

EXHIBIT A

Planning Commission Staff Report



Subject: Marsac Avenue Affordable Housing
Author: Brooks T. Robinson
Date: July 9, 2008
Type of Item: Administrative – Master Planned Development

Summary Recommendations

Staff recommends the Planning Commission re-open the public hearing and discuss the proposed Master Planned Development. Staff has provided findings of fact, conclusions, of law and conditions of approval for the Commission's consideration.

Topic

Applicant: United Park City Mines Company
Location: 100 Marsac Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: State Route 224 to west, residential zones to east and north, open space to south.
Reason for Review: Master Planned Developments require Planning Commission review

Background

On January 9 and February 27, 2008, the Planning Commission held public hearings on the MPD pre-application. The Commission directed staff to return with findings for compliance with the General Plan. On March 12, 2008, the Commission ratified the findings for compliance with the General Plan and directed the applicant to work with the neighborhood to provide a more compatible design in keeping with the historic development pattern. The Commission was also not in favor of the intensity of the use and directed the applicant to reduce the density.

On April 15, 2008, the City received a completed application for a Master Planned Development. On May 28, 2008, the Planning Commission held a work session discussion on the application and a public hearing was held on June 11th. An additional public hearing only was held on June 25th.

In the intervening months from the application to June 25th, the applicant has responded to staff, public, and Planning Commission comments to further revise and refine their site plan. The current plan is substantially different from the original proposal. The density has been reduced from 20 units with a number of duplexes to ten single family houses. The surface parking lot has been removed; instead each unit has a single car garage and a second exterior parking space. The location of the access road and the units has been shifted to the north to preserve a substantial (approximately 78%) of the stone walls from the Ontario Loading Station. The Ontario Loading Station includes the

former railroad bed created with the use of the stone retaining walls and the mine portal itself (to the south of the subject property). Other accessory and more contemporary buildings have been removed with the highway reconstruction. Ore from the Ontario mine was transported through mine tunnels to this portal and transferred to railroad cars at this location. The site was identified as a historic resource with possible inclusion in the National Register of Historic Places during the reconstruction of State Route 224. A road project including Federal highway funds requires the cultural inventory that was performed. As no tax credits were sought, the property owner chose not to have the site listed on the NRHP. The City's Inventory of Historic Buildings does not include structures such as retaining walls, and, therefore, the stone walls are not on the Inventory.

Analysis

The underlying zoning is Historic Residential (HR-1). The minimum lot size in the HR-1 zone is 1,875 square feet. Under the Land Management Code (LMC) section 15-6-7, Master Planned Affordable Housing Development, the Planning Commission can grant a density bonus up to twenty (20) dwelling units per acre. Proposed are 10 dwelling units on approximately 2.2 acres. Included in the application is a request for the vacation of the platted, unbuilt Seventh (First) Street right of way.

All **Master Planned Developments** shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

Complies

Under an Affordable Housing MPD (LMC 15-6-7), the Planning Commission can grant a density bonus up to twenty (20) dwelling units per acre. Proposed are 10 dwelling units on approximately 2.2 acres. The access road is on the flatter portion, which was the site of the former railroad spur to the Ontario Loading Station. The units are configured with seven on the downhill (west) side and three on the uphill (east) side of the road.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT.

Complies as conditioned

A subdivision is required in order to create lots of record. The property is currently described as two metes and bounds parcels and the platted Seventh (First) Street. Without legal lots of record, no development can take place. A standard Old Town lot is 1,875 square feet with an allowed footprint of 844 square feet. The concept plan shows units with a footprint of 705 square feet. A subdivision is a condition of approval.

*(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

Complies

The Planning Commission can reduce this requirement to the underlying HR-1 zone setbacks. The proposed plan shows a setback of 20 feet for the rear of the downhill (west) units due to the narrow site constraints. Staff recommends that the HR-1 zone setbacks be applied.

*(D) **OPEN SPACE.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space. Within an Affordable MPD, the minimum Open Space requirement is 50% which may be reduced to 40% by the Planning Commission for additional project amenities.*

Complies

The proposal identifies over 61.1% of the site as open space.

*(E) **OFF-STREET PARKING.***

Off-Street Parking is required at a rate of one (1) space per Bedroom in an Affordable Housing MPD.

Complies

There are 20 parking spaces proposed for the 20 bedrooms; 10 spaces in garages and 10 surface spaces.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination.*

No height exception is proposed.

*(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies

The access road generally follows the old railroad grade. Seven of the stand alone houses back towards Marsac Avenue with three of the units on the uphill side. A primary consideration in the design is the preservation of approximately 80% of the stone retaining walls. The plan identifies 1.34 acres of dedicated open space.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies

The site is disturbed the previous mining activities and contain existing rock retaining walls. Although only at a concept design phase, the houses will step with the contours minimizing the amount of retaining walls necessary and the additional excavation and

construction costs.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies

The proposed road and buildings may meet this criterion. Specific grading plans and building plans have not been submitted. The road is proposed to be on the old railroad grade.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

Complies

A trail exists on the eastern edge of the property. There will be no impact from this project to the existing trail. The trail is located on proposed dedicated open space. The proposed emergency access and trail to the north would provide access to Ontario Court. In addition, to encourage pedestrian access to Main Street, a sidewalk along a portion of Marsac Avenue and a crosswalk at the uphill side of the Hillside/Marsac intersection is proposed. There is a stop sign for downhill traffic at the location of the crosswalk.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements

Complies.

No sidewalk is provided within the project. A sidewalk is proposed along a portion of Marsac Avenue with a crosswalk at the Marsac/Hillside intersection. The emergency access/trail would connect to Ontario Court. There is a turnaround for fire trucks or garbage collection vehicles at the end of the access driveway.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies

There are sufficient areas for snow storage along the access driveway and the south end.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the

refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies

Each unit will have trash cans. A turnaround for trucks is provided at the end of the access road.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

None provided for the ten units. The sidewalk and crosswalk have previously been discussed.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies

Service and delivery for the ten units are usual and customary for a residential street. A turnaround is provided at the end of the road.

*(H) **LANDSCAPE AND STREETScape.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies as conditioned

There is little significant vegetation as this site has been disturbed in the past. At this time a landscape plan has not been provided. At the time of the Steep Slope Conditional Use Permit and the Historic District Design Review, detailed landscape plans are required. This requirement is memorialized in a condition of approval.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies

The project site, as with all HR-1 zoned property, is outside of the Sensitive Lands Overlay.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies

This is an Affordable Housing MPD that does not generate additional affordable housing requirements.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be*

required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

Complies

Staff does not recommend a Child Care center due to the low density of the project.

Vacation of Right of Way

The applicant is requesting the vacation of platted Seventh (First) Street. In order to execute the vacation, the City Council, after receiving a recommendation from the Planning Commission must make findings of compliance with Resolution No. 8-98, "Resolution adopting a policy statement regarding the vacation of public right-of-ways within Park City, Utah." The resolution is divided into three sections; each with reviewable criteria necessary for a finding of compliance.

SECTION 1 Good Cause: The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole.

Criteria 1: No increase in density. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street right-of-ways will generally not be vacated to facilitate greater density, floor area or area disturbance.

Complies

An Affordable Housing MPD is allowed a density up to 20 units per acre or approximately 43 units on the 2.2 acre site. The right of way is approximately 5,100 square feet or 0.12 acres reducing the potential number of units to 41 units. The proposed 10 units is a significant decrease in the number of possible units.

Criteria 2: Neighborhood Compatibility: The proposal shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall consider the 15 criteria for a conditional use located in Chapter 15-1-10 of the LMC when considering compatibility.

Complies

Staff finds that no variances are required and that all requirements of the LMC are met. The ten single family houses have a footprint of approximately 705 square feet, which is smaller than found on a typical 1,875 square foot HR-1 lot. The houses to the west, in the Prospect Avenue area are a mix of historic and contemporary homes of varying sizes. The houses to the northeast in the Ontario Avenue area are predominately contemporary and substantially larger than the homes proposed.

The Land Management Code (15-1-10) sets the following standards of review:

(1) *size and location of the Site;*

No unmitigated impacts.

The site is approximately 2.2 acres and zoned HR-1. The ten units is a substantial reduction from the possible 43 that are possible with the given land area.

(2) traffic considerations including capacity of the existing Streets in the Area;

No unmitigated impacts.

The site is served by Marsac Avenue, aka State Route 224. Marsac Avenue, although carrying a large volume of traffic, has sufficient capacity for these ten units.

(3) utility capacity;

No unmitigated impacts.

Adequate utilities exist nearby.

(4) emergency vehicle Access;

No unmitigated impacts.

Emergency access is from Marsac Avenue. In addition an emergency vehicle access is proposed from the north end of the site through Ontario Court, a private street with an easement for emergency vehicles.

(5) location and amount of off-Street parking;

No unmitigated impacts.

Each unit will have two parking spaces.

(6) internal vehicular and pedestrian circulation system;

No unmitigated impacts.

A sidewalk and crosswalk connect this project to the west side of Marsac Avenue.

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No unmitigated impacts.

A landscape plan is required with both a Steep Slope CUP and the Historic District Design review. The site is mostly surrounding by natural open space.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

No unmitigated impacts.

The ten single family houses have a footprint of approximately 705 square feet, which is smaller than found on a typical 1,875 square foot HR-1 lot. The houses to the west, in the Prospect Avenue area are a mix of historic and contemporary homes of varying sizes. The houses to the northeast in the Ontario Avenue area are predominately contemporary and substantially larger than the homes proposed.

(9) usable Open Space;

No unmitigated impacts.

Approximately 61.1% or 1.34 acres of the 2.2 acres is proposed as dedicated open space. The applicant is not counting the proposed development lots into the open space calculation. An existing trail to the east will be within the open space.

(10) signs and lighting;

No unmitigated impacts.

Any signs will require a separate sign permit and lighting must comply with the City lighting regulations.

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

No unmitigated impacts.

The ten single family houses have a footprint of approximately 705 square feet, which is smaller than found on a typical 1,875 square foot HR-1 lot. The houses to the west, in the Prospect Avenue area are a mix of historic and contemporary homes of varying sizes. The houses to the northeast in the Ontario Avenue area are predominately contemporary and substantially larger than the homes proposed. Staff recommends that the specific house designs be sufficiently different to provide variety and interest.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No unmitigated impacts.

These factors would be typical of any residential street.

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

No unmitigated impacts.

During construction, staging will be on-site. Post-construction, the amount of service and delivery will be typical of a residential street. A turnaround is provided at the end of the street.

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

No unmitigated impacts.

Each lot and unit will be deed restricted and owner occupied.

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

No unmitigated impacts.

The site, as with all HR-1 zoned properties, is not within the Sensitive Lands Overlay.

Criteria 3: Consideration: Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any public amenity deemed in the best interests of Park City's citizens.

Complies

An Affordable Housing MPD requires a minimum of 50% open space that can be reduced to 40% by the Planning Commission. The proposed MPD has 61.1% open space and provides protection for an existing trail. The layout of the site is primarily predicated on the preservation to the greatest extent possible of the historic stone walls. Previous designs did not require the vacation of the right of way but also nearly completely removed the stone walls. Staff finds that the affordable housing itself is a community benefit in addition to the open space, trail, and preservation of the stone walls.

Criteria 4: Utility of existing Right-of-Way. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan, the recommendation to the City Engineer, existing improvements and utilities within the right-of-way and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.

Complies

The 1984 Streets Master Plan lists the platted Seventh (First) Street R-O-W as "Existing Rights of Way considered Unbuildable" with the comment to "use as exchange parcel to extend Ontario Avenue to by-pass "slide for life hill"". With the re-platting and development of Ontario Court, the exchange has been precluded.

Pursuant to State Law, (UCA 10-9a-609.5) a street vacation may not impair the right of way or easements of any lot owners or franchise rights of any public utility. The former City Engineer reviewed this application and found no easements or utilities within the right of way.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference there from, and shall not merely be conjecture nor public clamor.

Complies

The proposed vacation will not materially injure the adjoining properties. The owners on either side of the First Street are the current applicants.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council and Historic Preservation Board, as necessary are encouraged early in the process for large projects and master planned developments, which propose vacation and reconfiguration of public right-of-ways.

The Planning Commission may determine whether a joint meeting would be necessary for this project.

Department Review:

The project has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers.

Future Process

The Master Planned Development application must be approved prior to proceeding with the proposed development. In addition, a subdivision plat to create legal lots of record is required. Other applications that can be reviewed concurrently are the Steep Slope Conditional Use Permit and the Historic District Design Review. The approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Recommendation:

Staff recommends the Planning Commission open a public hearing and discuss the proposed Master Planned Development. Staff has provided findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The proposed Affordable Housing Master Planned Development is located at 100 Marsac Avenue and encompasses 2.187 acres, including the platted Seventh (First) street right of way and two metes and bounds parcels.
2. The zoning for this property is Historic Residential (HR-1).
3. The Planning Commission may increase the allowable density in an Affordable Housing MPD up to 20 units per acre.
4. Ten single family units are proposed.
5. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
6. No additional roof height is proposed.
7. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
8. Twenty parking spaces are proposed with a single car garage and an exterior parking space for each unit.
9. Open Space in the amount of 61.1% exceeds the 50% requirement.
10. Approximately 80% of the historic stone walls are preserved.

11. The applicant proposes pedestrian access to Old Town in a safe and efficient manner.
12. The Planning Commission finds good cause for the street vacation based on the decrease in density, neighborhood compatibility, consideration, utility of existing right of way, and no material injury.
6. The Planning Commission found compliance with the General Plan at its regular meeting of March 12, 2008.
7. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

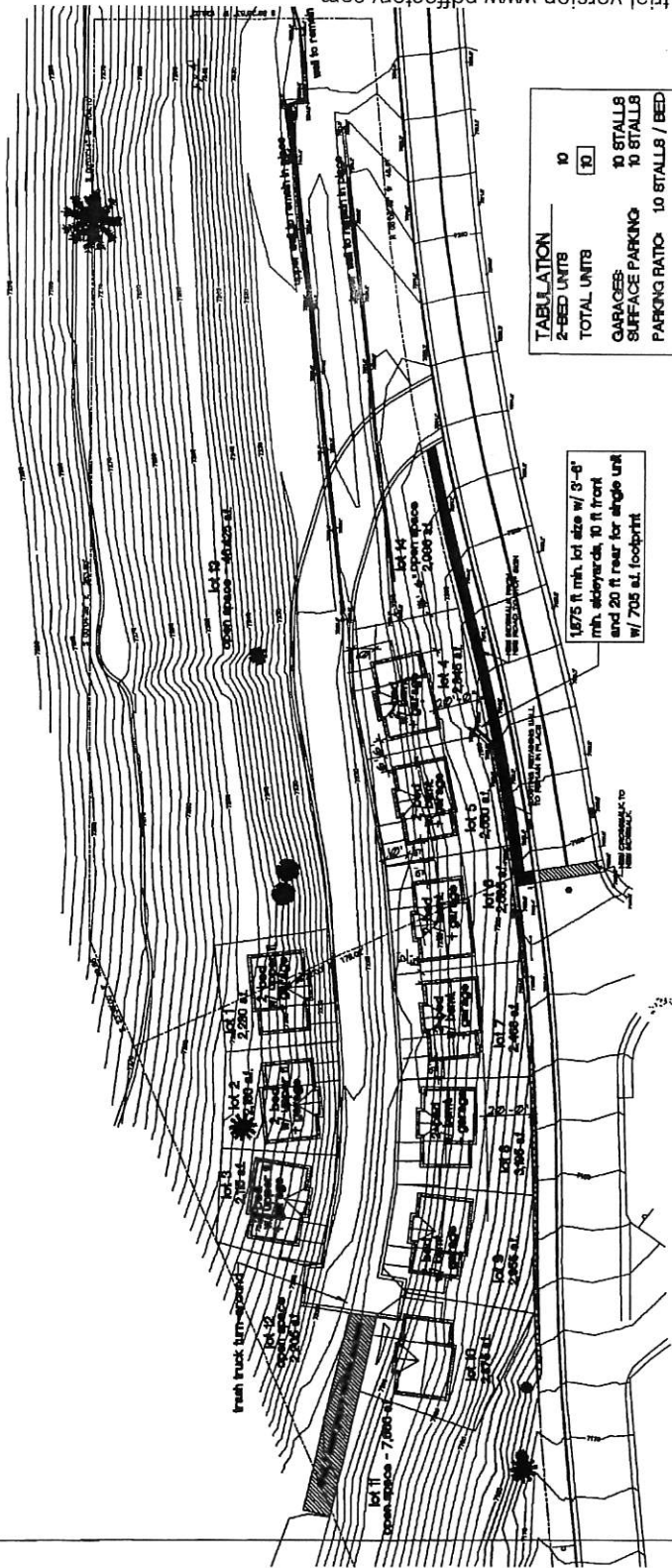
1. All standard conditions of approval apply to this MPD.
2. All buildings will be required to be reviewed under the Historic District Design Guidelines. The specific house designs shall be sufficiently different to provide variety and interest.
3. A steep slope Conditional Use Permit is required for any house on a slope greater than 30%.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required to be submitted with the Steep Slope CUP or Historic District Design Review, whichever is first.
5. The applicant will coordinate with the City and UDOT for construction of the sidewalk, crosswalk, and required safety signs.

6. All exterior lights must conform to the City lighting regulations.
7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
8. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, including trails and required landscaping, is required prior to issuance of a full building permit.
9. The Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits. The CMP must specifically address the preservation of the historic stone walls.
10. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
11. Approval of a fire protection plan for each building shall have been made by the Building Official prior to any full building permit being issued.
12. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

Exhibits

Exhibit A – Site plan

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TABULATION	10
2-BED UNITS	10
TOTAL UNITS	10 STALLS
GARAGES:	10 STALLS
SURFACE PARKING	10 STALLS / BED
PARKING RATIO	10 STALLS / BED
TOTAL SITE AREA:	2.87 AC.
DEDICATED OPEN SPACE	134 AC.
PERCENT OPEN	611 %

1,675 ft min. lot size w/ 13'-0" min. alleyway, 10 ft front and 20 ft rear for single unit w/ 705 sq. footprint



ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"
50'

DATE: 20 JUNE 2008