

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 7, 2012

BOARD MEMBERS IN ATTENDANCE: Dave McFawn, Puggy Holmgren, Marian Crosby, John Kenworthy, Katherine Matsumoto-Gray, Judy McKie, David White.

EX OFFICIO: Thomas Eddington, Matt Evans, Kirsten Whetstone, Polly Samuels McLean, Patricia Abdullah

ROLL CALL

Chair McFawn called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

Chair McFawn suggested that the Board rearrange the agenda and move the work session discussion to the end of the meeting, since there was only one item under the Regular Meeting agenda that involved an applicant and the public. The Board concurred.

REGULAR MEETING

1. 101 Prospect Street - Grant

Due to a conflict on this project, David White recused himself and left the room.

Planner Matt Evans reviewed the grant application for an accessory structure at 101 Prospect Avenue. Both the main dwelling and the accessory structure are Landmark Sites designated on the Historic Sites Inventory. The applicant recently received approval for Historic District Design Review to replace the foundation under the existing accessory structure, which is a traditional carriage house/garage.

As shown in the photos provided in the packet, the foundation of the existing garage is failing. The applicant proposed a solution to build the foundation as a solid cement foundation, which would create a basement under the existing garage. Planner Evans pointed out how the garage hangs off the downhill side of Prospect Street. The proposal is to rebuild a solid foundation and replace the existing pole structures with board form cement. Board form was typically common in the era the structure was constructed.

Planner Evans noted that the Planning Commission was provided with a copy of the grant breakdown that was submitted by the applicant. The Staff also provided a list of eligible amounts that the applicant could apply for, which included the outside prep and garage door and hardware. The total estimated cost to construction the foundation underneath the garage was \$51,857. The Staff determined that the cost of the eligible work was \$36,105. The ineligible costs would be items associated with making the new basement space habitable space, such as windows, electrical conduit, and other items to finish the interior. The only items that could be considered under the grant are things that reinforce the historic structure.

Under the grant program, that City would match a portion of the eligible cost. The Staff recommended that that the HPB review the grant request and consider awarding

\$18,052.50 to do the work necessary to stabilize the existing historic accessory structure.

Planner Evans noted that approximately \$24,000 remained in the CIP Account allocated for historic incentive grants. Therefore, the necessary funds would be available for this grant request.

Board Member Holmgren asked if the HPB had access to the CIP Fund. Chair McFawn replied that they would have access because the CIP is more of a general fund for all of the RDAs. Chair McFawn pointed out that the HPB has made several requests to have the funds replenished. He noted that with the last grant request, the Board did not award the full amount that was recommended because they wanted the ability to extend the same opportunity to future applicants. Director Eddington explained that this was the reason why they were using CIP money. Chair McFawn remarked that if they award the full recommended amount, it would only leave \$6,000 in the CIP Fund.

Director Eddington believed there was a potential opportunity in the near future to submit a request to the City Council for additional funds. He was unsure of specific amounts or a timeline and he could not guarantee that it could be accomplished.

Board Member Holmgren was concerned about depleting the fund. Chair McFawn understood that the applicant was trying to preserve this landmark structure, but he had a difficult time piecing together some items such as the foundation work versus things such as garage door installations, heating fixtures, and portable toilets and electrical work. Chair McFawn asked if more foundation work was being proposed than what was necessary to keep the accessory building a Landmark Structure.

Planner Evans stated that the Design Guidelines allow the structure to be raised by two feet but it cannot be moved. The applicant did not want to raise the structure because it is accessible from the street. Planner Evans referred to the steep hillside shown in the photos. In order to obtain the lift to keep the building at its current elevation and a functioning garage, a full foundation would be necessary.

Board Member McKie asked if the structure would be used for a garage or as a guest house. Planner Evans stated that currently the structure is used as a garage and that use would continue. The basement area would function as storage and it would not be habitable space.

Chair McFawn asked about the condition of the roof. Planner Evans replied that the roof is corrugated metal, which is the same material as the siding. The applicant is proposing to replace the roof because it is in disrepair and rusted out. Board Member Holmgren pointed out that in the past grants have been given for roofs, but typically for unusual situations. Roofs are like painting and most are considered maintenance and do not receive grant money. Board Member Matsumoto-Gray recalled that the last roof they funded was based on the fact that it was a Landmark Structure.

Board Member Matsumoto-Gray liked the project and the attention to the accessory structure. It was a nice proposal. However, it is a difficult situation because they were

running low on funds and future money is unpredictable. Board Member Matsumoto-Gray supported granting the proposed amount.

Chair McFawn opened the public hearing. There were no comments. Chair McFawn closed the public hearing.

Assistant City Attorney McLean suggested that Director Eddington speak to the aspects of painting. He thought the Board could apply it to roofs since they both fall into a similar category. Director Eddington explained that painting is left to the discretion of the Board based on certain criteria. The gist of the criteria is whether painting is necessary to protect the structure as a Significant or Landmark Structure and protect its integrity. Patricia Abdullah read the criteria for painting and roofing.

Chair McFawn asked if the garage would be used for off-street parking. Planner Evans stated that the structure has traditionally been used as a garage and he believed the applicant intended to continue with that use. However, in its current condition, the applicant was not able to park in the structure.

Board Member Holmgren asked if the garage door and the hardware were included in the grant request. She was told that it was listed in the breakdown. Board Member Holmgren thought \$2455 for a door and hardware was a significant cost. Board Member Matsumoto Gray noted that it was also a large part of the front face of the building.

Planner Evans stated that when the Design Review Team reviewed the request, they directed the applicant to keep the same material on the garage door when the door was replaced. The applicant proposes to reface the door with corrugated metal to match the building as it currently exists. Board Member McKie asked if the actual door would be replaced or if the existing door would just be refaced. Planner Evans stated that the actual wood door needs to be replaced. Chair McFawn wanted to know if replacing the door would affect the Landmark status. Planner Evans replied that it would still qualify as a Landmark structure. Director Eddington explained that the garage door was being replaced with like materials to match the building.

Board Member Kenworthy thought the project qualified for their support, but he was concerned about depleting the funds for future qualified projects. Board Member Kenworthy understood that in the past the HPB had compromised with applicants, and that was his struggle.

Board Member McKie thought a \$50,000 garage seems pricey, but the money would be spent at some point. They could sit and wait for the fund to be replenished, but that may never happen.

Board Member Crosby asked if the roof was in question in terms of qualifying for grant money. Chair McFawn stated that his interpretation based on comments from Director Eddington and Patricia Abdullah, was that the roof would qualify. Board Member Matsumoto agreed that it could be eligible; however, the HPB had the discretion to make that decision.

Chair McFawn pointed out that the Board also had the discretion to fund a portion of the requested costs and not necessarily the full amount recommended by Staff.

Board Member Matsumoto-Gray liked how it was one complete structure with the design being characteristic of historic accessory buildings. Board Member Holmgren liked the project and the fact that it is very visible. The goal of the HPB is to help people out with these projects and she would support it.

Chair McFawn suggested that reducing the available amount might spur the City into taking action to replenish the funds. Board Member Crosby clarified that if this grant request was approved, they would still have \$6,000 available for smaller requests.

Board Member Holmgren thought it was a worthwhile project and that the HPB should back their preservation intentions by supporting this grant.

MOTION: Board Member Holmgren moved to offer the grant in the amount of \$18,052.50. Board Member Matsumoto-Gray seconded the motion.

VOTE: The motion passed 6-0. Board Member White was recused.

MINUTES – August 15, 2012

MOTION: Board Member Holmgren made a motion to APPROVE the minutes of August 15, 2012. Board Member White seconded the motion.

VOTE: The motion passed 7-0.

PUBLIC COMMUNICATIONS

Jim Tedford, a resident at Sun Peak, recalled a statement in the newspaper a while ago regarding the 205 Main Street project and that it may come before the HPB. He asked about process and how they decide which project is reviewed by which body.

Director Eddington explained that the project at 205 Main Street has been submitted to the City for review. It is currently in Historic District Design Review, which is a Staff review, and that decision may be appealed. If there is an appeal it would come back before the Historic Preservation Board.

Chair McFawn noted that the Staff report had a flow chart of process and how applications are reviewed and noticed for public feedback. The decision of the HDDR is noticed and the public or the applicant has the opportunity to appeal that discussion. If a decision is appealed it goes before the HPB as a quasi-judicial body and they weigh the pros, cons, benefits, and all the facts to make a decision as to whether or not to uphold the appeal. Chair McFawn noted that the City was in the process of changing the process for the next step if the HPB's decision is appealed.

Mr. Tedford asked if anyone could appeal a decision and if there was a time frame. Director Eddington stated that the time frame to appeal is ten days from the date of

noticing. He noted that the City did receive an appeal on 205 Main Street within that time frame. Chair McFawn outlined the number of places where an application is noticed and noted that during the appeal public input is welcomed. Chair McFawn suggested that Mr. Tedford visit the City website and sign up for electronic communication.

Mr. Tedford asked about the projected schedule for 205 Main Street. Director Eddington did not expect anything to happen with that project until January.

STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Director Eddington thanked the Board members who attended the open house. He introduced Anya Grahn, the new Historic Preservation Planner, to those who had not met her at the open house. Director Eddington stated that Planner Grahn's primary focus would be to work with the HPB and to work on Historic District Design Reviews and other historic projects. She would also be involved in other planning projects. Planner Grahn would be working on updating the Historic Sites Inventory and the Historic District design guidelines.

Planner Whetstone noted that the Staff had discovered preservation easements on historic properties that were tucked away in a binder and those would be reviewed on an annual basis. Planner Grahn would also help with that project.

Patricia Abdullah reviewed an updated list of historic projects that was provided to the Board members.

WORK SESSION

Land Management Code

Planner Whetstone reported that the City updates the Land Management Code on an annual basis. The HPB was given a set of amendments that pertained primarily to historic districts. The Planning Commission would review and discuss the amendment at their meeting on November 28th and the Staff wanted to hear feedback from the HPB on items more specific to the Historic District.

Planner Whetstone noted that page 3 of the Staff report outlined the Chapters that would be amended. She suggested that it might be easier to discuss the LMC amendment by topic rather than Chapter. Planner Whetstone reviewed the five topics as outlined in the Staff report.

1) Pre-application process and the appeals process. (Chapters 1 and 11)

Planner Whetstone explained the current process, where the Staff approves the application and if that decision is appealed it goes before the HPB. If someone appeals that decision, under the current Code it can then be appealed to the Board of Adjustment and the BOA rules on whether the HPB went through the criteria correctly. An appeal of the Board of Adjustment decision goes to the Courts. Planner Whetstone noted that the current process forces an applicant to go through several appeal processes. The proposed amendment streamlines the process.

Planner Whetstone noted that the first redline on page 5 of the Staff report was under the Pre-application Conference. The language was amended to recommend a pre-application conference rather than require it. Planner Whetstone remarked that requiring things could lead to vesting issues. The Staff would strongly recommend a pre-application conference because it benefits the applicant to come before the design review team for guidance and solutions. The applicant would still need to apply for a Historic District Design Review if the project qualifies for that review.

Board Member White asked if there was a difference between submitting a pre-application and having a pre-application conference. He understood that a pre-application was required to start a project. Planner Whetstone clarified that a pre-application is required currently, but that would change to "strongly recommended" under the proposed amendment. Board Member White did not think it made sense to submit a pre-application and not meet with the Planners. Director Eddington remarked that the amendment would make the pre-application optional. Board Member White personally recommended a pre-application because it is a benefit to the applicant.

Board Member Matsumoto-Gray thought the current process as described sounded necessary. Director Eddington stated that some of it is necessary and the Staff was not recommending taking away from that. The amendment pertained to larger applications. If an applicant wants to forego the benefits of the design review team meeting they would have that option. He thought applicants would be foolish not to take advantage of the free design review team meeting, but they could if they did not want to go through the dual process.

Chair McFawn understood that the City and the Planning Department have heard feedback that the process is cumbersome and some applicants just want to submit an application. Board Member McKie thought the reason for the DRT was to make the process easier for everyone. She questioned why they were making the change.

Assistant City Attorney McLean stated that she recommended the proposed change from a legal standpoint. One could say that because the pre-application conference is required, that they should be vested from the point where they had to submit the first application. In addition, the pre-application conference is not a formal process. Someone could come in with one application and that could get rejected. The proposed amendment would make it clearer and the vesting would start at the beginning of the HDDR where a complete application is required.

Board Member McKie asked if that language could be put into the HDDR application. Ms. McLean answered no. Under the existing language a pre-application is required. Therefore, an applicant could claim in Court that they should be vested back from the point where they were required to do that step. Ms. McLean pointed out that making it a requirement poses a risk to the City.

Board Member Crosby asked if the Staff was recommending that an applicant could have a pre-app conference without filling out an application. She thought that was already part of the process. Director Eddington clarified that currently the applicant is required to complete a short application free of charge and submit it to the Planning

Department. The Planning Department then schedules a pre-application meeting the following Wednesday. Under the proposed amendment it would be recommended that the same process continue. Planner Whetstone noted that even though the process is required, plans are not required. The purpose of the meeting is to discuss a conceptual plan and ideas.

Planner Whetstone stated that the capacity of the HPB is to discuss the amendments and provide a recommendation to the Planning Commission. The Planning Commission would consider the recommendation in their discussion and make a formal recommendation to the City Council. The City Council would approve or deny the amendments.

Board Member Kenworthy recommended removing the requirement for a pre-application and accept the revised language.

Board Member McKie was less worried about the people who come in with small projects. She was more concerned about those who do a lot of work in town who will see it as one less step in the process; yet they will get upset when their plan does not fit the Code. Board Member Matsumoto-Gray thought it would make more work for the Staff if they review a project and have to send it back to the applicant. Director Eddington stated that it is easier when a project comes in as a pre-application because they can discuss and understand the design guidelines. It is better to know the requirements upfront before they design a project that ends up going back and forth between the Staff and applicant.

Board Member Kenworthy understood that the revised language would better protect the City. Director Eddington replied that this was correct because there is no formal vesting. However, he expected less than 5% of applicants would forego the DRT process.

Board Member White stated that in his experience with the process he has always been told when the applicant was vested. He never makes that assumption with any project. However, he understood the legal concerns in terms of risk.

Assistant City Attorney McLean pointed out that the Board did not need to be unanimous in their recommendation. She referred to the first page of Proposal Section and noted that one of the purposes of the HPB is to recognize the Planning Commission and City Council ordinances that may encourage Historic Preservation. This work session was brought to the HPB for input so the Planning Commission could consider their comments when making their recommendation to the City Council.

Board Member Crosby wanted to know what check and balance would assure that the pre-application meeting was recommended by the Planning Department when an applicant comes, if it is no longer a requirement. Director Eddington remarked that the recommendation could be added to the standard design review application. Planner Whetstone agreed that language could be added with a box to check asking if the applicant applied for or attended a design review. The application would be on file and there would be no question.

Planner Whetstone summarized that she would recommend the revised language to the Planning Commission with the suggestion to add language to the standard design review application.

2. Roof Pitch in the Historic District. (Chapter 2)

Planner Whetstone noted that current language in the Code states that the roof pitch must be between a 7:12 and a 12:12. A green roof or a roof that is not part of a primary roof design, such as a shed roof or a minor roof can be below the required 7:12 pitch. That requirement applies to all of HR1, HR2, HRL and also in the RC zone within two blocks of the Historic District. Planner Whetstone pointed out that the LMC also allows height exceptions for specific items.

Based on comments from Dina Blaes, the current language conflicts with the Design Guidelines because some designs on major roofs in the Historic District are appropriate and the 7:12 pitch would cause compatibility issues with the surrounding historic character. Planner Whetstone remarked that the roof pitch exception would allow the Staff to be more flexible during the design review process, but staying within the design guidelines for roof forms.

Planner Whetstone read the proposed language from page 6 in the Staff report.

Chair McFawn felt the language, “compatible with sites in the area” was ambiguous and he asked for clarification. Planner Whetstone replied that the notification area is 100 feet and a streetscape is typically three structures away. She cautioned against narrowing the area to be within 300 feet.

Director Eddington gave examples to demonstrate that it would need to be based on qualitative common sense. He understood that it is not always popular and some of it is a gray area, but that would be the best approach.

Board Member Matsumoto-Gray supported the proposed amendment regarding roof pitch. There was no opposition from the remaining Board members.

3. Clarification for permitting relocation and reorientation of historic structures and well as disassembly and reassembly (Chapter 11).

The proposed amendment was outlined on page 7 of the Staff report. Planner Whetstone noted that the language on the bottom of page 7, assembly and reassembly, was existing language and was redlined in error. The new proposed language in 15-11-14 was on page 8, and was simply the footnote in subsection (4) and the language of the footnote.

Planner Whetstone reviewed the criteria for the relocation and reorientation on page 7 and noted that criteria 1, “A portion of the Historic Building(s) and/or Structures(s) encroaches on an adjacent Property and an easement cannot be secured” was being removed. Criteria 2, 3 and 4 would remain. The footnote under the criteria was also added, as redlined on page 7 of the Staff report. The footnote says that the Historic

Preservation Board shall make this determination if the Board is formally considering the application. The Planning Director and Chief Building Official shall, at the hearing on formal consideration, submit a written statement or testify concerning whether unique conditions warrant the proposed relocation and/or reorientation on the existing site or to a different site.

Planner Whetstone noted that the intent of this section is to preserve the historic and architectural resources; and primarily preserve them where they exist if possible. Chair McFawn asked if any of the conditions would be changed. Planner Whetstone answered no.

Director Eddington corrected the redlined language to accurately state that the HPB shall make this determination if the HPB is hearing the application on appeal, since that is their formal role. That revision was consistent with the footnote language on page 8.

Board Member Holmgren questioned the reason for eliminating Criteria 1. Assistant City Attorney McLean explained that the recommendation came about in part because that particular exception can be manipulated. She used the example of the Claimjumper as a property that encroaches over the property line. The City would not allow the Claimjumper to move just because the adjacent property owner would not give them an encroachment agreement. If someone has a situation where a neighboring historic house encroaches onto someone's property and the owner refuses to give an encroachment agreement, the issue would need to be settled in District Court. Ms. McLean remarked that the City preferred to address the issue as opposed to creating manipulated situations.

Board Member Matsumoto-Gray understood that the unique conditions determination would still be in place for the HPB to consider if an issue could not be resolved.

The Board was comfortable with the proposed changes.

4. Addition review criteria for all Master Planned Developments. (Chapter 6)

Planner Whetstone stated that there are situations where MPDs are allowed in the Historic District. A typical master planned development for more large scale projects requires 60% open space and looks at architecture, affordable housing, etc. In the Historic District, requiring 60% open space on an infill or urban site would not result in compatible development. The language states that redeveloping projects or infilling and doing a master planned development in the Historic District, the minimum open space requirements is 30%. Language further states that for applications proposing the redevelopment of existing developments or infill sites, the Planning Commission can reduce the required open space to 25%.

Planner Whetstone noted that it was a two-tier process. One is to add redevelopment and infill sites; and the second is that the Planning Commission has the ability to reduce the amount of open space in exchange for project enhancements. Planner Whetstone read the project enhancements as outlined in the Staff report. The added

enhancements were “sustainable building design” and “including historic structures that are either on or off the site”.

Director Eddington explained that another reason for a reduction in open space is that in places like Bonanza Park and other areas a lot of the open space is incorporated in the setbacks around buildings. As the City tries to create a walkable community, those types of open space are not necessitating walkability and the village characteristics they would like. Having the ability to have smaller lots might encourage people to create more walkable districts. Requiring 60% open space for MPDs on Main Street or in Bonanza Park was not feasible, which was the reason for proposing the reduction.

Planner Whetstone noted that a master planned development is not required in the Historic District but they are allowed. An MPD in the Historic District allows flexibility for trade-offs and it gives the Planning Commission a larger review of the project.

Planner Whetstone pointed out that the recommended changes apply to MPDs throughout the City.

Chair McFawn understood that they were not talking about removing Landmark sites and that the changes would help towards restoring them. Planner Whetstone replied that this was correct.

Planner Whetstone noted that type of open space was another issue. The Planning Commission has the ability to designate the preferable type and mix of open space in a master planned development. She explained the different types of open space that can be considered in a project. Planner Whetstone read the proposed added language under Type of Open Space on page 9 of the Staff report, for redevelopment and infill projects in the GC, HRC, HCB and HR-1, HR-2 and HRM zones. The language states that for those zones open space may be utilized for project amenities such as gardens, greenways, pathways, plazas and other similar uses. Another option being considered is a fee-in-lieu for purchase of open space and parkland that may count towards open space requirements at a rate twice as much as the amount of open space required. The fee would be based on an appraisal and market analysis of the property. The in-lieu fee would be set aside in a fund designated for open space. Planner Whetstone stated that the fee-in-lieu process would be similar to the current processes for parking and affordable housing.

Planner Whetstone noted that an MPD allows additional height. The proposed change adds language more specific to the Heber Avenue sub-zone, which is part of the HRC Zone, on the north side of Heber Avenue between Park Avenue and Deer Valley Drive. The properties within the Heber Avenue sub-zone are the Kimball Arts Center and the vacant lot they own, Zoom, Sky Lodge and the Poison Creek Mercantile. She recalled that the current height in the HRC zone is 32 feet.

Board Member Kenworthy asked if the amendment would allow all those properties to go an additional 18 feet. Planner Whetstone replied that Poison Creek Mercantile and Sky Lodge were already an MPD and Zoom is a historic structure. That leaves the Kimball Arts Center.

To address the height question, Director Eddington stated that the current MPD does not have any height restriction. The 32 foot height Planner Whetstone mentioned was the HRC zone height. Director Eddington explained that the HRC zone has a height restriction of 32 feet. If a project qualifies for an MPD based on the criteria outlined on page 10 of the Staff report, the applicant could do an MPD, which allows for height exceptions. He noted that the Sky Lodge qualified to do an MPD several years ago and they were allowed to apply for a height greater than 32 feet.

Planner Whetstone clarified that the exception was not necessarily unlimited height. The current language states that, "The increase in building height does not result in increased square footage or building volume over what would be allowed in the zone with the required height."

In terms of the Sky Lodge, Board Member Kenworthy asked if the reduced height on Easy Street was used to go higher on the hotel portion. Director Eddington replied that it was.

Planner Whetstone pointed out that there were other existing criteria that may limit the height. The Staff recommendation for this LMC amendment is that height exceptions for Master Planned Developments in the Heber Avenue sub-zone shall be limited to 50 feet, even if all the volume has not been used.

Board Member Kenworthy asked about the potential height for the Kimball Arts Center. Planner Whetstone replied that a portion of the Kimball building could be 50 feet above the existing grade. The height can be moved around but it cannot be higher than 50 feet.

Director Eddington noted that there have never been height limits on MPDs and he anticipated an interesting discussion with the Planning Commission. As a comparison, Director Eddington believed the height of the Sky Lodge was 62-68 feet.

Board Member Matsumoto-Gray asked about the status of the Kimball Arts Center application. Director Eddington replied that the Kimball Arts Center has not submitted a formal application to the Planning Department. However, a conceptual design has been presented in terms of changes to the LMC for allowing MPDs. Any public input should relate directly to the LMC and not the Kimball Arts Center.

Board Member Crosby wanted to know what was compelling the need for this specific change to the LMC. In her opinion, if it isn't broken why fix it.

Planner Whetstone noted that on August 23rd the City Council held a work session regarding the Kimball Arts Center. At that time the City Council recommended that the Staff come up with options that would allow public dialogue regarding the award winning design of the Kimball Arts Center. She explained that under the current Code, if that design came into the Planning Department as a formal application, it could not be accepted because it would not meet the requirements of the Land Management Code. There would be no way to put the application out for public input. Planner Whetstone

stated that the City Council can talk about the design, but the Planning Commission is the approval body. The Staff could not bring an application to the Planning Commission unless it complies with the LMC. Director Eddington explained that the City Council directed the Staff to explore some opportunities for public dialogue. The MPD process would allow for that dialogue. The proposed change would also address master plans and clean up the language for other areas, including Bonanza Park. With regard to the Heber Avenue sub-zone, the change in the MPD could potentially open dialogue for the City with regard to the Kimball Arts Center and other properties within the Heber Avenue sub-zone.

Assistant City Attorney McLean pointed out that the proposed LMC amendment should be looked at in the realm of the direction from the City Council and not specific to any application because an application has not been submitted.

Planner Whetstone noted that the Staff did an analysis and looked at heights in that area before determining that 50 feet should be the maximum.

Planner Whetstone remarked that these LMC Amendments have been delayed with the Planning Commission because the Staff was researching historic information on the history of MPDs at the request of the Planning Commission. When that history is compiled, the Staff would present it to the HPB as well.

5. Applicability of Master Planned Developments in the Heber Avenue sub-zone (an overlay zone of the HRC District). (Chapter 6)

Planner Whetstone read the language on page 10 of the Staff report. "The Master Planned Development process shall be required in all zones, except the HR-1, HR-2 and HRL for the following: 1) a project of ten lots or greater; 2) hotels and lodging with 15 or more residential unit equivalents; 3) commercial, public, quasi-public or industrial projects greater than 10,000 square feet gross floor area; 4) all projects utilizing Transfer of Development Rights. Planner Whetstone noted that the primary change is that MPDs would be allowed in the HRM zone, which is the lower Park Avenue area.

Board Member Matsumoto-Gray understood that the Master Planned Development process would be required everywhere for the large projects Planner Whetstone had outlined, except in Old Town. Director Eddington stated that an MPD is required because the project must adhere to 15 stringent criteria. When reviewing a larger project it is important to look at more details and what the project entails. It is not required in the historic zones because large projects are not allowed in most of the historic districts.

Planner Whetstone noted that Part B of the Section identifies where MPDs are allowed but not required. An MPD process is allowed in the HR-1 and HR-2 zones only where HR-1 and HR-2 zones or properties are combined with an adjacent HRC or HCB zoned property. Planner Whetstone explained that there is an allowance for master planned Developments for properties on the west side of Main Street. She cited examples of different situations where an MPD would occur. Director Eddington noted that the

language in Part B was not changed; however, additional language was added for clarification.

Katherine Matsumoto-Gray thought it would be helpful to have a list that specifically identifies where MPDs are required, allowed but not required, and not allowed at all.

Planner Whetstone remarked that the MPD is required everywhere with some exceptions. However, language added as number 3 under Part B states that, "The property is located within the Heber Avenue Sub-zone", which means that a master planned development could be done in the Heber Avenue Sub-zone. That goes back to the City Council work session when the Council asked for a mechanism that allows for public dialogue. Planner Whetstone stated that there were several options, but the only viable option that provides the opportunity for public dialogue with a full application and public hearing is to allow an applicant to propose a master planned development in the HRC zone. Poison Creek and Sky Lodge were MPDs because those properties bisected a zone. The Kimball Arts Center was only in the HRC zone; however, the Staff did not think MPDs should be allowed in the entire HRC zone. Therefore, they decided that properties within the Heber Avenue Subzone should be allowed to do an MPD because the criteria would allow the dialogue.

Chair McFawn noted that the HPB could oppose the recommendation and it could still be included. Director Eddington stated that the Planning Commission also has the opportunity to provide input.

Planner Whetstone clarified that the primary change for the HPB to consider was the recommendation that "allowed but not required" would be the properties located in the Heber Avenue Sub-zone.

Board Member Crosby clarified that the Sky Lodge was allowed an MPD because it met the criteria of being a residential/hotel/commercial project. Planner Whetstone replied that it also met the crossed-out language on page 11 of the Staff report that said, "Provided the subject property and the proposed MPD include two or more zoning designations". That language allowed the Sky Lodge to be submitted under an MPD. She pointed out that the Kimball Arts Center does not cross zones, which is why it cannot submit an MPD under the current LMC.

Board Member Holmgren was opposed to the height limit and preferred to leave it open. Planner Whetstone asked if Ms. Holmgren was suggesting that they allow an MPD to be submitted, but eliminate the height restriction and let the criteria dictate the height. Board Member Holmgren answered yes.

Chair McFawn disagreed with Item 3 on page 11, which would allow MPDs within the Heber Avenue sub-zone. He did not think they should be exclusive to one section. Director Eddington asked if Chair McFawn would allow an MPD up and down Main Street. Chair McFawn thought they should allow it for everyone or not at all. His preference was not to allow any more MPDs in the historic district.

Board Member Matsumoto-Gray concurred with Chair McFawn. She could not see the motivation for singling out the Heber Avenue sub-zone.

Board Member McKie thought the motivation was the ability to open up dialogue. If they make this change the City can open up dialogue specifically with people they know are trying to create a project.

Chair McFawn felt they would be endorsing changes to this section of the Master Planned Development, as opposed to thinking about what they would want to do as the Historic Preservation Board. The Staff will take their recommendations to the Planning Commission and the Planning Commission will send a recommendation to the City Council. He believed the Staff came to the HPB as a courtesy to hear their input on these recommendations and how it affects historic preservation.

After further consideration, Board Members Holmgren, McFawn and Matsumoto-Gray did not favor allowing MPDs at all.

Board Member Kenworthy stated that the Mall is sitting vacant and he believed an MPD would allow something nice. He considers the Mall to be the biggest eyesore on Main Street and he would love to have a developer come in and do the right thing. However, that would probably need to include Park Avenue, similar to the No Name and other projects mentioned that were successful. Board Member Kenworthy was concerned that if they say not at all to MPDs, it would affect the Mall and other potential projects on that side of the street where they still need to address the sensitivities of Park Avenue.

Director Eddington explained that currently that side of Main Street is allowed to come in for an MPD because it bifurcates two zones. Board Member Kenworthy pointed out that the other side of Main Street would not be allowed an MPD and he was concerned about being too selective. He thought they should look at other exceptions that may allow something to function.

Board Member Matsumoto-Gray wanted to know the motivation for deleting the language in (B) on page 11. Director Eddington explained that the language in (B) was re-written for better clarification in new (B), Allowed but not Required, as Item 3 regarding the Heber Avenue Sub-zone.

Board Member Crosby could not support Item 3, allowing MPDs in the Heber Avenue Sub-zone. Planner Whetstone stated that if Item 3 was eliminated, the Kimball Arts Center would not be able to submit an MPD application because it is in the HRC zone, and an MPD would not be allowed in that area unless it crosses two zones. Therefore, it would have to meet the requirements of the zone.

Board Member Matsumoto-Gray understood that striking Item 3 would not prevent the Main Street Mall from being an MPD. Director Eddington replied that this was correct. Board Member Kenworthy noted that without Item 3 they would not be able to have the conversation with the public.

Board Member Crosby clarified that the City Council directed the Staff to explore LMC amendments that would allow public input on the Kimball Arts Center. Director Eddington explained that it was not direction from the City Council to the Staff. The Council only gave an indication that the Staff should consider methodologies and opportunities to possibly open the dialogue.

Planner Whetstone noted that the HRC language could be amended to allow MPDs in the HRC zone and not just specific to the subzone. Chair McFawn clarified that it would be broader than just the subzone area, but it would still allow for dialogue and not just for the Kimball Arts Center. Planner Whetstone noted that HRC is the Heber Avenue subzone and the east and west side of Park Avenue from the condos next to Bad Ass Coffee and down to where the bridge lands.

Board Member Kenworthy asked if the other property owners in the Heber Avenue subzone would have the same opportunity to come and have their discussions. Director Eddington stated that they would have the same opportunity, but it would depend on their density opportunities. Planner Whetstone noted that two properties were already MPDs, so if they came in with another application they would have to amend their MPD.

Chair McFawn was struggling because he likes historic preservation and he was nervous making changes to a master planned development that would prevent historic preservation. Board Member Crosby agreed. Chair McFawn stated that whether the City Council hinted or gave direction, the Staff came to the HPB for input and they could provide feedback either individually or as a unified Board. The Staff could take their comments under advisement or do whatever they wanted. Director Eddington clarified that their comments would be forwarded to the Planning Commission.

Board Members McFawn, White, Matsumoto-Gray, Crosby, and Holmgren thought the language in Item 3 that would allow MPDs for properties located within the Heber Subzone, should be removed.

Board Member Matsumoto-Gray also favored removing the height restrictions as suggested by Board Member Holmgren. She was uncomfortable picking out areas within the Historic District. Chair McFawn agreed because it was like targeting winners and losers.

Planner Whetstone asked if the Board thought the Master Planned Development process should just be allowed in the Historic District. It does have criteria that addresses historic preservation.

Director Eddington clarified that the majority of board members recommended not including the language to allow MPDs in the Heber Avenue sub-zone. He asked if they would allow additional language that allows MPDs in the HRC or HCB zone, which is the Main Street zone.

Board Member White recalled talking about the west side of Main Street that backs up to the residential zone. Director Eddington recalled that the Board was not in favor of that change. He referred to page 11 and asked if they favored the changes to (B) 1 and 2,

Allowed but not Required. That language has been in the Code and the change was only for clarification.

Chair McFawn was comfortable with the change if it was only clarification of existing language. He personally was hesitant to make broad changes.

Board Member McKie was comfortable with the change in just the Heber Avenue sub-zone because there is a project that they want to look at and it does involve historic preservation. The Kimball Arts Center is a historic building and the HPB should be very involved. If this is what it takes to open a dialogue to make sure it retains its historic aspect for the future, she thought the HPB would want to play a role in that and be open-minded.

Board Member Matsumoto-Gray stated that the role is that the Kimball Arts Center has to follow the guidelines. Planner Whetstone noted that they have to follow the guidelines and they also have to follow the Code.

Board Member McKie felt Park City should be an adaptable community where they can adapt their guidelines for future growth and change. Opening a dialogue allows the community to explore a project but it does not imply approval. Board Member White agreed with Board Member McKie.

Board Member Holmgren wanted to know why the Staff could not open the dialogue with the Kimball Arts Center without changing the Code. Director Eddington stated that the conversation would be limited without an application. He assumed the Kimball would prefer to know what they could or could not do before proceeding with an application.

Assistant City Attorney McLean stated that as soon as the Staff engages in a discussion where the concept is not permitted by Code, it creates certain expectations, as well as accusations that the Code is being changed for one specific project, when the LMC amendment should apply to everything. Regardless of whether they like the project, if it does not fit within the Code it is useless.

Board Member Kenworthy stated that if Item 3 was added for one specific project, it creates a slippery slope for a neighbor who wants the same consideration. Board Member Holmgren noted that it was very specific to the Heber Avenue sub-zone and the reason was apparent. Board Member Matsumoto-Gray felt they were putting the cart before the horse by recommending changes that allows someone to come forth with a project they put on the internet. She could not understand why this was even happening.

Assistant City Attorney McLean reiterated that from a legal standpoint, the City could not have a conversation if the plan does not meet the Code. As it currently stands, if they want to talk to the Kimball Arts Center without changing the Code, they should make that recommendation and the applicant should submit an application that meets Code. If they want to consider that the Code change would allow something that fits within the General Plan and the purpose statement of the zone, they should consider recommending the proposed change.

Board Member White asked if any of the projects submitted fit within the Code. Director Eddington replied that the Kimball Arts Center asked the Staff to potentially consider one plan, which is what they took to the City Council. They did not analyze any of the others. Planner Whetstone noted that the Planning Department provided the Kimball Arts Center with the specifics requirements of the zone before the design competition.

Board Member Kenworthy was cautious about their comments being construed or referenced as a pre-approval. Board Member McKie could not see the problem with one specific project if it benefits the entire community. Chair McFawn stated that the benefits to the community were outside of the scope of the HPB. The Board needed to focus on whether the changes proposed were beneficial to historic preservation. Board Member McKie reiterated that the Kimball Arts Center is a historic building and in her opinion it all ties together. She felt it was a disservice to the community to say that they only look at historic preservation by specific and narrow guidelines and they have no interest in making changes.

Dick Peek, the Council liaison, stated that he started on the Historic District Commission and he cares about things historic. He referred to the purpose statements of the MPD section of the LMC. He has seen the application and sat through the presentation. Council Member Peek was not prepared to express his opinion about a future pending application. He noted that the purpose statement talks about infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed-use developments that are compatible with the surrounding neighborhood. It also talks about goals to complement the natural features, ensure neighborhood compatibility, strengthen the resort character of Park City, and result in a positive net contribution of amenities to the community. He asked if that was an appropriate tool for that area to achieve an appropriate infill development on that site.

Chair McFawn called for public input.

Jim Tedford, representing a group called Preserve Historic Main Street, was taken aback that the HPB had not had a lot of input until this evening. He was amazed that the Staff was looking for opinions from the HPB based on an hour of conversation. Mr. Tedford stated that he first got involved on August 23rd and he was still trying to figure it all out. He did not believe the HPB could come close to making a recommendation without an opportunity to study the issues further. Mr. Tedford could find nothing to indicated that the Kimball Arts Center could not build above the old building.

Planner Whetstone stated that it was in the design guidelines.

Mr. Tedford agreed with a previous comment asking why they would change the LMC to accommodate something that may never happen. He had read several recommendations from Staff on different dates and the recommendations keep changing. He believed the continually changes were being done to accommodate the Kimball Arts Center. Tedford stated that he and the group he represents fully support the Kimball Arts Center and their need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City

LMC and the Park City Design Guideline for Historic Districts and Historic Site. In terms of options, it was stated this evening that the Kimball Arts Center could submit a proposal that meets the current Code. In addition, the Heber Avenue Sub-zone could be amended to allow for public dialogue. Mr. Tedford and his group were very opposed to changing the Land Management Code.

Planner Whetstone clarified that amending the zone would be amending the LMC. Board Member Matsumoto-Gray asked if a zone change could be initiated by someone outside of the City. Planner Whetstone answered yes, but it would still be a change to the Land Management Code and the change would be for that particular project.

Hope Melville, a resident on Park Avenue, understood that the City Council wanted to explore way for the Kimball Arts Center project to be considered with public input. She was confused about the current proposal to allow MPDs in the Heber Avenue sub-zone with a maximum height of 50 feet. Ms. Melville did not understand how that would allow an application since the design the Kimball is promoting is an 80 foot tower. She was unsure how an 80 foot tower design would be evaluated under the change to allow an MPD in the Heber Avenue sub-zone. Ms. Melville was concerned about potential changes to the LMC for all MPDs without thinking about how that affects other areas and other projects under consideration. She was uncomfortable changing the LMC in the Heber Avenue sub-zone and elsewhere until they understood the long-term affect. Ms. Melville was opposed to changing the LMC to allow an MPD for the Kimball Arts Center at the location. She also felt that changing the Code to a maximum height of 50 feet was not the right thing to do.

Chair McFawn closed public input.

Chair McFawn stated that the Board members could give an up or down vote to approve something, each person could individually state what they would like to see, or they could request more time to think about it.

Assistant City Attorney McLean stated that the Board could request more time, but she believed that the amendments would be moving forward to the Planning Commission and the City Council.

Board Member Kenworthy needed to consider it further before making a decision.

Board Member McKie was open to changing the Land Management Code. She could see no harm in terms of future development and it was not a rubber stamp approval for the Kimball project or any project in that zone. She believed it would open dialogue that otherwise could not occur because the proposed design does not meet Code.

Chair McFawn understood that the Kimball Arts Center could apply for an exception once they submit an application. Director Eddington stated that every property owner can submit an application for a zone change. Chair McFawn believed the Kimball Arts Center has the ability to initiate the conversation but they have not done so.

Board Member McKie did not believe the Staff would have brought this to the HPB if they had not carefully evaluated the best way to open the dialogue. If the concern is changing the Land Management Code for something that might never be built, they need to understand that it definitely will never be built if they do not change the LMC. She was concerned about totally shutting the door and eliminating any possibility to explore it further.

Board Member Matsumoto-Gray would not recommend the changes to the MPD language in the Code because she could see no motivation for a potential sacrifice to historic preservation. She could not understand the reason for opening up this area to MPDs when there is no application for a specific project. It seemed targeted, ad hoc and unmotivated.

Board Member Crosby felt the HPB was not given enough time to adequately address this issue. She has been watching and listening in the community and she did not feel comfortable with what was being proposed. Board Member Crosby remarked that the existing zone was implemented to allow for the expansion and preservation of the Historic District. She was concerned that supporting the proposed changes to the Land Management Code would appear to be a pre-approval on the part of the HPB. Board Member Crosby would feel more comfortable if they could have time to consider it and to hear more public input. She believed an application could be processed under the existing Code. She was supportive of the concept because it has the potential to provide what the community needs. However, talking about an 80 foot structure or to amend the LMC to allow 50 feet in that area was concerning and she could not support what was being proposed.

Board Member White agreed with Council Member Peek about needing a tool for the dialogue. Although it seems that the proposed project does not meet the Code, there are still many things to talk about. Preservation is the most important issue for the HPB in terms of whether any project fits with Main Street and the Historic District. Board Member White wanted more time to consider the proposed changes; however, Director Eddington and Ms. McLean had indicated that there was no time because the amendments would be moving forward to the next level.

Assistant City Attorney noted that the amendments were scheduled to go before the Planning Commission on November 28th. The next HPB meeting would be after that date.

Board Member White did not agree with changing the LMC just for one project. If they did that they would be opening the door for more projects with similar situations. However, he agreed with Board Member McKie on the need to talk about projects; but if changing the LMC was the only way to accomplish that, he was bothered by the process. Board Member White suggested that the City find another vehicle that would allow them to have those discussions.

Board Member Holmgren felt they should not change this portion of the LMC because it is obviously aimed at one project. She agreed that the City should find another vehicle

to address these types of projects. Board Member Holmgren supported eliminating the addition of Item 3 regarding the Heber Avenue sub-zone, and the 50 height limitation.

Planner Whetstone stated that the minutes from this HPB meeting would be included in the Planning Commission packet for the November 28th meeting.

Board Member Kenworthy agreed with the rest of the Board. The Kimball Arts Center is a great asset to the community, but the LMC should not be changed to accommodate one project. The changes clearly address the Kimball Arts Center and neither he nor the other Board members have had enough time to make an appropriate and informed decision. They were blindsided by the proposed changes and knowing that it is specific to one project did not feel right.

Chair McFawn concurred with all the comments of the Board members. He needed more time, and while he wants the City to have a dialogue, his instinct is to avoid change when he feels rushed. Chair McFawn implored the Planning Department to find any possible way to get a dialogue going, even if it is initiated by the applicant in the form of a zone change application.

Chair McFawn remarked that the Staff and the Planning Commission would have the HPB minutes and he felt the Board was very clear on their position.

Director Eddington stated that the discussion would continue as the amendments move through the process. The Staff has no agenda and the question will be whether or not they can open the dialogue.

The meeting adjourned at 7:46 p.m.

Approved by _____
Dave McFawn, Chair
Historic Preservation Board