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Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **February 9, 2010** at 6:31 p.m. at the Riverdale Civic Center, 4600 S. Weber River Drive.

Members Present: Allen Miller, Chairman  
Braden Mitchell, Commissioner  
Brent Ellis, Commissioner  
Bart Stevens, Commissioner  
Mike Hall, Commissioner  
Michael Staten, Commissioner

Excused: Blair Jones, Commissioner

Others Present: Randy Daily, Community Development Director; and Marilyn Banasky, City Recorder.

## **A. Welcome & Roll Call**

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

## **B. Open Communications**

None

## **C. Consent Items**

- 1. Approval of meeting minutes from:  
January 26, 2010 Work Session  
January 26, 2010 Regular Planning Commission**

**Motion:** Commissioner Ellis moved to approve the consent item. Commissioner Staten seconded the motion.

### **Call the Question:**

The motion passed unanimously.

## **D. Action Items**

- 1. a. Discussion of amending Title 10, Chapter 12 – Infill Lots.**

Randy Daily reported that this revision to the Infill Lot ordinance came about due to a consensus from the City Council to revisit it at their last City Council meeting. He stated that they feel it needs further clarification as to the purpose of the infill lot ordinance and the criteria used to approve one. He reported that he added language under section 5 which clarifies that dwellings built on an infill lot must be the same as the adjacent dwellings. He explained that he sent the revisions to the City Council and some of them submitted comments and suggested language. Commissioner Stevens reported that because of the unique nature of infill lots he feels it is appropriate to give latitude and discretion to the

builder, developer and the Planning Commission when applying this ordinance. Commissioner Staten asked Mr. Daily to explain sections 10 and 11 that were submitted by Councilor Arnold and describe the process the applicant would go through to ensure the steps outlined by this ordinance are met. Mr. Daily replied that paragraphs 10 and 11 would not change this ordinance. He stated that Mr. Brooks commented that these paragraphs as submitted by Councilor Arnold could invite lawsuits if specific criteria is not written in the ordinance that they intend to review in order to approve an infill lot. Mr. Daily explained that the bottom line as to the Council's concern was ensuring that an infill lot development was compatible with adjacent existing residences. He stated that he added language in section 5 that clarifies that the dwelling on an infill lot must match those that surround it. For example, if the infill lot is surrounded by single family dwellings, then that is the highest density allowed on the infill lot, however, if the adjacent dwellings are of a higher density, then that would be allowed on the infill lot. Commissioner Stevens inquired if paragraph 10 is stating that once the Planning Commission recommends that a development be considered an infill lot it goes to the City Council for approval and if they approve it, the development is then sent back to the Planning Commission to be addressed. Mr. Daily stated that is his understanding of paragraph 10. Commissioner Stevens stated that a few years ago the State legislature passed laws because cities were making it too complex for developers and made them streamline the process. Commissioner Ellis inquired if this makes developing on an infill lot more restrictive than on a regular lot. Mr. Daily replied that it would. Commissioner Ellis stated that he thought they were trying to make it easier to develop an infill lot and not more restrictive. Commissioner Stevens stated that he can appreciate the concern of putting a multi-family unit on an infill lot, but is concerned that the priority of the Planning Commission is to protect the neighbors, area and future owners of property. Chairman Miller stated that in paragraph 3 Councilor Jenkins suggests adding language to recommend conditions and he feels it isn't their place to recommend conditions as demolition already has standards they have to meet. Mr. Daily stated that the ordinance already has conditions. Chairman Miller recommended deleting Councilor Jenkins suggested language in paragraph 3 as it opens the city up for lawsuits. He also stated that he feels Councilor Jenkins suggestions in paragraph 2, to determine compatibility and ensure that it compliments the area, is already accomplished as the developer is required to improve the structure, and the development has to meet landscaping, architectural design, parking, and height restrictions requirements that are already in place. Commissioner Mitchell stated that he feels it is redundant to add the phrase "will compliment" to that section. Chairman Miller stated that he agrees with Mr. Brooks on paragraph 10 that it could open up the City to lawsuits. Commissioner Mitchell stated that he feels they don't need paragraph 10 as it is already stated elsewhere in the ordinance.

