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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **April 24, 2007** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Don Farr, Chairman  
David Gailey, Member  
Don Hunt, Member  
Allen Miller, Member  
Norm Searle, Member  
Bart Stevens, Member  
Kathy Tanner, Member

Others Present:

Randy Daily, Community Development Director  
Jan Ukena, City Planner  
Marie Alvord, Planning Commission Secretary  
Approximately five (5) Citizens

**1. CALL TO ORDER**

Chairman Farr called the meeting to order and welcomed all those in attendance. He acknowledged that all Planning Commissioners were present.

**2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES**

No comments or questions were made at this time.

**Motion:** Commissioner Tanner made a motion to approve the Preplanning and Regular meeting minutes of April 24, 2007 and waive the reading of the minutes. Commissioner Miller seconded the motion. The motion passed unanimously.

**3. PUBLIC HEARING – PROPOSED REZONE OF A PARCEL OF LAND FROM A-1/AGRICULTURE & R-1-10/RESIDENTIAL TO C-3/COMMERCIAL, PARCEL EQUALS 5.253 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 4899 SOUTH 1500 WEST**

Chairman Farr noted that the Public Hearing has been properly noticed according to City Ordinance and State Law. The Public Hearing was then opened.

**Brent Ellis, 4804 South 1500 West** – Mr. Ellis noted that he had no objection to the rezone. He informed that Planning Commission of the current waterlines and easements that need to be protected (see Attachment A). Mr. Ellis requested that the City encourage the developer to use secondary water for landscaping and watering. Chairman Farr asked who owns the water rights to this area. Mr. Ellis noted that several owner and stated that he would bring in a list of those shareowners.

There being no further comments, Chairman Farr requested a motion to close the Public Hearing.

**Motion:** Commissioner Hunt moved to close the public hearing. Commissioner Tanner seconded the motion. The motion passed unanimously

Mrs. Ukena reviewed the background information on the property. Commissioner Tanner asked what advantage the C-3 zone would bring to the City. She noted that if the City did not want certain developments in this area then the C-2 or another zone might be more appropriate. Mrs. Ukena stated that the C-3 zone was chosen because it allows the most uses and there is little residential in the area that needs protection. She noted that the C-1 and C-2 zones are used to protect current residential and since there are few homes in the area it would be beneficial to have a regional commercial zone in place. Commissioner Searle stated that in his opinion the current residents need protection from any commercial and if the C-3 zone were not necessary, he would like to see a different zone used. Commissioner Hunt noted that the Planning Commission is putting a lot of faith in City staff, City Council and RDA Board since the Planning Commission has not been able to see any developer's agreements.

Mr. Daily noted that the Redevelopment Agency (RDA) has the power to deny any use that does not fit area. He stated that this specific area of Riverdale City is considered a regional commercial area with Motel 6, America First Credit Union, and Don Farr's development; this is designed to draw people from outside of Riverdale City and therefore the C-3 zone is more fitting for the area. It is the attitude of the RDA Board that the hotel is an appropriate use.

Commissioner Tanner read from City Code 10-10B-1: The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community or region which will provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this article are intended to minimize any adverse effect of the planned commercial zone on nearby property values by achieving maximum compatible integration of the area, and to provide for safe and effective use of the planned commercial zone itself. She then asked why the City staff was requesting a C-3 zone instead of the CP-3 zone. Mr. Daily noted that a developer's agreement will be in place before the sale of the property which will stipulate the terms of commercial use. Chairman Farr stated that the Planning Commission does not know what is in the developer's agreement and what will be going on the property. Mr. Daily informed the Planning Commission that all stipulations and aspects of the developer's agreement are on the site plan that comes before the Planning Commission for review and approval.

Commissioner Hunt noted that the rezone request is being placed before they have seen the agreement or particulars of the development. Mr. Daily said that if the rezone does not take place the intended use cannot go there. Chairman Farr asked what would happen if the rezone goes through and the intended buyer backs out or the sale falls through. Mr. Daily noted that the RDA protects the area and the City currently owns the land. Commissioner Tanner asked how long the RDA is in place. Mr. Daily noted that it might be a 25 year and it is currently not funded.

Commissioner Miller read from City Code 10-10B-2: Use Regulations: Any permitted use or any conditional use allowed in the C-1, C-2, and C-3 zones shall be a conditional use in their respective CP-1, CP-2, and CP-3 zone; provided, that a conditional use permit is obtained as provided in chapter 19 of this title. Such uses shall be indicated on the final development plan. He continued to state that in his opinion the CP-3 zone is more beneficial because the governing body will have more control over the permitted uses, noting that as soon as the RDA Board is dissolved nothing will be in place to protect the area.

Mrs. Ukena noted that the Planning Commission may take up to 30-days to make a decision and table the item.

There being no further comments, Chairman Farr requested a motion.

**Motion:** Commissioner Hunt moved to recommend to approve the rezone of the parcel of land from A-1/Agricultural and R-1-10/Residential to C-3/Commercial, parcel equals 5.253 acres, located approximately 4899 South 1500 West. Commissioner Miller seconded the motion.

**Roll Call Vote:** Commissioner Miller, yes; Commissioner Hunt, yes; Commissioner Searle, yes; Chairman Farr, no; Commissioner Stevens, no, Commissioner Tanner, no; Commissioner Searle, “Change my vote to no.”, Commissioner Gailey, yes

The motion failed with four voting against and three in favor.

Commissioner Farr voted against the motion for the following reasons: In his opinion, the sale of the property should come first and that the proposed use should be brought before the Planning Commission before the rezone. He also noted that if the sale failed, the area would be exposed to the unwanted uses of the C-3 zone.

Commissioner Stevens voted against the motion for the following reasons: He noted that there were too many unanswered questions and assumptions for the planned use of the area and stated his concern with the resale of portions of the property.

Commissioner Tanner voted against the motion for the following reasons: the unknown factors in the developer’s agreement and in her opinion the C-1, C-2, or LM zone would be more appropriate.

Commissioner Searle voted against the motion for the following reasons: He is concerned that there are better options that have not been discussed and concurs with the statements of the other Planning Commissioners. He noted his trust in the City Council.

Mr. Daily informed the Planning Commission that an unfavorable recommendation for the rezone will be forwarded to the City Council.

**4. CONSIDERATION OF THE PRELIMINARY SITE PLAN FOR STORAGE UNITS, LOCATED APPROXIMATELY 3490 SOUTH PARKER DRIVE**

Mrs. Ukena gave the general review of the property and proposed site plan. She noted that the site plan meets the 20% landscaping but not the tree requirement. The Fire Department has reviewed and requested changes that will be forwarded to the developer. Commissioner Hunt noted that he is concerned with the fill that has been brought onto the property and stated that he realizes that the Geotech report will address this issue. Mrs. Ukena noted further that the City Engineer will need to review the Geotech reports and give his approval. Commissioner Hunt asked how much fill has been hauled in. Mr. Barnett, Menlove Construction representative, noted that the geotech report is in the process of being written and that they will rework or over excavate to meet engineering requirements. Chairman Farr stated that fill was currently being brought in and that the geotech report may need to be redone. Mr. Barnett was not aware of the fill and stated that he would address the issue. He continued to review the particulars of the site plan. A general discussion was held on the turning radius allowed for emergency vehicles. Commissioner Tanner requested to see the contracts before final approval and to include that no retail sales or public events will be allowed at the storage units. Further discussion about dumpsters, fencing, screening, security, and signage was held.

There being no further comments, Chairman Farr requested a motion.

**Motion:** Commissioner Tanner moved to approve the preliminary site plan for storage units, located approximately 3490 South Parker Drive with the following conditions: all comments from City staff and Fire Department are met along with the stipulation that no retail sales and no public events be added to the renters contract. (See attachment B) Commissioner Gailey seconded the motion. The motion passed unanimously.

**5. CONSIDERATION OF THE CONCEPTUAL SITE PLAN FOR RUBY RIVER PLAZA, LOCATED APPROXIMATELY 550 WEST, RUBY RIVER PLAZA PHASE II**

Mrs. Ukena informed the Planning Commission that a General Plan update will be brought before the City Council on Tuesday with the recommendation that all residential be taken out, noting that commercial will be an appropriate use for this area. Mr. Murdock, Managing Member, gave a brief history and overview of the development. He requested that the Planning Commission would consider the plan that he has brought before

them, noting that from past research and efforts, retail or office development for this area would not be viable. Mr. Larson, Architect, noted that the visibility and frontage for this area is nonexistent, he also reviewed the planned phasing of the development. A general discussion was held on the following:

- Hillside slope
- Parking
- Zoning
- Entrance points
- Ground water/Springs
- Condominium: size, parking, layout, landscaping

Mrs. Ukena requested that the Planning Commission keep in mind what the General Plan states and that a rezone would be required for the this concept to go forward. She also noted that the property is in a RDA area and the development would need to go before the RDA Board for approval, the City is not obligated to help develop the property, City staff holds concerns in placing residential between two major roads and on a hillside.

There being no further comments, Chairman Farr requested a poll of the Planning Commission for those in favor of the conceptual site plan.

**Poll the Question:** Commissioner Miller, no; Commissioner Hunt, no; Commissioner Searle, no; Chairman Farr, no; Commissioner Stevens, no; Commissioner Tanner, no; Commissioner Gailey, no.

Mrs. Ukena recommended that Mr. Murdock and Mr. Larson to take the concept before the RDA Board for review.

#### **6. CONSIDERATION OF THE CONCEPTUAL SUBDIVISION PLAN FOR MAUGHAN SUBDIVISION, LOCATED APPROXIMATELY 5689 SOUTH 1150 WEST**

Mrs. Ukena reviewed the subdivision location and size and asked Mr. Maughan to further review subdivision information. Mr. Maughan reviewed current setbacks, house location, and proposed division of the current lot. Clarification was asked for and given. Mrs. Ukena noted that City staff would recommend that the subdivision goes forward if they meet the following requirements: obtain a Geotech report, meet all R-2 zone requirements, obtain access to 1150 West from the State of Utah, and that all lots have frontage on 1150 West.

There being no further comments, Chairman Farr requested a poll of the Planning Commission for those in favor of the conceptual subdivision.

**Poll the Question:** Commissioner Miller, yes; Commissioner Hunt, yes; Commissioner Searle, yes; Chairman Farr, yes; Commissioner Stevens, no; Commissioner Tanner, yes; Commissioner Gailey, yes.

#### **ITEM 3 REVISITED: PUBLIC HEARING – PROPOSED REZONE OF A PARCEL OF LAND FROM A-1/AGRICULTURE & R-1-10/RESIDENTIAL TO C-3/COMMERCIAL, PARCEL EQUALS 5.253 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 4899 SOUTH 1500 WEST**

Mrs. Ukena noted that since the previous motion failed there is currently no motion to send to the City Council and therefore a new motion is required.

**Motion:** Commissioner Tanner moved to recommend to the City Council to deny the proposed rezone of the parcel of land from A-1/Agricultural & R-1-10/ Residential to C-3/Commercial, 5.253 acres, located approximately 4899 South 1500 West for the following reasons: unknown factors in the developer's agreement and if the sale failed, the area would be exposed to the unwanted uses of the C-3 zone; Planning Commission feels that a conditional use zone or LM/Land Mark zone would be more appropriate. Commissioner Stevens seconded the motion.

**Roll Call Vote:** Commissioner Miller, no; Commissioner Hunt, no; Commissioner Searle, yes; Chairman Farr, yes; Commissioner Stevens, yes, Commissioner Tanner, yes; Commissioner Gailey, no

Commissioner Miller voted against the motion for the following reason: the city is the owner of the property and it has the right to rezone it as it wishes as due all property owners.

Commissioner Hunt voted against the motion for the following reasons: trust in City staff and City Council to make appropriate decisions and recommendations, feels that the developer's agreement is a sufficient safeguard, and noted that no residents came to oppose the rezone.

Commissioner Gailey voted against the motion for the following reason: feels that there is an appropriate amount of safeguards in place against unwanted development.

**7. DISCRETIONARY BUSINESS**

Commissioner Searle noted that the last item on the agenda was with Riverdale City residents and asked if there was a better way to place items on the agenda so as to not make residents sit for several hours before they bring their item before the Planning Commission. Mrs. Ukena noted that it is difficult to place items on the agenda; generally, Public Hearings are placed first with preliminary and conceptual site plans following then all other items. She continued to note that all petitioners are notified and know when they fall on the agenda. Mrs. Ukena also noted that it is difficult to know specific times due to the varied dialogue with the Planning Commission.

Chairman Farr noted that a City Council member mentioned that they did not receive the Planning Commission meeting recording prior to the City Council meeting. He noted that the City Council member felt it was important to get the recordings before to prepare for the upcoming agenda items.

**8. ADJOURNMENT**

There being no further business to come before the Planning Commission, Commissioner Miller moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:20 pm.

Attest:

Approved:

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Marie Alvord,  
Planning Commission Secretary

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Don Farr, Chair