



## Legislation Text

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**File #:** Ordinance 15-2019, **Version:** 2

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Agenda Date: 05/07/2019

**Subject:**

Ordinance 15-2019: Second introduction of an ordinance approving an amendment to a conservation easement that encumbers the property at 2707 West Main Street known as the Carnegie Library building

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| Presented By: Andrea Mimnaugh, Senior Planner |
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**POLICY QUESTION:**

Does city council support the applicant's proposal to amend the conservation easement on the subject property that currently grants the city "full and free right to the uninterrupted visual enjoyment" of the Carnegie Library building? The proposed amendment would create an exception to the existing conservation easement to allow construction of four-season pergolas on the east side of the historic structure.

**BACKGROUND:**

In 1983, the city acquired an easement over the Carnegie Library property at 2707 West Main Street. This easement is in place to protect the city's visual enjoyment of the historic structure. The applicant has seasonally erected large red tents on the east side of the historic Carnegie Library. Staff has recently determined that these tents are in conflict with the easement and unless the easement is amended, the tents must be removed and cannot be replaced.

**PRIOR ACTIONS OR DISCUSSIONS:**

The applicant has met with staff several times to discuss the property and the use of tents to extend the usable season of the area east of the Carnegie Library building. Staff determined that the easement prevents the applicant from constructing a permanent structure east of the Carnegie Library building. The applicant proposes an amendment to the easement in order to allow for the construction of four-season pergolas on the east side of the Carnegie Library building.

The Historical Preservation Board reviewed the request at their April 15, 2018 regular meeting and passed a resolution recommending denial of the request.

This ordinance was approved on first reading at the regular meeting of City Council on April 16, 2019.

**STAFF ANALYSIS:**

Staff finds that the proposed amendment to the existing conservation easement in gross made January 7, 1983 and recorded January 24, 1983, Reception No. 2240833 may diminish the visual enjoyment of the Carnegie Library building by the city and the public. Staff, therefore, recommends denial of Ordinance 15-2019.

**OPTIONS/ALTERNATIVES:**

The city council may take the following actions on the application: approve; approve with conditions; continue

to a date certain; and deny.

**FISCAL IMPACTS:**

N/A

**STAFF RECOMMENDATION:**

Staff finds that the proposed amendment to the existing conservation easement in gross made January 7, 1983 and recorded January 24, 1983, Reception No. 2240833 may diminish the visual enjoyment of the Carnegie Library building by the public. Staff, therefore recommends denial of Ordinance 15-2019.

**PROPOSED MOTION:**

I move to approve the ordinance on second reading approving the proposed amendment to the existing conservation easement in gross at 2707 W. Main Street.