



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

23rd Day of August 2017
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Kass Wallin

***PLANNING AND ZONING
COMMISSION VICE CHAIR:*** Shane Liedtke

BOARD MEMBERS
Colleen Costello
Richard Judkins
Evan Hanson

STAFF:
Lesley Burns, City Planner
Matt Hilderman, Associate Planner
Jessica Stephens, CD Administrative Assistant

GENERAL SESSION

Chairman Wallin called the Planning & Zoning Commission meeting to order at 7:00 p.m. The meeting began with the recitation of the Pledge of Allegiance. He informed the public there were agendas on the front table along with a sign-in sheet for them to sign. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; after which, the floor would be open to the public for their brief statements and comments.

ROLL CALL

Ms. Costello	Present
Mr. Hanson	Present
Mr. Judkins	Present
Mr. Wallin	Present
Mr. Liedtke	Present

PUBLIC HEARING

1. SUB-22-29-251-016; UNION MANOR SUBDIVISION; 985-987 EAST 7240 SOUTH AND 7270 SOUTH 1035 EAST (REAR PROPERTY); FLAG LOT SUBDIVISION FOR 3 LOTS; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE WITH DUPLEX OVERLAY; MEYERS ENTERPRISES, INC./CHRIS MEYERS (APPLICANT)

Ms. Burns presented that the applicant, Chris Meyers, is requesting a conditional use permit and subdivision approval to reconfigure three existing parcels into a flag lot subdivision with one frontage lot and two flag lots with a shared driveway access. The two northern parcels are pre-existing lots with vacant single family houses. The south parcel is landlocked. The applicant is proposing to reconfigure the existing property boundaries to create a shared 20-foot wide driveway to access the landlocked parcel and the northwest parcel, creating two flag lots. It is the intent of the applicant to demolish the existing houses and accessory structures and construct three residential structures in the future. The combined property includes approximately 0.69 acres (29,969 square feet) with 123 feet of frontage on 1035 East. The property is zoned SF-1 with a Duplex Overlay. The new lots could be developed as single family houses or two-unit residential structures. Any two-unit residential structure will require a conditional use approval from the Planning Commission in the future. At this time, the applicant is just proposing a three-lot subdivision.

Subdivision Requirements

The Zoning Ordinance requires a conditional use permit for the subdivision of flag lots. To be approved, the proposal must comply with the following criteria in the SF-1 Zone:

1. Lot Area: The minimum area of the banner portion of proposed flag lots is 7,000 square feet and the minimum area of the frontage lot is 7,000 square feet.
2. Lot Width and Depth: The minimum banner portion width and depth is 75 feet. The minimum lot width and depth of the frontage lot must be 55 feet and 90 feet respectively.
3. Setbacks: Setbacks for new development on flag lots are 15 feet for each of the front, side and rear yards; frontage lot setbacks include: 30-foot front, 8-foot sides, 25-foot rear.
4. Height: The maximum proposed height for a structure on a flag lot is 25 feet and 28 feet for a frontage lot.
5. Stories: A structure on a flag lot shall not exceed one story and 2 ½ stories on a frontage lot.
6. Parking/Driveway Access: Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of the property. The flag lot driveway shall have a

minimum paved width of 20 feet.

7. Fire Department Access and Water Supply: Each dwelling must adhere to the Fire Code.
8. Utilities: Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

The proposed frontage lot (Lot 3) and the two flag lots (Lots 1 & 2) comply with the minimum lot area requirement with the banner portion of Lot 2 being approximately 8,796 square feet, the banner portion of Lot 1 being approximately 8,985 square feet, and Lot 3 being 9,176 square feet. The proposed lots also comply with the minimum lot width and depth requirements. The flag lots are accessed from a 20-foot wide shared driveway from 1035 East along the south property line of Lot 3. The driveway is part of Lot 2, but is proposed to include an access easement for Lot 1. This driveway will need to be paved as part of any development on the flag lots. The subdivision ordinance (16.04.04 (A)(6)) allows residential flag lots to share a minimum 20-foot wide driveway for up to two residential structures. Parking, setbacks and building height for each residential structure will need to comply with the above standards and will be reviewed as part of future building permits. Staff would recommend the setback and height requirements be noted on the final subdivision plat, as well as a requirement for a minimum six-foot high screening fence along the perimeter of the two flag lots (fences interior to the subdivision can be installed at the discretion of the lots owners). This will notify a future owner of what is expected with future development on each of the lots.

The Subdivision Ordinance requires that 2-inch caliper deciduous street trees be planted at a rate of one tree per 30 feet of street frontage with any new subdivision. Based on this requirement, three street trees are required on Lot 3 along 1035 East. Existing trees that remain on the property can count towards this requirement. A note should be added to the final subdivision indicating this requirement must be satisfied prior to a Certificate of Occupancy being issued for the residential structure on Lot 3.

The Fire Marshal has reviewed the preliminary plat. He has indicated a new fire hydrant will need to be installed for the development prior to the subdivision plat being recorded. In addition, the following conditions will need to be noted on the final subdivision plat and addressed when development occurs on the flag lots:

- The flag lot driveway must be a minimum paved width of 20 feet. These 20 feet must be cleared of all vegetation including overhanging branches so emergency vehicles will have a clear path.
- No parking signs are required along the flag lot driveway.

The City Engineer has approved the preliminary plat. Water will be provided by Salt Lake City; sewer will be provided by Midvalley Sewer Improvement District. The applicant will need to obtain duty to serve letters for the 3 lots prior to final subdivision plat approval.

An irrigation ditch runs along the south edge of the proposed driveway for the flag lots. The applicant will need to work with the City and irrigation company to determine if this ditch is still active for irrigation or storm water runoff, and make appropriate improvements as needed. If still active, the irrigation ditch will need to be piped to allow water to continue to flow through the property.

There are several overhead power lines and power poles on the property. Some of the lines provided power to the two existing houses that will be removed, and other lines provide power to adjacent properties. The applicant will need to work with Rocky Mountain Power to determine how to reconfigure the overhead power lines and poles to accommodate new development on the property. An approval from Rocky Mountain Power is required before final subdivision plat approval.

* * *

Gary Cannon stated he is the representative for the applicant. He stated they had gone through several options to ensure they had met the square footage zoning requirements. They are aware of some items that need to be addressed: the ditch, the powerlines, and the removal of some trees to allow for emergency vehicle access. The existing homes are currently vacant and uninhabitable, they will be replaced and the new homes will be sold at \$300,000-400,000. The new homes should increase surrounding property values.

Mr. Wallin asked if there were preliminary thoughts on maintaining the private driveway and snow removal.

Mr. Cannon stated it would be the responsibility of the home owners unless the City requires an HOA, then one will be made.

Ms. Costello moved to open the Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Nate Perry, 7270 S 1035 East, stated the southern part of the lot being divided is linked to his address due to an issue the title company had when he was purchasing his property. He asked if the new lots would be attached to his address and if the driveway was an access for all three lots.

Ms. Burns stated the 20-foot driveway would be for the two back lots. The other lot would have direct access from 1035 East. If more than two lots were to use the driveway it would need to be turned into a private road and widened. She added that each lot will be given its own address.

Susan Hale, 998 E North Union Avenue, stated she is concerned about losing access to the irrigation ditch. This is the first year they have not been able to get water from the ditch.

Mr. Wallin stated Staff and the irrigation company will be in contact with the developer to determine what improvements are needed to ensure continued access.

Donald Green, 7260 S 1035 East, stated his father lives directly south of this project and his water and sewer lines are located under the proposed driveway to the back lots. He wants them to be taken into consideration as the development progresses. He added he is glad something is being done to the properties.

Andrew Partlow, 4101 Lake Boulevard, Oceanside, CA, submitted a written comment. (See attached)

Mr. Judkins moved to close the Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Mr. Cannon stated he is the President of the South Jordan Canal Company, a board member of the Utah Lake Water Users Association, and a board member of the Utah State Water Association. He assured the ditch will in better shape when they are done with the project. He stated the vegetation is very dense surrounding a section of the ditch that is likely causing the lack of water.

The Commission discussed the issues that were raised and agreed they were being met appropriately.

MOTION

Mr. Liedtke moved that, *“Based on compliance with the zoning and subdivision requirements of the SF-1 zone district and the Duplex Overlay, I move that we approve the conditional use permit and recommend approval of the preliminary subdivision plat for the Union Manor Subdivision located at 985-987 East 7240 South and 7270 South 1035 East (rear property) with the following conditions:*

1. *The applicant shall work with the City and irrigation company to determine the appropriate improvements needed, if any, for the irrigation ditch running along the south boundary of the proposed driveway for the flag lot. This determination shall be made prior to final subdivision plat approval. Any required work on the irrigation ditch shall be completed prior to the final subdivision plat being recorded.*
2. *The applicant shall work with Rocky Mountain Power to determine the improvements and reconfiguration needed for the overhead power lines and poles on the property to accommodate the new development. Approval of a plan from Rocky Mountain Power is required before final subdivision plat approval.*
3. *Duty to serve letters for water and sewer shall be obtained before final subdivision plat approval.*
4. *The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council. The final subdivision plat shall include the following notes:*
 - *All new development on Lots 1 & 2 shall comply with the flag lot requirements, i.e. setbacks, height/single-story, parking, and 20-foot wide paved driveway.*
 - *The flag lot driveway shall remain clear of all vegetation, including overhanging branches, and no parking signs posted.*
 - *A minimum 6-foot high screening fence shall be constructed along the perimeter of Lots 1 & 2 where a screening fence does not currently exist. This fence shall be completed prior to certificates of occupancy being issued on these lots.*
 - *Three street trees are required on Lot 3. Required trees shall be planted prior to a certificate of occupancy being issued on this lot.*
 - *A shared access and maintenance easement shall be indicated and noted on the flag lot driveway area to ensure Lot 1 has legal access to 1035 East.*

5. *The applicant shall work with the Fire Marshal in the placement of a new fire hydrant to serve the subdivision. This fire hydrant shall be installed prior to the final subdivision plat being recorded.*
6. *The applicant shall provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.”*

Mr. Judkins seconded the motion. A roll call vote was taken.

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

2. REZ-22-30-328-008; BURAK REZONE; 7410 SOUTH 240 EAST; REZONE 0.20 ACRES FROM SINGLE FAMILY RESIDENTIAL (SF-1) TO SINGLE FAMILY RESIDENTIAL (SF-1) WITH DUPLEX OVERLAY; ADAM BURAK (APPLICANT)

Mr. Hilderman presented that Adam Burak, the property owner, is proposing to rezone his property to make the existing structure compliant for applicant/property owner’s proposed use. This proposal includes one parcel totaling approximately 0.20 acres (8,712 sq. ft.) and currently has one, existing single-family residence with the following improvements:

- Two, separate living quarters, each containing two bedrooms, one bath, kitchen/eatery area, and living room space totaling 900 square feet;
- Separate entrances for each unit; and
- A one-car garage with a 27-foot wide driveway space.

The applicant is proposing, upon approval of the rezone request, to occupy one living quarters and utilize the second living quarters as a tenant apartment. This proposal requires the property to be rezoned from SF-1 to SF-1 with a Duplex Overlay zone and Conditional Use Permit approval for the duplex use that complies with the requirements of the SF1-DO development standards.

History

Records from the Salt Lake County Assessor’s Office indicate this parcel is part of a recorded subdivision identified as Lot 10 of the Halelani Subdivision. The County identifies this structure as being built in 1953 and currently identifies 4 bedrooms, 2 full bathrooms, 2- ¾ bathrooms, 1 kitchen, a total square footage of 1,788, and 1 attached, 264 square foot one-car garage space. Midvale City archive records for this property identifies a code enforcement violation that was addressed in March, 2001 for converting the single-family residence into more than one-dwelling unit. A re-inspection of the property was conducted on July 5, 2001 and the Building Department

determined that the basement stove had been removed, thus determining that home had been converted back to a single-family dwelling, and the case had been closed.

Rezone

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan.
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development caused by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage.
3. Land surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the change character of the area.

With the adoption of the Midvale City General Plan 2016, there is no longer a General Plan Proposed Land Use Map designating future uses of property. Under the new General Plan, these properties are identified as being within a Stability Area. The General Plan states there are relatively stable residential neighborhoods, throughout most areas of Midvale City, where little change internal to the neighborhood itself is expected. New development along major streets and in areas of underutilized properties is expected however; measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change (2016 General Plan, Pg. 45). The General Plan further states the current overall land-use mix is desirable in these Stability Areas and the preservation of these areas character and function is the desired future condition. Some additional future land use goals for these Stability Areas include:

1. Support property maintenance and neighborhood stability.
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas.
3. Provide for better pedestrian/bicycle connections through and between neighborhoods.
4. Provide for access to parks, trails, and recreation facilities.
5. Provide for appropriate transit opportunities.
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today's lifestyles and needs.

The General Plan identifies some future goals for Residential Development and Housing development (2016 General Plan, Pg. 56) that includes:

1. Maintain and strengthen stable neighborhoods. The goal includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.

2. Maintain and improve the quality of the existing housing stock in Midvale, and revitalize the physical and social fabric of neighborhoods that are in decline.
3. Expand the variety of housing opportunities to allow for more choices in types and locations of residences. This includes providing for a mixture of housing sizes, densities, types and affordability in each area of the City.
4. Support the development of more affordable housing in appropriate locations, i.e., near transit, retail commercial, schools and recreational amenities.

Staff believes the existing zone district was not the result of a clerical error or mistake of fact when the zoning designation for this property was created. Building Department records indicate that minimal changes have occurred within this surrounding neighborhood such as; furnace replacements, service panel changes, solar panel installations, and structural reroofs. The only significant surrounding environ change that has occurred within this area was a single-family dwelling that was built at 247 East 7390 South, back in December, 2006.

This rezone request represents a slight, but important, change to the current zoning and land use on this parcel of property. If the property receives approval of the rezone amendment, the applicant would then be required to receive a Conditional Use Permit approval for the additional dwelling unit, which at the minimum, would require the following development requirements:

- Allocation of two, off-street parking spaces for each dwelling unit; and
- Building permit application submittal for review and inspection of the existing two-unit structure for compliance with existing building codes.

The Planning Commission will need to consider the appropriateness of the rezone request and forward a recommendation to the City Council for its consideration. The City Council will make a final decision on this legislative request.

* * *

Ms. Costello asked if there are any other areas near the property that are spot-zoned.

Mr. Hilderman stated there are not.

Mr. Wallin asked if the structure is currently a single-family home.

Mr. Hilderman stated it is not. In the City Ordinance, it's not just separate entrances or divider walls that identify a residence as a two-unit dwelling but the presence of an additional stove, making a second full kitchen. To convert the house back to a single-family residence, the applicant would need to remove the stove, any 220 power, and work with the Building Department to remove the separation that was created between the dwelling units.

Mr. Wallin asked if there were any other options for using the second dwelling under the Ordinance.

Mr. Hilderman stated there are two ways to have a separate dwelling. There can be an accessory apartment; however, it can only be 25% of the total house and the owner would have to reside in

the home while the accessory apartment is in use. The applicant's basement would have to be converted to fit the size requirement. There can also be an accessory structure in the back corner of the property. It can only be 900 square-feet with 600 being inhabitable and the structure would have to follow the height limitations set in the Ordinance. He added that a Duplex Overlay would not require the owner to live in the home to rent out the dwellings. While it is the applicant's intent to stay in the home, it would not be a requirement if the property is rezoned.

Mr. Wallin asked what other potential consequences the rezone could have.

Mr. Hilderman stated that the property owners could tear down the home and build larger dwelling units. There is also a parking concern when you add additional families to single family homes.

Adam Burak stated he is the applicant for this item. He described his history with the house. The home was fully converted when it was purchased and when he was renting out the separate dwelling he discovered his home was not zoned as a duplex. He wants to make his home legal and get it inspected for safety. He added he can fit six vehicles in his driveway.

Mr. Wallin asked if he had considered what it would take to convert the basement into an accessory apartment.

Mr. Burak stated he was not aware it was an option but downgrading his basement to 450 square-feet would make it unlivable.

Mr. Wallin asked if he had seen the zoning map and understood the concern about spot-zoning.

Mr. Burak stated he has read the City Plan and believes the rezone meets the spirit of the plan by providing a slow increase in housing density. The property would act as a buffer between 7200 South and State Street. It will be a good option for people working in nearby areas or students to live temporarily before buying a house in the area. He added that he understood that it is a spot-zone but that its proximity to the duplex zone to the north makes it acceptable.

Mr. Wallin described the process of rezoning based on findings that the Commission makes. The rezone can be based on the General Plan map, clerical error, or changes to the surrounding area to such a degree that makes the rezone required. He stated he does not see a basis for making the rezone based on the potential findings. He asked how the applicant would fit his requested rezone into this framework.

Mr. Burak stated he believes the increasing commercialization on State Street and to the west constitutes a change of environment that would require a buffer zone.

Mr. Wallin stated if that were the case the rezone would have to cover a much larger area and not just a single home.

The Commission discussed their disapproval of spot-zoning. It opens the area up to more problems and is inconsistent.

Mr. Burak stated he was not certain how to approach this rezone. He asked if it would have been better to request a rezone of the block.

Mr. Judkins stated it would require the approval of all the nearby property owners.

Mr. Hanson moved to open the Public Hearing. Ms. Costello seconded the motion. Motion carried.

Bart Jensen stated his mother-in-law lives at 7420 S 240 East. He stated they do not approve of the spot-zoning, they worry it will cause more homes in the area to request the same rezone. They also do not believe six full sized vehicles can fit in the driveway.

Russ Morrey, 256 E 7440 South, shared his concerns with illegal conversions being done, spot-zoning causing more residents to rezone their homes, parking on the small streets being hazardous, and increases in traffic. He asked if the accessory apartment can have 220 power and a stove. He also asked if the rezone is done and the building is replaced, is there a height limit on a new structure. He added that Mr. Burak has been a good neighbor, but if he moves out the next person would also be able to rent out the dwellings.

Mr. Hilderman stated the height restriction is 28 feet to the midpoint of a sloped roof and 25 feet for a flat roof.

Burt Burrell, 267 E 7500 South, stated there was a steel garage that was added to the neighborhood on a different property that changes the nature of the neighborhood. He added the owner of that property plans on living in the garage. He stated rezoning because of a conversion will only encourage others to seek rezoning after converting their properties.

Jeffrey Steadman, 7451 S 270 East, stated the City has identified this area as a stability area and therefore the area should not be rezoned. He adds that he is sympathetic and appreciates Mr. Burak's attempts to make the property legal.

Debbie Jensen, 7420 S. 240 East, stated that the rezone will encourage other rezones. In nearby areas where these rezones have taken place, there is no parking.

Mr. Liedtke moved to close the Public Hearing. Mr. Judkins seconded the motion. Motion carried.

Mr. Burak reiterated that he has successfully parked six full sized vehicles in his driveway in addition to the one car garage, therefore parking on the street will not be an issue.

Mr. Liedtke stated that the requirement for a duplex is two off-street parking spots per unit. This would meet that with one parking spot in the garage and three in the driveway.

Mr. Burak stated he does not intend to move in the immediate future. He added that a nearby area does have a Duplex Overlay but most of the homes still appear to be single family. A rezone would not necessarily mean everyone would convert their homes into duplexes. He stated he would rather future rezones be thoroughly vetted than this rezone be stifled for fear of future

rezone proposals.

The Commission stated they believe Mr. Burak is doing the right thing by trying to make his home compliant with the City Ordinances. They appreciate his efforts and presentation. They acknowledge it could be costly to make the necessary corrections. However, the Commission does not support the rezone. It is a stability area that will not benefit from spot-zoning and there are no findings that would support the rezone. There could also be future problems if the Commission starts accepting rezones simply because homes have been converted without approval.

MOTION:

Mr. Judkins moved that, *“For the following reasons, I move that we forward a negative recommendation to the City Council denying the request to rezone the property located at 7410 South 240 East:*

- 1. None of the criteria for rezoning have been met.*
- 2. The property is in a stability area as identified by the General Plan for single-family homes and this rezone would go against maintaining the stability of the area.*
- 3. The rezone would create spot-zoning that does not directly tie to the surrounding Duplex Overlay.*

Ms. Costello seconded the motion. A roll call vote was taken.

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

3. TXT-17-05; TEXT AMENDMENT TO DEFINE AND REGULATE AMUSEMENT HOUSE USE; CITY-WIDE; CITY STAFF (APPLICANT)

Ms. Burns presented that Staff is proposing a text amendment to address some issues that led to the City Council adopting a temporary zoning regulation last year prohibiting residential properties being used for haunted house/maze attractions and similar activities which were being advertised to the public for patrons to tour and move through. The zoning ordinance does not currently contain specific language regarding this type of use. This use has periodically occurred over the past 4-5 years in a single-family residential neighborhood. It has created negative impacts on the immediate neighborhood of noise, parking, traffic and an influx of larger than normal crowds that are uncharacteristic of a residential area. The City Council directed staff to review this issue and provide a recommended long-term solution.

Based on the commercial nature of haunted house and similar seasonal type attractions, whether

an entrance fee is charged or not charged, and the impacts of noise, traffic, parking and the influx of people in one location on a residential neighborhood, staff is recommending this type of use continue to be allowed in commercial areas, but be prohibited in residential areas. To clarify this intent, staff is recommending a new term and definition be created for this type of use in the zoning ordinance and the existing term for “entertainment center” be expanded to include this new term. In the past, the City has interpreted the definition for “entertainment center” to include haunted house and similar seasonal attractions, so this expanded definition is simply for clarity purposes.

17-2-1 “A” definitions.

“Amusement house” means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that:

- a. is advertised to the public for patrons to tour or move through; or
- b. requires a building permit under the Building Code; or
- c. violates health or safety codes, to include but not limited to the Fire Code.

An “amusement house” use can be for either profit or non-profit. An “amusement house” use is allowed in zones allowing an “entertainment center” use, and in residential zones if it is part of a community event within a public facility or church.

17-2-1 “E” definitions.

“Entertainment center” means an establishment or enterprise for the purpose of amusing or entertaining persons for profit or nonprofit and generally contained within a structure. Such uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, amusement house, or bowling alley. This use does not include “sexually oriented business entertainment.”

With this proposed text amendment, the use tables in the residential zone districts do not designate “amusement house” as an allowed or conditional use, therefore making the use prohibited in the residential zones. The use tables currently allow “entertainment center” uses as a conditional use in the mixed use, commercial and industrial zones, and these uses would continue to be allowed through the conditional use process in these zones.

* * *

Mr. Hanson moved to open the Public Hearing. Ms. Costello seconded the motion. Motion carried.

There were no comments from the public.

Mr. Liedtke moved to close the Public Hearing. Ms. Costello seconded the motion. Motion carried.

The Commission agreed that the amendment accomplishes the goals that have been discussed at previous meetings.

MOTION:

Ms. Costello moved that, *“Based on the commercial nature of haunted house and similar seasonal type attractions and the impacts of noise, traffic, parking and the influx of people in one location in a residential neighborhood, I move that we forward a recommendation to the City Council to approve the text amendment to define and regulate an “amusement house” use as proposed in Attachment A.”*

Mr. Hanson seconded the motion. A roll call vote was taken.

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

MINUTES

4. REVIEW AND APPROVE MINUTES OF AUGUST 9, 2017

Mr. Judkins moved to approve the minutes of August 9th, 2017 with amendments. Mr. Liedtke seconded the motion. Motion carried.

ADJOURN:

Mr. Judkins moved to adjourn at 8:53PM.



Jessica Stephens
CD Administrative Assistant