

9. Building permit plans must substantially comply with drawings reviewed and approved by the Planning Commission on October 22, 2008.
10. This approval will expire on October 22, 2008, if a building permit has not been issued.

Findings of Fact - 100 Marsac Avenue CUP - Units 7-10

1. The property is located at 100 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The approved plat created 10 residential building lots and four open space parcels.
4. Access to the lots from Marsac Avenue is via a private driveway (Silver Hills Court).
5. The minimum front yard setback for lots of this size is 10 feet.
6. The minimum rear yard setback is 10 feet.
7. The minimum side yard setback is 5 feet for the lots as proposed. The applicant proposes 5 feet on all side yards.
8. 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.
9. No additional roof height was proposed or approved with the MPD. A minor height exception of 1'-0" is proposed for a subordinate gable on the rear of Unit 6.
10. 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.
11. The applicant is proposing two on-site parking spaces within a single car garage and an exterior space for each of the ten two-bedroom units.
12. The maximum footprints for these lots are 1052 to 1197 square feet, based on lot size.

13. The proposed footprints are 746 to 910 square feet.
14. The total floor area of the ten buildings is 12, 275 square feet, representing 15 Affordable Housing Unit Equivalents.
15. The findings in the Analysis Section of this report are incorporated herein.

Conclusions of Law - 100 Marsac Avenue CUP - Units 7-10

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 100 Marsac Avenue CUP - Units 7-10

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the houses are reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.

7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
 8. A height exception of 1'-9" is granted for the subordinate gable on the rear of Unit 6.
 9. Building permit plans must substantially comply with drawings reviewed and approved by the Planning Commission on October 22, 2008.
 10. This approval will expire on October 22, 2008, if a building permit has not been issued.
4. 100 Marsac Avenue - Remand of Subdivision from City Council

Planner Robinson stated that the applicant had adjusted and modified the subdivision based on direction from the City Council and changes in the building form as discussed earlier this evening. The Staff found that the subdivision complies with the applicable elements of the Land Management Code and provided a draft ordinance.

The Staff recommended that the Planning Commission review the draft ordinance and forward a positive recommendation to the City Council with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance. Planner Robinson added finding of fact #16, "The site is near the location of the Judge Aerial Tram Load Station and Ontario Mill." He also added Condition of Approval # 8, "The soil will be tested for compliance with the Park City Soils Ordinance and cleaned up, if necessary, to meet the regulatory standards applicable to Empire Pass." Planner Robinson added a sentence to Condition of Approval #5, "A financial guarantee for the protection of the historic walls during construction will be determined by the Chief Building Official with the construction mitigation plan."

Commissioner Pettit mentioned the speed limit issue she had raised earlier in the meeting. Planner Robinson stated that within the MPD there was a condition of approval about the applicant working with UDOT regarding the sidewalk and crosswalk within the right-of-way. They could amend that language to include speed or other safety warning devices as allowed by UDOT.

Commissioner Wintzer noted that it is a UDOT road, which makes it hard for the City to dictate what should be done. Commissioner Wintzer stated that Marsac is the hardest street in town to walk. Chair Thomas asked if they could push the 20 mile an hour speed limit further up the canyon. Commissioner Wintzer stated that it is a hard road to slow down on and he was unsure what they could do. Chair Thomas suggested that the applicant express their concerns to UDOT.

Commissioner Strachan remarked that the last time this subdivision went to the City Council there was a legality of the easement between Ontario Court and this project. Planner Robinson stated that the City Attorney had reviewed that and addressed it with language in Condition of Approval #6 stating that the emergency access easement must be kept clear of snow at the responsibility of the HOA.

Commissioner Strachan understood that the subdivision is where the Planning Commission discusses lot placement. He wondered about staggering the downhill lots. Commissioner Wintzer did not think there was enough room to do that. He thought it might be possible on Lots 6, 5, and 4. Commissioner Strachan thought they should look at staggering the units where topographically possible to create some space between the units. Chair Thomas felt they had addressed that issue with the landscaping concerns in the previous application. Commissioner Wintzer pointed out that sliding the units down the hill would increase the height appearance of the built.

Chair Thomas opened the public hearing.

Jamie Thomas, as resident at 134 Ontario Court, stated that Ontario Court has been discussing the dedication of an easement for access across Ontario Court Driveway. He noted that the subdivision is contingent upon fire access and they have explored this with the Fire Marshall and the Chief Building Official. Mr. Thomas stated that City Attorney, Mark Harrington's opinion is only a legal opinion and a condition was made based on a legal opinion. The Ontario Court Driveway Association has given their legal position to the City and he hoped that the Planning Commission and the City Council had seen that. Mr. Thomas stated that at the City Council meeting, when the subdivision was remanded back to the Planning Commission, Mr. Harrington said that the access was misunderstood and that 100 Marsac Avenue was to benefit Ontario Court. Mr. Thomas remarked that Ontario Court, by way of the subdivision process, has it's own fire access and involved access. It is a stand alone project. It has been approved, implemented and constructed. Therefore, Ontario Court does not need 100 Marsac Avenue's access. He felt it was erroneous to assume they did based on what is already in place. Mr. Thomas stated that Ontario Court Driveway Association supports affordable housing and early in the process, they put forth a proposal with five elements to be considered. They have never heard back from the applicant on their proposal. The first one was massing, condensing and a visual disconnect to help with safety for Ontario Court and the neighborhood as a whole. They have tried to work towards massing and condensing off the hillside to the south and to have more of a compression. Mr. Thomas remarked that each time the applicant comes back they have worked towards that, but there is still massive inconsistencies in the application with regards to dimensions and setbacks. Ontario Court Driveway Association thinks this can be achieved quite easily. It would have been nice to create the lots on a favorable topography and then built the houses accordingly. Mr. Thomas reiterated that

Mr. Harrington only gave a legal opinion that has not been tested. There are two arguments to the story and they feel very strongly about the access. It can be achieved but they have not come far enough to meet that goal.
Chair Thomas closed the public hearing.

Chair Thomas stated that the Marsac affordable housing site plan showed the delineation of the lots and the bearings and distances of the lots. He understood that the dashed line was the building setback line. Mr. Smith replied that it was showing the 10 foot front yard and the 5 foot five yard setbacks.

Commissioner Wintzer asked if they had already dealt with the vacation. Planner Robinson explained that it officially goes through with the subdivision; however, the Planning Commission had discussed it at the MPD stage. Commissioner Wintzer asked if they were approving the vacation at the same time as the subdivision. Planner Robinson answered yes.

Commissioner Pettit asked for clarification on the plan for emergency access. Keith Bennett stated that the intent is to add landscaping so it looks like the end of the road. It also decreases the width and eliminates the formal gutters on each side. It is a driveable walk and it meets the fire truck access requirements.

Commissioner Murphy asked if there would be a crash gate. He was told there would be.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation for 100 Marsac Avenue subdivision to the City Council in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended by Staff.

Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 100 Marsac - Subdivision

1. The proposed Marsac Avenue Affordable Housing subdivision is located at 100 Marsac Avenue and encompasses 2.7 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. Ten single family lots are proposed. Fifty-one units could potentially be built on the property based on lot area.

4. Four deed-restricted Open Space parcels encompassing a total of 1.63 acres are proposed. These parcels will be owned and maintained by the Homeowners Association.
5. A 10-foot trail easement is dedicated to public use.
6. Silver Hills Court is a 25-foot wide private road with public pedestrian, public utility and emergency access easement located in the right-of-way.
7. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement must be kept clear of snow at the responsibility of the Homeowners Association.
8. 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.
9. No additional roof height was proposed or approve with the MPD.
10. 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.
11. Open Space in the amount of 60% exceeds the 50% requirement.
12. Approximately 80% of the historic stone walls are preserved and a preservation easement is provided on the plat.
13. The applicant proposes pedestrian access to Old Town in a safe and efficient manner.
14. There is good cause for the street vacation based on the decrease in density, neighborhood compatibility, utility of existing right-of-way, and no material injury.
15. The Analysis section of this staff report is incorporated herein.
16. The site is near the location of the Judge Aerial Load Station and Ontario Mill.

Conclusions of Law - 100 Marsac - Subdivision

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 100 Marsac - Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 subdivision 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.
3. All conditions of approval of the Marsac Avenue Affordable Housing Master Planned Development shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Building Department prior to any building permit.
5. A Preservation Easement for the historic walls must be recorded concurrently with the plat. financial guarantee for the protection of the historic walls during construction will be determined by the Chief Building Official with the construction mitigation plan.
6. A gate or other device approved by the Chief Building Official will restrict access to Ontario Court to emergency vehicles only. The emergency access easement must be kept clear of snow at the responsibility of the Homeowners Association.
7. Open space deed restrictions must be recorded prior to or concurrently with the plat.
8. The soil will be tested for compliance with the Park City Soils Ordinance and cleaned up, if necessary, to meet the regulatory standards applicable to Empire Pass.

Planning Commission Staff Report



Subject: 100 Marsac Avenue, Lots 1-10
Author: Brooks T. Robinson
Date: October 22, 2008
Type of Item: Administrative – Steep Slope
Conditional Use Permits

Summary Recommendations

Staff recommends that the Planning Commission review the proposed steep slope CUPs for construction on a slope greater than 30%. Steep slope CUPs can be considered as consent items; however, staff requests removing these items from the consent agenda and holding a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration. A separate motion to approve each of the ten CUPS is required.

For the purpose of paper conservation and brevity, the review of each of the ten properties has been consolidated into one report.

Topic

Applicant: United Park City Mines Company (Talisker)
Location: 100 Marsac Avenue, Marsac Avenue Affordable Housing Subdivision
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Background

On August 29, 2008, the City received completed applications for ten steep slope Conditional Use Permits (CUPs) to be located on the ten-lot Marsac Avenue Affordable Housing Subdivision. Each application is a request for approval of a single-family home of approximately 1,175 square feet (downhill units) to 1,290 square feet (uphill units) each on their own lots. Lot sizes range from 2410 square feet to 2803 square feet. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

On October 8, 2008, the Planning Commission held a public hearing and provided feedback on the proposed buildings. Subsequent to that meeting and in response to the direction from the Planning Commission, the applicant has amended the plans to provide more architectural interest and variation to the buildings, minimize retaining walls and grading and to further cluster the buildings.

Analysis

The underlying zoning is Historic Residential (HR-1). The minimum lot size in the HR-1 zone is 1,875 square feet. Each of the ten lots complies with this requirement as shown on the table below.

Development in the HR-1 zoning district is subject to the following criteria:

| | Permitted | Proposed |
|---|---|---|
| Height | 27 feet above existing grade | No height exception granted in MPD. A one foot, nine inch height exception is requested for a subordinate gable for Lot 6 (see criteria 10) |
| Footprint (Lot Area below) Lot 1: 2410.4 Lot 2: 2553.1 Lot 3: 2803.4 Lot 4: 2731.8 Lot 5: 2731.8 Lot 6: 2791.2 Lot 7: 2610.2 Lot 8: 2771.1 Lot 9: 2662.2 Lot 10: 2583 | Based on Lot area 1052.533 1105.941 1197.405 1171.526 1171.526 1193.011 1127.053 1185.759 1146.152 1117.015 | Includes garage Lot 1: 878.5 Lot 2: 862.5 Lot 3: 862.5 Lot 4: 910.47 Lot 5: 862.5 Lot 6: 862.5 Lot 7: 746.7 Lot 8: 746.7 Lot 9: 746.7 Lot 10: 746.7 |
| Front setback | 10 feet | No setback reductions in MPD. 10 feet |
| Rear setback | 10 feet | 10 feet |
| Side setbacks | Depends on lot width. 5 feet for lots between 37.5 and 50 feet and greater in width. | 5 feet for each house as each of the lots are greater than 37.5 feet and less than 62.5 feet in width. |
| Parking | One space for each bedroom in an Affordable Housing MPD. Two spaces required for each two-bedroom unit. | 2 per unit; one in a garage, the second exterior. |

Section 15-2.1-6 of the LMC provides for development on steep lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 zone, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the structure.

NO UNMITIGATED IMPACTS

The MPD and subdivision clustered the units to the north end of the 2.7 acre property. Ten residential lots from 2410 square feet to 2803 square feet are proposed. In addition, four deed restricted open space parcels encompassing 1.63 acres are proposed. Each building is two stories and have footprints approximately 25-30% smaller than allowed by the zone. The uphill units (#7-10) are situated behind the downhill units when viewed from the west so they are partially obscured. The location also saves approximately 78% of the historic Ontario Loading Station stone retaining walls.

Criteria 2: Visual Analysis. The applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine the potential impacts of the project.

NO UNMITIGATED IMPACTS

The proposed buildings are in an area of Old Town where there are both larger contemporary buildings (Ontario Avenue and Court) and smaller historic homes (Prospect Avenue area). The applicant has submitted a streetscape of the ten proposed buildings demonstrating the visual impacts of the buildings as viewed from the west. The two closest houses on Ontario Court are drawn in for perspective. The project site is not visible from the LMC-defined Vantage Points. The downhill units (1-6) are proposed with two stories; however, there are additional exposed foundation walls of varying heights (2 to 9 feet in height). Even with the exposed foundations, the buildings are 2-3 feet under the 27 foot height maximum (see height exception for Lot 6).

Criteria 3: Access. Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale.

NO UNMITIGATED IMPACTS

Each of the ten homes will take access from a private road (Silver Hills Court) with access to Marsac Avenue (SR 224). Silver Hills Court utilizes the existing railroad grade thereby eliminating the need for substantial grading for access. The driveways to the garages on Lots 1-6 provide for the second Code required parking space. On the uphill Lots 7-10, the buildings are at the front setback with short driveways as the second parking space is under the buildings in an open carport.

Criteria 4: Terrace. The project must provide terraced retaining structures to regain natural grade.

NO UNMITIGATED IMPACTS

Minimal retaining structures are necessary. The four uphill units (7-10) have boulder retaining walls of less than four feet in height behind the units. The downhill lots (1-6) also have 4'-5' high walls between the buildings. The vehicular turnaround will also

require a retaining wall approximately 18 feet high into the east hillside. As units 5 and 6 are directly across Silver Hills Court from the turnaround, they will help mitigate the visual impact. In addition, the wall is proposed to be separated into two nine-foot high walls with landscaping between the tiers.

Criteria 5: Building Location. Building, Access and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the site.

NO UNMITIGATED IMPACTS

The 740-900 square foot footprint buildings are placed onto the hillside with natural grade remaining along the sides of the buildings, with the exception of the small boulder walls to help maintain existing grade. Access and infrastructure will be along the existing railroad grade minimizing the need for excessive site disturbance and grading.

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's existing contours, the structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the District.

NO UNMITIGATED IMPACTS

The buildings have footprints of approximately 740 to 900 square feet and minimal stepping. Each building is slightly rectangular in shape (37 feet wide by 28 feet deep on Lots 1-6, 30'-8" wide by 28'-8" on Lots 7-10) oriented with the existing contours. Each building has horizontal and vertical articulation in keeping with the simple forms of the Historic District. The uphill units have greater stepping in the foundation and building form as this is the steeper part of the property.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures.

NO UNMITIGATED IMPACTS

There are no other houses along the east side of Marsac Avenue for several hundred feet to the north. The backs of the downhill units face Marsac but curve away from the street up to 50 feet and more based on the lot layout. All buildings have a minimum of five feet of setback in the side yards. The lots are sized to fit the building configurations. The lots could be larger thereby increasing the technical setbacks to the lot lines, but from a practical standpoint there would be no visible difference in the front and rear setbacks. Increasing the side setbacks would cause the buildings to be spread further across the property and closer to the Ontario Court homes.

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures.

NO UNMITIGATED IMPACTS

The design is compatible with the volume of the smaller historic homes to the west and south. The contemporary single family homes in the Ontario Avenue area are substantially larger with three to four stories and several thousand square feet of floor area.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed structure to minimize its visual mass and/or to mitigate differences in scale between a proposed structure and existing residential structures.

NO UNMITIGATED IMPACTS

Due to the smaller sizes of the units, especially compared to the nearby Ontario Court homes, staff does not recommend further reduction in heights. The proposed heights of the buildings are at or below the 27-foot height restriction. The roof of the small gable over the kitchen window on Unit 6 exceeds the height maximum by less than two feet. A redesigned roof form could be accommodated to meet the height requirement.

Criteria 10: Height Exceptions (Steep Slope). The Planning Department and/or the Planning Commission may grant a Building Height exception for a portion or portions of a proposed structure if the applicant proves compliance with each of the criteria.

NO UNMITIGATED IMPACTS, minor height exception requested for building 6.

- a) Height exception to 28'-9" does not exceed 40 feet.
- b) Building has horizontal and vertical step backs to achieve increased articulation.
- c) The proposed design and articulation are similar to other buildings in the project and the mass is substantially smaller than buildings on Ontario Court.
- d) No snow release issues identified by the Chief Building Official.
- e) All other elements of the building are under the 27-foot height requirement.
- f) The height exception does not allow for additional floor area as a continuation of the roof would be under the 27-foot height.
- g) The gable breaks up the roof and provides architectural interest.
- h) The height exception is compatible with good planning practices and design by providing more articulation to the roof form.
- i) The height increase of 1'-9" will result in a superior plan with greater building articulation and interest.
- j) The small gable and height exception have no impacts needing mitigation as outlined in LMC 15-1-10 Conditional Use Review.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan has been submitted with the plat amendment and shall be approved by the City Engineer prior to plat recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. The public hearing was properly continued from the October 8th meeting.

Public Input

Public input on this proposal was provided during the October 8th public hearing. Public input from neighbors to the west and southeast was also received during the MPD and subdivision processes.

Future Process

A subdivision plat to create legal lots of record is required (concurrent review by the Planning Commission). The Historic District Design Review for each of the ten houses is under review by staff. 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.

Alternatives

- The Planning Commission may approve the Conditional Use Permits as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permits and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permits.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The houses could not be constructed as designed.

Recommendation

Staff recommends that the Planning Commission review the proposed steep slope CUPs for construction on a slope greater than 30%. Steep slope CUPs can be considered as consent items; however, the Planning Commission may request removing this item from the consent agenda and holding a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

For the purpose of paper conservation and brevity, the review of each of the ten properties has been consolidated into one report. However, the Commission must take a separate action on each of the properties. Motion to be for Lot 1, Lot 2, Lot 3, etc.

Findings of Fact:

1. The property is located at 100 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The approved plat created 10 residential building lots and four open space parcels.
4. Access to the lots from Marsac Avenue is via a private driveway (Silver Hills Court).
5. The minimum front yard setback for lots of this size is 10 feet.
6. The minimum rear yard setback is 10 feet.
7. The minimum side yard setback is 5 feet for the lots as proposed. The applicant proposes 5 feet on all side yards.
8. 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.
9. No additional roof height was proposed or approved with the MPD. A minor height exception of 1'-9" is proposed for a subordinate gable on the rear of unit 6.
10. 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.
11. The applicant is proposing two on-site parking spaces within a single car garage and an exterior space for each of the ten two-bedroom units.
12. The maximum footprints for these lots are 1052 to 1197 square feet, based on lot size.
13. The proposed footprints are 746 to 910 square feet.
14. The total floor area of the ten buildings is 12,275 square feet, representing 15 Affordable Housing Unit Equivalents.
15. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the houses are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.

6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
8. A height exception of 1'-9" is granted for the subordinate gable on the rear of unit 6.
9. Building permit plans must substantially comply with the drawings reviewed and approved by the Planning Commission on October 22, 2008.
10. This approval will expire on October 22, 2009, if a building permit has not been issued.

Exhibits

Exhibit A – Site plan, floor plans, and elevations

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