Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, September 1, 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor JoAnn Seghini

COUNCIL MEMBERS: Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry
Council Member Wayne Sharp
Council Member Stephen Brown

STAFF: Phillip Hill, Assistant City Manager/Community and Economic Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Chief Brad Larson, UFA; Danny Walz, RDA Director; Annaliese Eichelberger, RDA Coordinator; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 6:30 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason said COP officers have asked if they can move their reports to the third Tuesday of the month so they have more time to gather the information.

Chief Brad Larson reported on a fire in Midvale. There were no injuries and the damage was around $30,000. They believe the fire was started in a clothes dryer. He also reported that it appears the fire in Cottonwood Heights is now under control.

Laurie Harvey said she sent out the check listing for the month of August and the budget reports for July. She said staff is busy closing out the last fiscal year so the auditors can start working on it.

Danny Walz updated the Council on a new project. CRS is working with UDOT who is the agency in charge of overseeing the railroad crossings across the state. They are interested in getting a crossing where the spur comes off. They will be working with CRS to get that crossing approved. This means somewhere else in the state they will have to close two railroad crossings or upgrade them. Getting a new crossing is very difficult. This process will take one to two years

and cost approximately one to two million dollars. Information will be brought back in the future.

Rori Andreason presented the volunteer gift to preview by the Council. The volunteer dinner is scheduled for October 1st at the new Senior Citizens Center.

Chad Woolley had nothing to report.

Phillip Hill reported on city projects including the 7200 South project. He also updated the Council on the splash pad project.

II. CITY MANAGER'S REPORT

Kane Loader, City Manager, was excused.

Mayor Seghini opened the regular meeting at 7:00 p.m.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Stephen Brown, Paul Hunt, Quinn Sperry, and Paul Glover were present at roll call, and Wayne Sharp was excused.

C. Recognition of Brent Christenson and Tyler Sharp for their Service

Councilmember Hunt presented Tyler Sharp with an award for his dedicated service on the Planning Commission. Councilmember Brown presented Brent Christenson with an award for his dedicated service on the Planning Commission.

IV. PUBLIC COMMENTS

Spencer Mears said he was verbally attacked by someone who recently spoke to the Council. He went to talk to Greg Penrose and his parents. He said Mr. Penrose's parents do not have any ill will towards Spencer Mears or Max Burton. He said Mr. Penrose said people in the neighborhood are afraid of retribution if they spoke out against him or Mr. Burton. He said Wayne Sharp also said he was approached by neighbors who said the same thing. Mr. Mears said he has talked to his neighbors and they are not against the haunted house. He said he and his wife walked around the neighborhood to invite them to the block party and they were excited to receive the invitation and to bring food to the party.

Mr. Mears said Councilmember Sharp has been petitioning to eliminate some stop signs but he was not aware of what stop signs he was talking about.

Councilmember Glover's said Councilmember Sharp just asked a general question to the Council of whether it would be appropriate to have yield signs instead of stop signs. He said that is as far as the conversation has gone. If the Council were actually going to do something like this, there would be things that we would have to do such as a traffic study.

Mr. Mears said he had brought this up because right there on the corner by his house is a stop sign and he has counted 20 kids that he knows of in that area. He said he would like to see the

stop signs stay so they are more cautious in the area. He knows people run the stop signs all the time and the yield signs would be less effective. He would like to see them stay.

V. COUNCIL REPORTS

A. Councilmember Quinn Sperry – reminded everyone about the "Meet the Candidate" tomorrow at the Community Council meeting.

B. Councilmember Stephen Brown – had nothing to report.

C. Councilmember Wayne Sharp – was excused.

D. Councilmember Paul Glover – had nothing to report.

E. Councilmember Paul Hunt– reported that last week he received a phone call from neighbor having trouble with water meter and fees for street lighting. He said by the following morning by 11:30 a.m. all their questions were answered by the staff. Laurie and Phil immediate helped them out and went above and beyond the call of duty. They wanted to have a meeting tonight but all of their concerns were answered. He thanked the staff for their exceptional service.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – Mayor Seghini reminded the Council of the ULCT Conference is on September 16-18. The City will pay for the registration.

MOTION: Councilmember Stephen Brown MOVED to open a public hearing. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S)

A. CONSIDER A PRELIMINARY SUBDIVISION PLAT FOR THE STATION AT MIDVALE LOCATED AT 7682-7696 SOUTH CENTER SQUARE AND 137 WEST PARK STREET

Lesley Burns said on June 24, 2015, the Planning Commission approved a conditional use permit and preliminary site plan for The Station at Midvale project. This project is located on the corner of Center Street, Center Square and Park Street, includes 186 units in two buildings (one four stories; one five stories) with underground parking, surface parking, landscaping and recreation amenities. Curb, gutter and sidewalk improvements, including street trees and benches, along Center Square are part of the proposal, as well as bollard and curbing improvements at the north end of Center Square to close the road between Center Square and Park Street to vehicular traffic.

Also on June 24, 2015, the Planning Commission recommended approval of a preliminary subdivision plat that would create a condominium project, allowing each residential unit to be individually owned and create a homeowners association to own and maintain all of the common

areas inside the buildings as well as the property outside the buildings. The Planning Commission's recommendation included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.

2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the project.

3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat.

The applicant is working on completing these items, including obtaining approval of the final site plan for the project.

Mayor Seghini opened the public comment portion of the hearing.

Sophia Hawes-Tingey, 7667 South Grant Street, said she wanted to paint a picture of being able to come home and look up at the mountains and then coming home looking out your backyard and see a 40-50 ft. building. She said you lose the aesthetics as well as property value of your home. When living in these homes built in 1935 you are losing the ability to sell your home. She said Councilmember Glover made it very clear on August 11th that it doesn't matter how you vote; the project will still go through. She disagreed. If you do vote against the project you will get more security and it will stay a condominium unit, so it is under these reasons she had started running a petition. She urged the City Council to vote no to this subdivision.

Councilmember Sperry asked Sophia if she wanted the condos or apartments? Sophia said the residents are against the five stories. She said they were willing to accept three stories. She said she disagreed with comments that were made stating Midvale needs to grow up instead of out.

Ethan Miller, 186 Park Street, said with the decision before the Council is a great opportunity to hit the pause button to see what can be done. He said he felt betrayal had taken place. The City Planner said the plans were approved but he believed that was not what happened. They've been told at every turn that there was nothing anyone can do. The approval was required and there was no recourse. He felt that represents a massive failure on the part of the City. This is a five story building going into people's back yards. This will be the tallest residential building and one of the tallest in the area. How could this happened and in a way that none of them can do anything about it. He enjoys protection of the law. He sees a developer of an out of state company that will end up rich and his ability to stop it has been taken away. He felt this development will be real harm to the residents. He said he tried to talk with Mr. Peterson, developer, but had not been successful in hearing from him. He said this is a scandal. He said he felt this situation warrants

the termination and removal of the city manager, assistant city manager, and staff members that let this development take place. In regards to the condos, he felt some questions needed to be answered; why is it so important that this be done? He said Mr. Peterson said they have asked for a change to the buildings to become condominiums and it has never been approved on any of his buildings. He thinks these things need to be followed up on to see if we have any leverage. He felt the Council owed them at least that much.

Tyler Sharp, 7580 South Jefferson, said the City would be sued if the City Council said stop right now. He asked the City Attorney, Chad Woolley, what would happen if the Council voted against the project that evening.

Chad Woolley said there is nothing that can be done to stop the development legally. Once a company starts to do a project that is allowed, the City's hands are tied. Even if the City Council agreed with the residents, there is nothing that can be done as long as the developer is following the City ordinances.

Evelyn Heath, 7696 S Grant Street, said her big concern was who was going to take her fence down since the code says there cannot be a fence inside a fence. She was concerned because the Chelsea Park apartments are a dump. Who will be in charge to keep these from becoming the same?

Phillip Hill discussed the Good Lord Program. The police meet with the property management on a regular basis, and follows up on calls and issues in the rental facilities.

Ceone said he lives on the corner of Grant and Park Street. He said he builds this type of building and this is the first one that he knows of that is so close to a residential neighborhood. He asked if the fire is equipped to handle a fire in a building like this. What can the City do to keep the residents from coming down from the condos and going through Park Street. He felt a five story building was crazy. Their lives are being changed dramatically. He is concerned with parking and the safety of his loved ones. He said none of the Council would want this in their back yard.

Councilmember Glover said actions cannot be taken to stop this project. Action to stop this in the future would be to work on the General Master Plan. He asked that he get involved in that process. The master plan the Council is dealing with now was put into effect years ago so they cannot stop the project. The issue that night was whether the development will be either apartments or condos they can sell.

Councilmember Brown said the road is public property. Decisions on that are made by the City Council. If there is a problem down the road that can be addressed with the City Council to review the issue and the impact it would have to make a decision.

Denise Hagman, 7675 South Grant, said she had three concerns. One she asked when things progress with walls or tearing down, will she be notified so they can feel safe to make arrangements with pets and grandkids. Where can she get updates? She has signed up on line but has not received anything. Where can you look to see who voted for this in 2001?

Phillip Hill said the Planning Department can give updates if she would contact them. Rori Andreason said she would be happy to assist Ms. Hagman with finding documentation for 2001 when this master plan was adopted.

Evelyn Heath, 7639 Grant Street, asked if they will be able to see a property line survey before they start to build fences, etc.

Spencer Mears, 384 West Princeton Drive, said agreed with everything said. He would be very unhappy if something like this blocked his view of the mountains. He said this is another example of stupidity that happens in Midvale and good people have to suffer in a City that is supposed to be a friendlier City.

Kirt Peterson, Horizon Development, discussed what was anticipated along the fence line. He said they are not allowed to impose on a homeowner. He said he would offer to take down all of the fences. The property line has been surveyed. He doesn't recall all the stakes in the ground as of yet. It will be marked along each boundary so it is very apparent where the property boundary is. They will have their employee's onsite to directly communicate with the homeowners. They will give the neighbors plenty of notice before anything takes place. He said he would have to look at each fence as it comes. The homeowner will have a lot to say about it. The funding requires keeping the project affordable. He will have CC&Rs and a homeowners association with bylaws.

Councilmember Glover said the owners of the condominiums take better taken care of their property than apartments.

Councilmember Sperry said there will more than likely be some investors that will buy, but there will be others that also buy. His vote is to make it a condominium.

Councilmember Glover asked what the rates are.

Mr. Peterson said they participate in the good landlord program and he is a great proponent of it. He said there is a mixture of rental rates. There are one to four bedroom units ranging from $400 to $1500 a month. There are a total of 186 units and 80 units are low income. He also said the property surveys are public record and anyone can get that from the county surveyor.

Mayor Seghini said this is a tax credit project. It is a Federal Program. People with low income can get a good living space without having to pay $1500.00 for a space. That's what the range is in the rates. If you are not a good tenant, you are out.

Denise Hagman said at the last meeting in August it was explained to them that the units would start out as rental units and may move to condo units in 20 to 25 years.

Ceone said there are low power lines all through Park and Grant that can be hit. They get wiped out every time a large truck comes down the road. He asked where the track out pad was going to be.

Phillip Hill said they haven't got to that point yet. The developer will need to work with the City Engineer on those details; it is not something the Council deals with.

Evelyn Heath said she was told there could not be a fence within a fence.

Ethan Millard, 186 Park Street, said the Council did not have to take action on that night. He thinks they deserve to know more about this company before it is approved. He said he didn't think action should be taken on this that night. If this is the kind of project that is so important that the city administration is so unwilling to protect them from, they deserve to hear about that as well. He wants more information as to who these guys are.

Spencer Mears said Chelsey Park is run down. The $400 rent will attract people like those in Chelsey Park.

Lesley Burns said the City does what they can to avoid double fences. It is not a requirement, but it is encouraged not to have double fences. She said one of the conditions placed on this project by the Planning Commission is that they will work with the adjoining property owners. The obligation of this developer is to work with the adjoining property owners.

Councilmember Sperry asked if they vote against the condo plat, it’s just apartments right.

Lesley said yes. Even if the Council does not vote tonight, the project can move ahead.

Councilmember Sperry said if we want it to be condos then we vote in favor, to give them the option. He asked about the zoning requirements. As long as the zoning requirements are met, it has to be approved, correct?

Chad Woolley said as long as the zoning requirements are met, it has to be approved, even if they are not happy with it. The zoning ordinances are used for protection.

Ethan Millard objected to this. He said the fact that it is zoned for a five story building is the Councils fault. He wants someone to stand up to this. He feels that the zoning ordinance was incompetent decision making.

MOTION: Councilmember Paul Hunt MOVED to close the public hearing. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a vote. The motion passed unanimously.

ACTION: APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR THE STATION AT MIDVALE LOCATED AT 7682-7696 CENTER SQUARE AND 137 WEST PARK STREET

MOTION: Councilmember Quinn Sperry MOVED that we approve the preliminary subdivision plat for the Station at Midvale Subdivision located at 7682-7696

South Center Square and 137 West Park Street with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.

2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the project.

3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat."

The motion died for a lack of a second.

MOTION: **Councilmember Paul Glover MOVED to a substitute motion that we do not approve the preliminary subdivision plat for the Station at Midvale Subdivision located at 7682-7696 South Center Square and 137 West Park Street with the following conditions:**

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.

2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the project.

3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat."

The motion was SECONDED by Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

Council member Stephen Brown	**Nay**
Council member Paul Glover	**Aye**
Council member Paul Hunt	**Nay**
Councilmember Wayne Sharp	**Absent**
Council member Quinn Sperry	**Nay**

The motion failed.

MOTION: **Councilmember Quinn Sperry MOVED that we approve the preliminary subdivision plat for the Station at Midvale Subdivision located at 7682-7696**

South Center Square and 137 West Park Street with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.

2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the project.

3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat."

The motion was SECONDED by Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

Council member Stephen Brown	**Aye**
Council member Paul Glover	**Nay**
Council member Paul Hunt	**Aye**
Councilmember Wayne Sharp	**Absent**
Council member Quinn Sperry	**Aye**

The motion passed 3 to1 in favor.

VIII. <u>CONSENT AGENDA</u>

A. APPROVE MINUTES OF AUGUST 11, 2015

B. SET DATE AND TIME (SEPTEMBER 15, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A REQUEST TO VACATE AND PURCHASE A PORTION OF THE 6960 SOUTH PUBLIC RIGHT-OF-WAY ALONG THE FRONTAGE OF 635 WEST AND 665 WEST 6960 SOUTH; CLEAN INDUSTRIAL ZONE; HBB PROPERTIES LLC AND DAVID W. MAJOR (APPLICANTS).

C. SET DATE AND TIME (SEPTEMBER 15, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER A ZONING ORDINANCE TEXT AMENDMENT TO MODIFY THE GARAGE SETBACK EXCEPTION THE SIDE YARD SETBACK FOR ATTACHED GARAGES IN THE SINGLE FAMILY RESIDENTIAL (SF-1) ZONE

MOTION: Councilmember Paul Hunt MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the Mayor Seghini called for a roll call vote. The voting was as follows:

Council member Stephen Brown	**Aye**
Council member Paul Glover	**Aye**
Council member Paul Hunt	**Aye**

Councilmember Wayne Sharp Absent
Council member Quinn Sperry Aye
The motion passed unanimously.

IX. ACTION ITEMS

A. APPROVE RESOLUTION NO. 2015-R-44 APPOINTING SHANE LIEDTKE AS A FULL TIME PLANNING COMMISSION MEMBER

B. APPROVE RESOLUTION NO. 2015-R-45 APPOINTING CASSIDY WALLIN AS A FULL TIME PLANNING COMMISSION MEMBER

Lesley Burns said the Midvale City Planning Commission is comprised of five full voting members and two alternate members. Recently, two of the full members have resigned, Brent Christenson and Tyler Sharp. Shane Liedtke and Kassidy Wallin have been serving as alternate members since September 2014. Both have expressed an interest in filling the unexpired terms for the vacant seats. Both have made significant contributions to the Planning Commission as alternate members.

It is the Mayor's desire to appoint Mr. Liedtke as a full member, filling the unexpired term of Mr. Christenson; and to appoint Mr. Wallin as a full member, filling the unexpired term of Mr. Sharp. The Mayor is requesting the Council's consent to these appointments. Resolutions have been prepared for the City Council's consideration of these appointments, which would take effect immediately.

MOTION: Councilmember Stephen Brown MOVED to approve Resolution No. 2015-R-44 appointing Shane Liedtke as a full time planning commission member. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor Seghini called for a roll call vote. The voting was as follows:

Council member Stephen Brown Aye
Council member Paul Glover Aye
Council member Paul Hunt Aye
Councilmember Wayne Sharp Absent
Council member Quinn Sperry Aye
The motion passed unanimously.

MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2015-R-45 appointing Kassidy Wallin as a full time planning commission member. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the Mayor Seghini called for a roll call vote. The voting was as follows:

Council member Stephen Brown Aye
Council member Paul Glover Aye
Council member Paul Hunt Aye
Councilmember Wayne Sharp Absent
Council member Quinn Sperry Aye
The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2015-R-46 APPOINTING RON SPERRY TO SERVE AS A BOARD MEMBER ON THE JORDAN VALLEY WATER CONSERVANCY DISTRICT BOARD

Mayor Seghini said this item would be rescheduled.

X. DISCUSSION ITEMS

A. DISCUSS REQUEST TO VACATE AND PURCHASE A PORTION OF THE 6960 SOUTH PUBLIC RIGHT-OF-WAY ALONG THE FRONTAGE OF 635 WEST AND 665 WEST 6960 SOUTH; CLEAN INDUSTRIAL ZONE;

Lesley Burns stated that Midvale City has received a request to vacate an approximate 12 foot wide area of the public right-of-way adjacent to the property frontages at 635 West and 665 West 6960 South. This request has been made by HBB Properties LLC and David W. Major, the owners of each of the parcels. HBB Properties LLC has been constructing a new office building on the property at 635 West. This development required the construction of new curb, gutter and sidewalk along the property frontage on 6960 South. In an effort to improve the area, the developer worked with the adjacent property owner to the west and completed the last section of curb, gutter and sidewalk along the 665 West property frontage at the same time. Other improvements in the area placed these curb, gutter and sidewalk improvements approximately 12 feet from the front property lines. The applicants are requesting that this 12 foot area behind the inside edge of the sidewalk, currently part of the public right-of-way, be declared surplus property, vacated and sold to become part of their properties.

The existing public right-of-way for 6960 South in this area is 78 feet wide. The City does not anticipate ever utilizing this entire right-of-way width, thus establishing the current location of the curb, gutter and sidewalk improvements for these property frontages. The City Engineer has established that a 66 foot right-of-way is adequate for this road and allows the required pavement width, curb, gutter and sidewalk within the right-of-way. It follows the recent improvements that have been reviewed and approved by the City. Vacating the 12 foot wide area behind the sidewalk will allow the property owners to own the area they will be expected to maintain. The area in question is shown on the attached map and photos.

All required City Departments have reviewed and recommended approval of this request, finding that vacating this portion of the right-of-way will not compromise City services now or in the future. Nor will it directly affect the other properties along 6960 South. 6960 South is not anticipated to ever be an arterial road as could be assumed by the current right-of-way width. The General Plan encourages commercial and industrial development along this road; however, it is precluded from tying into a larger transportation system to the east because of the existing rail line and I-15.

Vacating City owned property requires a recommendation from the Planning Commission to the City Council. It is the Planning Commission's responsibility to evaluate the land use implications of the request. Once the Planning Commission makes a recommendation, the City Council holds a public hearing and makes a final decision. If the Council agrees to vacate the right-of-way, the applicant will be required to purchase the vacated property from the City at a fair market rate that is acceptable to the City Council.

Planning Commission Recommendation
The Planning Commission held a public hearing on this request on August 26, 2015. No comments were received at the public hearing. After weighing the potential land use implications of the request and finding that no negative impacts would result, the Planning Commission forwarded a positive recommendation to the City Council to approve the request to vacate the approximate 12 foot by 305 foot area of public right-of-way adjacent to 635 and 665 West 6960 South with the following conditions:

1. The City is fairly compensated for the property as determined by the City Council.

2. The applicant shall be responsible for all surveying and title work required. These documents shall be reviewed and approved by the City Engineer and City Attorney before any property transfer can occur.

Compensation Offer for Property If the City Council agrees to vacate this portion of right-of-way, the applicants have each prepared an offer to purchase the property along their property frontages from the City. The basis for these offers stems from an April 2015 appraisal valuing the 635 West property at $9.90 per square foot, an inutility reduction of 85% (the City has used this methodology for similar parcels, which are not developable as stand-alone parcels, and the only value being created by including it with an adjacent parcel), and the cost incurred by the owner of the 665 West property (existing development/no improvements immediately required) for the curb, gutter, and sidewalk public improvements. (The owner of the 635 West property (new office building) recognizes that the public improvements along his property frontage were required as part of his development project, and, therefore not an eligible credit towards the purchase price.) The offers are as follows:

635 West (new office building under construction):
- 2,127 square feet of vacated r-o-w
- Market value based on $9.90/sqft = $21,057
- Market value less inutile reduction = $3,158
- Compensation offer to City: $3,158.00

665 West (existing development/no improvements immediately required):
- 1,352 square feet of vacated r-o-w
- Market value based on $9.90/sqft = $13,385
- Market value less inutile reduction = $2,008
- Cost of public curb, gutter and sidewalk improvements along property frontage = $7,050
- Compensation offer to City: 0 (non-required public improvement costs exceed property value)

Councilmember Glover said he would like the property owners to make improvements or gravel the area so it looks decent.

B. DISCUSS TEXT AMENDMENT TO MODIFY GARAGE SETBACK EXCEPTION TO SIDE YARD SETBACK FOR ATTACHED GARAGES IN SINGLE FAMILY RESIDENTIAL (SF-1) ZONE; CITY STAFF (APPLICANT)

Lesley Burns stated earlier this year, the City Council approved a text amendment allowing an exception to the eight foot side yard setback requirement for attached garages in the SF-1 zone district (single-family residential/7,000 square foot lot) to allow homeowners to expand their attached garages, particularly in older houses that only have single car garages or carports. This new provision includes the following standards:

> d. Attached Single-Car Garages and Carports. In the case where an existing single family residence has an attached garage or carport that accommodates less than two cars because of its width, the garage or carport may be extended to four feet from the side property line provided the following items are satisfied:
>
> > i. The extended structure area is for a garage use only; the encroachment into the side yard setback cannot be used as habitable space.
> >
> > ii. The extended structure shall not exceed one story, and shall not extend above the roofline of the existing residential structure.
> >
> > iii. The width of the garage shall not exceed twenty-four feet; the depth of the garage shall not exceed twenty-four feet.
> >
> > iv. Eaves may extend an additional one foot beyond the outside wall of the garage or carport; no other projections, including stairs and landings, shall be allowed within the four-foot setback.
> >
> > v. All building codes shall be addressed.
> >
> > vi. This exception is intended to provide a property owner of an older home with an attached single-car garage or carport the ability to have a standard attached two-car garage or carport where it otherwise would not be allowed because of the eight-foot side yard setback.
> >
> > vii. All new home construction shall comply with the eight-foot side yard setback.

An issue was brought to the City Council's attention regarding the language in subsection (iii) which includes a maximum depth allowed for the expanded garage. With the maximum depth being absolutely defined, it does not allow for existing one car garages that already exceed 24 feet in depth to be uniformly expanded. To address this issue, a modification to the existing language was presented to the Planning Commission. This modification included the following:

> iii. The width of the garage or carport shall not exceed twenty-four feet; the depth of the garage or carport shall not exceed twenty-four feet or the depth of the existing garage or carport, whichever is greater.

Planning Commission Recommendation
The Planning Commission reviewed this proposed text amendment and held a public hearing on August 12, 2015. As part of its discussion, the Planning Commission requested that some additional language be added to ensure property owners do not take advantage of the exception and unnecessarily impact the adjacent property. On August 26, 2015, the Planning Commission forwarded a positive recommendation to the City Council to modify the language regarding the maximum garage depth, as well as included some additional language.

XI. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Stephen Brown SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 9:07 p.m.

Rori L. Andreason

Rori L. Andreason, MMC
CITY RECORDER

Approved this 15th day of September, 2015.