



Minutes of the **Regular Meeting** of the **Riverdale City Planning** Commission held Tuesday, **December, 28, 2010 at 6:30 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Members Excused Bart Stevens, Commissioner

Others Present: Randy Daily, Community Development Director, Nat Gardener, 7-Eleven Representative, Ember Herrick City Recorder, and 4 residents.

A. Welcome & Roll Call

Chairman Miller welcomed those in attendance and noted that all commission members were present except commissioner Stevens who was excused.

B. Open Communications

Riverdale resident Brent Coy stated his opinion that the new proposed chicken ordinance draft is an improvement over the last draft allowing six birds instead of four. He is still concerned over the requirement that chickens must be confined to coops as his currently roam free in his backyard surrounded by a 6 foot cedar fence and help to keep the bug population down.

Riverdale resident Roy Purkiss expressed his concern over enforcement of this proposed ordinance as the city's animal control officer is busy handling feral cats and stray dogs and won't have time to police chickens. He is also concerned that chicken owners could be the targets of disgruntled neighbors with an axe to grind. Mr. Purkiss still feels six chickens aren't sufficient to sustain his family.

There were no other comments for open communications.

C. Consent Items

1. Approval of meeting minutes from:

December 14, 2010 Work Session

December 14, 2010 Planning Commission

2. Approval of 2011 Planning Commission Meeting Schedule

Motion: Commissioner Mitchell moved to table the consent item until the commission has a chance to review the meeting minutes at the next scheduled meeting on January 11th. Commissioner Hall seconded the motion

Call the Question:

The motion passed unanimously.

D. Action Items

1. a. Public hearing to amend ordinance 10-1-3 General Plan Compliance.

Chairman Miller opened the public hearing and asked those speaking to take 3 minutes or less. There were no comments from the public.

Motion: Commissioner Ellis moved to close the public hearing for discussion to amend ordinance 10-1-3 General Plan Compliance. Commissioner Jones seconded the motion.

Call the Question:

The motion passed unanimously.

b. Consideration of amending ordinance 10-1-3 General Plan Compliance.

Mr. Daily stated that this amendment to ordinance 10-1-3 General Plan Compliance will eliminate redundancy by allowing the planning commission to handle cases more efficiently. There were no comments or questions from the commission.

Motion: Commissioner Staten moved to forward to the city council for favorable recommendation the proposed amendment to ordinance 10-1-3 General Plan Compliance. Commissioner Hall seconded the motion.

Call the Question:

The motion passed unanimously.

2. a. Public hearing to amend ordinance 10-15-3 Parking Space for Non-dwelling Buildings.

Chairman Miller opened the public hearing and asked those speaking to take 3 minutes or less. There were no comments or questions from the public.

Motion: Commissioner Mitchell moved to close the public hearing to amend ordinance 10-15-3 Parking Space for Non-dwelling Buildings. Commissioner Ellis seconded the motion.

Call the Question:

The motion passed unanimously.

b. Consideration of amending ordinance 10-15-3 Parking Space for Non-dwelling Buildings.

Mr. Daily stated the ordinance will allow businesses in retail centers to share parking through cross access reciprocal parking agreements. Currently each individual business is required to have enough parking spaces as though they were the only business located in the center. The amended ordinance will allow flexibility and shared parking agreements while still considering the overall parking needs of the center. Commissioner Ellis asked if Mr. Daily has received any feedback from the business community regarding the proposed amendment. Mr. Daily stated that businesses within the ShopKo/Toys R Us/Nickelcade center have expressed excitement about the possibility of a shared parking ordinance and that he has not received any complaints or concerns. Commissioner Jones asked what the new parking restriction and requirements will

be. Mr. Daily stated that currently Riverdale accepts development agreements with four and a half spaces per 1,000 which won't change under the proposed amendment, instead each developer within a center could propose different parking needs for the commission's approval based on cross access agreements. Commissioner Staten stated that as a civil engineer he thinks shared parking within a retail center is generally a good idea. He wanted Mr. Daily to change the second line of the ordinance from "or" to "and". Mr. Daily agreed with the language change, recommended it be stipulated in the motion and changed on the record by the city recorder.

Motion: Commissioner Staten moved to forward to the city council for favorable recommendation the proposed amendment to ordinance 10-15-3 Parking Space for Non-dwelling Buildings with the word "or" in the second line to "and". Commissioner Jones seconded the motion.

Call the Question:

The motion passed unanimously.

3 Approval of final site plan for 7-Eleven expansion of former Texaco located at 4090 South Riverdale Road.

Mr. Daily stated that 7-Eleven has agreed to all of the commission's recommendations, including eliminating the drive up window and car wash and adding additional landscaping. The dumpster will also be moved away from the electrical boxes, there will be 12 parking spaces and the Design and Review Committee has reviewed the color changes. Mr. Daily recommends approval of the final site plan to the commission.

Commissioner Mitchell asks the 7-Eleven representative Nat Gardener about a handicapped ramp. Mr. Gardener states it will be built to code.

Motion: Commission Hall moved to approve the expansion and approval of the final site plan for 7-Eleven's expansion of former Texaco located at 4090 South Riverdale Road to the city council. Commissioner Hall seconded the motion.

Call the Question:

The motion passed unanimously.

4 a Un-table the Non-household animals and fowl ordinance Title 10, Chapter 14 and discussion and recommendation on the proposed new "Chickens in residential areas" ordinance and new definition of Household Pets.

Motion: Commissioner Staten moved to un-table the Non-household animals and fowl ordinance Title 10, Chapter 14 and discussion and recommendation on the proposed new "Chickens in residential areas" ordinance and new definition of Household Pets. Commissioner Hall seconded the motion.

Call the Question:

The motion passed unanimously.

b. Review and recommendation on the ordinance that was previously “Non-household animals and fowl in residential areas” and is now proposed as “Chickens in residential areas” and amendment to the definition of “Household Pets.”

Mr. Daily stated he has amended the ordinance to just address the issue of chicken ownership within residential areas of Riverdale. Pigeons and rabbits ownership will be a separate ordinance to amend the definition of household pets not used for food production. The new draft would allow residents to raise six hens, similar to Syracuse’s city ordinance, and would require a coop to shelter the animals and a closed in pen. According to Mr. Daily the changes are open for commission discussion. Chairman Miller stated that the city attorney Steve Brooks has received a copy of resident Purkiss’ letter.

Commissioner Staten asked Mr. Daily if amending the definition of household pets needed its own public hearing. Mr. Daily said a separate public hearing just dealing with pigeons and rabbits would be scheduled.

Commissioner Staten asked about properties zoned both residential and agricultural. Mr. Daily said that if the chickens were housed on the agricultural property they would be in compliance with the law.

Commissioner Jones expressed concerns about additional parasites and rodents in the community under the new proposed ordinance allowing chickens in residential areas and the smell of the birds becoming a nuisance. Commissioner Mitchell stated there is a public nuisance law on the books as recourse and that he believes coops and pens are appropriate. Commissioner Ellis stated his concerns about enforcement of the ordinance. Mr. Daily stated that currently if anyone complains, the birds may be removed by animal control and a fine is issued. That would not change after passage of this ordinance any complaints to the city would be investigated by animal control, a new enforcement task force would not be required. Mr. Daily also stated that following passage of the ordinance a conditional use permit would be required with a fee attached to house chickens.

Commissioner Hall likes the ordinance and asked about a grandfather clause allowing residents like Mr. Purkiss with 8 chickens to keep the additional birds. Mr. Daily stated that without an ordinance on the books there cannot be a grandfather clause as it is currently illegal to own chickens in a residential area.

Commissioner Staten asked about the coop and pen dimensions. According to Mr. Daily those are the minimum requirements to safely house six birds; larger pens could be permitted if the commission changes this ordinance. Commissioner Staten stated he would like to see a paragraph added to allow more roaming area. Mr. Daily stated it would be an easy amendment to make to the ordinance.

Commissioner Jones is concerned for the safety of the birds from predators. Mr. Daily stated that he could add language confining the birds to their coop at night. Commissioner Jones stated the more additions the harder it will be to police.

Chairman Miller stated this ordinance is just tailored to a few citizens who want to own chickens and that as property owners it is our responsibility to comply with the ordinances pertaining to

the zoning of the land we chose to purchase. Each ordinance has been well thought out and through public hearings, as a commission we must do what is in the best for the majority of our residents. Chairman Miller stated many cities have not allowed chickens. Chairman Miller stated the commission had three options to table, approve or deny the ordinance but that he thought it would be wise to wait until all the commission members are present before voting on the proposed ordinance.

Commissioner Staten asked if the commission could vote on approving the new definition of a household pet. Mr. Daily recommended a public hearing be held first.

Motion: Commissioner Staten moved to set a public hearing to discuss amending the definition of a household pet. Commissioner Hall seconded it.

Call the Question:

The motion passed unanimously.

Motion: Commissioner Hall moved to table the ordinance until all the commissioners could be present. Commissioner Mitchell seconded the motion.

Call the Question:

The motion passed with Commissioner Jones voting nay.

Discretionary Items: None.

Motion: There being no further business to come before the Planning Commission Commissioner Hall moved to adjourn the meeting. Commissioner Jones seconded the motion. The motion passed unanimously. The meeting adjourned at 7:51 p.m.

Approved: December 28, 2010

Attest:

Allen Miller, Chairman

Ember Herrick, City Recorder