Mr. Daily inquired if the Planning Commissioners felt comfortable with the suggested changes to set the public hearing to help clarify any aspect of the ordinance. Chairman Miller stated that some of the suggestions are good, but some of the language doesn't need to be in the ordinance as it opens the City up for litigation. He discussed paragraph 9 and the suggested language to possibly establish CC & R's. He stated that the City cannot enforce them as they are just an agreement between the developer and the property owner. He stated that he agrees with Mr. Brooks that the suggested language in paragraph 9 should be taken out. Commissioner Staten inquired about zone transition in paragraph 1 and wondered if there was a definition for it. Mr. Daily replied that there isn't and that zone

transition is going between density in zones and buffering between residential high, low, and commercial, which is covered under the zoning ordinances. Chairman Miller stated that he feels zone transitioning is covered in paragraph 2 by determining compatibility of a site plan. He feels they don't need to make sure there is an appropriate zone transition as they are only dealing with infill lots in residential zones and not commercial zones. He stated that he thinks they could delete the comment to ensure appropriate zone transition in paragraph 1 as the developer has to comply with the zone restrictions. Commissioner Mitchell stated that he wants to look at the proposed changes longer. Chairman Miller stated that he feels paragraph 11 is good as it gives a completed proposal. Commissioner Staten stated that he thinks paragraph 11 is to ensure the owner/developer has gone through a checklist and could bring it with them upon submission of their application to streamline the process.

**Motion:** Commissioner Mitchell moved to continue this discussion to the next Planning Commission meeting. Commissioner Ellis seconded the motion.

**Call the Question:**

The motion passed unanimously

**b. Consideration of setting a public hearing to amend Title 10, Chapter 12 – Infill Lots.**

No action was taken on this item

**2. a. Discussion of amending Title 10, Chapter 14, Section 12 – Nonresidential and Residential Development Landscape Requirements.**

Randy Daily reported that he is recommending changing the percentage of landscaping required under section 1 of the ordinance from 20% to 10% of the new footprint for refurbishing an existing development. He stated that the current requirement for landscaping for new construction is 20% of the entire area and he is proposing to reduce that to 15%. He stated that hillsides and wetlands can account for 1/3 of that ratio and that decorative hardscape may be counted for up to 1/3 of the required 15% of total landscaping. He stated that Lynn Moulding, Public Works Director, recently gave a presentation to the City Council regarding water conservation and this ordinance is an effort to help with that. Mr. Daily reported that this ordinance also proposes changing the number of trees required from 1 for every 5,000 square feet to 1 for every 4,000 square feet of developed area. He explained that if a developer wants to enlarge a building, this ordinance requires that they take 10% of that increase and put that in landscaping unless the site already meets a 10% ratio of the landscaping. Commissioner Stevens stated that they increased from 10% to 20% because there was a sea of asphalt and was wondering if that could happen again if developers put in parking lots and took out landscaping to do it. Mr. Daily replied that they cannot remove landscaping without Planning Commission approval. He explained that they can change landscaping but that they cannot remove any required landscaping without Planning Commission approval.

**b. Consideration of setting a public hearing to amend Title 10, Chapter 14, Section 12 – Nonresidential and Residential Development Landscape Requirements.**

**Motion:** Commissioner Staten moved to set a public hearing to amend Title 10, Chapter 14, Section 12 – Nonresidential and Residential Development Landscape Requirements. Commissioner Mitchell seconded the motion.

**Call the Question:**

**Roll Call Vote:** Commissioner Mitchell, Aye; Commissioner Hall, Aye; Commissioner Stevens, Nay; Commissioner Ellis, Aye; Commissioner Staten, Aye; and Chairman Miller, Aye. The motion passed with five in favor and one opposed.

**E. Discretionary Business**

**Review of the General Plan Implementation.**

Randy Daily reported that the Planning Commission needs to look at this part of the General Plan address each aspect of it. He stated that Larry Hansen submitted some comments to him and he will have it ready for the next meeting. He stated that there are aspects that are outdated and need to be corrected.

Mr. Daily reported that he received an e-mail to the Planning Commission from a resident in Riverdale City who wants sidewalk on 1000 West off of 4400 South. Mr. Daily stated that the City has been talking about this and has applied for Community Development Block Grants for funding the last two years and has been denied. He explained that this item will be addressed in the Strategic Planning meeting that will be held later in February.

**F. Adjournment**

There being no further business to come before the Planning Commission, Commissioner Ellis moved to adjourn the meeting. Commissioner Hall seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:35 p.m.

Approved: February 23, 2010

Attest:

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Allen Miller, Chairman

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Marilyn Banasky, City Recorder