



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **February 23, 2010** at 6:31 p.m. at the Riverdale Civic Center, 4600 S. Weber River Drive.

Members Present: Braden Mitchell, Chairman Pro-tem
Brent Ellis, Commissioner
Blair Jones, Commissioner
Bart Stevens, Commissioner
Mike Hall, Commissioner
Michael Staten, Commissioner

Excused: Allen Miller, Chairman

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

A. Welcome & Roll Call

Chairman Pro-tem Mitchell welcomed everyone present and noted that all members were present except Chairman Miller who is excused.

B. Open Communications

None

C. Consent Items

1. **Approval of meeting minutes from:
February 9, 2010 Work Session
February 9, 2010 Regular Planning Commission**

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

Call the Question:

The motion passed unanimously

D. Action Items

1. **a. Hold public hearing to amend Title 10, Chapter 14, Section 12 – Nonresidential and Residential Development Landscape Requirements.**

Chairman Pro-tem Mitchell opened the public hearing at 6:34 p.m.

No comments from the public were given.

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

Call the Question:

The motion passed unanimously

The public hearing was closed at 6:35 p.m.

b. Consideration of amending Title 10, Chapter 14, Section 12 – Nonresidential and Residential Development Landscape Requirements.

Randy Daily reported that the proposed changes reduce the ratio of landscaping for existing buildings, if they do a remodel or refurbish their building, from 20% to 10% of the expanded area. The exception to the ratio is if the site already meets a 10% landscaping ratio for the entire site then additional landscaping would not be required. He stated that the landscaping ratio for new developments would go from 20% to 15% and it would increase the number of trees from 1 per 5,000 square feet to 1 per 4,000 square feet of area. He explained that the intent of the changes to this ordinance is to conserve water. He stated that there are also elements for a commercial development to expand where they wouldn't be able to without this change. Chairman Pro-tem Mitchell inquired what happens when the State comes in and takes out landscaping, such as the Riverdale Road widening project. Mr. Daily replied that whatever landscaping is left is fine with the City as the situation was out of the property owners hands. Commissioner Ellis inquired if the City had any guidelines as to what types of trees can be planted. Mr. Daily replied that they do. He stated that any tree in a park strip must meet guidelines set by Public Works and for interior on-site trees the City makes the business aware that trees grow and could block areas. He stated that they are required to have three different species of trees and show them on the site plan. Commissioner Stevens thinks there are valid arguments to what is being attempted here and always thinks debate is healthy but he is not going to support this. He feels that the 20% landscape ratio has served the City well and thinks they should keep it at 20% and allow for exceptions. Commissioner Staten reported that he has seen options to reduce the landscaped area if a development meets other landscaping measures such as more landscaping at the front of the property. He suggested having a schedule of credits that they could earn such as extra trees, or screening with vegetation. Commissioner Jones reported that he is concerned with conserving water and feels it is going to be an issue and that it is better to be proactive than reactive. He stated that he likes the idea of more trees but thinks they need to reduce the ratio of landscaping.

Motion: Commissioner Jones moved to approve the recommended changes to Title 10, Chapter 14, Section 12 – Non residential and Residential Development Landscape Requirements. Commissioner Hall seconded the motion.

Call the Question:

Roll Call Vote: Commissioner Jones, Aye; Chairman Pro-tem Mitchell, Nay; Commissioner Hall, Aye; Commissioner Stevens, Nay; Commissioner Ellis, Aye; and Commissioner Staten Aye. The motion passed with four in favor and two opposed.

2. a. Hold public hearing to amend Title 2, Chapter 4, Board of Adjustment.

Chairman Pro-tem Mitchell opened the public hearing at 6:55 p.m.

No comments from the public were given.

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

Call the Question:

The motion passed unanimously

The public hearing was closed at 6:55 p.m.

b. Consideration of amending Title 2, Chapter 4, Board of Adjustment.

Randy Daily reported that the proposed language changes the number of people on the Board of Adjustment from a three member board to one person and changes the name to the Appeal Authority. He stated that the Council will consider the qualifications of an independent contractor and will enter into a three year contract with them. He recommended that the Planning Commission give a favorable recommendation to the City Council. Commissioner Staten inquired if members of the current Board of Adjustment were appointed by the Mayor and approved by the City Council. Mr. Daily replied that they were. Commissioner Staten inquired if the City Council reviewed their qualifications. Mr. Daily replied that can be done but it is typically viewed as people in the community that are established and have a desire to serve. Commissioner Staten reported that in his opinion, a multiple person panel is better and that a paid consultant as they may want to act in favorable ways to the body that appointed them. Commissioner Jones stated that he would like to see the wording in 2-4-4 be gender neutral. He reported that he likes the idea of going to a professional that knows land use laws. Commissioner Ellis inquired if the City Attorney felt that going to a one person board would be a better way of doing things. Mr. Daily replied that he does. Commissioner Stevens stated that he likes the concept of where they are trying to go but can't support it because he feels having citizen input is paramount. He likes the idea to bring in a coach as a neutral party but still have citizen input.

Motion: Commissioner Ellis moved to move forward to the City Council the recommendation to amend Title 12, Chapter 4, Board of Adjustment. Commissioner Jones seconded the motion.

Call the Question:

Roll Call Vote: Chairman Pro-tem Mitchell, Aye; Commissioner Hall, Aye; Commissioner Stevens, Nay; Commissioner Ellis, Aye; Commissioner Staten, Nay; and Commissioner Jones Aye. The motion passed with four in favor and two opposed.

3. a. Discussion of amending Title 10, Chapter 12 – Infill Lots.

Chairman Pro-Tem Mitchell reported that this discussion is a continuation from their last meeting. Commissioner Staten reported that he likes the ordinance a lot better with the language changes as discussed from their last meeting. He stated that his only concern and reservation is with paragraph 5 and having the density for the infill lot dictated by the density of the adjacent lots. He is of the opinion that the density allowed in the current zoning should be allowed on the infill lot as long as the setbacks and other requirements

for the zoning are met. Commissioner Ellis stated that he thinks this is going in the wrong direction and making infill lots much more restrictive. He felt their intent was to make developing an infill lot easier and more viable for the property owners instead of making it more restrictive. Commissioner Jones stated that he agrees with Commissioner Ellis and likes the ordinance in its original form. Chairman Pro-Tem Mitchell inquired as to the zone the infill lot development was built in. Mr. Daily replied that it was in an R-1-10 zone and the Council felt that the lot could have easily accommodated a single family dwelling and met all the requirements. He explained that is why the Council wants to make it more restrictive as they feel we are allowing two family dwellings that are out of place with the surrounding area. Commissioner Ellis stated that this language basically ensures that infill lots will have to have single family dwellings. Mr. Daily stated that would be true unless there are multi-family dwellings adjacent to the infill lot. Commissioner Ellis inquired if the multi-family dwelling has to be adjacent and not just in the vicinity. Mr. Daily replied that the ordinance defines adjacent as next to. Commissioner Stevens stated that if they don't like this and don't forward it and the ordinance stays in place, then the City Council can give them more input. He reported that he liked receiving their input and knowing what their mindset was. He stated that he doesn't agree with it but enjoyed the input from the City Council. He thinks they had a good ordinance and that it could stand.

Motion: Commissioner Ellis moved to table amending Title 10, Chapter 12 – Infill Lots. Commissioner Jones seconded the motion.

Call the Question:

The motion passed unanimously.

The Planning Commissioners inquired if that motion would squash the changes. Mr. Daily explained that there would be an expectation that the item would need to be taken off the table at some time. A discussion was held as to the best way to keep the ordinance the same and not set a public hearing or forward it to the City Council.

Substitute Motion: Commissioner Ellis moved to vote against amending Title 10, Chapter 12 and leave it as it now stands. Commissioner Jones seconded.

Call the Question:

The motion passed unanimously.

E. Discretionary Business

Commissioner Ellis discussed the newspaper report in the Standard Examiner regarding the City Council tabling the Agricultural Zone change and that they mentioned holding a joint meeting with the Planning Commission and the City Council to discuss it along with the General Plan. He thinks that would be helpful to hold that meeting and hopes it will be scheduled soon.

Randy Daily reported that he received a request to create a two lot subdivision on the property west of Daneen's Dance Studio parking lot. He stated that the property owner is requesting that a 20,000 square foot lot be divided into two so that two single family dwellings could be built. He stated that the public hearing for that proposal will be held at the March 9, 2010 Planning Commission meeting.

F. Adjournment

There being no further business to come before the Planning Commission, Commissioner Jones moved to adjourn the meeting. Commissioner Staten seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:26 p.m.

Approved: March 9, 2010

Attest:

Braden Mitchell, Chairman Pro-tem

Marilyn Banasky, City Recorder