PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 8, 1996

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled work session meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 8, 1996. No formal action will be taken.

AGENDA

3:00 p.m. Marsac Building tour

Closed Session

3:30 p.m. Land acquisition\claims

Work Session

4:45 p.m. Council questions and comments
5:00 p.m. Process for board appointments:
- Historic District Commission
- Parks, Recreation and Beautification Advisory Board
- Board of Adjustment

5:15 p.m. Enhancements update - Parks, Recreation and Beautification Advisory Board
5:30 p.m. Determination of reconsideration of Burnis Watts issue

Posted: 2/5/96

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 8, 1996

Present: Council members Hugh Daniels, Roger Harlan, Shauna Kerr, Paul Sincock, and Chuck Klingenstein

Toby Ross, City Manager; Jan Scott, Administrative Assistant; Bob Johnston, Leisure Services Director; Janice Lew, Planner; and Jodi Hoffman, City Attorney

George Hull, Parks, Recreation and Beautification Advisory Board; Sheila Barry, Main Street Merchants; Burnis Watts, Park Avenue resident

Absent: Mayor Brad Olch

1. Council questions/comments. Ms. Kerr expressed that she wanted to make sure that Council has representation on the post office committee, since there have been community concerns about postal service. Discussion ensued regarding Dan's Foods signage and Eric DeHaan explained that they have an approved sign plan and can install it or reapply for different signage. Ms. Kerr distributed a letter from Burnis Watts regarding a proposed "heritage park" which she felt tied in with getting the veteran plaques returned from the County. The City Manager explained that there is resistance from the County Commission to return them.

Shauna Kerr recommended a public service announcement for neighborhoods to dig out their fire hydrants. She discussed the CBS This Morning script and her disappointment that the message seemed to be that anyone with a modem and a computer should move here which is inconsistent with Council's growth management direction. Hugh Daniels explained that the Chamber/Bureau had nothing to do with the script. Ms. Kerr requested an update on the next work session on transportation issues including the valet service.

Hugh Daniels discussed the Chamber/Bureau focus group meeting which he attended on January 21. Guests relayed that Park City is a town not a resort; it's family-friendly; sells itself once you've been here; bus service is good and drivers are helpful; locals are nice; and they like Main Street and the historical content. Complaints include the lack of heated bus shelters, and better posted bus schedules. He disclosed that a member of the citizens advisory committee on the General Plan contacted him and communicated that that committee is not in total agreement contrary to media or staff comments. Hugh Daniels stated that he would like to see the minority report as well. Mr. Daniels reported that he has received an historic district grant for renovation of the Old Miners Lodge and that the grant agreement is about ten pages long. He felt that this document is intimidating and would like to see it simplified and less confusing for other recipients. He thanked the citizens who attended the three goal setting meetings; attendance totaled 35, 55, and 77. He also appreciated the staff assistance. The City Manager stated that the Council will recap the results of the meeting and hold a subsequent retreat to reexamine its goals. Mr. Daniels stated that he and Shauna will be reviewing the grant process for the upcoming budget. He felt that meetings should not be canceled because there is a lot of Council business to be discussed. He added that he received complaints about lack of service of commercial dumpsters and there was discussion about the difficulty in getting a response from the contractor. Mr. Daniels stated that he met with Jon Brinton, Chairman of the County Olympic Advisory Committee, who will be asking the County Commission if a City Council member could be included as a voting member.

Chuck Klingenstein thanked everyone involved in the neighborhood meetings. He continued that he is concerned about the lack of snow removal and outside storage at the Snow Creek Crossing. He reported that there is graffiti on the walls of the underpass and the back of a Park Avenue condo. He stated that he attended an Historical Society meeting where there were concerns expressed about the Town Run Project. He also attended an ICTHOS meeting; Tom Bakaly will be appointed on the Board of Directors and a retreat will be held in the near future. Mr. Klingenstein suggested that Meg Ryan attend a portion of that retreat.

Paul Sincock felt that the neighborhood meetings were a great success and suggested that they take place on a regular basis. He reported that he has distributed copies of the Laguna Beach parking code to the Transportation Director which could be a good resource for our downtown strategies. The City Manager explained that the last component of the parking study is monitoring the parking during Presidents Weekend and it should be available by the end of the month. Park City Recycling will be changing its name to Recycle Utah; this is a solid organization which is setting an example for the entire state. The association will be able to process materials with its move to the expanded Public Works facility.

Roger Harlan reported on his pleasant meeting with ten high school students from Beijing, China. He agreed that the meetings this week were excellent and there was a discussion on the Leadership 2000 program.

2. **Process for board appointments.** It was the consensus of Council to interview all five Historic District Commission applicants on Thursday, February 15. Council requested that Chris Larson be included to participate on the interview panel. Jan Scott pointed out that the Parks, Recreation and Beautification Board will meet on February 21 to interview applicants and will then render a recommendation to the City Council. The Council agreed to reappoint Gordon Strachan on the Board of Adjustment at the next regularly scheduled meeting.

3. **Enhancement update.** George Hull of the Parks, Recreation and Beautification Advisory Board, explained that the enhancement project primarily involves flower pots, but could include benches and signage in the Prospector commercial area. He discussed the Summer Tour in 1994 to Colorado and Whistler and one of the outstanding outcomes was the interest in doing more plantings in Park City. This project was not approved by Council last year because of its proposed

funding with a business license tax, but board members continued to pursue the concept. The board decided to seek voluntary contributions from the business community and prepared a brochure which was mailed to every business license holder and the program was discussed at business group meetings. He felt that there is broad support and reported that the Chamber/Bureau donated $5,000; $2,500 for the flower baskets and $2,500 for the gateway tree project and a few thousand dollars from individual businesses. There was feedback that the City should financially participate. Mr. Hull discussed the $21,000 restaurant tax grant from the County which requires matching funds. If this project can be funded by the end of the month, the hardware and the foliage can be purchased at a better price. He requested that Council match the $21,000 and with additional funds, it can be done well the first year which is critical. Paul Sincock asked what the total budget is for the operation and maintenance of the project. Bob Johnston responded that there is a seasonal employee watering on Main Street three days a week; this project will expand the schedule to seven days a week and there will be periodic maintenance. The City Manager clarified that the original budget last year was $50,000 but a project can be done anywhere from $20,000 to $50,000. It was pointed out that this project will now include Prospector and the Resort Center, which is a requirement of the grant award. Shauna Kerr stated that after attending an earlier meeting, it was her understanding that efforts would be made to match the $21,000 grant but that the match would be private contributions and the City would make up the difference. She estimated that that would be about $10,000 as opposed to a $21,000 City contribution which increases the budget. The City Manager explained that it is the larger private contributors that have requested increased City support. Sheila Barry, Main Street merchant, supported Mr. Hull's recommendation and hoped that the City would participate to the maximum. The Vice President of the Board of Realtors stated that members are being contacted individually for financial support and he believed it should amount to several thousand dollars and would like to sees the City match all private contributions. Mr. Sincock felt that this tact will prompt private contributions.

Mr. Hull stressed the importance of the program being a success the first year, and felt that the City's assistance could be leveraged well. Discussion ensued regarding the cost of the project, and Mr. Hull indicated that the City's contribution could be capped at $21,000, including personnel costs. Ms. Kerr felt that maintenance costs may cause the City's contribution to escalate during the summer season. Mr. Ross felt that the City could budget for replacement costs. Ms. Kerr expressed her concern that a $42,000 demonstration project is turning into a $60,000 project. Hugh Daniels pointed out that the project is larger as grant award stipulates that Prospector and the Resort Center be included, and discussed the $25,000 budgeted for the original project. He clarified that other enhancements like benches could be allowed, within reason. Mr. Daniels stated that this represents one tenth of one percent of the budget and would hate to spend a lot of time debating this issue. He would be willing to support it to the extent of $21,000. Mr. Harlan expressed that the expansion of the project, which is a provision of the grant, was out of the City's control and agreed with Mr. Hull that the first year needs to be successful for its future, and the City's contribution may give the project momentum. Chuck Klingenstein stated that he is interested in doing the demonstration project as there is a public-private relationship, and would be willing to support it up to $21,000. Ms. Kerr stated that she still has a problem with this new proposal because the arrangement is on different terms and conditions and she expected it to remain consistent. Paul Sincock noted that as a Parks, Recreation and Beautification Advisory Board member, thought that it would have been based on a system used by other communities, whereby the merchant buys their own baskets, although this has changed since the restaurant tax monies became available. He felt it should be done well but is not in favor of just having the City come up with $21,000. He supports matching what the private sector raises to a maximum of $21,000. Mr. Sincock expressed his confusion over what the exact budget is, but did not want to take the incentive from the private sector to raise money for the project. Roger Harlan stated that he would be willing to pledge $21,000 of the City's funding for the first year to determine the level of support in the following year. Ms. Kerr believed that the difference in numbers would be a City contribution of approximately $10,000 or $21,000. She discussed the people in opposition to the 1995 project and felt that it would have more community appeal if the private sector's commitment is manifested. Hugh Daniels felt that the business community has done that and made a motion, "we gratefully accept the contributions of the community and hope that there will be a lot more, and that the Parks, Recreation and Beautification Board does work hard to increase that as well as the other organizations, and we still haven't heard from the real estate people. I move that the City provide the $21,000 match to the County's restaurant tax grant to be added to whatever comes from the community for this project". Motion died for lack of a second. Paul Sincock, "<u>I move that the City provide matching funds to all private donations up to a maximum of $21,000 (including maintenance) for this beautification project to March 30, 1996</u>". Chuck Klingenstein seconded. <u>Motion unanimously carried</u>.

3. **<u>Determination of reconsideration of Burnis Watts issue</u>**. The Mayor Pro Tem Harlan explained that this issue deals with the denial of Mr. Watts' certification of demolition permit for two structures on Park Avenue and one structure on Woodside Avenue last year. Planner Janice Lew explained that the HDC denied the request in February 1995 and felt that Burnis had not met his burden of providing sufficient proof of economic hardship which would justify the demolition of those buildings. This decision was appealed to the City Council who upheld the HDC's decision and found that the HDC did not misapply the preservation ordinance in its review of the CAD application. However, as a part of the denial the City Council stated that if Mr. Watts submitted a proposal to renovate or provide some adaptive reuse for those structures or some of them, he could reapply before the three year period. Ms. Lew felt that he has several alternatives, including submitting a plan to the HDC to renovate those properties, or proof that financial changes have occurred which would warrant the demolition of those properties. At this time, no additional information has been submitted by the applicant.

Ms. Kerr felt that the zoning of the area, and the approval of the Town Lift bridge would be a substantial change which would provide the Council the authority to reconsider this matter. Pat Putt stated that the HRC changes are scheduled for work session on February 28 and a public hearing will be scheduled before the Planning Commission probably some time in April. Mr. Watts agreed that he has not submitted any plans, but felt that numerous changes have occurred contiguous to his property. He stated that if the buildings were demolished he would develop the property to a higher use. Discussion ensued regarding replicative architecture and Ms. Lew felt that there are possibilities of doing that on this application. Shauna Kerr felt that when significant changes have occurred, that it would be appropriate for the Council to again review a CAD, but didn't feel that the current situation would allow the Council to proceed. Hugh Daniels felt that Burnis Watts should approach the Council once those changes have occurred for a rehearing. Jodi Hoffman stated that it was her recollection that when the Council denied the CAD, it specified that if Mr. Watts returned with a meritorious proposal on one or more of the structures, it would consider a new proposal within a two year time frame. Mr. Watts stated that he is not able to submit a proposal if he doesn't know what he can do and is reluctant to spend thousands of dollars on a proposal that isn't going to work.

Mr. Watts continued that there are some alternatives other than tearing down all of the buildings that could be discussed before he applies. One may be to maintain the house on Park Avenue and tear down the garage and the Woodside house. Another option is to move the Park Avenue house to the south of the property, freeing up the lot. Another alternative would be pursuing a museum in the City Park and moving the Park Avenue house there with the front of the garage as a facade to a new structure. Mr. Watts felt that if the City feels strongly about saving them, it should buy and preserve them. He felt that the HDC ignored his input and rationale. Roger Harlan urged Mr. Watts to put ideas on paper and Mr. Watts added that it would not be difficult to do, but emphasized that readaptive use is very expensive and something he may not be capable of doing. Shauna Kerr felt that saving the facade of the garage is an element that would meet legal requirements of rehearing and an idea Council would be interested in reviewing. Burnis Watts clarified that he would like a pre-application conference with someone who has authority. Paul Sincock volunteered to participate with a staff person to facilitate the review of options. Shauna Kerr stressed that a CAD is a quasi-judicial process, and as a result, Mr. Sincock should not engage in an activity that would prejudice his objectivity. Toby Ross assured Mr. Watts that a meeting can be arranged. Mr. Daniels felt it important that Mr. Watts works with staff he feels comfortable with.

4. **Award to Mark Harrington.** Shauna Kerr presented a customer service award to Assistant City Attorney Mark Harrington for this efforts in negotiating the lease with the Liquor Commission.

With no further business, the work session of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Olch was absent. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant

City Attorney; Rick Lewis, Community Development Director; Jerry Gibbs, Public Works Director; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss land acquisition". Paul Sincock seconded. Motion carried unanimously.

The meeting opened at approximately 4:45 p.m.

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The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, Deputy City Recorder

WORK SESSION

PARK CITY 1884

DATE: February 8, 1996
DEPARTMENT: Administration
AUTHOR: Jan Scott
TITLE: Process for Appointments to the Parks, Recreation, and Beautification Board, Historic District Commission and Board of Adjustment
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Determine who to interview and if interviewing applicants is necessary for all boards. Appoint Gordon Strachan to the Board of Adjustment.

DESCRIPTION:

Topic: Typically, vacancies are advertised for six weeks prior to Council review. In anticipation of several vacancies, staff advertised for two months in the *Park Record* and KPCW and in addition, mailed notice to former and current members of Leadership 2000.

Historic District Commission Applications:

Background: With the appointment of Chris Larson to the Planning Commission, there are three pending appointments. The membership of the HDC is somewhat different than other boards, as residency is not required for all seats, but other criteria apply as follows (emphasis added):

It should be noted that incumbent Ken Martz was the nominee of the Park City Historical Society two years ago and the Society is recommending that he be reappointed this year. Although, it is entitled to make two nominations, a second was not rendered.

4.1. COMMISSION CREATED. Pursuant to the Historic District Act (Section 11-18-1, et seq, of the Utah Code, 1953) and other applicable powers, there is hereby created a Park City Historic District Commission (HDC). The HDC shall be composed of five (5) members, one of whom shall be a member of the Planning Commission

4.2. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any HDC member who is absent from two (2) consecutive regularly scheduled Commission meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. **Members of the HDC are not required to reside within the City limits, however, the majority of the members shall**

reside in Park City.

4.3. TERMS AND QUALIFICATIONS OF MEMBERS. Members of the HDC shall serve terms of two years. The terms shall be staggered. Terms may expire on February 1 but members of the HDC shall continue to serve until their successors are appointed and qualified.

(a) The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission. The Mayor shall appoint a new HDC member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

(b) It is the first priority of the City Council that the HDC have technical representation in historic renovation and preservation and secondly that it have cultural representation in Park City history. Therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect serving on the Board, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the application process.

(c) In addition, the HDC **should** include members with the following qualifications, or representing the following interests:

1. A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

2. A member living in the Historic District with demonstrated interest and knowledge of historic preservation.

3. A member appointed at large from Park City with demonstrated interest and knowledge of historic preservation.

4. A member associated with Main Street business and commercial interests.

In considering appointments, you may want to evaluate representation. For instance, the last board qualified as follows::

Member	1. Historical Society/Foundation	2. Resident in Historic District	3. At large; demonstrated interest	4. Main Street business
Chris Larson (resigned)		✓		
Architect David White, see (b)			✓	
Commissioner Bruce Erickson, see 4.1.			✓	
Frank Dorka (resigned)			✓	✓
Ken Maratz (reapplying) see (b)		✓		

Parks, Recreation, and Beautification Advisory Board:

Background: This is a twelve-member board, with staggered terms. Because of the size of this board, there were often on-going vacancies, but business could be accommodated and conducted because there was usually a quorum present at meetings. There are currently three vacancies and seven applicants, including an incumbent. A good response has not been typical in the past, and Council has never interviewed candidates. Unlike other boards, the PRB Board invites applicants to attend meetings prior to Council consideration to attempt to ascertain if an individual is committed, and has made recommendations to the City Council in the past. The Board has scheduled interviews with candidates on February 21, with the hope that Council will favorably consider its recommendations. It is understood that Council has the ultimate discretion in appointing Board members.

Board of Adjustment:

Background: This is a five-member board, with a Planning Commission liaison. Members serve five year staggered terms. Although there was extensive advertising, no one applied, except for incumbent Gordon Strachan, who I, well. . . .begged to reapply.

ALTERNATIVES: Although Hugh Daniels was not in attendance at the February 1 work session, Council consensus seemed clear that interviews for vacancies on boards should be pursued. However, Council could:

A. Interview only HDC applicants, and appoint PRB Board members on the advice of the Board, or

B. interview all HDC and PRB Board applicants; and

C. Appoint Gordon Strachan to the Board of Adjustment; or

D. Continue to advertise for Board of Adjustment, although it is doubtful if there would be a better response with more advertising.

SIGNIFICANT IMPACTS\ CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Terms of the HDC and PRB Board are relatively short, and it is important to make timely appointments, especially in consideration of pending business.

RECOMMENDATION: Make a determination on the interview process; appoint Gordon Strachan to the Board of Adjustment.

PARK CITY MUNICIPAL CORPORATION

MEMORANDUM

TO: Mayor & City Council
FROM: Myles C. Rademan, Director of Public Affairs
DATE: January 28, 1996
RE: Enhancement Update

Recent Background

The Parks, Recreation & Beautification Advisory Board decided to sponsor the enhancement project along with the entryway tree planting, and to spearhead fundraising efforts to match the $21,000 restaurant tax grant.

An ad hoc committee of twelve interested individuals met in December to discuss strategy. They recommended that a brochure be produced and mailed to all city business licensees soliciting voluntary contributions. They further suggested that major civic and business organizations be contacted and solicited.

Update

- a brochure was produced with the invaluable assistance of Nancy and George Hull;
- 2500 copies of the brochure were printed
- 1500 postage paid return envelops were printed
- Brochure distribution
- 1100 brochures with return envelopes were mailed the second week of January by the city to all business licensees
- 600 brochures were mailed by the Chamber/Bureau to all of their members
- 400 brochures were mailed by the Board of Realtors to their members
- 80 brochures were mailed by the Main Street Merchants to their members
- several radio interviews and newspaper articles have appeared and a PSA has been produced

- **Meetings attended**
  - Chamber/Bureau
  - Main Street Merchants
  - Resort Center Merchants
  - Rotary Club
  - Lodging Association
  - Sales meetings at Coldwell Banker, Prudential-Coleman
  - Directors meeting of the Board of Realtors

- **Pledges**
  - Chamber/Bureau has pledged $2500 to the enhancement project and $2500 to the entryway trees
  - Lodging Association has pledged $1000
  - Main Street Merchants has pledged $1000
  - Prospector Square Homeowners Association has pledged $5000 of matching money for enhancements. Their top priority is directional signage within the Prospector Mall area
  - private contributions are coming in (refer to attached sheets showing donors)

Recommendations

- most of the organizations that are contributing have expressed a strong desire for the city to match the $21,000 restaurant tax grant and for the private and organizational donations to be used as an addition to these funds
- other recommendations on how to solicit additional funding are appreciated

ENHANCEMENT FUND

MAIN STREET

Park City Winter School & Park City Ski Team
P O Box 108, Park City
Commen ts: Great idea!! Thanks for putting it together

Steelhead Inc., dba: The Cozy
438 Main Street, P O Box 4317
$100
1. Send this mailer to all property owners in Park City as well as business license holders
2. Include this with each year's business license renewal form & property tax statements
3. How about applying for matching funds from the state's tourism tax commission

Southwestern Expressions
333 Main Street Mall, P O Box 1162
$100

Harry Reed & Skip Schirf/Mountain Builders
P O Box 1330
$100
Good work Myles. I hope you're successful.

Harry Reed & Skip Schirf/McIntosh Mill Ltd.
P O Box 1330
$100

Expanding Heart
505 Main Street
P O Box 693
$100

Rugged Elegance
608 Main Street, P O Box 1118
$100
Already talked to Maria & Myles regarding extra hanging plants that I would like to purchase for my building.

C & S Creative Services
1375 Deer Valley Drive, Suite 110, P O Box 4082
$100
If possible, purchase greenery through Park City Nursery.

Main Street (continued)

Boardriders Club
363 Main Street, P O Box 739
$100

Myles Rademan - Rademan & Associates
P O Box 693
$100
Keep up the great work!

Kym & Dan Meehan
P O Box 734
$100
List as: Kym, Dan, Jessica & Taylor Meehan

The Old Miners' Lodge
615 Woodside, P O Box 2639
$100

Tommy Knockers
P O Box 753, 537 Main
Flower Boxes

LaNiche
P O Box 4379
$100

1904 Imperial Hotel
221 Main, P O Box 1628
$100

Bruce Construction
P O Box 6826
$100

Gordon Strachan
P O Box 3747
$100

HIGHWAY 224 ENTRYWAY TREES

Crisp & Boni Flynt
429 Audubon Circle, Griffin GA 30223 (351 McHenry Street, Park City)
What about letting people sponsor a tree in honor of or memory of someone. I would like to do that for each of my children. If you could use a numbering system or some form of ID, they would be thrilled to point out the trees that were planted in honor of them.

Wasatch Audio Visual - Paul Rettie
P O Box 770-282, 1821 Sidewinder Drive
Make sure the trees you buy can handle the weight of the snow we get in Park City

Beverly Sincock/Uniglobe Peregrine Travel
P O Box 3838

Doug, Robin, Adrien & Phillip Engfer
119 Linden Street, Santa Cruz, CA 95062
$100

Geary Construction
Box 176, Coalville UT 84017
$500

Raymond Perez
P O Box 770-101
$5
Just do it!

Richer Development Services, Inc.
P O Box 680364
$100
Great idea!

Shauna Kerr & Lewis Dragolovich
3130 American Saddler
$200

Coalition Title
P O Box 2033-2200
$100

Hwy 224 (continued)

Brown and Associates
P O Box 1090
$100

Soaring Wings Montessori
2083 Equestrian Court
$100

Clear Reflections Glass
2425 South Hwy 32, Wanship UT 84017

Geneva Rock Products, Inc.
15675 West 400 North, Orem UT 84057
$100

Jupiter Property Management
$500

PROSPECTOR SQUARE

Alpine Electric Co. Inc.
P O Box 1355
$100

Massage Express
2306 B. Monarch Drive
$100

RESORT CENTER

Robert H Ziegler & Assoc, Inc.
P O Box 2066
$100

Alpenhof Condominiums/Joyce Barnes
3837 Adonis Dr., SLC 84124 (1451 Park Avenue)
$100
Great idea!

MISCELLANEOUS

Queen of Arts
$100

Rainbow Dev.
$100
Please list this as: In memory of Stew Collester

William Magee, Jr.
P O Box 1403
$100

H C Clothiers dba Hay Charlie
$100

Right Angle Framing Inc.
$100
Wherever you think they need to be

Tom Ligare/State Farm
P O Box 1860
$100
Your choice

You've got to be joking!!! Where is our tax $ going? Lower the city exec. salaries and buy some flowers and trees & fix the potholes!
(No money and no name)

Grub Steak & Steeps
$100

PARK CITY 1884

CITY COUNCIL REPORT

DATE: February 8, 1996
DEPARTMENT: Community Development Department
AUTHOR: Janice Lew
TITLE: 703 Park Avenue and 664 Woodside Avenue CAD Appeal
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATIONS: The Council has been requested to review Mr. Watts' December 7, 1995 request to rescind or modify their action to uphold the Historic District Commission's denial of his Certificate of Appropriateness for Demolition (CAD) applications. (See Exhibit A)

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Burnis and Betty Watts
Location:	703 Park Avenue and 664 Woodside Avenue
Proposal:	CAD Review
Zoning:	HR-1 and HRC
Adjacent Land Uses:	Residential and Commercial
Date of Appeal:	February 20, 1995
Project Planner:	Janice Lew

B. Background.

Historic District Commission Action.

The Planning Department received a CAD application on July 19, 1994 for the historic homes and garage located at 703 Park Avenue and 664 Woodside Avenue. On August 4, 1994 the staff wrote Mr. Watts describing the CAD process and informing him that the buildings were historically significant. Pursuant to Sections 4.13 and 4.15(a) of the LMC, the applicant could have appealed the staff's determination of historical significance within 10 days of notice. Mr. Watts was notified of his right to appeal the staff's determination of significance, but decided not to appeal that issue.

The HDC was informed of the Watts CAD application on August 15, 1994. The applicant's property was posted with threatened building signs on August 5, 1994 as required by Section 4.16 of the Land Management Code (LMC) and the pre-hearing period expired September 2, 1994.

Mr. Watts requested a hearing before the HDC in a letter submitted November 29, 1994 and filed the required economic hardship analysis in support of his CAD application. On December 27, 1994 the staff wrote Mr. Watts informing him that he needed to provide specific additional information to complete his application.

Once Mr. Watts submitted a complete application, the HDC reviewed the request in a public hearing on January 17, 1995 and scheduled action on the CAD for February 13, 1995. On February 13, 1995, the Historic District Commission heard public testimony and evidence and arguments of all parties, and adopted Findings and Conclusions denying the CAD. They determined that Mr. Watts had not met his burden of proving sufficient economic hardship to justify demolition of such significant historic structures.

Economic Hardship Criteria.

The Land Management Code outlines the findings which must be made to make such a determination. They are as follows (Section 4.17(c)):

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

1. For income producing properties, the building, structure or site cannot be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated and denial of the application would deprive the owner of all reasonable use of the property; or

   For non-income producing properties, the building, structure or site has no beneficial use as a residential dwelling or for an institutional use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property; and

2. The building, structure or site cannot be feasibly moved or relocated.

The burden of demonstrating an economic hardship lies with the applicant. In judging an application, the HDC reviews many items, including:

1. purchase date, price and financing;
2. current market value;
3. type of occupancy;

4. cost estimates of demolition and post-demolition plans;
5. maintenance and operating cost;
6. costs and engineering feasibility of rehabilitation;
7. rental rates and gross income from the property.

Council Action.
On March 16, 1995, the Council heard the Watts' appeal in a public hearing and continued action on the appeal to March 30, 1995. On March 30, 1995, the Council conducted a site visit and held another public hearing. The Council denied the appeal on April 20, 1995. The Council determined that the Historic District Commission did not misapply the standards of the Preservation Ordinance in denying the Watts' CAD application. Therefore, the owners cannot legally demolish the structure nor re-apply for demolition for a period of three years from the date of the final decision; unless the applicants present evidence which demonstrates substantial changes have occurred on the property (Section 4.17(d)(2)). However, in upholding the denial of the CAD, the Council stated that the appellants, or their successors may re-apply "if they present meritorious plans for renovation or adaptive re-use of part or all of any of the structures." (See Exhibit B) The applicants could have appealed the Council's decision by filing a civil action in a court of competent jurisdiction, but failed to appeal that issue within the prescribed time period.

ALTERNATIVES:

A. Direct the applicants to submit a meritorious plan for renovation or adaptive re-use of part or all of any of the structures, at which time the appellants may re-apply to the Historic District Commission for a CAD.

B. Direct the appellants to present evidence which demonstrates substantial changes have occurred which warrant review of a demolition request within the three year stay, in which case the appellants may re-apply to the HDC for a CAD.

C. The City Council may continue the work session for more information and discussion.

EXHIBITS:

Exhibit A - December 7, 1995 Council Minutes
Exhibit B - Council Decision

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 7, 1995

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 7, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any City business not scheduled on the agenda.

CAD application for 664 Woodside Avenue and 703 Park Avenue - Burnis Watts stated that in March 1995, the City Council upheld the Historic District Commission's action to deny his request for a CAD permit for buildings located at 664 Woodside and 703 Park Avenue. The denial was based on inaccurate conclusions and findings by the HDC. Actions taken over the months since that decision, strongly illustrates his point. Mr. Watts pointed out that there is a continuing trend toward commercialization of the zone. He discussed the non-compliance of conditions of approval of the Broken Thumb Restaurant and the impacts on the neighborhood and the approval of the Sweeney Master Plan. The neighborhood is becoming less historical and more commercial. Approvals or currently processed CAD requests in the neighborhood include the historic mine tower, the Ted Larramore house, and the Gary Avise house. Mr. Watts believed that the current proposed changes in the Historic District ordinance add to the disproportionate burden placed on the owners of historic structures. He strongly felt that his property should not be singled out as a test to the validity of the HDC ordinance. He urged Council to rescind its action to uphold the HDC's denial of his CAD applications and prolonging his situation is a taking of his property. Mr. Watts admitted that the Council has policing powers, but in the interest of fairness he again solicited Council's support to rescind or modify the action taken in April 1995. The Mayor indicated that the Council will take a look at his request after the first of the year.

III MINUTES OF MEETING OF NOVEMBER 30, 1995

Ruth Gezelius, "I move approval of the Minutes of the meeting of November 30, 1995, as presented". Shauna Kerr seconded. Motion unanimously carried.

IV CONSENT AGENDA

Exhibit A

COPY

BEFORE THE CITY COUNCIL OF PARK CITY, UTAH

BURNIS AND BETTY WATTS,	)	
APPELLANTS	)	FINDINGS, CONCLUSIONS OF LAW AND ORDER
vs.	)	
HISTORIC DISTRICT COMM.,	)	
RESPONDENT	)	

This matter having come before the City Council as an appeal of the Historic District Commission's ("HDC") denial of a Certificate of Appropriateness for Demolition ("CAD") for Burnis and Betty Watts ("Appellants"), and whereas the City Council did on March 16, 1995, March 30, 1995 and April 20, 1995 hold hearings to obtain full disclosure of relevant facts and afford all parties a reasonable opportunity to present their positions; and whereas the appellant Burnis Watts appeared personally, the City Council hereby adopts the following FINDINGS OF FACT:

1) Appellants argued for highest and best use of the property, which is not the standard for economic hardship; and

2) Appellants called no witnesses and submitted no additional evidence to Council for review regarding adaptive commercial use of the structures; and

3) Appellants own appraisal put a value of the property "as is" at approximately $495,000 while the property was purchased for a total of $44,000; and

4) The burden of proof was on the Appellants; and

5) A site visit conducted by the Council on March 30, 1995, showed that the HDC mistakenly concluded that there was no evidence that the National Garage at 703 Park Avenue and the residence at 664 Woodside Avenue could not be moved, and that home at 703 Park Avenue is in excellent condition. In fact, it is probably infeasible to move the garage at 703 Park Avenue and

Exhibit B

residence at 664 Woodside Avenue, and the home at 703 Park Avenue is in fair condition; and

6) Although the Appellants presented evidence that the neighborhood has changed because of the adjacent and surrounding commercial uses, the appraisal shows that such uses have increased the economic value of the Appellants' property. The renovations across the street illustrate that it is possible to perform commercial renovations in that area and the Appellants presented no evidence showing that such a renovation was infeasible on their property;

NOW THEREFORE, the City Council hereby adopts the following CONCLUSION OF LAW:

The HDC did not misapply the standards of the Preservation Ordinance in denying the CAD application by the Appellants for 664 Woodside and 703 Park Avenue, including the garage.

NOW THEREFORE, IT IS HEREBY ORDERED, that the appeal is **DENIED**. However, the Appellants, or their successors in interest may re-apply for a CAD if they present meritorious plans for renovation or adaptive re-use of the part or all of any of the structures; and **IT IS FURTHER ORDERED** that the Findings and Conclusions adopted by the HDC on February 13, 1995 are hereby amended to read as follows:

<u>Findings</u>

<u>664 Woodside Avenue</u>

1. The structure is listed as "contributory" in Park City's Historic Survey.
2. The structure contributes to the district because of its vernacular style.
3. The structure is located on a 2,622 square foot lot fronting on Woodside Avenue.
4. The property is zoned HR-1.
5. The property is in fair condition and was awarded a 1988 Historic District Grant to replace the roof, install new wiring, and repaint the structure.

6. The property has been used as a rental property since 1977 and the applicant has shown income from the property on his tax returns for the past two years.

7. The historic structure adds to the overall value of the property which the appraiser concluded to be approximately $495,000.

8. The appraiser concluded the highest and best use is for a continuation of use of the existing house.

~~9. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.~~

<u>703 Park Avenue House</u>

1. The house is architecturally significant as one of four extant two story box houses in Park City and is individually listed in Park City's Thematic Nomination on the National Register.

2. The structure is well maintained and in ~~excellent~~ fair condition.

3. The structure is located on a 8,171 square foot lot fronting on Park Avenue.

4. The property is zoned HRC.

5. The historic structure adds to the overall value of the property which the appraiser concluded to be approximately $495,000.

6. The appraiser concluded the highest and best use is to maintain the structure, however, under the highest density permitted within the HRC district.

7. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.

8. The building is currently occupied as a residential dwelling.

9. The applicant participated in the 1989 Historic District Grant Program and received funds to

replace the roof.

703 Park Avenue Garage

1. The garage is included as an outbuilding for 703 Park Avenue's listing in Park City's Thematic Nomination on the National Register.

2. The building is a good example of a commercial vernacular building and maintains much of its original character, despite being in poor condition.

3. Historic District Grant funds were allocated to this property in 1987 for renovation work.

~~4. No information has been submitted to demonstrate that the structure cannot be feasibly moved or relocated.~~

4. Although, the highest and best use may be to demolish the structure because of the underlying commercial zoning, the structure currently functions as an accessory building and provides off-street parking for the residential dwelling.

5. No information has been submitted to demonstrate that the structure cannot be feasibly adapted to another use while maintaining some or all of the original structure.

Conclusions of Law for All Structures

1. For 664 Woodside Avenue, the building, structure or site can be feasibly used or rented at a reasonable rate of return in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.

2. For 703 Park Avenue including the garage, the building, structure or site has beneficial use as a residential dwelling ~~or for an institutional use~~ in its present condition or if rehabilitated. Denial of the application would not deprive the owner of all reasonable use of the property.

~~3. There is no evidence in the record to demonstrate that the structures cannot be feasibly moved or relocated.~~

DATED this 28th day of April, 1995.

BY THE CITY COUNCIL

MAYOR BRADLEY A. OLCH

APPROVED AS TO FORM:

MARK D. HARRINGTON
ASST. CITY ATTORNEY