

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
MAY 9, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Adam Strachan, Nann Worel, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

University of Utah Student Presentation of Wintzer Properties in Bonanza Park

Planning Director Thomas Eddington reported that the City has been working on the Bonanza Park Plan for a number of months. As they began to finalize the concepts for the plan, there was an opportunity to work with Professor Joerg Ruegemer and his students at the University of Utah Department of Architecture to see how they could fit organic development onto some of the existing structures in Bonanza Park. Some of the structures lend themselves well to being redeveloped and utilizing some of their air rights for affordable housing and sustainable housing. The purpose of this work session was to present the University of Utah Architectural Studio that the students had worked on this past semester.

Director Eddington noted that Professor Ruegemer partnered with Charlie Wintzer to look at some opportunities for using the air rights above his storage units on Iron Horse in Bonanza Park for this design studio.

Planner Kayla Sintz stated that this was the start of a great relationship the City hopes to have with the University of Utah on a number of different projects. She noted that the four projects displayed this evening were a sampling of the projects that went to the final jury. She commented on the outstanding work that was done by the U of U students. Director Eddington stated that there were a total of 12 projects with a wide variety of ideas.

Director Eddington introduced Joerg Ruegemer. Professor Ruegemer stated that he is from Germany. In his country they need to be very aware of space and everything is small in density. In Germany it is common to squeeze buildings into six feet wide gaps or to take over existing buildings. He noted that Park City wants to protect their character and keep their density. As more people come in, it is important to use existing spaces in a very smart way. Professor Ruegemer stated that the Wintzer's storage units were designed to withstand a heavy load, which makes them perfect for placing housing on top.

Professor Ruegemer explained that a four-month studio began in January. It was a combination of seminar and studio and the students had to learn how to design energy efficient buildings. Professor Ruegemer explained how the projects were started using a model of the entire Bonanza Park area that was redesigned from their own perspective. As opposed to tearing everything down, the students left everything in place and added to it. Professor Ruegemer stated that the beauty of European cities has grown over many centuries because the structures are not torn down. The existing structures are enhanced and made better.

Four students from the University of Utah presented their own project and answered questions. Each one explained how they designed their project over the storage units under the criteria of affordability, sustainability, livability, and maximizing the use of space. The driving force was

passive strategies and affordable housing.

Director Eddington stated that these students were four of twelve students who were all extraordinary to work with. The amount of thought that went into the projects surprised everyone on the jury, as well as those who attended the two studio sessions. Director Eddington stated that this exercise helped the City recognize things that they sometimes miss as they start looking at a world defined by Code. This was good timing as they continue to work through the Bonanza Park Plan.

Director Eddington thanked Charlie and Mary Wintzer for allowing the students to use their property for this project. Mary Wintzer felt it was a great opportunity since storage units have a bad reputation. For these students to see something new and possible has given everyone else a chance to think outside the box.

Ruth Meintsma wanted to know when these projects would become reality. Director Eddington remarked that it was only a design studio and the projects were designed in theory. However, the City could use these ideas as they move forward with the Bonanza Park Plan and other areas within the community.

Richards/PCMC Parcel – Annexation Petition (Application #PL-12-01482)

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels into Park City. She identified the parcel that is owned by Park City Municipal Corporation and deed restricted for open space. On the west was a 14 acre parcel owned by Frank Richards that they would like to bring into Park City. Planner Whetstone noted that the property is completely surrounded on every boundary by the Park City Municipal Corporation. It is currently considered an island of County jurisdiction. Planner Whetstone stated that the General Plan and the State Code discourages this type of configuration in the City. The property has been sitting as an island for some time and she believed it was created in the late 1980's or 1990's as other pieces were annexed.

