



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 24, 2006** 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:

Jan Ukena, City Planner
Marie Alvord, Planning Commission Secretary
Approximately ten (10) 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 in attendance.

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 October 10, 2006 with said changes from the Preplanning Meeting and waive the reading of the minutes. Commissioner Hunt seconded the motion. The motion passed unanimously.

3. CONSIDERATION OF APPROVAL OF A CONDITIONAL USE PERMIT FOR AN OWNER OCCUPIED DUPLEX IN AN R-2 ZONE AT 4537 SOUTH 1150 WEST.

Mrs. Ukena reviewed the information on this item. She noted that Mr. Checketts will purchase the home from Mr. Evans to meet the owner occupied stipulation of the current ordinance. She continued to note that there are many duplexes in the area and this home as a duplex would be a good fit. Mrs. Ukena stated that there is enough parking at the location and that the basement entrance is missing the guardrail and handrail, which will have to be installed to meet building code.

Commissioner Hunt asked Mr. Checketts how recently the basement apartment was built and if the proper permits and inspections were completed? Mr. Checketts informed him that it was completed about six months ago. Mrs. Ukena noted that there were no permits taken out on the project therefore no inspections were completed on the duplex. Chairman Farr asked who did the work on the home. Mr. Checketts indicated that Mr. Evans did the work on the home. Mr. Evans stated that he only painted, put in new flooring, and put in the basement access. He further stated that all the wiring and plumbing already existed when he bought the home. Commissioner Tanner inquired if a building permit is required for the type of work that was completed on the home. Mrs. Ukena stated that a permit is only required for the basement access. Commissioner Hunt asked

Mrs. Ukena if the Planning Commission could include in their motion any stipulation or note about the lack of permits and inspections. Mrs. Ukena said that they could note in their motion that the necessary permits and inspections were not completed on the home or they could place a stipulation of approval on the interpretation of the City Attorney of possible liability.

Commissioner Stevens asked Mr. Checketts if he was buying the home as ownership of the LLC or if he will be buying it out right and projected closing date. Mr. Checketts indicated that he would be buying it out right without any connection to the LLC and that he has not applied for the loan yet therefore the closing date is undetermined. Commissioner Miller inquired of Mr. Evans as to when he bought the house and if he was aware of the current ordinance stating that, it must be owner occupied. Mr. Evans stated that he bought it about one year ago, last January and that he was not aware of the ordinance. Mrs. Ukena noted that this ordinance was passed in April of this year and that the home was not identified as a duplex. Chairman Farr asked Mr. Evans when he planned to install the guardrail and handrail to the outside entrance. Mr. Evans stated that he will place a cover to the basement entrance and install the guard and handrail after the cover is completed. He informed the Commission that a building permit will be obtained and proper inspections conducted for this work.

Commissioner Gailey stated that since the loan has not been applied for that he feels uncomfortable to move forward with this request. Mr. Checketts noted that if the loan does not go through then he and his family will be moving out of the house, thus making it a single-family rental unit. Chairman Farr asked the Planning Commission to consider tabling the item to obtain legal counsel, stating that all legal ramifications should be dealt with prior to a decision. Mrs. Ukena asked the Planning Commission that if they tabled the item that they would give clear instruction to the applicant Mr. Checketts on steps that need to be taken to ensure the granting of the Conditional Use Permit. Commissioner Tanner likewise noted that she feels that since the loan to purchase the home has not been turned in, it is premature for the Planning Commission to grant the Conditional Use Permit allowing the home to be a duplex.

Motion: Commissioner Tanner made a motion to postpone any decision on the application for Mr. Brad Checketts as an owner occupied duplex at 4537 South 1150 West until we receive comments from our legal counsel and verification that the property is owned by Mr. Checketts. Commissioner Miller seconded the motion.

Discussion on the Motion:

Mr. Checketts informed the Planning Commission that the purchase of the home depends on the Conditional Use Permit. He would like to have a clearer understanding of whether or not the application will be approved. Chairman Farr stated that there are certain ramifications that need to be met such as legal counsel. Mrs. Ukena suggested to amend the motion to grant the Conditional Use Permit based on the conditions that the City Attorney approves it and Mr. Checketts owns the home; noting that only when these conditions are met the Conditional Use Permit is granted. Commissioner Tanner stated that her concern with amending the motion that way is that the item will not be brought before the Planning Commission again. Mrs. Ukena recommended to include a stipulation within the motion that it comes before the Planning Commission when all stipulations have been met. Commissioner Searle noted that the main stipulation is that the ordinance is followed and the duplex is owner occupied.

Call the Question:

The motion passed unanimously.

4. CONCEPTUAL DISCUSSION OF CUTRUBUS RETAIL/OFFICE, 700 WEST AND RIVERDALE ROAD, H&P INVESTMENTS.

Mrs. Ukena informed the Planning Commission that this is just a conceptual. She asked them to review and discuss if the idea or concept is something that the City of Riverdale would benefit from and enjoy. She also noted that all detail and specific information will come at a later meeting with the preliminary site plan. Mr.

Rumpsa noted that H&P Investments owns the real estate. He also noted that the process to create the conceptual site plan has been lengthy and involved with over 22 different site plan drawings while trying to accomplish a development that will have good view corridors, successful businesses, and visual appeal. Mr. Rumpsa stated that at the north end twelve (12) town homes will be used as a buffer between the commercial and residential. General discussions follow as to the size of the town homes and possible layout; and road construction, size, and dedication to the City. Commissioner Miller stated that the concept looks good and in his opinion, the City will benefit from the development. Commissioner Tanner echoed his sentiment and Commissioner Searle stated that it is a step forward for the City. Commissioner Stevens asked if H&P Investments planned to take the development all the way to the corner of 4400 South and 700 West. Mr. Rumpsa stated that they have looked into it but is not economically feasible at this time. Commissioner Gailey recommended to poll the Planning Commission at this time for approval of the conceptual site plan for Cutrbus Retail/ Office, 700 West and Riverdale Road.

Call the Question: Roll Call Vote:

Commissioner Miller, yes; Commissioner Hunt, yes; Commissioner Searle, yes; Commissioner Stevens, yes; Commissioner Tanner, yes; Commissioner Gailey, yes; Chairman Farr, yes. The vote was unanimous.

5. CONSIDERATION OF APPROVAL OF THE FINAL SITE PLAN FOR BOYER'S 550 WEST DEVELOPMENT AT APPROXIMATELY 4181 SOUTH RIVERDALE ROAD.

Mrs. Ukena informed the commission that all the stipulations placed on this development from previous meeting has been completed. She then reviewed the landscape maps and turned meeting over to Mr. Galvez, The Boyer Company representative. Mr. Galvez noted that he was here to obtain final approval on the site plan so the project can move forward. General discussion ensued about the landscaping, lighting of the parking lots – especially on the west side of the development, the ability to walk between buildings and current developments. Chairman Farr stated that he would like the City Council to review the setbacks that are currently set for this project and what has been allowed in the past. He further stated that the setbacks do not meet the City's ordinance for a 50-foot setback. Commissioner Miller asked if the soil contamination where Lelis Transmission was has been cleaned up. Mr. Galvez indicated that it had and a closure letter will be provided to the City. Chairman Farr inquired on the status of the traffic light to be installed. Mr. Galvez stated that the City is working with UDOT to have it placed and that it is his understanding that it will be installed at the opening of the center. Commissioner Tanner asked if the center would be developed all at once without phasing. Mr. Galvez assured the Commission that it will be all done continuously without phasing yet the separate buildings might be finished at different times. Commissioner Gailey inquired as to the classification of the JC Penney's that will be built in the City. He stated that there is a small and large store and depending on the size will determine the merchandise available. Mr. Boyer indicated that the building will be large about 103,525 square feet but he does not know the classification. He went on to state that JC Penney's plans to open in Fall 2007.

Motion: Commissioner Miller moved to recommend approval of the final site plan for Boyer's development at approximately 4181 South Riverdale Road with the conditions of the Developers Agreement for setback, signage, building materials, parking cross access shown on site plan and property is rezoned from M-1 and C-2 to C-3 with a RCP Overlay. Commissioner Searle seconded the motion.

Discussion on the Motion:

Commissioner Tanner requested to include in motion landscaping in the developers agreement.

Motion: Commissioner Miller moved to recommend approval of the final site plan for Boyer's development at approximately 4181 South Riverdale Road with the conditions of the Developers Agreement for setback, signage, building materials, parking cross access shown on site plan, and landscaping; and with the property rezoned from M-1 and C-2 to C-3 with a RCP Overlay. Commissioner Searle seconded the motion. The motion passed unanimously.

6. DISCUSSION AND REVIEW OF THE PRUD AND ROZ ORDINANCE ALONG WITH THE PREVIOUSLY DETERMINED POSSIBLE AREAS FOR A PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) AND/OR RESIDENTIAL OVERLAY ZONE (ROZ).

Chairman Farr stated that several sessions ago the Planning Commission sent a PRUD and ROZ Ordinance to the City Council with the request to receive recommendations on how to proceed with these ordinances. Mrs. Ukena noted that the ordinances were not forwarded to the City Council. She stated that tonight this item is for discussion only and no recommendation is needed. Commissioner Tanner inquired as to why the City Council did not receive their recommendation pertaining to the PRUD ordinance. Mrs. Ukena informed her that she did not know the reason, it was an administrative decision made on the part of the City Manger and Community Development Director. Commissioner Tanner stated that she was personally offended that this item is back on the agenda without any consideration as the motion that was made previously, stating that the Planning Commission did not want to discuss the PRUD or ROZ until it has gone back to the City Council and they have forwarded comments and recommendations. She continued to note that she will not participate in a discussion of the PRUD and/or ROZ ordinances. Chairman Farr requested staff and City Council to use the Planning Commission's time more professionally.

Mrs. Ukena noted that the City Council made it quite clear that when the old PRUD ordinance was abolished they wanted another one in its stead. She continued to ask if the Planning Commission has reviewed the old PRUD to see if it could be updated instead of creating a new ordinance from scratch. Commissioner Hunt noted that they had already agreed that it was a possibility. He then inquired as to what was in the old ordinance that was not workable needing change. Commissioner Hunt noted that something is not sitting well with it to the City Council but the Planning Commission is unaware of the needed changes. Mrs. Ukena noted that the City Council eliminated the PRUD on the Planning Commission's recommendation. She then asked the Planning Commission, in their opinion, what was not workable in the ordinance. Commissioner Tanner stated that they had already sent a new ordinance to the City Council specifically requesting comments from the City Council and they have yet to receive those comments. At this point, Chairman Farr suggested to table this item and reconvene with the City Council to discuss this issue. Mrs. Ukena stated that it was her understanding that the Council did not feel a joint meeting was necessary.

Commissioner Hunt asked when did we say we did not like the PRUD and wanted to abolish it. Mrs. Ukena stated that in an April 2006 meeting with the direction of city staff was when they forwarded the recommendation to abolish the PRUD ordinance. Commissioner Miller noted that in a past City Council meeting, Mr. Daily proposed that all the Council Members write down their comments, recommendations, and questions. He continued to state that they had set a time frame as to when these comments should be returned to city staff to forward on to the Planning Commission. Commissioner Miller noted that as to date this has not been completed.

Mrs. Ukena asked the Planning Commission their opinion as to whether both the PRUD and ROZ ordinances are needed, if one should be used over the other, etc. Chairman Farr stated that this is an unfair question at this time due to the lack of comments from the City Council. He requested to set aside further discussion until comments are received from the City Council.

Mrs. Ukena asked the Planning Commission, pertaining to possible PRUD sites, if the Planning Commission had any further comments. Commissioner Searle asked if the corner of 700 West and 4400 South should be added due to the conceptual site plan discussed earlier in the meeting.

7. DISCRETIONARY BUSINESS

- Umma Planners Workshop, November 8, 2006; city staff will call to remind those who have signed up to attend
- Possible use for undeveloped hill on east side of Riverdale just below Washington Terrace
 - Agricultural
 - Destination Oriented - Ski Manufacturing, Reception Center

- Education Campus, extension of University of Utah, Brigham Young University, or Utah State University
- Planning commission willing to consider anything

8. 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.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair