

---

Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **March 10, 2009** at 6:35 p.m. at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present: Allen Miller, Chairman  
Brent Ellis, Commissioner  
David Gailey, Commissioner  
Blair Jones, Commissioner  
Braden Mitchell, Commissioner  
Norm Searle, Commissioner

Excused: Bart Stevens, Commissioner

Others Present: Randy Daily, Community Development Director; Steve Brooks, City Attorney; Marilyn Banasky, City Recorder, and 17 citizens.

**1. CALL TO ORDER**

Chairman Miller welcomed everyone present and noted that all Planning Commission members were present except Commissioner Stevens who is excused.

**2. Approval of the February 10, 2009 Preplanning and Regular Session Minutes.**

**Motion:** Commissioner Searle moved to approve the February 10, 2009 Preplanning and Regular session minutes as previously discussed in preplanning and waive the reading. Commissioner Ellis seconded the motion.

**Call the Question:**

The motion passed unanimously.

**3. a. Public Hearing to consider amendments to the Riverdale City Zoning Map, specifically to rezone certain areas of the City from R-2 Single Family and Single Family with Rental Unit Residential zone to R-1-8 Single Family Residential zone.**

Randy Daily gave an overview of why the City was contemplating rezoning certain areas from R-2 to R-1-8. He reported that they are initiating this rezone in order to protect the integrity of the single family dwelling areas and that there aren't any two-family dwellings on file with the City in the proposed areas. He stated that Riverdale currently has 100 duplexes on file with the City and an additional 577 apartment units.

Chairman Miller opened the public hearing at 6:44 p.m.

Gary Perigu reported that he has four-plexes that are near the rezone area and wondered if the R-2 zone applied to four-plexes. Mr. Daily replied that Mr. Perigu's four-plexes are in an R-3 zone, which allows for a four-plex as well as a duplex and that the proposed rezone wouldn't affect Mr. Perigu's property.

Rick Hermann stated it is his understanding that if someone wanted to put a basement apartment in their home, that the apartment must have a separate entrance and that he feels most homes don't have the separate entrance. Mr. Daily replied that there are requirements that a duplex must appear to be a single family dwelling from the front, have a separate entrance, and be on a minimum 10,000 square foot lot. He explained that the separate entrance is typically through the rear of the home or through the garage area. Mr. Herman stated that the ordinance regulating duplexes is already pretty restrictive and inquired if the proposed rezone area was mostly built out. Mr. Daily replied that it is mostly built out with a couple of undeveloped lots in the Woods area. Mr. Herman stated that he doesn't understand why there is a need for the rezone if the area is totally developed and the code is restrictive. He reported that he doesn't see a need for the change.

Alan Gibby reported that he built his home with a rear entrance in the basement so that at a later date he could convert his basement to an apartment in order to subsidize his income when he got older. He stated that he currently has the ability to do that in an R-2 zone, and inquired if the zone changed to R-1-8 if he would be able to do that. Mr. Daily replied that Mr. Gibby would not be able to convert his basement into an apartment if the zone changed. Mr. Gibby stated that he would like to see the reason for the proposed zone change and feels that they shouldn't make the change in the ordinance.

Gary Perigu stated that Mr. Gibby has done long term planning for the future and if the zoning changes, it will have a negative impact on him and his future. He inquired as to the benefit of the zoning change.

Dan Merkley reported that he has talked to people on both sides of this issue and the City has taken a general issue of protecting property values of those who are in this area because when single family homes go to multiple family dwellings, that drops that down. He stated that he thinks the zone change is wonderful for most of the residents, but that Alan Gibby has a situation where he could only rent to family if the zone change occurred and wondered if the City could give Mr. Gibby an exemption. Mr. Daily replied that there is always the possibility of exempting. He reported that the Planning Commission just recommends and the City Council makes the final decision. He stated that the Council had discussed making allowances for those who, in the future, are planning to convert their property to a duplex, but the Council will need to determine what those allowances are. Mr. Daily reported that 43% of Riverdale is rental property and that the City is trying to protect the integrity of neighborhoods.

Alan Gibby stated that he feels there is a way to allow duplexes by drafting the ordinance in order to maintain the single family look and maintain property values by stipulating the way duplexes would be approved.

Laurie Gibby stated that perhaps a good way to allow duplexes would be to have the ordinance state that the primary dweller in the home must be the homeowner.

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

**Call the Question:**

The motion passed unanimously.

The public hearing was closed at 7:00 p.m.

**b. Discussion and Recommendation by the Planning Commission.**

Chairman Miller asked the Planning Commissioners for their comments. Commissioner Mitchell stated that Mr. Hermann made a comment that not many homes have basement entrances, but in his neighborhood almost all the homes have a second entrance and would be easy to convert those homes to a duplex. Commissioner Searle reported that he can see that Mr. Gibby has a unique situation and suggested that he meets with Mr. Daily to discuss it. He stated that he lives on a street that has basement apartments and now understands that they haven't been registered with the City. He explained that there isn't adequate off street parking for the rental units and that it has been his personal experience that inadequate parking can cause problems in the neighborhoods. Commissioner Gailey reported that when the Planning Commission looks at an ordinance, it is hard to have an ordinance that covers every aspect as to what may or may not happen to a home. He stated that they are trying to put forth an ordinance that is good for Riverdale City itself and that there will probably be individuals that are not happy with it but that they try to make it best for the most residents. He stated that if there are exceptions, they have the right to go to the City and apply to the City Council for an adjustment and would counsel residents to do that. Commissioner Ellis seconded what Commissioner Gailey said. He stated that they have gone through this ordinance several times and if variances are needed there is a way of applying to the City Council for those. He reported that thinks this is a good ordinance that would improve that area.

Chairman Miller reported that he would like to address the owner occupied aspect. He stated that the Planning Commission initially wanted to only allow owner occupied properties, but what happens when a homeowner with a basement apartment goes on a mission, and if the owner must live in the home they wouldn't be allowed to rent out the basement while they were away. He explained that about three to four years ago an individual was buying up single family dwellings in Riverdale and turning them into duplexes, which they would live in for a time and then sell it as two rental units. He stated that a large amount of citizens in that area come in and asked if there was something that could be done about it as they felt it was degrading their subdivision. Chairman Miller stated that was the genesis of this ordinance. He reported that he is in favor of property owner's rights as long as they are within the ordinance, but that the Planning Commission also has to look at what is best for the residents of Riverdale.

**Motion:** Commissioner Searle moved to recommend approval of the rezone of certain areas of the City from R-2 Single Family and Single Family with Rental Unit Residential zone to R-1-8 Single Family Residential zone. Commissioner Ellis seconded the motion.

**Call the Question:**

The motion passed unanimously.

**4. a. Public Hearing concerning a proposed Infill Lot Ordinance.**

Randy Daily reported that this ordinance has been created to allow areas of the City to allow development of existing lots that are not part of an approved or recorded subdivision as long as they meet certain criteria.

Chairman Miller opened the public hearing at 7:14 p.m.

No comments were given.

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

**Call the Question:**

The motion passed unanimously.

The public hearing was closed at 7:15 p.m.

**b. Discussion and Recommendation by the Planning Commission.**

Mr. Daily read the definitions that were included in the ordinance and discussed them. He outlined that any development on an infill lot would need to be reviewed by and approved by the Planning Commission to ensure that the structure is compatible with and enhances the neighborhood. He explained that a Developer's Agreement would be required to outline the criteria for each specific property and that the Planning Commission could impose conditions in this agreement. He reported that the Fire Department will review any infill lot development to determine that emergency vehicles can service the resident on that property.

**Motion:** Commissioner Mitchell moved to approve the proposed Infill Lot Ordinance. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

**5. a. Public Hearing concerning proposed amendments to Title 10, Zoning and Subdivision Regulations, Chapter 5 Rezone Requests, Section 3 Notice of Request; Posting; Public Hearing.**

Randy Daily reported that this proposed ordinance changes the requirements for notification of a rezone. He stated that he has taken out the language that requires notification be sent to residents within 500 feet of the proposed rezone and that only those property owners affected by the change would receive a notice, simplified the language regarding placing signage to notify third party individuals of the rezone, and outlines how the public hearing notice is published. He stated that these changes are in compliance with current State law and that he feels it is a better way to notify the residents.

Chairman Miller opened the public hearing at 7:23 p.m.

Gary Perigu stated that he doesn't have strong feelings about this but if he hadn't received notice of tonight's rezone, he wouldn't have known about it and he was glad he

came. He stated that he is in favor of mailing the notices to property owners in close proximity.

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

**Call the Question:**

The motion passed unanimously.

The public hearing was closed at 7:24 p.m.

**b. Discussion and Recommendation by the Planning Commission.**

Mr. Daily reported that tonight's rezone is different from most of the rezone requests as it was initiated by the City. He reiterated that with the proposed changes all the people within the affected area would still be notified of the public hearing to discuss the rezone, but those within 500 feet of the area would not. He stated that the City would require that a sign be placed on the property to be rezoned to notify neighboring residents and post the public hearing notice in the newspaper at least ten days in advance and either post it on the City's web-site or in three public places in the City.

**Motion:** Commissioner Searle moved to forward the proposed amendments to the City Council and recommend approval for the amendments to Title 10, Zoning and Subdivision Regulations, Chapter 5 Rezone Requests, Section 3 Notice of Request; Posting; Public Hearing. Commissioner Jones seconded the motion.

**Call the Question:**

The motion passed unanimously.

**6. DISCRETIONARY BUSINESS.**

Commissioner Gailey passed on thanks to the Fire Department from the Draayer family for the quick response when their home caught fire.

**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 7:28 pm.

Attest:

Approved: March 24, 2009

\_\_\_\_\_  
Marilyn Banasky, City Recorder

\_\_\_\_\_  
Allen Miller, Chair