Riverdale City

Administrative Offices
4600 So. Weber River Drive
Riverdale, Utah 84405

Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **September 25, 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
Norm Searle, Member
Bart Stevens, Member
Kathy Tanner, Member

Members Excused:

Allen Miller, Member

Others Present:

Randy Daily, Community Development Director
Jeff Woody, Building Inspector
Marie Alvord, Planning Commission Secretary
Approximately three (3) Citizens

1. CALL TO ORDER

Chairman Farr called the meeting to order and welcomed all those in attendance. He acknowledged that Commissioner Miller was not in attendance.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

No comments or changes were made at this time.

Motion: Commissioner Hunt moved to approve the Preplanning and Regular meeting minutes of August 28, 2007 as written and waive the reading of the minutes. Commissioner Tanner seconded the motion.

Call the Question:
The motion passed unanimously.

3. PUBLIC HEARING – REZONE REQUEST BROOK HAVEN BUSINESS PARK 5.06 ACRES FROM LM (LANDMARK DEVELOPMENT) TO C-3 (COMMERCIAL), 4905 SOUTH 1500 WEST

Chairman Farr excused himself from his position as Chairman noting a personal conflict with the rezone request for Brook Haven Business Park. It was noted that Commissioner Hunt would then act as Chair pro tempore. Chair pro tempore Hunt noted the proper posting was completed including the rezone sign placement, notification of neighbors, and posting in the newspaper. He then opened the Public Hearing. No comments or requests were made.

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

Call the Question:
The motion passed unanimously.

4. CONSIDERATION AND RECOMMENDATION OF REZONE REQUEST BROOK HAVEN BUSINESS PARK 5.06 ACRES FROM LM (LANDMARK DEVELOPMENT) TO C-3 (COMMERCIAL), 4905 SOUTH 1500 WEST
Mr. Daily noted that City Administration has initiated the rezone with Mr. Farr's approval. He stated the zone has not accomplished what the City envisioned. It is in the City Council's opinion that in fairness to Mr. Farr the property may be placed in the C-3 zone to align it with the surrounding zones. Mr. Daily continued to note that the land is in an RDA area therefore the RDA Board, which is perpetual, dictates all uses. Chair pro tempore Hunt asked if the ownership changed if the use of the land may change also. Mr. Daily said that it is not an ownership issue but use issue, ownership may change but use may not. The RDA Board must approve all use changes. Commissioner Tanner stated that this has been her recommendation for a long time. Mr. Daily said that this rezone is best for Mr. Farr and the City. Commissioner Stevens commented that consistency for the whole area is needful and he would prefer a C-2 zone to C-3. Commissioner Searle asked if the rezone applied only to the Brook Haven Development owned by Mr. Farr. Mr. Daily noted that it is only for Mr. Farr's property.

Motion: Commissioner Tanner moved to recommend to the City Council to approve the rezone request as petitioned for Brook Haven Development from LM – Landmark Development to C-3 Commercial located at 4905 South 1500 West. Commissioner Stevens seconded the motion.

Call the Question:
The motion passed unanimously.

Chair pro tempore Hunt welcomed back and turned the meeting back over to Chairman Farr.

5. CONSIDERATION AND RECOMMENDATION OF HAYWARD BUSINESS PARK FINAL SITE PLAN, 5175 SOUTH 1500 WEST
Mr. Daily stated that this development is in the Planned Commercial 3 Zone and RDA area. It has been reviewed by the RDA Board and approved as office space use. Inspection of the final site plan has been completed, received Engineer and Fire Department approval and met landscaping and parking requirements. A general discussion was held on dumpster location and accessibility. Commissioner Hunt said that it is his understanding that the approval of the final site plan is contingent upon the Board of Adjustment's approval of the setback variance for buildings B and C. He then asked Mr. Hayward if the approval is not given what his solution would include to the site plan. Mr. Hayward noted that building B has enough room to be moved back to the 50 ft setback and building C would be scaled back to fit the 50 ft setback without cutting into the hillside. Mr. Daily asked Mr. Hayward if his desire is to have the proposed footprint for both buildings, B and C. Mr. Hayward said that the proposed footprint is what he desires. Commissioner Stevens asked if the City Engineer reviewed the grade coming up the hill from the subdivision. Mr. Daily noted that the plan was submitted to both the City Engineer and Public Works Director and both have reviewed the grade and approved it. He continued to state that there are no issues for snowplows or storm water run off. Mr. Daily informed the Planning Commission that the proposed road will tie into the road down below in the subdivision and that once the road is completed the City will evaluate if the road behind the Cinedome should be vacated. He said the road connection is desirable and necessary for the traffic in the area and may be more of an advantage to the subdivision than the office park. Commissioner Hunt asked if the variance is denied what process must Mr. Hayward follow for site plan approval. Mr. Daily said that it is up to the Planning Commission, the site plan will not change and Mr. Hayward will need to answer how he plans to make the development conform to City Ordinance. Mr. Hayward said that he would shorten up the building so that it fits with the required setback adding parking and landscaping. Mr. Daily pointed out that the amendments will only increase the ratio of parking and landscaping therefore it would not be necessary to bring the site plan back to the Planning Commission. Chairman Farr asked what setback was granted to The Boyer Co. on Riverdale Road. Mr. Daily noted that it was 25 ft. but this was in compliance with the requirement of the RCP

overlay. Chairman Farr said that Mr. Hayward is requesting 35 ft, which is greater than the 25 ft granted to The Boyer Co. Mr. Daily reminded the Planning Commission that City Ordinance requires 50 ft.

Motion: Commissioner Hunt moved to recommend City Council approval of the Hayward Business Park final site plan located at 5175 South 1500 West contingent upon approval of the appeal on setback. Commissioner Tanner seconded the motion.

Discussion on the Motion: Mr. Daily noted that part of the motion should include if the variance is not granted that the site plan should go to the City Council with the required 50 ft setback.

Amendment to the Motion: Commissioner Hunt moved to recommend City Council approval of the Hayward Business Park final site plan located at 5175 South 1500 West contingent upon Board of Adjustment's approval of the appeal on the setbacks, if the variance is not granted the site plan should go to the City Council with the required 50 ft setback. Commissioner Tanner seconded the motion.

Call the Question:
The motion passed unanimously.

6. DISCUSSION AND REVIEW OF PROPOSED AMENDMENTS TO FENCE ORDINANCE (10-14-7) AND SET PUBLIC HEARING

Mr. Daily said the change in the ordinance affects properties located on corner lots. The current ordinance states that fencing on corner lots must be set no closer than 10 ft from the property line; in addition, any 4 ft fence must be not view obstructing, 75% open. Mr. Daily noted that the amendments remove both requirements and read the changes (see Attachment A). Mr. Daily informed the Planning Commission that City staff enforces the current ordinance with much discontent from citizens. Many citizens have requested a variance and one has been to the City Council asking them to review the ordinance. Mr. Daily stated that the Planning Commission must set a Public Hearing to amend the ordinance and may discuss it tonight or wait for the Public Hearing for public comment. Chairman Farr said that in his opinion, they should set the public hearing and wait to discuss for public comment and further information is given from City staff. Commissioner Tanner requested a copy of the City Council minutes from the last meeting where the fence ordinance was discussed.

Motion: Commissioner Tanner moved to set the public hearing to amend the fence ordinance.

Discussion on the motion: Commissioner Searle requested to see comment from the Police Department on possible safety issues associated with the fence ordinance. Commissioner Stevens requested specific addresses to be used as an example of the fencing requirements. Mr. Daily noted that he would include all requested material in the next Planning Commission Packet. Mr. Woody noted that every corner lot is different and the current ordinance the majority of applicants are dissatisfied and asks for a variance. Mr. Daily said in the opinion of Risk Management fencing is not considered a life safety issue.

Commissioner Hunt seconded the motion.

Call the Question:
The motion passed unanimously.

7. SET PUBLIC HEARING TO AMEND SUBDIVISION ORDINANCE UNDER IMPROVEMENT 10-25-7 TO REQUIRE STREET LIGHTING

Mr. Daily stated the purpose for this amendment is to require the developer to place streetlights in a new subdivision and that a public hearing must be set to amend the ordinance. Chairman Farr asked if the ordinance would stipulate a specific type of streetlight. Mr. Daily noted that type of light will depend on area and asked the Planning Commission if they felt additional language was required in the ordinance. Commissioner Hunt said that in his opinion the amendments were specific enough. Chairman Farr stated in his opinion there is a

need to be more specific in the type of streetlight allowable to help the City achieve a more appealing and uniform look. Mr. Daily said he would have Mr. Moulding, Public Works Director review and address streetlight type.

Motion: Commissioner Tanner moved to set a public hearing to amend the Subdivision Ordinance to include street lighting. Commissioner Searle seconded the motion.

Call the Question:
The motion passed unanimously.

8. DISCUSSION AND REVIEW SIGN ORDINANCE (10-16)
Commissioner Tanner voiced her frustration in reviewing ordinance changes with a forwarding motion to the City Council only to have them return to the Planning Commission for amendments with no comment or direction from the City Council. Mr. Daily noted that the City Council has not reviewed the Sign Ordinance. He and Mr. Brooks, City Attorney has reviewed the ordinance and has found the ordinance to be too complicated for Riverdale City. Mr. Daily suggested to keep the ordinance as simple as possible and to rely on Developer's Agreements to regulate type of sign permitted. Commissioner Tanner suggested postponing discussion until further information is available for review. A general discussion was held on allowable sign types, locations, and possible nuisances. Commissioner Tanner noted that signs are a huge issue for businesses they are dependent upon their signs. Mr. Daily concurred and noted that there are limitations that must be discussed. Chairman Farr requested to postpone the agenda item until further information is available for review.

9. DISCUSSION AND REVIEW AMENDMENTS TO THE GENERAL PLAN AND SET PUBLIC HEARING
Mr. Daily said this item is on the agenda to set site-specific areas for PRUD's. City Administration has requested the two areas of 550 West and the north of Riverside Village Mobile Home Park, West of the Kayak Park and south of Colton Property be changed to reflect PRUD areas and request the Planning Commission to set a public hearing for the amendment to the General Plan. Chairman Farr asked if there were other areas that should be added as PRUD areas. Mr. Daily noted that previously as a Planning Commission several areas were determined as possible PRUD areas. He said they may be included but it is necessary to amend the two previously areas. Commissioner Gailey said it would be good to get public comment on all areas before setting them as PRUD areas. Commissioner Stevens stated he was against moving all areas previously talked about into the PRUD area, noting that current landowners may not desire the designation.

Motion: Commissioner Tanner moved to set a public hearing to amend the General Plan. Commissioner Searle seconded the motion.

Call the Question:
The motion passed unanimously.

10. DISCRETIONARY BUSINESS
Commissioner Tanner requested that the three public hearings not be held on the same night to limit the length of the meeting. She also asked what was being done behind Wal-mart. Mr. Daily noted that the Dollar Tree store is going in.

Commissioner Searle noted that a few months ago the Planning Commission discussed basement apartments and the possibility of requiring a renter's license along with fire inspections and a review of off street parking. He requested an update. Mr. Daily said that the when the City updated its consolidated fee schedule the City looked into the aspect of licensing any rental property and discovered by Utah State Law the City cannot require a license for renting single-family dwellings or duplexes therefore inspections cannot be required. He

continued to state that off street parking is not restricted by City Code except for on corners and winter snow plowing season. Mr. Daily informed the Planning Commission that any use including single-family dwellings cannot be a nuisance. Once it becomes a nuisance, the City may deal with it under the Health and Sanitation Ordinance. Nuisances become a public nuisance once it affects three or more people and may be prosecuted and go to court.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Tanner moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:50 pm.

Attest:

Marie Alvord

Marie Alvord,
Planning Commission Secretary

Approved:

Don Farr, Chair

Attachment A

10-14-7: FENCE HEIGHT; OBSTRUCTION OF VIEW:

A. Purpose:

1. Fences, walls, hedges, trees, bushes or other obstructions serve properties by providing privacy and security, define private space and enhance the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods.

The purpose of these regulations is to achieve a balance between the private concerns for privacy and site design and public concerns for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. Fence Regulations:

1. Permit Required: In all cases, a permit is required from the community development department.

2. Front Yards (From the Front Setback Line of the Zone to the Front Property Line):

a. Fences or other similar structures, walls, hedges, tree, or bushes, shall not exceed four feet (4') in height except as regulated in the sight triangle area requirements. See subsection C1 (Sight Triangle Area) of this section.

3. Interior Lots, Rear and Side Yards (Behind the Front Setback Line of the Zone to the Rear Property Line):

a. Fences or other similar structures, walls, or hedges can be erected up to a height of six feet (6'). Any fence over six feet (6') up to a maximum height of seven feet (7') must have engineering by the contractor installing the fence or from the supplier of the fencing materials.

4. Corner Side Yards:

a. On corner lots, the side yard adjacent to the street may have a fence, wall, or hedge that is allowed up to a height of six feet (6') and may be placed on the property line, which is typically 1' inside sidewalk.

b. Sight triangle area requirements must be met in all cases.

5. Access:

a. No fences, whether of wood, metal, masonry or concrete, nor other obstruction, including shrubbery (hedges, trees, bushes), nor any combination of materials, shall be erected or maintained which blocks the access from a front yard through both sides to the rear yard unless a gate approved by the community development administrator is installed in at least one side.

6. Retaining Wall:

a. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the separating lots, such retaining walls may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at that location if no retaining wall existed.

7. Maintained:

a. All fences and retaining walls must be maintained in a state of good repair. Hedges and bushes must be kept trimmed and maintained not to exceed height of fence regulated at that location on the property.

8. Location:

a. All fences, walls or hedges shall be erected entirely within the property lines of the property they are intending to serve.

Deleted: The

Deleted: Of

Deleted: The

Deleted: To

Deleted: The

Deleted: or other nonview obstruction (a fence, wall or hedge in which 75 percent of the vertical plane formed by the wall or hedge does not obstruct view excluding 2 feet in height above finish grade)

Deleted: of

Deleted: And

Deleted: The

Deleted: Of

Deleted: The

Deleted: To

Deleted: The

Deleted: be engineered.

Deleted: shall

Deleted: set back ten feet (10') from side

Deleted: and

Deleted: fences or other similar structure, wall, or hedge can be erected up to a height of six feet (6'). Any fence over six feet (6') up to seven feet (7') must be engineered.

Deleted: b. From the corner side facing the street property line to the ten foot (10') setback, fences or other similar structure, wall, hedge, tree (trimmed so that no foliage hangs down closer than 7 feet to the ground), bushes or other nonview obstruction (a fence, wall or hedge in which 75 percent of the vertical plane formed by the wall or hedge does not obstruct view excluding 2 feet in height above finish grade) shall not exceed four feet (4') in height except in required sight triangle area requirements.

Deleted: c.

9. Exceptions:
a. Fences required by state law to surround or enclose public utility installations, public schools or other public buildings.
b. Fences for uses such as tennis or sports courts which may be a maximum of fifteen feet (15') high if the fence meets all of the required setbacks for an accessory building in the zone in which it is located.

C. Obstruction of View:

Deleted: Of

1. Sight Triangle Area:
a. Defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets to a point on each property line twenty feet (20') from the intersection of said property lines and then connecting the two (2) points and continuing through the park strip, curb and gutter to the edge of the street line where the gutter meets with the asphalt or if there is not a curb and gutter to the street edge. thus establishing a third line.

Deleted: thus

2. Maintenance in Site Triangle Area:

Deleted: In

a. It shall be unlawful for the owner, occupant or person in control of any corner lot in the city to erect, maintain or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three feet (3') and all trees shall be trimmed so that no foliage hangs down closer than seven feet (7') to the ground within the "sight triangle area" of said lot, as defined in subsection C1a of this section.
3. Park Strips:
a. Only trees listed on the public works department's list of approved trees may be planted in the park strip and a permit must be obtained from the public works department before said trees may be planted.

D. Violations:

1. The mayor or his appointee shall have the authority to order removal of any tree, plant, shrub, fence or other object that violates the provisions of this section. (Ord. 638, 10-5-2004)