



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **July 10, 2007** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

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

Members Excused:

Don Hunt, Member

Others Present:

Larry Hansen, City Administrator
Steve Brooks, City Attorney
Randy Daily, Community Development Director
Marie Alvord, Planning Commission Secretary
Approximately fifty (50) Citizens

1. CALL TO ORDER

Chairman Farr called the meeting to order and welcomed all those in attendance. He acknowledged that Commissioner Hunt was excused.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

No comments or changes were made.

Motion: Commissioner Tanner made a motion to approve the Preplanning and Regular meeting minutes of June 26, 2007 and waive the reading of the minutes. Commissioner Miller seconded the motion.

Call the Question:

The motion passed unanimously.

3. PUBLIC HEARING – TITLE 10, CHAPTER 11, MANUFACTURING ORDINANCE AMENDMENT

Chairman Farr noted that the Public Hearing had been properly noticed and opened the meeting up for public comment. Mr. Brooks, City Attorney, said for the audience's information that there are two separate Public Hearings and they will be dealt with separately. Chairman Farr noted that they will be addressing the Title 10, Chapter 11 Manufacturing Ordinance Amendment now and the other will be the zone placement of a specific property. He requested that those commenting to comment only on the specific item open for discussion and save comments for the other item for later. Chairman Farr requested that he comments be kept to three (3) minutes and noted that a Riverdale Police Officer is present to help keep order to the meeting.

Mr. Daily stated that he is available for questions pertaining to the ordinance amendment. He noted that the change in the Manufacturing Ordinance is to add the M-0.5 section along with the M-1 and M-2. The M-0.5 will allow storage units, assisted living facilities, and office space as a conditional use therefore the City may impose reasonable conditions. Any development within the new zone designation must follow landscaping, lot coverage maximums, utility improvements, along with building type and height restrictions. This meeting is to add the new zone designation only; it is not to approve any specific site plan.

Public Hearing opened for comment by those in favor of the ordinance amendment. No comments were made. Public Hearing opened for comment by those opposed to the amendment. No comment was made.

Motion: Commissioner Tanner moved to close the Public Hearing. Commissioner Miller seconded the motion.

Call the Question:

The motion passed unanimously.

4. CONSIDERATION AND RECOMMENDATION OF THE TITLE 10, CHAPTER 11 MANUFACTURING ORDINANCE AMENDMENT

Chairman Farr opened the item for consideration by the Planning Commission. Commissioner Tanner stated that after reviewing the Manufacturing Zone and the Planned Manufacturing Zone, she felt that the M-0.5 designation fit would be better placed under the Planned Manufacturing Zone according to the Purpose and Intent. Mr. Daily noted that since the uses within the proposed M-0.5 zone are conditional and a Development Agreement may be desired by the city it would not be necessary to make it a planned manufacturing development. Commissioner Tanner noted her reservations for the three conditional uses that would be allowed in the M-0.5 zone, stating that the Assisted Living Facilities and Office Space are allowed in other zones and that the Storage Units were specifically removed as a use in all zones. In her opinion, the ordinance amendment is not necessary. Commissioner Miller and Commissioner Searle concurred. Commissioner Searle stated that the wording to the Purpose and Intent section of the ordinance should be revised.

Motion: Commissioner Miller moved to recommend to the City Council to deny the Title 10, Chapter 11, Manufacturing Amendment to include the M-0.5 Zone.

Roll Call Vote:

Commissioner Miller, yes; Commissioner Searle, yes; Commissioner Stevens, yes; Commissioner Tanner, yes; Commissioner Gailey, yes; Chairman Farr, no; Commissioner Hunt, excused.

Call the Question:

The motion passed with five votes in favor, one against, with Commissioner Hunt excused.

5. PUBLIC HEARING – ZONE REQUEST: M-0.5/MANUFACTURING, LOCATED APPROXIMATELY 3490 SOUTH PARKER DRIVE

Chairman Farr turned the time over to Mr. Donald Cummins to present the proposed development at 3490 South Parker Drive. Mr. Cummins introduced his two representatives, Mr. Norm George and Mr. Lynn Christensen and turned the time over to Mr. Norm George. Mr. George noted that his background is in real estate.

Chairman Farr requested a break due to technical difficulties.

The meeting was reconvened and the time turned over to Mr. George.

Mr. George showed pictures of the current land and proposed use. He described the type of storage units proposed and discussed amenities. He turned the time over to Mr. Christensen. Mr. Christensen noted that he

has been an appraiser since 1984. Mr. Christensen stated that from the research he has completed with the proposed area and similar locations near storage units that there has been an insignificant impact of storage units on home value. (See Attachment A) Mr. Christensen turned the time over to Mr. Cummins. Mr. Cummins then gave a history of the property and requested the M-0.5 zone. Mr. Daily noted the petition against the use of storage units on this property. (See Attachment B) He reviewed the positive and negative aspects of the personal storage units proposed. (See Attachment C)

Chairman Farr opened the meeting for public comment for those in favor of the requested zone.

Mrs. Joan Price, 3815 River Valley Drive:

Mrs. Price noted the history of the property: farm with animals, petting zoo, flood, and now a blighted area. She asked if those who moved into the area recently noticed the farm, the 50 year flood plain, or the transients who use the walkway prior to coming to Riverdale. Mrs. Price said that progress happens and noted that River glen Subdivision was a great addition to the City. She requested that the Planning Commission keep the manufacturing zone for this property, to honor the agreement that was previously made with Mr. Cummins and keep the spirit of cooperation within Riverdale City.

Mrs. Wilma Bingham, Parker Drive:

Mrs. Bingham said that her main concern is that of the property owner's right to develop his land. She noted that if any reasonable request that will not devalue or hurt other property, and if denied it infringes upon his first amendment rights. She reminded the Planning Commission of the resistance Riverdale residents had to the development of River glen Development and it was ultimately passed due to the property owner's right to develop his land.

Chairman Farr opened discussion for those opposed to the zone request.

Mr. Mike Loughton, 636 West 3650 South:

Mr. Loughton read the City Council minutes from July 20, 2004. He asked what deal was made between the City and Mr. Cummins and noted that there appears to be no deal. He also read from the Planning Commission minutes December 12, 2006 and noted that the proposed fencing around the storage units is not eye pleasing. Mr. Loughton noted that he could not understand why the City would allow storage units to be built around a new subdivision with nice homes and at the gateway of the City.

Amy Ann Spiers, 615 West 3650 South:

Mrs. Spiers noted that she is a Real Estate Agent. She said that she helped with the petition against the storage units and noted that the purpose of the petition was clearly stated at the top of each page so every resident could clearly see the purpose. She asked if Mr. Cummins took out the proper permits to dispose of the house that was torn down on the property including asbestos clearance. She noted that the storage units do not make logical sense for the area.

Chairman Farr noted that Mr. Cummins would have the opportunity to answer questions at the end of the public hearing.

Mr. Marty Reynolds, 633 West 3600 South:

Mr. Reynolds noted that since the Manufacturing Ordinance Amendment was recommended for denial it does not make sense to adopt a zone that does not exist. He said that it does not seem like sound city planning to place manufacturing next to an up-scale neighborhood. He noted that as a property owner he also has rights to his property value. Mr. Reynolds said that in his opinion there is no guarantee that the storage units will remain under the same ownership with proper upkeep. He noted that Pleasant View City has placed a moratorium on storage units per Friday, July 6, 2007 Standard Examiner article stating the purpose as decreasing property values.

Mr. Randy Wilson, River glen Subdivision building lot owner:

Mr. Wilson noted that as a developer and landowner he understands how every side fits in this request. He said that he has a major investment on the line and the sale of lots are being held up due to the possible storage units. He noted that in his opinion the promise made to Mr. Cummins was just a promise and that he still must follow law and proper process.

Mrs. Brittney Day, 3516 South 700 West:

Mrs. Day said that she agrees with the comments that have been shared previously. She also noted that the proposed storage shed development will be on a blind curve and with the large trucks and trailers used in this area will become a safety issue.

Mrs. Miranda Rizzi, 633 West 3700 South:

Mrs. Rizzi noted that she helped with the petition and noted that it stated background and action taken on the petition so all signers would be aware of what they are signing. She questioned whether the K-9 unit proposed for security of the storage units is City provided or owned by the units. She noted that her biggest concern is that for safety on Parker Drive. Mrs. Rizzi requested that the Planning Commission take the action in keeping the gateway to the City looking nice.

Mr. John Lanier, 648 West 3650 South:

Mr. Lanier noted that in his opinion it is inconceivable that storage units will not affect property values in the area. He said that he moved within the City because he enjoys living in Riverdale City and is impressed with the zoning ordinances.

Mr. Jan Babilis, 597 West 3700 South:

Mr. Babilis requested that the Planning Commission reconsider allowing the gateway of the City being storage units, to review safety issues associated with traffic and to take into consideration the masses (or general public) and the City's General Plan and not just the individual.

Mr. Frank West, resident:

Mr. West asked how many methamphetamine labs are moved into storage units because they cannot put them in houses anymore.

Mrs. Rebecca Mitchell, 3506 South 575 West:

Mrs. Mitchell said that she has issues with misrepresentations with the meeting so far. She noted that it is her understanding that the property was supposed to come in under the M-1 that the zone clearly does not allow storage units. She also said that in her opinion, there is not evidence of a deal made between Mr. Cummins and the City and therefore there is no issue of integrity. She also did not understand why Mr. Cummins would alienate himself from his own neighbors by developing something that is greatly opposed.

Mr. Doug Peterson, 4036 South 900 West:

Mr. Peterson noted that he is a Certified Residential Appraiser and thinks that the assertion that property values are not affected by storage units is not correct. A simple way to determine that is by taking two identical homes with one next to storage units and the other not and the choice between the homes was given, he would guess that the vast majority of individuals would choose the home not next the storage units.

Mr. Brooks, City Attorney asked Mr. Peterson to clarify for City record his title and in what capacity he is speaking. Mr. Peterson said that he is a member of the City Council but is not speaking in behalf of the City Council but as an individual and that his experience as a residential appraiser is pertinent.

Mrs. Wendi Whitzell, 691 West 3650 South:

Mrs. Whitzell said that she bought her home in the River glen Subdivision because of the peaceful surroundings with the walking trail and noted that many other people are doing the same. She noted that in her opinion it does not make sense to build storage sheds next to beautiful homes. She noted that more homes that are residential might be a better development than storage units.

Mrs. Monica Shears, 627 West 3550 South:

Mrs. Shears asked the Planning Commission how many of them would like to have storage units in their backyard. She noted that it would be sad to have such an eyesore in the community and is worried about crime rate increase.

Mr. Gary Allen, 808 West 3875 South:

Mr. Allen noted that he has lived in Riverdale his whole life, he knows Mr. Cummins and feels he is a good person but is opposed to the storage sheds. He said that he is opposed to the storage sheds because Riverdale is a great place to live. He noted his concern with the possible rise in crime rate.

Mr. Jim Simone, 601 West 3650 South:

Mr. Simone noted that he is not speaking against the storage units but as a third option. He noted that storage sheds are not allowed in the zone, in his opinion there is not issue with integrity but of oversight or understanding. He asked if Mr. Cummins does not have a plan that would fit his property if there could be a land swap with the City.

There being no further public comment Chairman Farr turned the time over to Mr. Cummins for rebuttal.

Mr. Cummins noted that he has lived in Riverdale City since 1969; he has been an active member of the community and would not do anything to degrade the City. He stated that the house located on the property was donated to the Riverdale City Fire Department for training and therefore no demolition permits were needed. Mr. Cummins said that he removed his petition against the boundary adjustment into Riverdale City because there was an agreement made to allow storage units. He noted that the units will not be a shack but well built with the road widened to allow for easier access. Mr. Cummins also noted that the similar storage unit in Ogden has not had a break in its eight years of operation.

With no further comments, Chairman Farr called for a motion to close the public hearing.

Motion: Commissioner Miller moved to close the public hearing. Commissioner Tanner seconded the motion.

Call the Question:

The motion passed unanimously

6. CONSIDERATION AND RECOMMENDATION OF THE ZONE REQUEST OF M-0.5/MANUFACTURING, LOCATED APPROXIMATELY 3490 SOUTH PARKER DRIVE

Commissioner Tanner noted that since there is no M-0.5 zone then a recommendation to deny the zone would be fitting. Mr. Daily stated that in clarification the discussion is not to adopt a zone but to discuss the zoning of the property to a manufacturing designation. Commissioner Tanner asked how the Planning Commission could make a recommendation on that zone that does not exist. Mr. Brooks noted that the Planning Commission is a recommending body and can still amend what is before them tonight or flat out deny the request. Chairman Farr noted that another option is to table the item for 30 days to review public comment. Mr. Daily stated that they have already made a recommendation on the zoning ordinance and that it would be prudent to move the recommendation of the property zone along to the City Council without tabling it.

Commissioner Tanner said that with the public input, in her opinion there were no promises made, no motions given specifically for storage units, no zone designation for storage units, and with the dramatic change of the area with River glen Subdivision – she could not make a recommendation to approve the manufacturing zone placement on the property.

Commissioner Miller noted that Mr. Cummins has a right to develop his property but as a Planning Commission member, he must make the best possible plan for the City. The Master Plan shows that manufacturing would not be the best fit. He stated that there is a dilemma because there is no zone currently on the property and the City does not have a zone to allow for storage sheds. He would like to see if there is another zone that the property could be zoned to allow for development such as Mixed-Use, Residential, or Office Park.

Commissioner Gailey noted that in the past, there was not any formal motions to allow for the storage units but there was, in his opinion, a good faith agreement. He noted that all integrity should be questioned if society disregards good faith agreements. He also noted that recently he has read in the paper of methamphetamine labs being found in high-end homes and therefore it is not a good argument that if you bring in storage units you bring in drug traffic. Commissioner Gailey said that Mr. Cummins has a right to petition to have his land moved back into Ogden City. If this city reversal takes place storage sheds will be allowed and Riverdale City will not be able to regulate any aspect of the development. He requested that the Planning Commission not base their decision off opinions or prejudice but on law and Mr. Cummins' rights as a landowner should be considered.

Chairman Farr reviewed the minutes from the City Council meeting of July 20, 2004. He noted that Ogden City would allow the storage units and according to Councilor Jenkins the City would have no options if the property was to remain in Ogden City. In Chairman Farr's opinion, a promise was given to Mr. Cummins and the City Council voted and approved the promise. He feels that the City Council was right to do so noting that the City could now have control over the development.

Commissioner Searle noted that he was in the same opinion of Chairman Farr. He noted that he did not hear what the residents would like to see on the property instead of storage units. He said that in his opinion the important thing is that what is built on the property looks nice and noted that both Mr. Cummins and the surrounding residents all have property rights.

Motion: Commissioner Miller moved to recommend to the City Council to deny the zone request of M-0.5/Manufacturing at approximately 3490 South Parker Drive. Commissioner Tanner seconded the motion.

Discussion on the Motion:

Chairman Farr noted that the motion was based on the fact there is not currently an M-0.5 zone.

Roll Call Vote:

Chairman Farr, no; Commissioner Miller, yes; Commissioner Searle, yes; Commissioner Stevens, yes; Commissioner Tanner, yes; Commissioner Gailey, no; Commissioner Hunt, excused.

Call the Question:

The motion passed with four votes in favor and two votes against with Commissioner Hunt excused.

7. DISCRETIONARY BUSINESS

No discretionary business at this time.

8. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Miller moved to adjourn the meeting. Commissioner Searle seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:40 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair