



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **June 24, 2008** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Don Farr, Chair
Brent Ellis, Member
David Gailey, Member
Blair Jones, Member
Norm Searle, Member

Members Excused:

Allen Miller, Member
Bart Stevens, Member

Others Present:

Randy Daily, Community Development Director
Marie Alvord, Planning Commission Secretary
Seven (7) petitioners

1. CALL TO ORDER

Chairman Farr welcomed everyone present and noted that Commissioner Stevens and Commission Miller were excused and all other Planning Commissioner Members were present.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES.

Comments and changes were requested in the preplanning meeting.

Motion: Commissioner Searle moved to approve the Preplanning and Regular meeting minutes of June 10, 2008 with corrections noted and waive the reading of the minutes. Commissioner Ellis seconded the motion.

Call the Question:

The motion passed unanimously.

3. PUBLIC HEARING: REZONE OF PROPERTY FROM MP-1/LIGHT PLANNED MANUFACTURING AND C-3/COMMERCIAL TO C-3/COMMERCIAL, APPROXIMATELY LOCATED 700 WEST RIVERDALE ROAD.

Chairman Farr noted that the proper notification and publication was completed for the public hearing. He opened the meeting for public comment. No comments were given.

Motion: Commissioner Gailey moved to close the public hearing. Commissioner Jones seconded the motion.

Call the Question:

The motion passed unanimously.

4. DISCUSSION AND RECOMMENDATION OF PROPOSED REZONE OF PROPERTY FROM MP-1/LIGHT PLANNED MANUFACTURING AND C-3/COMMERCIAL TO C-3/COMMERCIAL, APPROXIMATELY LOCATED 700 WEST RIVERDALE ROAD.

Mr. Daily noted that the rezone was requested by the Planning Commission therefore the petitioner is the City and further noted that the property owner has agreed to the zone change. Mr. Daily stated that his recommendation is to forward a recommendation to the City Council to rezone the property.

Motion: Commissioner Searle moved to forward to the City Council recommend proposed rezone from MP-1/Light Planned Manufacturing and C-3/Commercial to C-3/Commercial, approximately located 700 West Riverdale Road. Commissioner Ellis seconded the motion

Call the Question:

The motion passed unanimously.

5. CONCEPT DISCUSSION FOR PROPOSED ASSISTED CARE FACILITY APPROXIMATELY LOCATED 1580 RITTER DRIVE.

Petitioner not present, Chairman Farr noted that the Planning Commission will return to the item when the petitioner arrives.

6. DISCUSSION AND RECOMMENDATION OF PRELIMINARY SITE PLAN FOR TONY DIVINO USED AUTO DEALERSHIP, SALES OFFICE, AND CAR WASH, APPROXIMATELY LOCATED 705 WEST RIVERDALE ROAD.

Mr. James Glascock, representative for Tony Divino, displayed the landscaping site plan and reviewed landscaping, proposed buildings, entrance locations, and parking. It was noted that the proposed site plan has sufficient landscaping including the additional landscaping that the other area will lose, appropriate number of trees, and sufficient parking. Mr. Glascock displayed the elevations and floor plan for the proposed buildings and reviewed color scheme. Commissioner Jones asked about the fencing around the car wash. Mr. Glascock noted that it will be a black chain link fence and reviewed the location and how it will be used during and after business hours.

Chairman Farr asked what happened with the building enclosure at the City Council meeting. Mr. Daily noted that the City Council approved the enclosure and waived the landscaping requirement due to the loss of property for the Riverdale Road widening. He continued to note that the proposed buildings will front on Riverdale Road, noting that setback requirements for Riverdale Road will be 50 ft and on 700 West, 20 ft. Mr. Daily said the site plan is close to being done except for the engineering and utility placement. Mr. Glascock noted that it will be complete for the July 8, 2008 meeting. He reviewed where the utilities will be placed and noted that he reserves the right to change the landscaping layout but assured the Planning Commission that it will meet all ordinance requirements.

Discussion was held on the car wash. Mr. Daily asked if they plan to have directional signage. Mr. Glascock noted that small minor signage will be used, for example – exit, entrance. Mr. Daily noted that Fire Department will review the site plan and possibly require a knox-box for access key for each gate.

Motion: Commissioner Searle moved that the preliminary site plan for Tony Divino Used Auto Dealership, Sales Office, and Car Wash approximately located 705 West Riverdale Road be forwarded to the City Council and recommend approval with the stipulation that the emergency access be worked out with the Fire Department. Commissioner Gailey seconded the motion.

Call the Question:

The motion passed unanimously.

CONCEPT DISCUSSION FOR PROPOSED ASSISTED CARE FACILITY APPROXIMATELY LOCATED 1580 RITTER DRIVE.

Chairman Farr noted that the petitioners have arrived and moved to discuss the proposed facility at this time and turned the time over to Mr. Daily. Mr. Daily said this property is currently zoned A-1 and is one of the few lots on Ritter drive that complies with the zone. He continued to state that the proposed use has never been considered for this area and that the proposed use will be based on the R-3 zone. He informed the Planning Commission if they are to go forward with this use the General Plan will need to be amended along with a rezone of the property which both will require a public hearing.

Mr. Tracey Stocking, Architect, reviewed the proposed facility, 96 units, two stories, building residential in character, with 45 to 48 parking spaces. Mr. Daily said that he believes it could be a possibility; it would be a good transition from the Cherry Creek apartments, a retail paint store and office building owned by Boyer. His concerns include the number of units and the only access is on Ritter Drive and mentioned that if the petitioner could acquire property to Freeway Park Drive they would have a better plan. Mr. Daily recommended that the Planning Commission make comments on the use and then he could take those comments and sit down with Public Works, Fire Department, City Administrator and Mayor to review. He then noted that the final approval would come from the City Council. Discussion was held on traffic impact on Ritter Drive, degree of care provided, and number of units. Commissioner Ellis stated his concern with the use is the location on Ritter Drive and how close it is to the stop sign and noted that it is a bad location due to the traffic. Traffic patterns on Ritter Drive and Freeway Park Drive were discussed. Chairman Farr said in his opinion it would be a good transition development with the apartments and businesses in the area and noted concern with traffic on Ritter Drive. Commissioner Searle stated that he feels it would be a good fit for the type of business with exception to the traffic. He noted that the public hearing would be interesting to find out the neighboring property owner's feelings on the development. He continued to say that it is not a bad location if they could work out the entrance issue.

7. DISCUSSION AND RECOMMENDATION OF PRELIMINARY SITE PLAN FOR CHICK-FIL-A, APPROXIMATELY LOCATED 4045 SOUTH RIVERDALE ROAD.

Mr. Daily noted that Mr. Babbitt with Great Basin Engineering was not present and recommended that the Planning Commission table the item until representation for the item is present.

Motion: Commissioner Ellis moved to table the preliminary site plan. Commissioner Searle seconded the motion.

Call the Question:

The motion passed unanimously.

8. DISCUSSION AND RECOMMENDATION OF TWO LOT SUBDIVISION, APPROXIMATELY LOCATED 4040 SOUTH PACIFIC AVE IN A CP-3 ZONE.

Mr. Cody Taylor, Great Basin Engineering noted that this is to split a lot into two lots. He mentioned that an easement was created to allow for cross access between the two lots so that it will continue to function in the same way. Mr. Daily noted that it meets lot coverage and setback requirements except for the frontage on Pacific Ave. which is considered legal non-conforming. The development will physically remain the same, only the property lines will change. The two lots cannot be divided by a physical barrier such as a fence or wall. Chairman Farr noted that he had the grant of easement.

Motion: Commissioner Searle moved to forward to the City Council with recommendation of approval of the two lot subdivision approximately located 4040 South Pacific Ave. Commissioner Gailey seconded the motion.

Call the Question:

The motion passed unanimously.

9. CONDITIONAL USE PERMIT REQUEST FOR BILLBOARD AT 5234 FREEWAY PARK DRIVE. THIS ITEM WAS TABLED 10 JUNE 2008.

Chairman Farr noted that the item was tabled June 10, 2008 and that a motion was needed to take it off the table.

Motion: Commissioner Ellis moved to remove this item from the table for the conditional use permit for a billboard installation request on 5234 South Freeway Park Drive. Commission Jones seconded the motion.

Call the Question:

The motion passed unanimously.

Mr. Daily informed the Planning Commission that in speaking with the City Attorney, Mr. Brooks, it was Mr. Brooks' determination that this application should be reviewed using the previous off premise sign ordinance. He continued to state that with Senate Bill 60 all conditional uses are a permitted use and can only be denied under certain circumstances. Mr. Daily read the previous ordinance: 10-16-7A. *"Permitted: Off premises signs in the city are permitted as a conditional use only along the I-15 corridor in commercial, planned commercial, manufacturing and planned manufacturing zones. No other off premises signs are allowed within the city limits. The conditional use must be reviewed and approved by the planning commission and city council."*

Mr. Daily gave a background of the off premises signs within the city. He noted that the I-15 corridor is on the west side of Freeway Park Drive and is part of the freeway system and not defined as a separate road from the freeway system on the county plats. It is defined as separate by "redline" on UDOT maps that were agreed to by the city years ago. The city has total jurisdiction over this road we named the road and regulate setback requirements and uses fronting this road. In the opinion of Mr. Daily, Freeway Park Drive is a separate road, it is physically separate from I-15 and therefore the sign is not on the I-15 corridor. He noted that signs in that area are no higher than 40 ft and sign area is based on occupied frontage. It is his feeling that the sign would be out of place due to the area and size. He gave history on the ownership of the property. Mr. Daily stated that his interpretation of the ordinance is that this is not part of the I-15 corridor and gave a recommendation to deny the conditional use permit.

Mr. Greg Simonson, representative for Reagan Outdoor Advertising, gave a background of his knowledge with the transit authority. He noted that there has been rumor or question that there may be restrictive covenants on the property, UTA is unaware of any such restrictions. He submitted for record the title and deeds from when the land was first conveyed to Riverdale (Attachment A) and noted that he could not find any restrictive covenants. Mr. Simonson also gave a handout highlighting Utah Code pertaining to outdoor advertising (Attachment B). He noted that in 72-7-502(17): *"Outdoor Advertising Corridor" means a strip of land 350 feet wide, measured perpendicular from the edge of a controlled highway right of way* and mentioned that the billboard will be 80 feet from the interstate and therefore in his opinion would be considered along the I-15 corridor.

General discussion of the sign was held on the following:

- Size: larger requested to allow visibility to southbound traffic on I-15
- Location: requested by UTA, do not want to be a nuisance to neighboring businesses
- Safety: pedestrian and car traffic a concern of Planning Commission
- Lighting: typically 18 hour illumination may be up to 24 hours

Commissioner Searle read from the Utah Outdoor Advertising Act 72-7-501(2): *"purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with customary use, zoning principles and standards, the protection of private property rights"* and questioned if it is consistent

with customary use. He also noted his concern with the protection of property rights specifically stating that UTA's rights are being protected but not sure of the other businesses in the area. In his opinion, Commissioner Searle feels this is not a good location and is not confident that all requirements of Act 72-7-501(2) are being met. He is not in favor of the conditional use permit.

Mr. Daily commented that because the UTA park and ride lot does not have a main use such as a building it is his position that any proposal to add to or alter the site would require a site plan amendment which must be applied for and represented to the planning commission by UTA. This Billboard far exceeds all sign allowances that are typical for uses on developed property.

Chairman Farr noted many concerns with the billboard; the blocking of existing signs feels it is not a safe place for the sign, and the definition of the I-15 corridor is unclear. Mr. Simonson noted that before a conditional use permit may be denied evidence beyond worry must be presented. Discussion on safety and engineering of billboards was held. Commissioner Jones noted his concern for having the billboard in the middle of the businesses. Guy Larson, Reagan Outdoor Advertising, reviewed the placement of the billboard and noted that all aspects were considered in the placement as to have the least impact on the surround businesses. Commissioner Gailey asked Mr. Larsen to explain the type of billboard proposed. Mr. Larson explained the design of the billboard.

Commissioner Searle commented that Reagan Outdoor Advertising is professional and does a great job with what they do. He continued to state that the city does not have a desire to have a billboard on Freeway Park Drive and still thinks that it needs to be worked out with people that are versed in these things such as the City Attorney. Commissioner Searle also noted that he is familiar with the citizens and the general feelings of the public that they do not want any more billboards. He recommended that the Planning Commission deny the conditional use permit, allow the City Attorney to review the application and make a recommendation to the City Council, and have the City Council make an informed decision on the application. Commissioner Gailey stated that he would prefer to have a representative from UTA to resolve misunderstandings. He also noted that he agrees with Commissioner Searle's recommendation.

Motion: Commissioner Searle moved to deny the conditional use permit for billboard at 5234 Freeway Park Drive; reason for denial for the fact that the property is located east of Freeway Park Drive which brings into question if it is part of the I-15 corridor.

Discussion on the Motion: Chairman Farr asked Commissioner Searle to include his earlier statements on the protection of property in the motion.

Amended Motion: Commissioner Searle moved to deny the conditional use permit for billboard at 5234 South Freeway Park Drive. Reasons for denial: the proposed property is located east of Freeway Park Drive which brings into question if it is part of the I-15 corridor; Utah Outdoor Advertising Act 72-7-501(2) states "*purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with customary use, zoning principles and standards, the protection of private property rights*" and questions if the proposed use is consistent with customary use; protection of private property, unclear what impact the sign will have on surrounding property; and concern with number of people that commute in all types of weather which the sign may cause a safety issue. Commissioner Ellis seconded the motion.

Call the Question:
The motion passed unanimously.

10. DISCRETIONARY BUSINESS.

Mr. Daily reviewed the meeting with FEMA, Denver Office and State Representative along with two property owners from River Glen Subdivision and a developer. He noted that FEMA determined that the city followed all requirements and no violations exist with any aspect of the storage unit development.

Chairman Farr noted that the exterior wall around the new power plant on 1500 west looks nice. Commissioner Ellis concurred.

Commissioner Searle requested to review the PRUD ordinance, noting that he has a few concerns with the ordinance. Mr. Daily stated that he will place it on the second meeting in July. Commissioner Searle also noted that in the past someone has brought up reviewing the commercial landscaping ordinance. He feels that the current ordinance sets Riverdale City as a nicer community and feels it does not need to be amended. Mr. Daily stated that his concern is with irrigation, he agreed that it is beautiful but requires a lot of water.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Ellis moved to adjourn the meeting. Commissioner Jones seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:12 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair