

Ten residential lots from 2,410 square feet to 2,803 square feet are proposed. In addition, four deed restricted open space parcels encompassing 1.63 acres are proposed. The open space parcels would be owned by the Homeowners Association. A public trail easement is dedicated for an existing trail on the property. The proposed access road, Silver Hills Court, is approximately 400 feet long and intersects Marsac Avenue approximately 200 feet south of the Hillside – Marsac intersection. Silver Hills Court is proposed as a private road with public pedestrian, public utility and emergency access easement within the 24 –foot right of way. The road includes a vehicular turnaround at the northern terminus and an fire truck access easement onto platted Marsac Avenue and Ontario Court, a private driveway. The location of Silver Hills Court will preserve a substantial (approximately 78%) length of the historic 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). The walls are located within and protected by an easement on the proposed plat.

The original proposal utilized an access road approx 250' long. In attempting to mitigate physical impacts of the development on the historic rubble walls, a substantial increase in visual and environmental impacts has occurred.

Much discussion has centered on the proposed fire truck access at the North end of the proposal. Ontario Ct Driveway association has challenged the claimed easement right. At the City Council meeting of October 2 the City Attorney attempted to clarify the City's position:

"With regard to emergency access, Mark Harrington emphasized that the intent of the easement is to provide improved fire services to Ontario Court not 100 Marsac Avenue Project which has been misunderstood." (minutes of city council meeting 10 2 08)

This statement appears at odds with prior claims and discussions. (Note the previous recommendation for approval was conditioned on a legal opinion regarding the status of this access, opinions vary, a judicial decision has yet to be sought).

Ontario Ct has significant fire protection infrastructure in place, this was a requirement of their Subdivision approval. Whilst the offer of increased protection under the responsibility of Silver Hills Ct is an interesting one; without modification it is an offer not yet acceptable. Please remove the proposed access.

(The International fire code allows dead end access roads up to 150' without turn around provision. Roads between 150 and 500' require specified turn around. Thirty dwelling are contemplated on single access roads.)

**"Mr. Smith remarked that another benefit of this revision is the creation of a hammerhead that provides emergency access..." (May 28th work session notes). It seems that the road length has been increased unnecessarily with the consequent increase in site disturbance.*

** During the May 28th work session it was suggested that any connection proposed to Ontario Ct should be discussed with those homeowners. Mr Smith makes many claims regarding*

neighborhood involvement and yet has singularly failed to be proactive with the Ontario Ct homeowners. Indeed, at the Oct 2nd City Council meeting Mr Smith criticized the Ontario Ct homeowners for not staying involved and for assuming the project would remain substantially as presented as late as May of this year.

On September 10, 2008, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council. The Council held a public hearing on October 2. Members of the public expressed concerns that houses wouldn't fit on lots that are approximately dimensioned as 50 feet deep by 55 feet wide and the buildings would be overheight. The buildings had not been reviewed by staff or the Planning Commission and would obviously have to meet the Land Management Code requirements. However, the Council remanded the subdivision back to the Planning Commission to be reviewed concurrently with the Steep Slope Conditional Use Permits. Subsequent to the City Council action and in response to the Planning Commission discussion of October 8th on the Steep Slope CUPs, the applicant redesigned the buildings and amended the plat. The revised plat responds to a redesign of the units in that the exterior parking pad is no longer to the side of the downhill buildings (Lots 1-6) but are in tandem configuration on the driveway. This design allowed the lots to be narrower (approximately 46 feet versus 52 feet). With the southern edge of Lot 1 remaining constant to preserve the historic walls the narrower lots shifted the northern line of Lot 6 approximately 40 feet to the south. Also, Lot 10 shifted to be adjacent to Lot 9 reducing the amount of disturbance and further clustering the development. The lots are also deeper than previously proposed (60-66 feet versus 50-53 feet) to allow for additional building articulation in the front and rear.

Public comments from the City Council meeting can be referenced within the meeting minutes.

** Concerns regarding the building design can be found in the response to the CUP staff report. Whilst this subdivision proposal may be an improvement on that presented on Oct 2nd, one should still ask how we got here from earlier proposals. It may suffice to ask how a sixty percent increase in the required driveway length over that proposed through May of this year and a relocation of buildings from the 'flatter part of the site' to the steepest most visually intrusive part of the site can be considered an improvement in site planning and design.*

Analysis

The underlying zoning is Historic Residential (HR-1). The minimum lot size in the HR-1 zone is 1,875 square feet. Included in the application is a request for the vacation of the platted, unbuilt Seventh (First) Street right of way.

The approved MPD showed a layout with seven units on the downhill (west) side of the private road and three units on the uphill (east) side. The proposed subdivision shifts one unit from the downhill side to the uphill side in order to stay further away from the north end of the historic stone walls. Another benefit to this revised layout is further clustering on the site with the uphill unit (#10) partially screened by the unit on Lot 1. At the September 10th hearing, the Planning Commission concurred that the shift of one downhill unit to the uphill was in substantial compliance with the MPD.

Staff finds good cause for this subdivision as it complies with the approved MPD, with

the concurrence of the Planning Commission on the moving of one unit, the HR-1 zoning restrictions, and the Park City subdivision regulations.

See previous comments regarding MPD and Subdivision regulations

Vacation of Right of Way

The applicant is requesting the vacation of platted Seventh (First) Street. The Planning Commission reviewed this aspect of the proposal during the MPD review. Staff has provided the same analysis below.

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 54 units on the 2.7 acre site. The right of way is approximately 5,250 square feet or 0.12 acres reducing the potential number of units to 51 units. The proposed 10 units is a significant decrease in the number of possible units.

Density must be determined by a site suitability analysis not a claim to the legal maximum. The counterargument is that the existing condition is two large parcels guaranteeing only a maximum building footprint of 4500SF (LMC HR-1 footprint criteria). An early planning staff report alerted the Planning Commission to this possibility.

Building permits could not be obtained for units 2,3,8, and arguably 7 and 9 without a plat amendment. Consequently the request fails Criteria 1

**The building department will not issue any permits for a parcel that crosses a property line. Witness the many plat amendments that are processed every year for Old Town properties that incorporate parts of more than one historically platted parcel. A site suitability analysis should at least demonstrate that the equivalent number of similarly sized lots (including the stated open spaces) could actually be accommodated without the street vacation.*

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 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 2.7 acres and zoned HR-1. The ten units are a substantial reduction from the 51 units that are possible with the given land area.

See above. No site analysis has demonstrated that 51 units are possible.

If the MPD is found to be not applicable as seems to be the case given LMC 15-6-2 (c) then the entire process so far has been subject to a flawed and misleading analysis. All conclusions are thus thrown into question.

**On May 28th the applicant stated " In response to issues about visible parking, overall massing and unit count they achieved a better product. Photo studies were done of all the neighboring streets and as a result they looked at putting what are now true single family units fronting Marsac. Their scale has dropped from three or four visual stories to two...That change responded to community feedback. Based on design review, the front units are envisioned to be bungalow style or something that fits with the neighborhood..."*

** 'Two visual stories...bungalow style'*

(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. The nearby intersection of Marsac Avenue and Hillside Avenue has stop signs on the downhill travel lane of Marsac and on Hillside. The uphill travel lane of Marsac does not have a stop sign but the posted speed limit is 20 miles per hour. The Master Planned Development required the developer to work with UDOT to provide a sidewalk and crosswalk.

Will infrastructure improvements including the sidewalks and crosswalk be required in advance of building permit issuance as is typical? The subdivision drawings make no reference to the sidewalks and crosswalk on Marsac Ave.

(3) *utility capacity;*

NO UNMITIGATED IMPACTS.
Adequate utilities exist nearby.

No Comment

(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. Two neighbors on Ontario Court have objected to the use of Ontario Court for emergency access. The City asserts a right to provide emergency access to all properties within Park City.

See previous comments above

(5) location and amount of off-Street parking;
NO UNMITIGATED IMPACTS.

Each unit will have two parking spaces, one in a garage and one exterior (on the driveway for Lots 1-6 and adjacent carport for Lots 7-10).

*Is it possible to reverse out of Unit 6 without accessing the area reserved for fire trucks?
Commissioner Peek asked the applicant to look at combined underground parking for the uphill units.*

(6) internal vehicular and pedestrian circulation system;
NO UNMITIGATED IMPACTS.

A sidewalk and crosswalk connect this project to the west side of Marsac Avenue. A turnaround is proposed on the north end of Silver Hills Court.

The two nine foot high rock walls proposed at the truck turnaround do not satisfy the required grade change 7219 to 7242

(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.

The landscape planting shown on the site plan streetscape and unit plans is inconsistent yet critical to the perceived visual impacts of the project. More consistent details and guarantees should be provided prior to any approval

(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 Planning Commission is reviewing the Steep Slope Conditional Use Permits for these ten lots concurrent with the subdivision. 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.

See comments on the Steep Slope CUP

**See especially comments regarding required retaining structures, excavation and grading.*

(9) usable Open Space;

NO UNMITIGATED IMPACTS.

Approximately 60% or 1.63 acres of the 2.7 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. This open space will be owned by the HOA and deed restricted as open space.

To what extent is the open space 'usable'? Some areas seem difficult to maintain and thus prone to neglect.

(10) signs and lighting;

NO UNMITIGATED IMPACTS.

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

No comment

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

NO UNMITIGATED IMPACTS.

The Planning Commission is reviewing the Steep Slope Conditional Use Permits for these ten lots concurrent with the subdivision. 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.

See comments provided for Steep Slope CUP

(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 as affordable housing and owner occupied.

No comment

(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.

Slope retention and relationship to topography are considerations independent of the criteria within the Sensitive Lands overlay zone. How can a claim of "No unmitigated impacts" be made?

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

The platted Seventh (First) Street Right of way that is proposed to be vacated is 30 feet wide and 175 feet long for a total of 5,250 square feet. 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 60% 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 amount of open space, platting of a trail, and preservation of the historic stone walls.

See previous comments especially the applicability of MPD

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 short of an eminent domain action by the City.

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 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. United Park City Mines Company owns the land on either side of the First Street right of way.

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. During the MPD review, the Planning Commission did not express a need for a joint meeting.

However this is a "Major Subdivision" if appropriately classified and analysed as such that opinion may change

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. A remand from the City Council required published notice only.

The appropriateness of previous notices has been challenged elsewhere.

Has this application and public hearing been noticed as a Major Subdivision?

Public Input

Staff has received correspondence from two adjacent property owners on Ontario Court during the initial subdivision discussion. No further public input has been received regarding the remand. Neighbors from Ontario Court and Prospect Avenue spoke at the previous Planning Commission and City Council hearings.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Marsac Avenue Affordable Housing Subdivision as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to the City

100 Marsac Avenue, Steep Slope CUP Design Review.

First response to Planning Staff report (10 22 08) by Peter Barnes at the request of Jamie Thomas on behalf of Ontario Ct Driveway Association

Much of the original report is reproduced here with responses shown in italics.

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.

All references to the MPD should be removed:

LMC 15-6 -2. APPLICABILITY.

(C) MPD's are allowed in Historic Residential (HR-1) Zone **only** when:

(1) HR-1 zoned parcels are **combined with** adjacent HRC or HCB zone Properties as part of an allowed MPD (see criteria above); or

(2) Property is **not** a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Sectoin 15-6-7 herein.

This project fails both criteria.

The Subdivision process is incomplete and remains a 'proposal' at best. The visual and environmental impacts of the proposal are significant. (NB this is a "Major Subdivision as defined by the Land Management Code and should be processed accordingly.)

The impacts of this proposal may, in part be a result of attempting to mitigate the physical impact on the existing rubble walls. However, moving the proposed buildings to the North absolutely and without question, increases their visibility and perceived massing over previous proposals. The applicant has consistently failed to provide suitable visual analysis justifying staff's claim.

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

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).

At the previous Planning Commission meeting further information was requested in order to make a determination. Chair Thomas specifically requested a site model and asked for dimension information to be noted on the drawings. The plans in the packet do not show the individual buildings in relation to their proposed lots, no USGS datum information is shown on the building plans, or elevations as required for the application. No sections are provided. (No lots shown for the individual applications, the project site plan has no lot dimension nor setbacks). The streetscape is incorrect. A cursory inspection of the site/topo plan shows an incorrect relationship between the proposed buildings and the grade level. For example the south corner of Unit 1 and the north corner of Unit 6 are both shown on the site plan to intersect existing grade at approximately the same contour (7202'). The streetscape drawing does not represent this condition. The streetscape drawing also fails to illustrate the retaining walls shown on the site plan; note especially the trees located north of unit 7, which according to the streetscape drawing are located in the truck turnaround.

Potential impacts cannot be determined from the contradictory information provided.

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.

It is typical to require infrastructure improvements to be completed prior to the issuance of individual building permits (as was the case for the Ontario Ct driveway). The North end/West side of the proposed street lies substantially higher than the existing grade requiring the downhill buildings to act as retaining structures for the road. It is doubtful if the access road could exist without the buildings on the downhill side.

As a result of the relative levels of floors and grade from uphill to downhill sides the lower level foundation walls of buildings 5 and 6 especially, have the same impact as an additional occupied storey. This would suggest a proposal incompatible with the natural topography.

Can cars enter and exit the driveway and garage of Lot 6 without cars maneuvering over the portion of road required for fire access "ONLY"?

An initial comparison of the site/topo plan and the unit plans show marked discrepancies with the information provided. For example the "side elevation" of unit seven (both sides) fail to show the required retaining structures indicated on the site plan. If existing grade was shown on these elevations it would reveal the substantial regrading required.

At the last meeting Commissioner Peek discussed the option of combing garages on the uphill buildings in an effort to reduce grading and visual impacts

As is typical throughout this staff report; the conclusion 'no unmitigated impacts' cannot be drawn from the information supplied. No appropriate level of analysis can be performed.

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.

The uphill units have retaining walls labeled as 8' high (but drawn closer to 10' high, see Unit 7) between the units. Walls shown on individual unit elevations do not match the walls shown on the site/topo plan. The information shows four foot high walls to the rear with a very steep slope rising from the top of these walls. Requirements for excavation and backfill of these lots will have a significant impact on the final design, and height of these walls.

What is the visual impact of the turnaround as viewed from the entry to Ontario Court from Ontario Avenue?

Some retaining walls are not shown on the individual building plans.

No retaining walls are shown on the elevations of the down hill units.

Potential impacts cannot be determined from the contradictory information provided.

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.

For the reasons stated above, this conclusion cannot possibly be reached from the information provided. At this stage it seems necessary to ask why the staff report consistently fails with regard to any critical analysis. Conclusions appear to ignore the information provided presenting conclusions as unsubstantiated facts.

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.

No comment

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.

No comment

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.

The perceived scale of the downhill homes seems at odds with the accommodation provided. This is a direct result of the design proposal and planning methodology. Typically old town lots leave little choice in this regard. Not so for this site.

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.

No information regarding building height is shown on the individual unit plans and elevations. Levels are required as part of an application. Planning Commission chair Thomas asked that staff ensure that dimensions were provided, as requiring commissioners to scale drawings was unacceptable. No building or site sections are provided. An initial review of the drawings provided in the packet makes measurement difficult. There needs to be clarification of the levels shown on the site plan for floors, plate hts and ridgelines. When comparing the Unit elevation drawings with the site plans the uphill lots appear to show underside of ridge not top of ridge, is this correct? This may be a problem with reproduction of the drawings which would not be an issue if the required application information was present.

If the proposed road was lowered, especially at the North end to follow more closely the existing grade then the downhill lots would be reduced in overall height. Uphill lots in this scenario would be negatively impacted unless they were clustered more to the South.

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.

No comment

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.

See previous comments

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.

For the reasons stated above, this conclusion cannot possibly be reached from the information provided.

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.

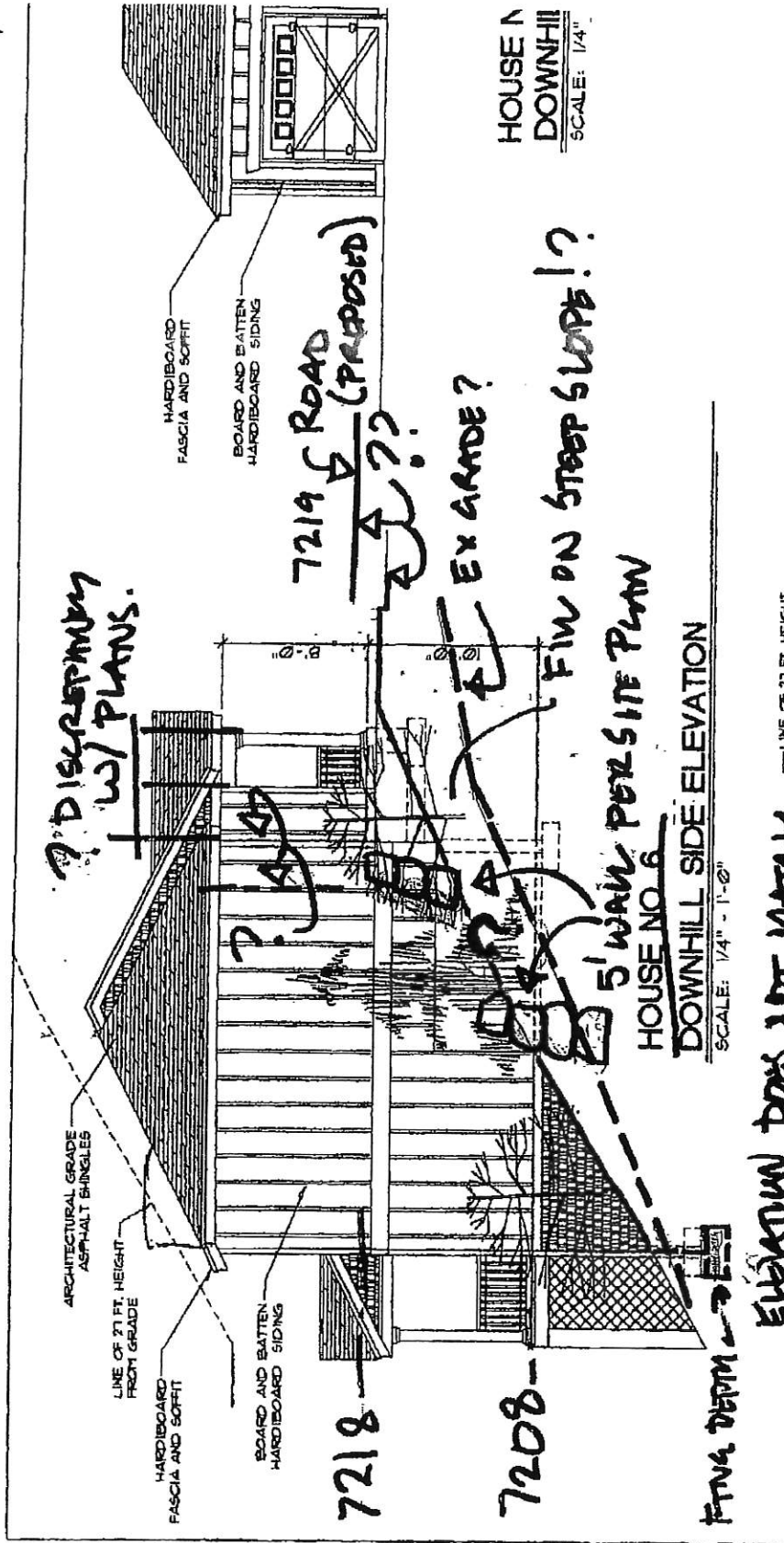
8. A height exception of 1'-9" is granted for the subordinate gable on the rear of unit 6.

9. Building permit plans must substantially comply with the drawings reviewed and approved by the Planning Commission on October 22, 2008.

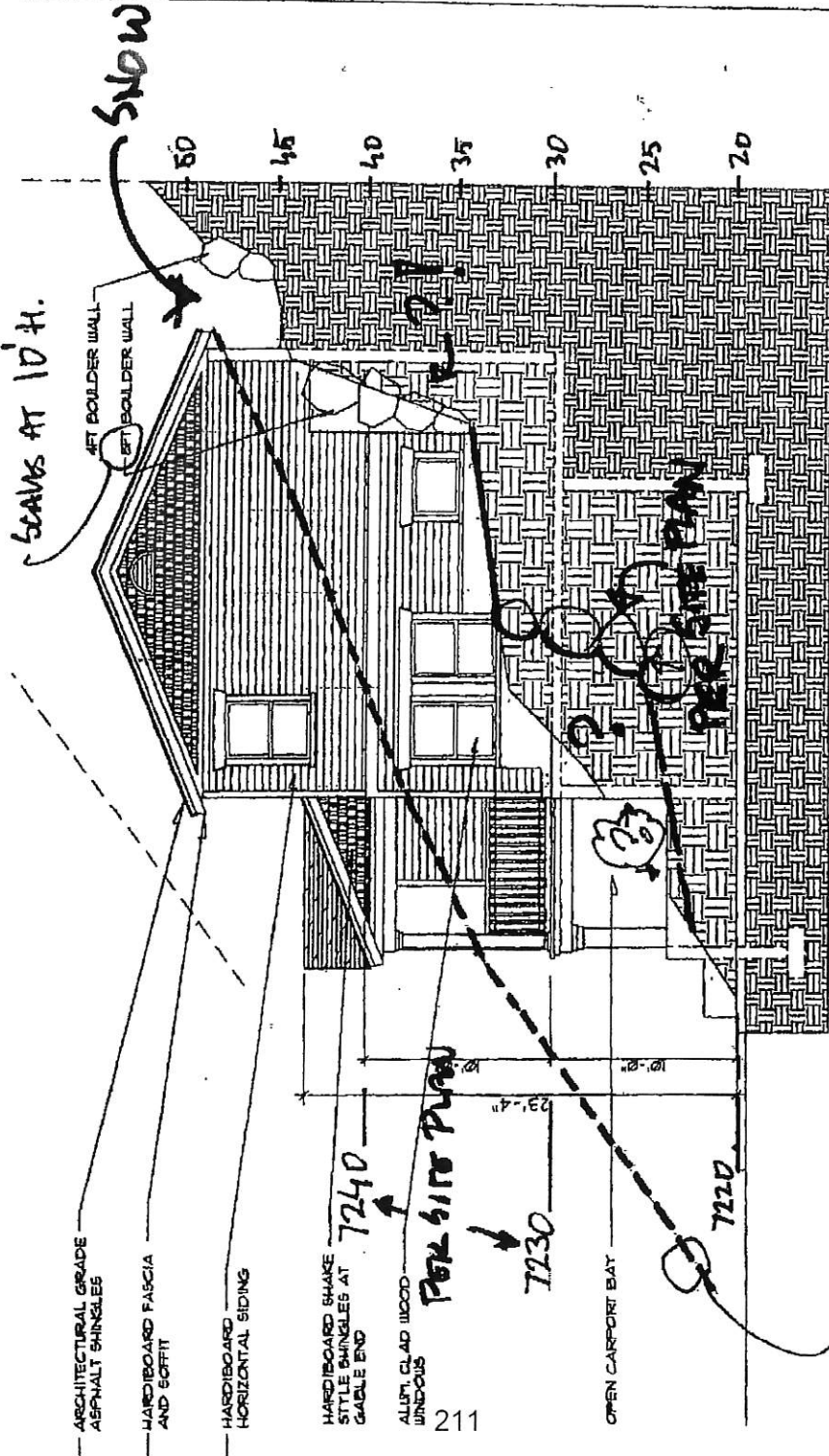
10. This approval will expire on October 22, 2009, if a building permit has not been issued.

Exhibits

Exhibit A – Site plan, floor plans, and elevations



ROCK WALL LOCATION DOES NOT MATCH SITE PLAN.



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Edison's Ontario Court

MEMORANDUM

TO: PARK CITY PLANNING COMMISSION
FROM: JEFF AND LESLIE EDISON
SUBJECT: 100 MARSAC
DATE: OCTOBER 31, 2008

We are writing to express our concern about the Planning Commission's actions at the last meeting to approve the 100 Marsac Avenue project. We have addressed our concerns both in writing and in direct conversation with the Planning Commission and to the developer (please see attached letter). However, we do not believe our concerns have been addressed. The project continues to be concentrated at the northern edge of the property and we believe it creates a visual connection between our driveway and the new access road. The plan also continues to use our driveway as an emergency access road to the proposed project.

Unless we can get to some concession to reduce the potential vehicular traffic on Ontario Court and to redistribute the concentration of the homes in the proposed development to the southern end of the property, we will be forced to move forward to pursue our legal property rights.

As I have discussed with the developer and the planning staff, this is not our preferred route. However, we appear to be left with few options at this point.