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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 28, 2008** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Allen Miller, Chair  
Brent Ellis, Member  
David Gailey, Member  
Blair Jones, Member  
Norm Searle, Member

Members Excused:

Bart Stevens, Member

Others Present:

Randy Daily, Community Development Director  
Marie Alvord, Planning Commission Secretary

## 1. CALL TO ORDER

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

## 2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES.

Comments were made in the preplanning meeting.

**Motion:** Commissioner Ellis moved to approve the October 14, 2008 Preplanning session minutes with noted corrections and waive the reading.

**Discussion on the Motion:**

Commissioner Searle noted that the regular session minutes need to be approved as well.

**Motion:** Commissioner Ellis moved to approve the September 23, 2008 Preplanning and Regular session minutes with noted corrections and waive the reading. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

Chairman Miller requested to move Item 4: Discussion and Review Request to build a zero lot line twin home on R-2 zoned property located at approximately 4312 South 1000 West and discuss it first.

### **DISCUSSION AND REVIEW REQUEST TO BUILD A ZERO LOT LINE TWIN HOME ON R-2 ZONED PROPERTY LOCATED AT APPROXIMATELY 4312 SOUTH 1000 WEST.**

Mr. Daily explained that the piece of property is an infill lot that has existed for over thirty years and little has changed around it. He noted that Weber County requires that any lot created before zoning is in place it is considered a usable lot. He stated that the petitioner Mr. Jay Banner would like to build a zero lot line twin home with separate tax identification numbers and utilities. In order to build the twin home the property will need to be rezoned to R-1 with a conditional use permit and come before the Planning Commission and City

Council. He noted that this request is for concept discussion only. Mr. Daily read from city code: 10-14-4i, he explained that it meets all requirements but one “4. *Use of the zero side yard provision is contingent upon development of or committed to development of a zero side yard on an adjoining lot.*”

Mr. Banner reviewed the homes and duplexes that surround the lot. Discussion was held on location, the surrounding homes, size and shape of lot. Mr. Daily stated that the ordinance is clear and if this request is to be approved the ordinance would have to be amended. The purpose of this discussion is to determine if the city will permit this type of development on infill lots throughout the city. Commissioner Searle stated that he has three main questions or concerns: how will the lot be divided more specifically how will the driveway be divided, will a geotech report be required since there is a hill on the property, and will it be owner occupied.. Commissioner Gailey asked if Mr. Banner currently owned the property. Mr. Banner stated that his grandmother owns the property but he will purchase it if he can develop it. Mr. Banner stated that the drive way would be 60 ft and split right down the middle 30/30. Mr. Daily explained that the home will not be built on the hill but about 25 ft away from it and therefore would not require a geotech report. Mr. Banner said it will be owner occupied. Mr. Daily said Commissioner Searle brings up a good point. The twin home will be owner occupied and when it is divided into a small lot subdivision it must be approved as a subdivision of property with a survey that is drawn up and approved. The relationship to the hillside needs to be established and soil testing will be required.

Discussion was held on details of the twin home such as exterior and square footage. Mr. Daily stated that he is looking for direction on what the Planning Commission’s attitude is on allowing and amending the ordinance to permit something like this request and how to pursue it. Chairman Miller asked for each Planning Commission member’s recommendation.

- Commissioner Searle: Likes the concept, feels it is a good starter home and will eventually be another rental unit. Does not like the fact that it will be behind an existing duplex but does not have a problem with the request. He said the ordinance could be changed and noted that there would have to be a public hearing and all the surrounding residents notified. Requested more time to think about the request before making a decision.
- Commissioner Ellis: Likes the concept and feels it fits the area but concerned that it will set precedence for development of other areas in the city and is not sure it is beneficial.
- Commissioner Gailey: Would like to see what City Council would say about amending the ordinance. Likes the concept, thinks it looks nice and will be an upgrade to the neighborhood.
- Commissioner Jones: Noted that he understands the desire to develop property. Concerned that if the request is approved that other areas in the city will request similar developments and not sure if it is a good fit for all of Riverdale City.

Mr. Jay Banner stated that he understands that they do not want this type of development everywhere in the City but since this has duplexes or twin homes near the property this would be a good fit. Commissioner Jones stated that he does not have a problem with it in the area but concern is with changing the ordinance.

- Chairman Miller: Big supporter of property owner’s rights to develop as long as they follow city ordinance. Concerns include the length of the driveway in regards to fire protection, if a fire truck could go back there. Noted that most of the subdivisions developed in the last 15 years did not allow flag lots and therefore the only place these type of lots exist is in older areas built prior to the mid 1980’s. He feels there is no problem to amend the ordinance to allow this development by restricting to only flag lots and kept as a conditional use.

Mr. Daily asked if there was a consensus to bring back an ordinance that would allow this type of development in the City. He addressed Mr. Banner and stated that the Planning Commission cannot amend an ordinance based on a single request but must look at the entire city to consider the ramifications of the amendments. Chairman Miller asked that the Planning Commission be polled to see if there is a consensus to amend the ordinance.

**Poll the Question:** Commissioner Gailey, aye; Commissioner Jones, aye; Chairman Miller, aye; Commissioner Searle, nay; Commissioner Ellis, nay; with Commissioner Stevens excused.

Mr. Daily stated that the poll indicates that the Planning Commission is not willing to change the ordinance and will not allow the twin home on the property.

**Motion:** Commissioner Searle moved to table the consideration until the next regularly scheduled Planning Commission meeting to allow time for the Planning Commission members time to look at the correct property and give thought and time on this in fairness to Mr. Banner.

**Discussion on the Motion:** Mr. Daily asked the Planning Commission to keep in mind that they are not deliberating on a piece of property but an ordinance change. An ordinance change cannot take a specific piece of property and that they made a non recommendation of an ordinance change.

**Motion:** Commissioner Searle moved to table the concept until the Planning Commission can review the ordinance and determine if amendments will be appropriate. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

**3. DISCUSSION AND REVIEW OF TITLE 10; CHAPTER 22: PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD).**

The recording of the City Council meeting held on October 21, 2008 was reviewed. Mr. Daily noted that North Ogden is still struggling with the PRUD Ordinance and stated that he needs to know the attitudes as to what needs to be changed or tweaked.

Commissioner Searle noted that he was aware of North Ogden's repeal to rewrite the ordinance and that he downloaded a copy of the ordinance. He stated that it is about three times the length of Riverdale City's ordinance. He reviewed a few of the aspects of the ordinance. He recommended that the entire Planning Commission received a copy to look through and see if anything can be adopted in the City's ordinance. Chairman Miller stated that he does not think the other subdivisions ordinance need to be reference in the PRUD ordinance but it should stand on its own. He also noted that the acreage requirement is good and recommended two acre minimum.

Discussion was held on current PRUD's concerning phasing and acreage. Mr. Daily stated that it is wise to avoid requirements that need to be policed and noted that the ordinance loses its flexibility once it becomes too restrictive. He noted that one of the biggest problems the city currently has with the ordinance is defining what the city owns and what the PRUD is responsible for. Chairman Miller also noted that open space is another big concern and said the definitions are too vague. He stated that if there were more clear definitions it would alleviate some of the debate between developer and Planning Commission.

Discussion was held on the size of a PRUD and the burden of maintaining a small development on the residents. Road size was also discussed in particular the possibility of having dedicated roads that are smaller than 60 ft wide. Chairman Miller requested that all Planning Commissioners read through the PRUD ordinance and at the next regularly scheduled meeting staff pass out other PRUD ordinances from surrounding cities. He also requested that during the first meeting in December all Planning Commission members provide a list of comments and requests to address and submit to City staff. All Planning Commission members agreed.

**4. DISCUSSION AND REVIEW REQUEST TO BUILD A ZERO LOT LINE TWIN HOME ON R-2 ZONED PROPERTY LOCATED AT APPROXIMATELY 4312 SOUTH 1000 WEST.**

Discussed earlier in the meeting.

**5. DISCUSSION AND RECOMMENDATION OF PROPOSED AMENDMENTS TO TITLE 10; CHAPTER 9C: SINGLE-FAMILY AND SINGLE-FAMILY WITH A RENTAL UNIT RESIDENTIAL ZONE.**

Mr. Daily stated that the Planning Commission has the new language and with the deletion of the one section that was discussed in the preplanning meeting his recommendation is to forward it to the City Council with a favorable recommendation.

**Motion:** Commissioner Ellis moved to forward to the City Council a favorable recommendation of the proposed amendments to Title 10; Chapter 9C: Single-Family and Single-Family with a Rental Unit Residential Zone. Commissioner Gailey seconded the motion.

**Call the Question:**

The motion passed unanimously.

**6. DISCRETIONARY BUSINESS**

Mr. Daily informed the Planning Commission that a public hearing has been set for the next meeting on the General Plan for Area 5 and Transportation.

**7. ADJOURNMENT.**

There being no further business to come before the Planning Commission, Commissioner Gailey moved to adjourn the meeting. Commissioner Ellis seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:58 pm.

Attest:

Approved:

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Marie Alvord,  
Planning Commission Secretary

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Allen Miller, Chair