



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **December 11, 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

Members Excused:

Bart Stevens, Member
Kathy Tanner, Member

Others Present:

Randy Daily, Community Development Director
Steve Brooks, City Attorney
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 Tanner and Commissioner Stevens were excused.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

Comments and changes were requested in the preplanning meeting.

Motion: Commissioner Hunt moved to approve the Preplanning and Regular meeting minutes of November 27, 2007 with corrections noted and waive the reading of the minutes. Commissioner Miller seconded the motion.

Call the Question:

The motion passed unanimously.

3. ADOPTION OF 2008 PLANNING COMMISSION ANNUAL MEETING SCHEDULE

No comments or changes made.

Motion: Commissioner Miller moved to adopt the 2008 Planning Commission annual meeting schedule. Commissioner Searle seconded the motion.

Call the Question:

The motion passed unanimously.

Chairman Farr noted that both public hearings have been legally noticed in the newspaper. He requested that all comments be kept to three minutes.

4. PUBLIC HEARING: PROPOSED REZONE OF TWO PARCELS OF LAND FROM A-1/AGRICULTURAL TO R-1-8/RESIDENTIAL, 3.12 ACRES & 4 ACRES, LOCATED APPROXIMATELY 3490 & 3494 SOUTH PARKER DRIVE.

Mr. Daily noted that Riverdale City administration has made the rezone request. The request is to rezone two parcels of property, existing A-1 zone to R-1-8 zone designation. The rezone recommendation was advised by Riverdale City legal counsel, it fits the requirements of the general plan, and staff feels it will add value to the property. He continued to state that it ties in with residential development in the area and that staff recommends approval of the rezone of property to R-1-8.

Ms. Joan Price, 3815 South 700 West: Ms. Price noted that she was confused about the rezone. She asked what the rules and regulations are for the zoning on a piece of land if it is up to the City to change the zone and not the land owner. She asked if it is fair according to law for the City to step in and change the zoning.

Mr. Daily addressed Chairman Farr and asked if he would like staff to comment during the public hearing. Chairman Farr indicated that he would like staff to comment and asked City Attorney Brooks to address Ms. Price's concerns. Mr. Brooks noted that a City may rezone and request a rezone if it is in the best interest of the City. He also noted that many points may be argued all night about what was said and done in the past concerning this property but noted that these issues are under litigation and should be left to the court to discuss and decide.

Ms. Price noted that the City has a plan and asked why it was not enforced sooner or before the citizen purchased the property. In her opinion, it is not fair to say the City made a mistake and not allow the use but the fair and honest thing to do is for the City to admit its mistake and allow the citizen to develop the property as desired. Mr. Brooks noted that there are laws that restrict us in what we can do; in fairness to Mr. Cummins it was both the City and Mr. Cummins who did not follow through and make the zone officially approved on record.

Mr. James R. Purin, 3494 S Parker Drive property owner: Mr. Purin noted that he is one of the property owners and said that he didn't want any part of the rezone. He is currently working with a surveyor and the Corp of Engineers to determine how his land may be used. He said that he does not want to rezone the property at this time. Mr. Daily stated that the City initiated the rezone of his property so that it would not be an island zone in the middle of other zones and to meet the requirements of the general plan. Mr. Purin asked if he needed to seek legal advice concerning the rezone. Mr. Brooks stated that he is always welcome to seek legal counsel. Mr. Purin reiterated that he is against the rezone.

Ms. Amy Ann Spiers, 615 West 3650 South: Ms. Speirs said in behalf of many residents of River Glen Subdivision they are happy to see a residential zoning for this property. In her opinion, it makes sense to continue the residential development.

Ms. Nadiene Cummins, 3860 Rivervalley Drive: Ms. Cummins noted that she is against the rezone. In her opinion, the proposed action is premature and she does not agree that the property is currently zoned A-1 but it should be a manufacturing zone. She noted that Weber County tax assessors still maintained it as a manufacturing zone and has not been notified of any zoning changes. She noted that she has reviewed past City Council and Planning Commission meetings to find a record of the A-1 zone and could find none.

Chairman Farr informed the Planning Commission that he has a letter from Remy Law Offices that he failed to read earlier. He read the letter at this time (see Attachment A.)

Mr. Robert Weeks, 3757 South 900 West: Mr. Weeks asked the Planning Commission to listen to the community who is opposed to the rezone and to wait until after the legal action has taken place on the property to rezone it. He noted that more law suites may be a result of the rezone which will waste more public money.

Mr. Donald Cummins, 3860 Rivervalley Drive: Mr. Cummins noted that he has evidence in support that the M-2/manufacturing zone existed on his property. Mr. Daily noted that this evidence is inappropriate at this time since it is not a question of the M-2 zone but of A-1 and R-1-8 zones. He further noted that Mr. Cummins may state his opinion on the rezone. Mr. Brooks informed Chairman Farr that he may accept information that may help in making a decision about the rezone request. Mr. Cummins noted that he will not recognize an A-1 zone for the property. Mr. Farr requested that Mr. Cummins explain the information in his possession and that the Planning Commission will review it at a later time. Mr. Cummins stated that he has City Council minutes and a legal document from Ogden City Recorder. He noted that a public hearing was never held for the A-1 zone and further stated that going from an M-2 zone to an R-1-8 will be a down zone and it legally cannot be done. Mr. Cummins asked how the City could consider rezoning the property if it is still under litigation. Mr. Brooks noted that the City is following procedures as they have been outlined by its land use attorney. The Planning Commission is a recommending body to the City Council; it is the City Council that will make the final decision. Mr. Cummins restated that he is against the rezone and noted that a residential zone would force him to develop low-cost rental homes to make it financially feasible.

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

Call the Question:

The motion passed unanimously.

5. CONSIDERATION AND RECOMMENDATION OF PROPOSED REZONE OF TWO PARCELS OF LAND FROM A-1/AGRICULTURAL TO R-1-8/RESIDENTIAL, 3.12 ACRES & 4 ACRES, LOCATED APPROXIMATELY 3490 & 3494 SOUTH PARKER DRIVE.

Commissioner Gailey noted that due to the current litigation on one part of the property, in his opinion, rezoning it now may be a futile effort and feels that it should be left as A-1 zone until the litigation is settled. Commissioner Hunt asked Mr. Cummins to read from the 2004 City Council minutes that he shared during the public hearing. Mr. Cummins read from the minutes. Commissioner Hunt noted that he wanted to hear the motion because there was a mistake made then and he would not like to compound the mistake. Commissioner Miller said that he was told there was no zone on the property because neither party took the appropriate steps to zone it. He noted that as a Planning Commission they represent 8500 residents and must look to what is best for the City, its residents and the property owner. The master plan shows future use as residential, it is what the City Council and City Engineers have deemed to be the best and most appropriate use for that area of the City. Commissioner Searle noted that he does not oppose the zoning as residential but feels it is in the best interest for everyone that the zone remains as it is at the current time. Commissioner Hunt asked if the City is definite as to what the property is currently zoned, since there is a difference of opinion on the matter. Mr. Daily noted that according to the City's land use attorney and his research, it is zoned A-1. Commissioner Hunt noted then that the rezone would be a detriment to no one. Mr. Daily agreed noting that in the City's mind it adds value to the property and matches what the master plan is trying to achieve. Commissioner Hunt then noted that the problem is that this area was so mishandled in the past and his biggest concern now is to go against legal counsel. Discussion was held on how the A-1 zone was determined and the proposed residential zone in relation to the surrounding properties.

Motion: Commissioner Hunt moved to recommend to the City Council approval of the rezone of two parcels of land from A-1/agricultural to R-1-8/residential, located approximately 3490 & 3494 South Parker Drive. Commissioner Miller seconded the motion.

Roll Call Vote:

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

Call the Question:

The motion failed with two (2) in favor and three (3) against.

Mr. Daily requested that the Planning Commission make a motion not recommending the rezone to clarify their intent.

Motion: Commissioner Gailey moved to make a negative recommendation to the City Council of the proposed rezone of two parcels of land from A-1/agricultural to R-1-8/residential, located approximately 3490 & 3494 South Parker Drive. Commissioner Searle seconded the motion.

Roll Call Vote:

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

Call the Question:

The motion passed with three (3) in favor and two (2) against.

6. PUBLIC HEARING: PROPOSED PRUD RIVERDALE TOWNHOUSE DEVELOPMENT, LOCATED APPROXIMATELY 550 WEST RDA AREA, EAST OF DISCOUNT TIRE CO.

Mr. Daily noted that the public hearing is required by the PRUD ordinance and commenced to read from the ordinance. He said land use master plan states that this area may be developed as a PRUD and noted that the property is in an RDA area where the RDA board has final approval over land use. He continued to state that the RDA board has given approval for the PRUD development. Chairman Farr opened the public hearing.

Mr. Phillip Jensen, 4295 South 500 West: Mr. Jensen noted that he is against the PRUD and said that he and several citizens have written and signed a letter stating their desire for the area. He continued to read the letter (see Attachment B). Mr. Jensen commented that there was an article written in the paper that misrepresented him and his neighbors. He stated that he has never wanted to profit from the development but only wanted to get replacement value for his property.

Ms. Stephanie Howerton, 4296 South 500 West: Ms. Howerton noted that she is against the PRUD, she does not want to live by condos and does not want 58 new neighbors which will create more flooding and traffic in the area. She noted that living in an RDA area has been an emotional rollercoaster. She also stated that she does not want to get rich but would like replacement cost for her home.

Mr. Brian Bingham, 4288 South 500 West: Mr. Bingham noted that he has lived in Riverdale for many years, he has seen many changes and feels that there needs to be a change in the area so that posterity has a safer and more effective way to live. It is his hope that the City makes a decision that would benefit the whole of Riverdale City. Mr. Bingham noted that his name is on the letter and said the letter has many good points but he does not agree with the entire letter. He does not want to see condos in the area and would prefer a plan that would include the entire area, noting that a change is needed for the entire area and not just the proposed property.

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

Call the Question:

The motion passed unanimously.

7. CONSIDERATION AND RECOMMENDATION OF PROPOSED PRUD RIVERDALE TOWNHOUSE DEVELOPMENT, LOCATED APPROXIMATELY 550 WEST RDA AREA, EAST OF DISCOUNT TIRE CO.

Commissioner Searle noted that he was unsure of the purpose of this agenda item. He stated that it is a consideration and recommendation item and from his understanding the RDA has approved the specific use and it is now the Planning Commission's responsibility to fine tune the design. He asked if the use has not been approved. Mr. Daily stated that the Planning Commission is following Ordinance 10-22-6 where it requires a Public Hearing and a recommendation from the Planning Commission to the City Council. He continued to note that since it is in an RDA area the RDA board also needs to approve the use and they have granted approval. Mr. Daily informed the Planning Commission that amendments to the General Plan were forwarded by their body to the City Council allowing other uses than residential but the amendments were never approved. The existing General Plan allows for a PRUD, Mr. Daily said the recommendation should be based off the General Plan and reminded the Planning Commission that they are not approving a site plan; they are only recommending approval of a use – noting that it is or is not a good area for houses, specifically PRUD houses. A general discussion was held on possible impact on the surrounding properties and past failures in developing the land.

Commissioner Miller said he realizes that the neighborhood does not want a PRUD with the possible increase in traffic. He noted that if the development were commercial there are no guarantees that the developer would purchase surrounding properties and traffic has the same potential of increase as the PRUD. Commissioner Miller said that the property owner feels this is the best and most appropriate use for the property right now and asked what the best use is for the City. Commissioner Hunt said that the best use is subjective to each individual and that he cannot see how a nice residential development can hurt the area. A general discussion was held concerning the geo tech report, no build zone on the hill, and water issues. Commissioner Gailey noted that if the PRUD use is approved there is still a lengthy process that the developer must go through in approving the site plan. He continued to note that all the residents' fears and desires will be considered. Commissioner Hunt echoed this statement noting that the development will be held to a high standard to protect the surrounding residents along with the City.

Motion: Commissioner Miller moved to recommend to the City Council approval of the PRUD Riverdale Townhouse Development located at 550 West RDA area. Commissioner Gailey seconded the motion.

Call the Question:

The motion passed unanimously.

8. CONSIDERATION AND RECOMMENDATION OF PRELIMINARY SITE PLAN FOR THE PEACOCK RIDGE EIGHT (8) LOT PRUD, LOCATED APPROXIMATELY 5650 SOUTH 1225 WEST.

Mr. Daily noted that this proposal has been approved by the City Council. The parcel will be developed as a PRUD under the old ordinance and it will have a developer's agreement. Staff's recommendation is that the Planning Commission approves the preliminary site plan which will allow the developer to go on to the final site plan development phase. Commissioner Miller asked if the engineering for the PRUD will be completely redone. Mr. Daily noted that the engineering will not be completely changed because the geo tech study and soils report have been completed. He also noted that further reporting regarding each lot will be required concerning house placement and engineering required. Chairman Farr asked if the reports will go to Mr. Daily. Mr. Daily noted that they will and also a copy given to the City Engineer for review and approval. Commissioner Miller asked if the Planning Commission will receive a copy of the developer's agreement. Mr. Daily said he felt that was appropriate and noted they will receive it in their packet. Commissioner Gailey noted that on the preliminary site plan the development has direct contact with the canal and asked if the site plan is correct in that it abuts the canal. Mr. Daily noted that the actual development will have hillside that will not be disturbed therefore it will not abut the canal. Mr. Kent Hill, petitioner, noted that there are two ways of developing the PRUD regarding the lot with Hill Air Force Base. Mr. Brooks, City Attorney, noted that now is

not the time to change the agreement, it would be a City Council matter. A general discussion was held on street design and width.

Motion: Commissioner Miller moved to recommend to the City Council approval of the preliminary site plan for the Peacock Ridge eight lot PRUD located at 5650 South 1225 West. Commissioner Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

9. DISCRETIONARY ITEMS

No items were discussed.

10. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Hunt moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:15 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair