



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **June 12, 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 six (6) Citizens

1. CALL TO ORDER

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

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

No comments or questions were made at this time.

Motion: Commissioner Miller made a motion to approve the Preplanning and Regular meeting minutes of May 22, 2007 as amended in the Preplanning Work Session and waive the reading of the minutes. Commissioner Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

3. CONSIDERATION OF THE PRELIMINARY VALUE PLACE SITE PLAN, LOCATED APPROXIMATELY 4899 SOUTH 1500 WEST

Chairman Farr asked to be excused from this item and stepped down as chair, turning the time over to Don Hunt, Chair pro tempore. Chair pro tempore Hunt noted that Chairman Farr excused himself due to a possible personal conflict pertaining to this site plan.

Mrs. Ukena noted that the preliminary site plan is a good plan but needs more information. She stated that clarification is needed on the following items: no scale or north arrow, landscaping, cross access, signage location, Fire Department and Public Utility approval, utility and street improvements. Chair pro tempore Hunt invited the Value Place Hotel representatives to clarify some of the missing or unclear items on the site plan. Mr. John Robinson, BSW Architects and Ms. Shelli Swan, Value Place Hotel Representatives were present to answer questions. Ms. Swan stated that Value Place Hotel only plans to develop the area the four story hotel

will be placed and sell the east portion of property. She noted with the site plan they are proposing to access the development from 4800 South along with road and utility improvements. Ms. Swan stated that they were waiting for the preliminary site plan approval to proceed with the landscape plan. Commissioner Miller noted that the site plan did not show fire hydrants or connections and asked if the road meets Fire Department standards. Ms. Swan noted that the road meets fire standards and that the development will require three fire hydrants. Chair pro tempore Hunt asked what kind of bearing on the overall site plan approval the cross access will hold. Ms. Swan asked if they would be required to have two access points in the development. Commissioner Miller noted that with the size and length of the structure the fire department would require another access point. Chair pro tempore Hunt noted that site plan was nice but it needed to be more complete. Commissioner Tanner asked if they planned to have access between the east property and the hotel. Ms. Swan noted that any access would be determined with the purchaser of the property. Commissioner Tanner asked where they planned to place their signage. Ms. Swan stated that they were not asking for directional signage, they will have a pole sign and that will suffice. Commissioner Tanner noted that on the site plan it shows that landscaping amounts to 25% of the property and asked if any grading of the other property is planned. Ms. Swan noted that grading will be determined upon the civil engineer plans and done as needed. Commissioner Miller noted that this site plan was more like a conceptual site plan and not a preliminary site plan. He noted the following missing items: FDC connections, drainage, retaining storm water, lighting, and landscaping. Ms. Swan noted that she was not aware that the preliminary needed to be more complete and apologized to the Planning Commission. Mr. Daily stated that in the Preliminary Site Plan, Value Place is showing items that may not happen, such as, cross access points. He noted that these items should have been taken care of well before the preliminary site plan stage and stated that this is an issue that must be resolved before the development is taken any further.

Commissioner Searle asked the planned height of the pole sign. Mr. Daily stated that City ordinance for the C-3 zone only allows for 40 ft. Ms. Swan stated that in the developers agreement they are asking for 50 ft. Mr. Daily noted that the developer's agreement cannot guarantee the 50 ft and the Planning Commission cannot approve anything outside of city ordinances. A general discussion was held about signage. Commissioner Searle asked if there are setback requirements for a four-story building. Mr. Daily stated that city zoning does not stipulate setback requirements but Fire Code and Building Code have very specific requirement. Chair pro tempore Hunt asked if staff sees any issues with leaving the section of 1500 West undeveloped. Mr. Daily noted that there could be an issue related to a possible nuisance and in his opinion; Public Works will require that the road be improved along with a maintenance schedule for the vacant property. Ms. Swan asked if that would include curb, gutter, and sidewalk. Mr. Daily noted that it would be required. Commissioner Miller asked who will be responsible to bring 4800 South up to city standards. Mr. Daily stated that it is the developer's responsibility. Mrs. Ukena noted that a landscaping plan will need to be submitted showing that they meet the landscape ordinance. She also noted that they exceed the requirement for parking. Commissioner Gaily noted that on the site plan, it references a retaining wall but it is not shown on the actual plan. Ms. Swan noted that it is a misprint but they left it on the plan because there is a potential need for one.

Mr. Daily noted that there has been good discussion and has no problem if it is approved as a Preliminary Site Plan. Chair pro tempore Hunt concurred and noted that approval will be conditional upon a list of items that need to be completed. Commissioner Gailey noted that the building plan is good looking and will be well received by the residents.

Motion: Commissioner Searle moved to approve the Preliminary Site Plan for Value Place Hotel located at approximately 4899 South 1500 West with the following conditions: cross access points and fire department access be addressed, detailed landscaping plan be included, 4800 South and 1500 West be improved with curb, gutter, and sidewalk, approval received from Utility Department and Fire Department, and the pylon sign complies with City Ordinance at 40 ft. Commissioner Gaily seconded the motion.

Roll Call Vote: Chair pro tempore Hunt, yes; Commissioner Miller, no; Commissioner Searle, yes; Commissioner Stevens, yes; Commissioner Tanner, no; Commissioner Gailey, yes.

Call the Question:

The motion passed with four in favor and two against with Chairman Farr excused.

Commissioner Miller noted that he voted against the motion for the following reason: felt the Preliminary Site Plan was incomplete with too many questions unanswered.

Commissioner Tanner noted that she voted against the motion for the following reasons: felt that the Preliminary Site plan was incomplete and the cross access issue needed to be addressed before approval.

4. REQUEST FOR QUIT-CLAIM OF PROPERTY FROM MR. PUGMIRE, 4258 SOUTH 1050 WEST, TO MR. MCGARRY, 1047 WEST 4200 SOUTH

Mr. Patrick McGarry, property owner, stated that he and Mr. Pugmire made this agreement several years ago and now would like to make the land ownership legal. Mr. McGarry stated that Weber County requires a letter from the Planning Commission stating that the Quit-Claim is recognized in the City of Riverdale. Mr. McGarry stated that he is requesting that 540 sq ft of Mr. Pugmire's land be Quit-Claim deeded over to himself and recorded as one piece of property. Chairman Farr asked if Mr. McGarry had a letter from Mr. Pugmire affirming his request. Mr. McGarry submitted a letter from Mr. Pugmire stating that he is in agreement with this request (see Attachment A.) He stated that City Ordinance restricts any permanent structures to be built on this piece of property therefore they have filled the ditch with bark and planted fruit trees and a garden in the area. Commissioner Searle stated that he went and looked at the property with Mr. Pugmire and he is in complete agreement with the request. Commissioner Tanner requested that they seek legal council to make sure an amended subdivision plat is not required.

Motion: Commissioner Gailey moved to recommend to City Council approval of the 7' property line adjustment between Patrick McGarry and Daniel Pugmire in the Wen-Dale Park Subdivision and the Wild River Estate located in an R-2 zone at approximately 4200 South and 1050 West consisting of approximately 548.73 sq ft.

Discussion on the Motion: Commissioner Tanner requested that upon receiving legal advice to rule out the need for an amendment to the subdivision plat.

Amendment: Commissioner Gailey moved to recommend to City Council approval of the 7' property line adjustment between Patrick McGarry and Daniel Pugmire in the Wen-Dale Park Subdivision and the Wild River Estate located in an R-2 zone at approximately 4200 South and 1050 West consisting of approximately 548.73 sq ft. with the following condition: upon receiving legal advice to rule out the need for an amendment to the subdivision plat. Commissioner Miller seconded the motion. The motion passed unanimously.

Call the Question:

The motion passed unanimously

5. DISCUSSION AND REVIEW OF TITLE 10, CHAPTER 11 – MANUFACTURING ZONE

Chairman Farr asked if the public hearing had already been set for the amendment to this item. Mr. Daily noted that he would discuss the public hearing with the Planning Commission for discretionary business. Mr. Daily stated that City staff proposes the amendment to the Manufacturing Zone. This request is in direct correlation to Mr. Cummins' request to rezone his property to allow for storage units. The amendment will include three uses: storage units, professional office space and assisted living facility. The new zone M-0.5 will only permit those three uses whereas the M-1 and M-2 zones will not. He continued to state that this item is informational and will not require a motion; it will go to a public hearing for discussion and motion. Commissioner Gailey asked if the property owner plans to develop the other uses allowed in the M-0.5 zone. Mr. Daily stated that he does not know the intentions of the property owner for the possible office and assisted living uses. Commissioner Tanner stated that in the past the Planning Commission reviewed the zoning in the City, looking at areas left to be developed and eliminated certain uses. She noted that the Planning Commission felt

at that time there was no desire for further storage units within the City and that she did not understand why the City was creating a new zone for one property owner. Mr. Daily noted that the situation with this property owner is unique. He stated that currently the property in question does not have a zone and needs one. The new zone is giving a way to where if the City feels that this area can support the use of personal storage units then we have an ordinance that will regulate that use. This is not intended to be a back door for allowing storage units, there must be a zone on the property.

Commissioner Hunt asked for clarification on the boundary adjustment between Ogden City and Riverdale City concerning Cummins' property, asking if an agreement was in place that would allow for storage units when the boundary adjustment was originally agreed upon. Mr. Daily noted that it is his opinion an indication of consensus from the City Council to allow storage units was given but it was not part of the motion. Mr. Cummins' feels that there was an agreement from the City to allow storage units. Mr. Daily noted that the only way to allow the use, the City must have a zone that allows for storage units. Commissioner Miller noted that in the past, an individual at 1500 West Cozy Dale Drive wanted to annex property into the City, which was already zoned to have storage shed, and the request was denied. Mr. Daily asked if he was referring to the unincorporated property and noted that annexations are different from boundary adjustments and therefore it is not an appropriate comparison. Commissioner Miller noted that he did not feel comfortable creating a zone for one individual and spot zoning a piece of property. Mr. Daily stated that the circumstances with the property is so unique that the situation will not be repeated, I have learned what not to do when a boundary adjustment takes place. He noted that now the City must take the proper steps within the process: ordinance, ordinance amendment, public hearing. Commissioner Hunt asked if the individual is hung out in limbo. Mr. Daily stated that he is due to no zone designation on the property. Commissioner Hunt asked if he as any validation that states he is allowed a special use on the property. Mr. Daily noted that the property owner feels that he does. Commission Hunt asked if it was his opinion or if it was documented. Mr. Daily noted that it comes down to action and intent and many people are interpreting it differently. Commissioner Gailey noted that if there was a good faith agreement to allow for storage units, in his opinion the agreement needs to be honored. At some point, we must respect that agreement. Commissioner Hunt noted that consideration is due to the individual and the adjoining property owners. A general discussion was held about the boundary adjustment and the original City Council meeting minutes.

Commissioner Tanner asked to clarify that this is considered an amendment to the ordinance and not a change. Mr. Daily stated that it may be called a change, amendment, or new zone but ultimately it is an amendment to the manufacturing zone. Commissioner Searle asked if the property is currently zoned Manufacturing. Mr. Daily noted that it does not have a zone right now and it is important to get through the process to the public hearing. A general discussion was held about the storage units. Commissioner Searle asked if there was a specific reason the assisted living facility was included in the M-0.5 zone. Mr. Daily stated that Mr. Cummins' requested the use to be added.

6. DISCRETIONARY BUSINESS

Mr. Daily stated that the pubic hearing for the rezone was posted for June 26, 2007 but due to a legal issue, the date of the pubic hearing needs to be changed. With the permission of the Planning Commission, the Planning Commission meeting on June 26, 2007 will be canceled and a meeting will be held on July 2, 2007, it was noted that a quorum will be needed. Commissioner Tanner asked why it needed to be changed. Mr. Daily noted that it was due to advertising. Commissioner Tanner noted that this was too important of an issue for only a quorum to be in attendance. She asked how the Planning Commission could make a recommendation on a rezone for a zone that has not been adopted or rejected by the City Council. Mr. Daily noted the question and reminded the Planning Commission that there is a process that must be followed. A general discussion on the process ensued. City Council Member Jenkins asked to make a comment. She noted that this is a public hearing and asked that the Planning Commission weigh how convenient it would be for the public to attend the meeting on July 2, 2007 with it being close to the holiday weekend. Commissioner Hunt noted that they are to represent the community and not just one person. Chairman Farr asked to poll the Planning Commission to hold a special Planning Commission meeting on July 2, 2007.

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

Call the Question:

Consensus was not to hold the special meeting on July 2, 2007.

Mrs. Ukena noted that her position with the City has been eliminated and her last meeting with the Planning Commission will be on June 26, 2007.

7. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Miller moved to adjourn the meeting. Commissioner Tanner seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:00 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair