



### **PETITIONER'S PRESENTATION**

Mr. Sperber presented a brief overview of the development request for a minor subdivision of three lots.

### **STAFF PRESENTATION**

Karl Metzner, City Planner, outlined the area of the proposal and the development request. The proposed development is within the City limits but is bordered on three sides by the County. Karl indicated that the review agency comments have been satisfactorily addressed. The City Engineer requested an easement for the drainage ditch which lies north and south across the center of the proposed lots, and a study to determine the analysis of this drainage channel. The City Engineer reviewed that easement and is satisfied that it will accommodate the runoff from that ditch. The City Attorney's comments regarding the dedicatory language on the plat have been resolved. The Fire Department requested a fire hydrant to be put in on a minimum 6" looped line or an 8" dead-end line. City policy requires the standard city street improvements of one-half of residential street paved with curbs, gutters, and sidewalks along the frontage of the lots on Sperber Lane. Mr. Sperber has submitted a letter requesting the City Council to waive these requirements, both the water line improvement and the half street improvement requirements. Public Service requested easements from east to west which would extend the sewer line to the east to accommodate Foster Subdivision and to the west for any future development. This easement has been provided. There remains one unresolved easement which is located on the south side of Lot 1. Mr. Sperber needs to contact Public Service to resolve this. Standard open space fees of \$225 per unbuilt residential unit will be required. All other review comments have been addressed and no objections have been received.

### **QUESTIONS**

When asked when the property was annexed, Mr. Sperber replied that it was approximately 3 or 4 years ago adding that his neighbors and he wanted to be annexed into the City.

## PUBLIC COMMENTS

Ed Settle, 2661 Sperber Lane, felt it would be unreasonable to request Mr. Sperber to escrow funds for a street improvement district at this time. Mr. Settle said he talked with three of his neighbors who indicated they did not want or need curb and gutters in front of their homes, or else they would have purchased a home in Spring Valley. Mr. Settle felt the area would be more compatible with the surrounding rural residential area if there were no curbs and gutters along the streets.

Dennis Kirtland, 2119 Hawthorne Avenue, felt the costs of the improvements would be too financially burdensome at this time. He pointed out that other subdivisions in the area such as Roundhill to the south, and Crestview across the street both have homes built on large lots without curbs and gutters on the streets. Mr. Kirtland felt that this was the general character of the homes in this residential area. He asked that the improvement district be delayed until the surrounding area was annexed and developed.

Commissioner Elmer requested the council to consider waiving the street improvement requirements because there were no guarantees when these streets would be improved.

**MOTION: (COMMISSIONER RENBERGER) "MR. CHAIRMAN, ON ITEM #2-90, A REQUEST FOR A MINOR SUBDIVISION OF 3 LOTS ON APPROXIMATELY 2.76 ACRES IN A RSF-4 ZONE, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS BEING RESOLVED PRIOR TO THE PLAT RECORDING."**

Commissioner Tyson seconded the motion.

### **ADDENDUM TO THE MOTION:**

**(COMMISSIONER ELMER) "MR. CHAIRMAN, I WOULD LIKE TO ADD TO THE MOTION THAT THE COUNCIL CONSIDER THE WAIVER OF THE STREET AND WATER LINE IMPROVEMENTS, AND THAT IT IS A UNIQUE SITUATION, AND THEY SHOULD CONSIDER IT ON THAT MERIT."**

The addendum to the motion failed for lack of a second.

A vote was called on the primary motion; the motion passed unanimously by a vote of 4-0.

## **IV. FULL HEARING**

### **1. #1-90 A REQUEST TO VACATE AN ALLEY**

**Petitioner: The Salvation Army, Captain Del Brockelman**

**Location: North/south alley west of 1235 North 4th Street.**

### **PETITIONER'S PRESENTATION**

Del Brockelman briefly presented a history of the building adjacent to the requested alley vacation. The Salvation Army purchased the property at 1235 North 4th Street in October of 1988. Prior to October 1988, the owner was Alvin Cooke who operated a grocery store in the building. In 1972 when this building was constructed refrigeration units and other items were attached to the rear of the building. The refrigeration units along with a compacting dumpster encroached in the same alley right-of-way the Salvation Army is requesting to vacate. These items were there from 1972 until approximately February of 1988 when the grocery store closed. When the Salvation Army purchased the building, all the items were removed from the rear of the building and a building permit was applied for. During this process it was discovered that this building had been built on the property line and construction of the steps and emergency access in the back would encroach into the right-of-way. In order to rectify this situation, application was made for a Revocable Use Permit with the intention of also applying for an alley vacation. Mr. Brockelman felt that the Salvation Army would upgrade the property value and make a substantial contribution to the community.

Commissioner Elmer asked Mr. Brockelman if he had contacted the neighbor to the west of the proposed alley vacation.

Mr. Brockelman responded that he had contacted one of the joint owner's of that property, and this owner did not have any problems with the alley vacation.

### **STAFF PRESENTATION**

David Thornton, Planner, briefly outlined the proposal. In reference to the review comments, David said that a 15' easement would be required for a 12" sewer line presently located in the alley. The alley must be maintained for adequate access of emergency vehicles. Mr. Brockelman has addressed these concerns. No further encroachment in the alley would be made other than the proposed fire escapes and access doors and the alley would be maintained for city vehicle access.

Mr. Brockelman stated that their Revocable Use Permit was granted on the east 5' of that west alley in order for them to proceed with the construction and remodeling of the building. Since the permit was granted, a fire escape and the three lower level access and egress doors on the west side of that building have been installed.

David added that no objections from the public have been received regarding this proposal.

### QUESTIONS

Commissioner Elmer asked for clarification of the Fire Department's comment regarding adequate access through the alley. He wondered if this meant a dust-free surface.

Mr. Brockelman said he had talked to George Bennett, of the Fire Department, regarding this. Mr. Bennett indicated that all the Fire Department required was access for their trucks in case there was a fire.

### PUBLIC COMMENT

There was no public comment.

**MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #1-90, A REQUEST TO VACATE THE NORTH-SOUTH ALLEY ADJACENT TO THE WEST OF LOT 5, BLOCK 12 OF SHERWOOD ADDITION, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL WITH THE CONDITIONS ADDRESSED ON THE REVIEW SHEET SUMMARY."**

Commissioner Renberger seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

### GENERAL DISCUSSION

Chairman Love welcomed Dave Thornton as a new member of the Planning Department.

The meeting was adjourned at 8:10 p.m.