



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Wednesday, **November 9, 2011 at 6:41 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Acting Chairman
Bart Stevens, Commissioner
Steve Hilton, Commissioner
David Gailey, Commissioner
Michael Staten, Commissioner
Blair Jones, Commissioner

Members Excused: Braden Mitchell, Chairman

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and no members of the public.

A. Welcome & Roll Call

Acting Chairman Ellis welcomed everyone to the meeting and stated for the record all members were present except Chairman Mitchell who is excused.

B. Open Communications

None.

C. Presentations and Reports

Community Development Director Randy Daily said there was nothing new on the Community Development Report not discussed in the earlier work session. He asked for any questions and there were none.

D. Consent Items

1. Approval of meeting minutes from:
October 25, 2011 Work Session
October 25, 2011 Planning Commission

Acting Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

Motion: Commissioner Staten moved to approve the consent items with the change suggested in the work session. Commissioner Hilton seconded the motion

Call the Question:

The motion passed unanimously.

E. Action Items

1. **Request to amend Combe PRUD lots 5 and 6 to reduce side yard setbacks by changing the building lot envelope areas.**

Mr. Daily told the Planning Commission this request will only change the side yard requirements for lots five and six to allow a larger interior building area so that both homes can build three car garages. He said the 20 foot backyard requirement will still apply to both lots. According to Mr. Daily, he consulted with Riverdale's building official and fire chief who both signed off on the change as long as there is still an eight foot clearance to allow emergency vehicles to access the rear of the building lots and a retaining wall built in compliance with city code. Acting Chairman Ellis asked if the Commission should wait for the petitioner from Combe Farms to arrive and Mr. Daily said the petitioner may have mixed up the date of the meeting since the Planning Commission meeting is on Wednesday this week because of the municipal election. Commissioner Stevens said in his opinion this request doesn't require the petitioner to be present. Commissioner Hilton asked Mr. Daily if he knew of any one opposed to this request and Mr. Daily said he did not.

Motion: Commissioner Staten moved to amend Combe PRUD lots 5 and 6 to reduce side yard setbacks by changing the building lot envelope areas with the stipulations of the Riverdale fire department and building official. Commissioner Jones seconded the motion.

Call the Question: The motion passed unanimously.

Acting Chairman Ellis asked if this request will now be subject to Council approval and Mr. Daily said it will not as the Planning Commission has the final say. Commissioner Stevens asked if this change is designed to make the building lots more attractive to potential buyers with the three car garages and Mr. Daily said he understood that was the motivation for the change.

2. Consideration of an amendment to Title 10 Chapter 18 Home Occupations with the addition of a new Section 1N and request to set a public hearing.

Mr. Daily said he withdraws this petition based on the discussion with the Planning Commission during the work session. Commissioner Stevens said he believes Riverdale's current nuisance ordinance regulates home businesses effectively. Acting Chairman Ellis stated for the record that Chairman Mitchell had sent an email to be read for the record outlining his concerns with this amendment. He said he would not read the email because Mr. Daily had withdrawn the petition for consideration.

3. Discussion of a proposed ordinance regulating individually owned, Multiple Family, town homes and condominiums MFROZ.

Mr. Daily said at the previous Planning Commission meeting action on the proposed MFROZ ordinance had been delayed because the Commission wanted City Attorney Steve Brooks' legal opinion before proceeding. Mr. Daily read on the record Mr. Brooks' and City Administrator Larry Hansen's comments on the proposed ordinance from the packet's executive summary stating that there are no legal concerns. Mr. Daily said the city needs an updated ordinance to address future multiple family housing developments. He said it is unfortunate that there currently is a request to build town homes that could stand to benefit from such an ordinance but he reaffirmed that this ordinance was drafted to protect the city's interests and not to accommodate a specific development. According to Mr. Daily, often a specific request for a new development highlights the need to create or amend current city ordinances. He reminded the Planning Commission that even with an ordinance allowing multiple family housing in Riverdale, every future request for development will still be subject to their consideration and can still be rejected if they determine it is not in the best interest of the city.

Acting Chairman Ellis asked if MFROZ meets the requirements outlined by Mr. Hansen in his executive summary comments that it govern future development in accordance with the General Plan and the city's interests. Mr. Daily said MROZ protects the city through a developer's agreement where reasonable conditions can be made on future developments. He said in reference to the Hayward Property currently being considered as a potential town home development by Destination Homes, the Planning Commission and City Council determined in a joint Strategic Planning meeting that this area should be designated on the General Plan as a transitional zone between commercial and residential zones. He said if Destination Homes decides to move forward, they will petition the Planning Commission to amend the zone from its current commercial designation and a determination of what type of development would be beneficial for the city will need to be made by the Commission at that time.

Commissioner Hilton said in his opinion the MFROZ ordinance creates a tool the city can use to protect the city's interests when receiving future development requests. Mr. Daily agreed having this ordinance in the city code will protect Riverdale from developments that the city may not like but that are allowed because of the current zoning. Commissioner Jones asked Mr. Daily what areas of the city this ordinance could be applied to and Mr. Daily said the General Plan could be evaluated by the Planning Commission to determine if there are other areas that might be appropriate for similar developments in the future. Mr. Daily said he understands that several members of the Planning Commission have concerns that town homes be owner occupied and not rentals. He said this concern is reasonable and should be addressed when petitions come before the Planning Commission in the future.

Acting Chairman Ellis asked Mr. Daily if he recommends this ordinance and Mr. Daily said he drafted it because in his professional opinion as Community Development Director Riverdale needs an ordinance addressing future multiple family housing requests. Commissioner Stevens said he believes there is a place for a multiple family ordinance in Riverdale as these requests are bound to come up again in the future. He stated that he wants the city's motivation in drafting ordinances to be clear and on the record to alleviate any doubts and or suspicions that they are sight specific. Mr. Daily reiterated even with the MFROZ ordinance in place, the Planning Commission will still have a say in any future development request. According to Mr. Daily, this ordinance will not make it easier for the developers, it will protect Riverdale City.

Commissioner Hilton said he had carefully reviewed the ordinance and believes it will protect the city and give Riverdale options when requests are submitted in the future. He stated his support for the ordinance and Commission Jones commended Mr. Daily for the work he has put into drafting the ordinance and said that he also supports the current revised draft.

Commissioner Staten said in his occupation as an Engineer he has drawn plans for town home and developers are interested in getting as much density as they can to maximize their profits. He said the 12 units per acre density stipulated in Mr. Daily's draft MFROZ ordinance is lower than most developers would like and will be good for the city by setting a high standard for future developments that mandates quality buildings and low density. Commissioner Staten said having this ordinance on the books will allow the Planning Commission to tell future petitioners "no" based on the city's ordinances instead of caprice. Acting Chairman Ellis said in his opinion the ordinance is well written and protects the city's interests. Commissioner Gailey said the Planning Commission can still evaluate each developer's proposal as it comes before them in the future and he is in favor of this ordinance because he believes it will protect the city.

Motion: Commissioner Hilton moved to approve the proposed ordinance regulating individually owned, Multiple Family, town homes and condominiums MFROZ. Seconded by Commissioner Gailey.

Call the Question: Commissioner Jones, aye; Commissioner Hilton, aye; Commissioner Gailey, aye; Commissioner Stevens, nay; Commissioner Ellis, aye; Commissioner Staten, aye. The motion passed with five in favor and one opposed.

F. Discretionary Items

Acting Chairman Ellis asked for any discretionary items and Mr. Daily invited the Planning Commission members to the Larry Miller Grand Opening lunch at 11:30 AM and the grand opening ceremony at 1 PM next Tuesday November 15, 2011.

Acting Chairman Ellis congratulated Chairman Mitchell and Commissioner Staten on winning the recent election and their appointment to the Riverdale City Council.

Commissioner Gailey asked Mr. Daily to investigate an ongoing traffic violation at the intersection of Ritter Drive and 1050 West. Mr. Daily said he would pass that information on to city staff.

Commissioner Stevens asked Mr. Daily if he could provide the Planning Commission with a list of when each member's term expires and Mr. Daily said that he would have that list for them at the next regularly scheduled meeting. Mr. Daily said that he was also going to request the Mayor downsize the Planning Commission from seven to five members to make the body more efficient. Commissioner Jones asked if that will create a problem when members need to be excused and can't attend the meeting and Mr. Daily said three members will still be enough to have a quorum and conduct business.

Commissioner Jones asked about the status of the General Plan Goals and Objectives which the Planning Commission had recently passed on to the City Council for their consideration. Mr. Daily said the Council had been given two weeks to review and comment on the draft and said that it was scheduled to be on their upcoming meeting agenda on November 15, 2011. There were no additional comments or questions.

Motion: There being no further business to come before the Planning Commission, Commissioner Gailey moved to adjourn the meeting. Commissioner Staten seconded the motion. The motion passed unanimously. The meeting adjourned at 7:11 p.m.

Approved: December 27, 2011

Attest:

Brent Ellis, Acting Chairman

Ember Herrick, City Recorder