. #200
Saratoga Springs, UT 84045



ENT 93589:2015 PG 1 of 8
JEFFERY SMITH
UTAH COUNTY RECORDER
2015 Oct 14 10:32 am FEE 0.00 BY EO
RECORDED FOR SARATOGA SPRINGS CITY

NOTICE OF APPROVAL AND CONDITIONS

This Notice of Approval and Conditions (“Notice”) is to notify all interested parties that the City Council of the City of Saratoga Springs, Utah on November 18, 2014 issued a plat amendment approval for Fox Hollow Neighborhood 2 (The Cottages at Fox Hollow) (hereinafter “Property”), which Property is more fully described in Exhibit A. As part of the approval, the City Council imposed certain conditions and requirements of approval that are material conditions of development or use of the Property (hereinafter “Conditions of Approval”) (attached as Exhibit B to this Notice). The intent of this document is to place on notice all owners and successors of interest of the Property of the Conditions of Approval that run permanently with the Property. These Conditions of Approval may or may not be recorded on the plat for the Property.

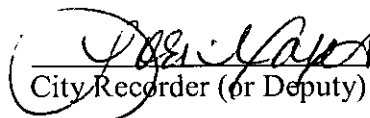
The Conditions of Approval run permanently with the land and are valid restrictions on the use of the Property. Any use of the Property contrary to the Conditions of Approval contained herein and in the exhibits is a violation of Saratoga Springs ordinances and regulations and may subject the violator to penalties including but not limited to fines, injunctions, abatement, and revocation of any and all permits and approvals. Any modification of the Conditions of Approval will be valid only if the modification is authorized in writing by the City of Saratoga Springs and recorded in the official records of the Utah County Recorder.

IN WITNESS WHEREOF, the City has caused this Notice to be executed on its behalf by its respective officer(s) this 9 day of October, 2015.

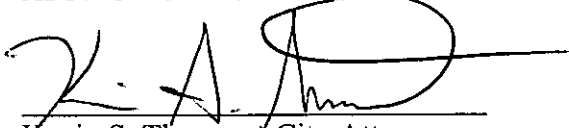
CITY OF SARATOGA SPRINGS:

ATTEST:

By: 
Mark Christensen, City Manager


City Recorder (or Deputy)

APPROVED AS TO FORM:


Kevin S. Thurman, City Attorney

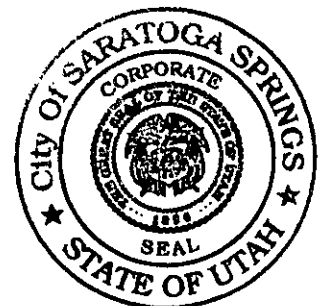


Exhibit A – Legal Descriptions

Neighborhood 2 Phase 2 Amended:

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the southwesterly corner of The Village of Fox Hollow Plat "3", being a point on the easterly line of Village Parkway and a 846.50-foot radius curve to the right, which point is 1841.52 feet, North 00°17'21" East along the section line and 1845.00 feet, South 89°42'39" East from the Southwest Quarter corner of said Section 12, and running thence along said line and the southeasterly line of said Village Parkway the following three (3) courses: (1) thence northeasterly 345.11 feet along the arc of said curve through a central angle of 23°21'33" (chord bears North 57°28'22" East, 342.73 feet); (2) thence North 69°09'08" East, 112.38 feet to the point of curvature with a 546.50-radius curve to the right; (3) thence southeasterly 439.05 feet along the arc of said curve through a central angle of 46°01'50" (chord bears South 87°49'57" East, 427.34 feet) to the point of compound curvature with a 12.00-foot radius curve to the right; thence southeasterly 19.11 feet along the arc of said curve through a central angle of 91°13'58" (chord bears South 19°12'03" East, 17.15 feet); thence South 26°24'56" West, 85.40 feet to the point of curvature with a 97.00-foot radius curve to the right; thence southwesterly 77.97 feet along the arc of said curve through a central angle of 46°03'14" (chord bears South 49°26'33" West, 75.89 feet); thence South 17°31'50" East, 56.00 feet; thence South 00°09'58" West, 187.36 feet; thence South 89°34'45" West, 160.97 feet; thence South 75°35'28" West, 149.14 feet; thence South 24°48'40" East, 11.34 feet; thence South 52°39'07" West, 73.97 feet; thence North 34°48'45" West, 197.24 feet to a 613.00-foot radius curve to the left, thence along arc of said curve 77.80' through a delta of 7°16'17" (chord bears South 51°33'06" West 77.74 feet), thence South 42°44'18" East 14.00 feet to a 599.00-foot radius curve to the left; thence southwesterly 57.09 feet along the arc of said curve through a central angle of 05°27'40" (chord bears South 45°12'03" West, 57.07 feet); thence North 47°31'47" West, 14.00 feet to a 613.00-foot radius curve to the left; thence southwesterly 1.94 feet along the arc of said curve through a central angle of 00°10'54" (chord bears South 42°22'46" West, 1.94 feet); thence North 47°42'41" West, 56.00 feet to a 12.00-foot radius curve to the left; thence northwesterly 17.72 feet along the arc of said curve through a central angle of 84°35'59" (chord bears North 00°00'41" West, 16.15 feet); thence North 42°18'41" West, 193.60 feet to the point of beginning. Contains 6.23 acres, more or less and 51 lots.

Exhibit A – Legal Descriptions

Neighborhood 2 Phase 3A Amended:

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the southwesterly corner of The Village of Fox Hollow Plat Neighborhood 2 Phase 2 Amended, being a point on the easterly line of Village Parkway and a 846.50-foot radius curve to the right, which point is North 00°17'21" East 1,635.21 feet along the section line and East 2,017.77 feet from the Southwest Quarter corner of said Section 12, and running thence along the arc of a 613.00' radius curve to the right 1.94 feet through a delta of 00° 10' 54" (chord bears N 42° 22' 46" E 1.94 feet); thence S 47° 31' 47" E 14.00 feet to a non-tangential 599.00' radius curve to the right, thence along arc of said curve 57.09 feet through a delta of 05° 27' 40" (chord bears N 45° 12' 03" E 57.07 feet); thence N 42° 44' 18" W 14.00 feet to a point on a 613.00' radius curve to the right, thence along arc of said curve 77.74 feet through a delta of 07° 16' 17" (chord bears N 51° 33' 06" E 77.74 feet); thence S 34° 48' 45" E 197.24 feet; thence N 52° 39' 07" E 73.97 feet, thence N 24° 48' 40" W 11.34 feet; thence N 75° 35' 28" E 149.14 feet; thence N 89° 34' 45" E 160.97 feet; thence S 00° 09' 58" W 101.38 feet; thence N 55° 17' 24" W 6.44 feet; thence S 34° 42' 36" W 109.38 feet; thence S 14° 50' 56" W 56.00 feet to a point on a non-tangent 97.00' radius curve to the right, thence along arc of said curve 31.16 feet through a delta of 18° 24' 17" (chord bears S 65° 56' 55" E 31.02 feet); thence S 33° 27' 39" W 12.57 feet; thence S 56° 32' 21" E 74.00 feet; thence N 33° 27' 39" E 12.47 feet to a point on a non-tangent 572.00' radius curve to the right, thence along arc of said curve 63.61 feet through a delta of 06° 22' 17" (chord bears S 52° 48' 09" E 63.58 feet); thence S 49° 37' 00" E 32.65; thence S 38° 42' 03" W 116.58 feet; thence N 69° 19' 47" W 245.89 feet; thence N 20° 40' 13" E 24.94 feet; thence N 69° 19' 47" W 276.48 feet; thence N 32° 56' 13" E 46.55 feet; thence N 53° 47' 30" W 213.83 feet; thence N 53° 47' 30" W 56.00 feet to a point on a non-tangent 669.00' radius curve to the right, thence along arc of said 70.99 feet through a delta of 06° 04' 49" (chord bears N 39° 14' 54" E 70.96 feet) to the phase line of The Village of Fox Hollow Plat Neighborhood 2 Phase 2 Amended, thence along said boundary S 47°42'41" E 56.00 feet to the point of Beginning. Parcel contains 3.89 acres and 20 lots.

Exhibit A – Legal Descriptions

Neighborhood 2 Phase 4 Amended:

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the southwesterly corner of The Village of Fox Hollow Plat Neighborhood 2 Phase 2 Amended, being a point on the easterly line of Village Parkway, which point is 1841.52 feet, North 00°17'21" East along the section line and 1845.00 feet, S 89°42'39" E from the Southwest Quarter Corner of said Section 12, and running thence along said boundary the following 2 calls, 1) thence S 42°18'41" E 193.60 feet to the point of curvature with a 12.00' radius curve to the right; 2) thence along said curve 17.72 feet through a delta of 84°36'00" (chord bears S 00°00'41" E 16.15 feet) to the boundary of The Village of Fox Hollow Plat Neighborhood 2 Phase 3 Amended; thence along said boundary the following 4 calls; 1) thence along an arc of a 669.00' radius curve to the left 70.99 feet through a delta of 6°04'49" (chord bears S 39°14'54" W 70.96 feet), 2) thence S 53°47'30" E 56.00 feet, 3) thence S 53°47'30" E 213.83 feet; 4) thence S 32°56'13" W 46.55 feet; thence S 17°51'08" W 160.15 feet; thence S 10°11'00" W 162.67 feet; thence S 20°40'13" W 222.54 feet; to a 599.00' radius curve to the left, thence along arc of said curve 39.61 feet along the arc of said curve through a delta of 03°47'21" (chord bears S 34°38'32" E 39.61 feet); thence S 53°27'47" W 14.00 feet to a 613.00' radius circle to the left, thence along arc of said curve 11.91 feet through a delta of 01°06'48" (chord bears S 37°05'37" E 11.91 feet) to the point of compound curvature with a 97.00' radius curve to the left; thence along arc of said curve 206.00 feet through a delta of 121°40'46" (chord bears N 81°30'36" E 169.41 feet); thence S 69°19'47" E 70.00 feet; thence S 70°10'17" E 157.59 feet; thence S 50°16'25" W 32.92 feet; thence S 57°47'30" W 61.89 feet; thence S 64°28'54" W 61.95 feet; thence S 72°35'54" W 480.76 feet to the easterly line of said Village Parkway ROW and a 2553.50' radius curve to the left; thence along arc of said ROW the following 2 calls, 1) thence along arc of said curve 335.44 feet through a delta of 07°31'36" (chord bears N 19°53'08" W 335.19 feet) to the point of reverse curvature with a 846.50' radius curve to the right; 2) thence along arc of said curve 1,025.95 feet through a delta of 69°26'31" (chord bears N 11°04'20" E 964.30 feet) to the point of Beginning. Parcel contains 10.99 acres, more or less and 76 lots.

Exhibit A – Legal Descriptions

Neighborhood 2 Phase 5 Amended:

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point 795.14 feet, North 00°17'21" East along the section line and 2,371.44 feet, East from the Southwest corner of said Section 12, and running thence North 70°10'17" West, 157.59 feet; thence North 69°19'47" West, 70.00 feet to a 97.00-foot radius curve to the right; thence southwesterly 206.00 feet along the arc of said curve through a central angle of 121°40'46" (chord bears South 81°30'36" West, 169.41 feet) to the point of compound curvature with a 613.00-foot radius curve to the right; thence northwesterly 11.91 feet along the arc of said curve through a central angle of 01°06'48" (chord bears North 37°05'37" West, 11.91 feet); thence North 53°27'47" East, 14.00 feet to a 599.00-foot radius curve to the right; thence northwesterly 39.61 feet along the arc of said curve through a central angle of 03°47'21" (chord bears North 34°38'32" West, 39.61 feet); thence North 20°40'13" East, 222.54 feet; thence North 10°11'00" East, 162.67 feet; thence North 17°51'08" East, 160.15 feet; thence South 69°19'47" East, 276.48 feet; thence South 20°40'13" West, 24.94 feet; thence South 69°19'47" East, 245.89 feet; thence South 38°42'03" West, 42.11 feet; thence South 20°48'27" West, 229.52 feet; thence South 27°43'35" West, 61.78 feet; thence South 35°14'16" West, 61.89 feet; thence South 42°45'21" West, 61.89 feet; thence South 50°16'25" West, 28.97 feet to the point of beginning. Parcel contains 5.68 acres, more or less and 51 lots.

Exhibit B – Conditions of Approval

CITY OF
SARATOGA SPRINGS

May 12, 2015

Flagship Homes
Attn: Paul Gifford
170 South Interstate Plaza Drive
Lehi, UT 84043

Re: Fox Hollow Neighborhood 2, Plat Amendment

Dear Mr. Gifford:

The purpose of this letter is to inform you of the action taken on your development application. **The letter dated March 3, 2015 had an error. Please refer to this letter for the final decision.** On November 18, 2014, the City Council approved the Plat Amendment for Fox Hollow Neighborhood 2 (The Cottages at Fox Hollow), located along Willow Creek Drive and Red Pine Drive, subject to the findings and conditions listed below:

Findings:

1. Prior to the Planning Commission review of the Plat Amendment, this item was noticed as a public hearing in the *Daily Herald*; and notices were mailed to all property owners within 300 feet of the subject property.
2. The proposed plat amendment is consistent with the General Plan as explained in the findings in Section "E" of the staff report, which findings are incorporated herein by this reference.
3. The proposed plat amendment meets or can conditionally meet all the requirements in the Land Development Code as explained in the findings in Section "F" of the staff report, which findings are incorporated herein by this reference.
4. The granting of the variations will not adversely affect the rights of the adjacent land owners or residents because the requested variations will allow for a reduction in density and will allow for a single-family product, rather than the previously approved two-family dwellings.
5. The variations desired will not adversely affect the public health, safety, or general welfare because there is and will be similar housing products in the Fox Hollow development.
6. Granting of the variations will not be opposed to the general spirit and intent of this Chapter or the Land Use Element of the General Plan because the PUD

Chapter allows for clustering and a variety of housing products and allows the City Council to grant variations.

Conditions:

1. That all requirements of the City Engineer be met, including those listed in the attached report.
2. That all requirements of the City Fire Chief be met.
3. That no more than 50 building permits may be issued west of the second access, unless the third access has been constructed and dedicated.
4. The elevations attached to the staff report are conceptually approved. Final architectural approval of each home shall be by the Master HOA.
5. Individual yards shall be fenced by the developer with consistent fencing that is approved by the Master HOA.
6. Fencing is required between lots and open space. Fencing is required between N5 and the proposed open spaces.
7. The variations are approved as proposed.
8. The homes on the lots directly adjacent to Willow Creek Drive and Red Pine Drive shall front the street.
9. Where lot lines abut the Village parkway right-of-way the homes shall face the shared drives but the side elevations facing Village parkway shall be improved with architectural details including windows, to be worked out with the HOA. No driveways shall access Village Parkway. The sidewalk from the front door shall not lead to Village Parkway.
10. The developer shall install a split-rail fence along Village Parkway. The fence shall be constructed of vinyl and shall match existing split-rail fences in Fox Hollow. The fence shall be 42" in height when adjacent to a retaining wall that is 30" or greater.
11. Alternative: Resident parking shall only be in the enclosed garages. No parking is allowed on the private drive or the apron leading to the garage. Guest parking stalls shall be reserved for guests.
12. No fencing shall be permitted in the front yards or in-between homes in the five foot side yard setback. The developer or home builder shall fence the rear yards prior to the issuance of a certificate of occupancy for each home.
13. All of the amenities shall be bonded for with the first phase and all of the amenities shall be installed prior to issuance of the 99th building permit.
14. The garage doors shall vary in appearance and color to add visual variety.
15. To avoid monotony, the same elevation shall not be built side by side.
16. The builder shall landscape the front and side yards, at a minimum, prior to issuance of a certificate of occupancy for each home.
17. One more tot lot shall be added to the project. The tot lot near the sports court shall be for ages 5-12. A tot lot shall be added to the 0.50 acre open space in Phase 4 and shall be for children ages 5 and under.
18. The requirements of the Master HOA shall be met.
19. The home builder shall install automatic garage door openers in each garage.
20. The Master HOA requested different trees within the development. The applicant shall be allowed to modify the landscape plan with different tree species. The final plan shall be approved by staff.

21. Each private driveway shall be constructed in whole all at once. Driveway easements shall be included on the plat for the lots at the end of each private drive, to allow them to back onto the neighboring driveway.
22. The side of the homes along Village Parkway shall include additional architectural articulation, to be approved by the Master HOA.
23. The entry signs shall be modified to match the existing signs in Fox Hollow and shall be approved by the Master HOA and City staff.
24. Additional conditions as articulated by the City Council: That all amended plats be recorded at the same time. (see below)

MOTION:

Motion by Councilwoman Baertsch to approve the Plat Amendment for Fox Hollow Neighborhood 2 located between Willow Creek Drive and Red Pine Drive, Flagship Homes, applicant, including all staff findings and conditions.

- Noting that the landscaping can be done with seasonal flexibility,
- noting that they will work out the fencing according to code with the open style along Village parkway.
- Changing condition #9 to read “where lot lines abut the Village parkway right-of-way the homes shall face the shared drives but the side elevations facing Village parkway shall be improved with architectural details including windows, to be worked out with the HOA.
- Leaving condition #10 as it is,
- and using the alternate for condition #11,
- and working out condition #22 with the HOA,
- and that all amended plats be recorded at the same time.

Seconded by Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.

Now that the plat amendment has been approved please coordinate with the City Engineer to receive approval of the construction drawings and please coordinate with the City Recorder in order to record the plat. If you have any questions regarding this letter or the development process, please feel free to contact me at 801-766-9793 ext. 106 or scarroll@saratogaspringscity.com.

Sincerely,



Sarah Carroll
Senior Planner

Cc: File