Planner Whetstone noted that the requested zoning for the City piece was ROS, Recreation Open Space. The requested zoning for the Richards piece is SF, Single Family, which is consistent with Aspen Springs, Iron Canyon and Thaynes Creek Ranch and the Thaynes Subdivision that surrounds the Park City golf course. Planner Whetstone pointed out that the parcel owned by PCMC would remain open space and no changes would occur. No access was proposed onto the highway or on to Payday Drive. The Richards family was proposing to subdivide the entire 14 acre parcel into five lots, with Lot 1 being a combination of annexation property plus the last 1.3 acre lot in the Thaynes Creek Ranches subdivision that is already in the City. She indicated two additional lots for single family. Lot 5 was for the existing structures and homes. Lot 4 would be for a future home. At this time there are no plans to develop Lot 4 and the Richards' would continue their horse training operations on that parcel. Planner Whetstone presented an overview of the zoning in the area.

Planner Whetstone stated that the affordable housing was based on 15% of any new residential. Since that equates to approximately 45% of an AUE, they could either build an AUE or pay an equivalent amount.

Planner Whetstone reported that there was no open space associated with the Richards parcel per se, other than the building pads would be identified and the remaining land would be left undeveloped and used to pasture horses. There had been some discussion about designating the area to the north as ROS since it is wetlands and cannot be developed.

Commissioner Pettit asked if the property owned by PCMC was purchased as part of the open space bond. Planner Whetstone replied that it was purchased with bonds and dedicated with a conservation easement in 1990.

Planner Whetstone commented on trails and noted that an existing sidewalk runs along the north side of Payday Drive and ends at the end of the subdivision. The Staff would recommend that the sidewalk continue all the way to Thaynes Canyon Drive. Planner Whetstone noted that the property is within the Park City Annexation area.

Planner Whetstone remarked that the applicant had provided significant information on wildlife, wetlands, sensitive lands, physical analysis, utilities, and traffic. Before the next meeting she would verify whether any of the structures qualify for the Park City Historic Sites Inventory. If any do qualify they would be added to the inventory.

Planner Whetstone reviewed the annexation review process. The final decision is made by the City Council following a public hearing and a recommendation by the Planning Commission.

Chair Wintzer clarified that if the property is annexed, it would come back to the Planning Commission as a subdivision plat. Planner Whetstone replied that this was correct. Chair Wintzer felt that questions regarding lot size and similar issues would be more appropriate at the subdivision process. Planner Whetstone remarked that the annexation agreement would guide the final plat. The Staff was thinking that building pads would be identified on the final plat, as well as house sizes and other restrictions. Chair Wintzer understood that the only parcels that would be subdivided were Lots 1, 2 and 3. He questioned why the applicant was not subdivide the entire parcel. He believed it would be cleaner to have it all done through the platting process.

Mr. Richards, the applicant, stated that he uses all the property and he plans to continue his horse operation on the remaining property. He was proposing to subdivide the three lots on Payday Drive at the present time. Each lot would be approximate 1-1/3 acres. The lots are large and whoever buys them could use them as equestrian lots. Mr. Richard remarked that he was not interested in subdividing the back portion at this time.

Chair Wintzer understood the existing use, but it was hard to annex property into the City without having the use defined. It would be easier for the Planning Commission to understand what the final use would be if it was all subdivided at one time. Mr. Richards replied that the use would be what the zone is and what goes on it. Planner Whetstone clarified that the final plat would follow the preliminary. She asked if Mr. Richards was talking about a final plat being in two phases. Mr. Richards stated that it may be four or five years before he is too old to ride and ready to subdivide the back portion.

Commissioner Pettit understood from the Staff report that the selection of the single family zoning designation was tied to the surrounding subdivisions. Even though what seems to be proposed is a much lower density subdivision and configuration, she was concerned that the zoning could allow a much more dense development in that area. Planner Whetstone stated that the intent has always been that there would be no more than five lots, and that would be noted on the subdivision plat. She explained that the SF zone was chosen because of the configuration of setbacks and no nightly rental. It is more consistent in terms of uses and it allows the horses.

Chair Wintzer asked Mr. Richards if he would be willing to annex the property into the City with no more than five lots on the property. Mr. Richards replied that it would not be a problem.

Assistant City Attorney McLean stated that there were a number of legal ways that would provide different levels of assurance. As part of the annexation agreement it could be limited to a certain number of properties such as the five lots currently proposed, and that would limit the density. Plat notes would have to go through the public process to be amended. Conceivably, the Annexation Agreement could go back to the City Council. Both are legislative acts and both could be done. If certain areas are designated to be zoned as ROS within the SF area, that would be another way to show their intention.

Commissioner Pettit stated that another element that may play into this from a developable standpoint was that she did not have a good understanding of the delineation of the wetlands, particularly on Lot 4. In looking at the acreage in the SF zoning, the number could be as high as 51, but that may not be true because of the wetlands.

Commissioner Strachan noted that Planner Whetstone had indicated that there might be historic structures. He was not familiar with this property and asked what those structures would be.

Planner Whetstone stated that there were two houses and some out barns. She was unsure when the houses were built. Mr. Richards stated that one home was built in 1978 and the other was built in 1984. Based on those dates, Planner Whetstone clarified that the structures would not be historic.

Mr. Richards questioned the limitation of the size of the dwelling. When he built the eight homes on Payday Drive fifteen years ago, it took seven hearings and five years to get those approved. People objected to the size of the homes and wanted to limit the size to approximately 2800 square feet. Mr. Richards stated that if he subdivides the property into 1-1/3 acre lots, he would not want to be restricted to 2800 square feet.

Chair Wintzer informed Mr. Richards that the house sizes would be addressed at the subdivision part of the process and not with the annexation. Mr. Richards stated that he may not want to annex if he is not allowed to build decent size homes. Chair Wintzer suggested that Mr. Richards discuss the size of homes with Staff and come to some understanding.

Commissioner Hontz noted that Planner Whetstone could tell Mr. Richards now what size home would be allowed per Code, based on the lot size and zoning. It would give Mr. Richards some understanding of what is allowed, and that could be tweaked at the subdivision. Planner Whetstone stated that in most zones there is not a house size limitation. She explained that the Staff would do

an analysis of the surrounding area to determine a compatible house size. In terms of restrictions, the Staff prefers a limitation on building footprint and let the height, the footprint and the architecture determine the house size.

Mr. Richards asked if the footprint was the same as a build pad. Planner Whetstone answered yes. Mr. Richards stated that he did not have a problem with the size of a building pad, but he might have a problem with the location of the building pad. If someone wants to use the lot for equine purposes, they may want to put the house near the front to allow for pasture in the back or possibly place the house to one side or the other. He understood that they would have to abide by the side yards and setbacks, but to force someone to put their home in the middle of the lot destroys the possibility of using it for horses. Chair Wintzer believed Mr. Richards could work out that issue with Staff. Planner Whetstone agreed. She pointed out that it was a discussion that should occur at the preliminary plat level. Mr. Richards pointed out that he was proposing to sell the lots and it would be difficult if the buyer did not have flexibility in locating their home on the lot. Chair Wintzer opened the public hearing.

Kevin McCarthy, a resident in Iron Canyon, stated that he has been a neighbor of the Richards' for 24 years and he attended a number of the hearings when Mr. Richards was proposing to build on Payday. Mr. McCarthy noted that all the people with small houses across the street have remodeled them into giant houses. His home looks down on the Richards' property and he was anxious to see a nice development.

Chair Wintzer closed the public hearing.

Commissioner Strachan suggested that Mr. Richards should see the Staff's compatibility analysis before deciding to move forward with the annexation. He thought Mr. Richards might be surprised at how restrictive the compatibility analysis may be. The surrounding houses may appear large, but someone who purchases an acre and a third lot may have a broader idea and would want a house much larger than the neighboring homes. If Mr. Richards is considering building homes that are much bigger in size than the surrounding homes, he should know that the size might be restricted if the property is annexed. Commissioner Strachan pointed out that the applicant has the option to decide whether or not to annex into the City, but they should have all the facts before making that decision.

Steve Schuler, with Alliance Engineering, understood that there was a square footage analysis consistent with the Single Family Zone, and asked if that was different from the compatibility analysis. Planner Whetstone stated that it was different from the Historic District where the lot size dictates the square footage. With a new subdivision, lot coverage would be the biggest issue.

Commissioner Strachan pointed out that once a property is annexed into the City there is no way out. Mr. Richards understood that fact, which is why he was concerned about a size limitation. He asked if the compatibility analysis would compare the homes in Iron Canyon. Planner Whetstone replied that the analysis would include Iron Canyon, Aspen Springs and Thaynes. It would also take the larger lots into consideration.

At the request of a neighbor, Chair Wintzer re-opened the public hearing.

Carol Cutter, a resident in the Thaynes Creek area liked the idea of equestrian lots, but she wanted to know what would happen if a buyer did not want to use it as an equestrian lot. She was concerned that someone would build a larger house because they would not need the space for horses. Ms. Cutter noted that the City open space parcel was directly behind her home and she wanted to know how subdividing would affect the rights for animal grazing and the existing activity on that property.

Planner Whetstone explained that a purchase agreement exists between Mr. Richards and the City and this annexation would not change that agreement. There is water that the City uses and Mr. Richards also uses some of that water to irrigate the pasture. He also has the ability to graze horses and cows.

Ms. Cutter asked if the same rights would go with the lots. Planner Whetstone replied that the new lots that would be created were not part of the purchase agreement. The use would remain the same. Mr. Cutter understood that the use would remain for Mr. Richards, but she wanted to know if the people who purchase the additional lots would also have that same use. Planner Whetstone was unsure and offered to look for an answer.

Mr. Richards stated that he has grazed horses and cattle on that land for 35 years. They are stewards of that property and every spring they clean the land and fertilize it and irrigate all summer long. When he sold the property to the City he sold them ten acre feet of water so the property could be kept green and presentable. He believed that was something positive that the City would like to continue.

Commissioner Strachan stated that an easement agreement with the City would allow that to continue. Planner Whetstone would review the purchase agreement with the Legal Department to make sure a new lot owner would have that ability. Commissioner Pettit thought it should be reviewed in the context of Ms. Cutter's question, which was whether or not the same rights afforded to Mr. Richards under his agreement with the City would transfer to the people purchasing the subdivided lots by virtue of their proximity.

From a procedural standpoint and assuming that the annexation gets approved, Mr. Schuler asked about the subdivision process. Chair Wintzer stated that the annexation and the subdivision could be done at the same time if requested by the applicant. As currently presented, if the property is annexed into the City it would come back at a later time for the subdivision. Chair Wintzer reiterated that it would be a cleaner review for the Planning Commission if the subdivision plat and the annexation came in at the same time. Chair Wintzer encouraged Mr. Richards to include Lots 4 and 5 at the same time; however, if he chooses not to do that, he would suggest limiting it to two lots so they could call out the wetlands to determine what areas could be built on.

Planner Whetstone noted that the final subdivision had not been submitted. The annexation process requires a preliminary plat or an MPD, and the review of an MPD or final plat is only supposed to occur if the project is annexed. She asked if there was leeway in the Code for the Planning Commission to review the annexation and the subdivision at the same time. Assistant City Attorney McLean believed it could be done extemporaneously. The annexation should be

scheduled as the first item followed by the subdivision as a separate application. Ms. McLean pointed out that the agenda for this evening only noticed the item as an annexation.

The Planning Commission reviewed the items for discussion on page 9 of the Staff report.

Chair Wintzer requested to see the wetlands designated so they would know which areas are possible for building. Mr. Schuler remarked that Dave Gardner had done a delineation on the Richards property, but the City property was not delineated because it was not for development. Planner Whetstone noted that numerous pages of appendices regarding the wetlands report were not included in the packet but it was posted on the website.

Commissioner Pettit stated that in addition to the purchase agreement, she would like to see the conservation easement and what it entails. She wanted to better understand the relationship between this parcel and the Richards property.

Planner Whetstone would also provide a lot analysis. Chair Wintzer pointed out that placing the houses closer to the cul-de-sac road would be nicer on the entry corridor. If there is an agreement to graze horses, he would like to see that continue. Chair Wintzer stated that the City spent a lot of money obtaining the Osguthorpe Farm and he would encourage equestrian activity.

Planner Whetstone asked if the Commissioners agreed that the proposed zoning designations were appropriate for the parcels and consistent with the surrounding neighborhood and purposes of the Land Management Code.

Commissioner Strachan suggested that the northern portion of Lot 4 may be more appropriate as ROS. He thought they should take a better look at the wetlands designation on the property. From what was shown in the Staff report, he believed much of that property would be restricted for building. The intent is to build on Lots 1, 2 and 3. Lot 5 already has structures on it and Lot 4 is separate and contains all of the wetlands. If Lot 4 or a portion of Lot 4 is zoned ROS, Commissioner Strachan preferred that it be straight legislative zoning as opposed to a plat amendment.

Mr. Schuler pointed out that there are utilities going to the north to access an existing Snyderville Basin sewer line in Aspen Springs. He was unsure if that would make a difference in zoning ROS. Planner Whetstone would look into it.

Planner Whetstone noted that the Planning Department sent over 600 letters to property owners and she had been answering emails and phone calls for two weeks. Most people wanted information, particularly regarding the open space. Planner Whetstone stated that when concerns were expressed, it was primarily from the lots in Aspen Springs that would back to that portion. Everyone wanted assurance that a house would not be built back there. There were no concerns about houses along Payday. If Lot 4 was developed, the preference was to put the house down by the existing lake.

Commissioner Strachan believed that most public opposition would come from those landowners because their views would be obstructed if homes were built in front of them. Appeasing the

neighbors was another reason to support the ROS designation. Mr. Schuler pointed out that designated wetlands would serve the same purpose.

Commissioner Pettit reiterated that she would be comfortable with the Single Family Zone designation, as long as they could limit the number of lots and control density in a way that protects the property from excessive development in the future. Planner Whetstone noted that Assistant City Attorney McLean had offered ways to accomplish that.

Planner Whetstone stated that the Staff would focus on the analysis. In addition, as they write up the annexation agreement and the conditions of approval of an annexation, they would focus on the location of building pads, building heights and design characteristics, mitigation of impacts to wildlife, wetlands or other sensitive lands. They would look at maintaining the rural, agricultural character. They would consider ROS zoning, compatibility with the neighborhood, providing pedestrian amenities and connectivity, compliance with affordable housing and provisions of the utility service and understanding the water component.

Commissioner Pettit commented on where this property is located and the goal tied to maintaining rural agricultural character, and how the current equestrian use of the property follows that goal. Commissioner Pettit asked if there was a way to create an incentive to make it attractive for potential buyers to maintain that agricultural rural use. She preferred to create the carrot versus the stick.

Chair Wintzer asked if the property was too small to zone as agricultural. If 80% of the lot was used to graze horses, a tax break may be the incentive to keep it rural agricultural. Mr. Richards was unsure about the City regulations, but the County requires five acres to maintain a Green Belt status. Mr. Schuler remarked that Green Belt status was one of the reasons for not including Lots 4 and 5 at this time.

Commissioner Strachan thought another way to incentivize people to use those lots agriculturally would be for the City to grant grazing rights under a non-CUP or through an expedited CUP process as part of the annexation agreement. It could be zoned for that use and included in the annexation agreement; and it would run with the land.

Mr. Richards stated that a right-of-way would be maintained on the north side of Lot 2 so people could ride down there and graze their horses. Planner Whetstone thought that raised the issue of public access. She would discuss it with the trails people and report back at the next meeting.

Chair Wintzer commended Mr. Richards for working with the City in the past. He thought annexing the property would be nice for the entry corridor. He encouraged Mr. Richards to continue with the annexation.

Commissioner Hontz thanked Mr. Richards for submitting a complete annexation petition. Because it is such a small subdivision and because the City will have the assurances and protections of plat notes, zoning changes and a subdivision at the same time, that would be reassuring enough for her to move forward in an expedited manner. Commissioner Hontz thought it was important for others to see that when an applicant submits what is required and tries to work with the Staff and the

Work Session Notes
May 9, 2012
Page 9

Planning Commission, things can move as quickly as possible.

Commissioner Hontz stated that she started to look at some of the analysis and she actually had different assumptions. However, because the subdivision is so small, the assumptions that need to be changed would not make a difference in terms of affordable housing or fiscal impacts. She looked forward to having Mr. Richards come back at the next meeting.

The Work Session was adjourned.