



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 09, 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
Marie Alvord, Planning Commission Secretary
Approximately one (1) Citizen

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 present.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

No comments or changes were made at this time.

Motion: Commissioner Tanner moved to approve the Preplanning and Regular meeting minutes of September 25, 2007 as written and waive the reading of the minutes. Commissioner Miller seconded the motion.

Call the Question:

The motion passed unanimously.

3. CONSIDERATION AND RECOMMENDATION OF CONDITIONAL USE PERMIT FOR SEASONAL SALES, FOOD SERVICE PORTABLE BUILDING LOCATED AT HOME DEPOT 999 WEST RIVERDALE ROAD.

Mr. Mark Schmidt, petitioner, noted that he represents Wasatch Grill, Inc., Majestic Grill, Inc., and Mustards Deli whose parent corporation is Street Eats, Ltd. based in Minneapolis, Minnesota. He said Home Depot has approached his company about providing food service to employees and customers. Mr. Schmidt requested to provide hamburgers, hotdogs, fountain service with Coca Cola, along with pretzels and nachos between the months of March and November from 10 am to 6 pm. The proposed location at Home Depot is under the awning by the entrance vestibule. Commissioner Stevens asked if the building would be portable or permanent. Mr. Schmidt said it would be portable and discussed construction material and dimensions. A general discussion was held on the following items:

- Proper sanitation for food preparation
- Home Depot product displays around the proposed food service
- Seasonal type food sales: ice cream, hot chocolate, coffee, and tea

- Method of cooking
- Employees
- Required public health inspections and permits
- Past safety issues with location
- Signage

Commissioner Tanner asked if it would be appropriate to require a written agreement from Home Depot. Mr. Daily noted the Planning Commission may impose a written agreement as part of the conditional use, he further stated it is important that Home Depot be made aware of all concerns specifically keeping the fire lane clear of all carts and parked vehicles. Mr. Schmidt informed the Planning Commission that Street Eats, Ltd. takes care of all the preplanning legal issues and is confident that they have an agreement drawn up with Home Depot. Mr. Daily asked about the predicted operations for the rest of this year and noted that under City ordinance the building could not remain on site after the season has ended. He also informed the petitioner that City ordinance limits the amount of time to a maximum of nine months and the building must be removed for the remaining three months. Mr. Schmidt said he is looking for approval this year and since the season ends in November, it will not be beneficial to place the portable building on site this year. Commissioner Miller stated his main concern is with safety issues, the effect on safety of persons on the property and the effect on pedestrian and vehicle traffic in the area. He reminded the Planning Commission that a young girl was killed at this location last year and stressed the need to review safety issues. Commissioner Tanner asked if specific conditions are not met could the City pull their business license. Mr. Daily stated if they break any regulations or have any life safety issues the City could rescind their license. Commissioner Searle asked if the Planning Commission were to recommend approval if a specific list of conditions pertaining to fire lane safety be required. Mr. Daily noted that all conditions must be specific, City ordinance has general stipulations but anything above those must be specifically stated. Mr. Daily continued to note that the only issue pertaining to the request is that if the Planning Commission considers it seasonal sales.

Commissioner Hunt said in his opinion, if agreements are made between the City, Home Depot, and petitioner, enforced, and kept there will be no problem with the proposed conditional permit as a seasonal operation. Commissioner Searle noted in his interpretation, the ordinance states that the operation of the business will not exceed nine months therefore it would fit under the seasonal category. Mr. Daily said it is up to the interpretation of the Planning Commission to consider this request as seasonal. Commissioner Hunt asked for clarification the petitioner is using the food service as seasonal operation not seasonal merchandise, is the Planning Commission dancing with words if they recommend approval. Mr. Daily read from City Code 10-19-9-C11, "It is the intent of this section that the structure be used for the sale of seasonal merchandise." and noted that seasonal merchandise is not defined in the ordinance and is up to the Planning Commission's discretion. Commissioner Stevens noted that in their decision tonight the Planning Commission would be setting precedence for the City; no other business has its likeness and possibly promotes similar businesses throughout the City. Mr. Daily agreed and noted if approved the Planning Commission will be defining hotdogs, hamburgers, ice cream, etc. as seasonal merchandise.

Commissioner Gailey recommended to table the item until a list of conditions may be determined and a letter received from Home Depot detailing an agreement to follow those conditions. Mr. Daily said it is not his desire to make Mr. Schmidt go through a bunch of hoops and then deny the request because of the seasonal sales question. Commissioner Hunt noted that in his opinion, the Planning Commission would be setting a bad precedence because Mr. Schmidt will be selling his product seasonally not selling a seasonal product. Commissioner Miller said in his opinion, it is not considered seasonal merchandise. Mr. Daily stated if this were the consensus of the Planning Commission, he would be willing to meet with Home Depot's Manager to discuss a location within the store where the food service might be allowed. He noted that Mr. Schmidt should look at the vending cart ordinance. Mr. Schmidt said it is his desire to have the service located in the most beneficial location, which is near the exit. He continued to state Home Depot requested the building and it would be more desirable than a cart. Commissioner Stevens noted the professional look of the business district and his hesitation to allow add-on structures to a store stating that it does not add to the sight appeal to the business.

Chairman Farr called for a motion.

Motion: Commissioner Miller moved to deny the conditional use permit for seasonal food sales at Home Depot located at 999 West Riverdale. Commissioner Tanner seconded the motion.

Call the Question:

The motion passed unanimously.

Mr. Daily recommended that the petitioner look at the City's vending ordinance and discuss the Planning Commission's concerns with Home Depot to see if they may be resolved.

4. DISCUSSION AND REVIEW OF AMENDMENT TO PUBLIC MEETING/HEARING AND CHANGES TO ORDINANCE NOTIFICATION REQUIREMENTS, MAINLY NUMBER OF DAYS REQUIRED BY STATE LAW. SET PUBLIC HEARING.

Mr. Daily said this item is to set a public hearing to amend the public meeting notification requirement from 15 to 10 days and reduce the notification distance from 500 ft to 300 ft. Commissioner Gailey said in his opinion a 500 ft notification would be better for public input. Commissioner Tanner concurred. Commissioner Stevens said some things it is good to have uniform with Utah State code, noting that too many deviations may cause confusion. In his opinion, the change from 15 days to 10 would be a good amendment. Commissioner Hunt asked what the purpose would be in making the notification distance 300 ft instead of 500 ft., Mr. Daily said to comply with Utah State Code.

Motion: Commissioner Tanner moved to set the public hearing for amendments to the public meeting/hearing and changes to ordinance notification requirements, mainly number of days required by state law. Commissioner Searle seconded the motion.

Call the Question:

The motion passed unanimously.

5. DISCUSSION AND REVIEW TITLE 10 CHAPTER 4: BOARD OF ADJUSTMENT. SET PUBLIC HEARING.

Mr. Daily requested that the Planning Commission give input on how many boards the City needs pertaining to appeals and variances along with how many members on the board(s). He recommended one board to review both appeals and variances with three-member board. Commissioner Tanner said in her opinion, it should not be less than three members and asked what a quorum would be for a three-member board. It was noted that two would be a quorum. Commissioner Gailey asked if a unanimous decision would be required to grant a variance. Mr. Daily stated that majority rules. Commissioner Gailey said a three-member board is good in that it will be easier to accommodate those on the board for meetings.

Motion: Commissioner Miller moved to set a Public Hearing to review Title 10 Chapter 4: Board of Adjustment. Commissioner Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

6. DISCRETIONARY BUSINESS

Mr. Daily noted in the last meeting it was requested to have addresses of fencing on corner lots to help review the Fence Ordinance. He continued to show pictures of several lots and explain why they did or did not meet the current fence ordinance.

7. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Hunt moved to adjourn the meeting. Commissioner Miller seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:51 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair